

ROSARIO MADISON,

Plaintiff,

v.

SPECIALTY HOSPITAL OF WASHINGTON,
L.L.C., *et al.*,

Defendants.

Civil Action No. 08-0112 (PLF)

The parties have agreed to the terms of a protective order and filed a proposed order for the Court’s approval. See Agreed Protective Order [15]. The Court will not approve the parties’ proposed order because it does not make clear how the parties intend to deal with future filings that include confidential information.¹ This is an important matter because the courts are not intended to be secretive places for the resolution of secret disputes. See, e.g., Nixon v. Warner Communications, Inc., 435 U.S. 589, 597 (1978) (“It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.”); Johnson v. Greater Southeast Community Hosp., 951 F.2d 1268, 1277 (D.C. Cir. 1991) (noting that there is a “strong presumption in favor of public access to judicial proceedings”). Accordingly, it is hereby

¹ Specifically, the proposed protective order does not indicate whether the parties (1) intend to file under seal all papers that include confidential information, including motions, memoranda of law, and briefs; (2) intend to file under seal unredacted versions of all papers that include confidential information *and* file on the public record redacted versions of such filings; or (3) intend to proceed in a different fashion altogether.

ORDERED that, on or before October 29, 2008, the parties shall file a modified proposed protective order for the Court's approval. The modified order need not differ from the order rejected herein except that it shall include the following provisions related to the treatment of future filings that include confidential information:

1. All documents of any nature, including motions and briefs, that contain confidential material a party proposes to keep under seal shall be filed with the Court under seal in an envelope or other container marked with the title of the action, the title of the court filing, and the statement "FILED UNDER SEAL" below the court.

2. Within five business days a party filing such documents with the Court shall *also* file on the public record a copy of the documents in which the confidential material is redacted. Alternatively, if – *and only if* – the redactions are so extensive as to render the documents useless to the reader, the party shall file on the public record a notice of the filing of the documents under seal in their entirety.

3. Redactions to public copies of documents shall be made solely to the extent necessary to preserve the confidentiality of the relevant information and in accordance with the principles set forth in this Memorandum Opinion and Order.

SO ORDERED.

DATE: October 24, 2008

/s/ _____
PAUL L. FRIEDMAN
United States District Judge