

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**HEARTLAND SURGICAL SPECIALTY
HOSPITAL, LLC,**

Plaintiff,

v.

**MIDWEST DIVISION, INC.
d/b/a HCA MIDWEST DIVISION, *et al.*,**

Defendants.

No. 05-CV-2164-MLB-DWB

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS AETNA
HEALTH INC. AND AETNA LIFE INSURANCE COMPANY’S MOTION FOR LEAVE
TO FILE UNDER SEAL PLEADINGS CONCERNING BKD, LLP DOCUMENTS
BEING WITHHELD BY PLAINTIFF ON CLAIMS OF ATTORNEY-CLIENT
PRIVILEGE AND WORK PRODUCT DOCTRINE AND TO RESOLVE SUCH CLAIMS
AS THEY RELATE TO TESTIMONY TO BE TAKEN FROM BKD, LLP**

The Court has considered Defendants Aetna Health Inc. and Aetna Life Insurance Company’s (“Aetna”) Motion (Doc. 781) For Leave To File Under Seal Their Motion to Compel Production of BKD, LLP Documents Being Withheld By Plaintiff on Claims of Attorney-Client Privilege and Work Product Doctrine and to Resolve Such Claims as They Relate to Testimony to be Taken from BKD, LLP with the Memorandum of Law and Exhibits in Support. The Court has also considered Plaintiff’s response (Doc. 799). The Court finds that good cause has been shown to grant the motion insofar as it applies to the supporting Memorandum of Law and *all* supporting exhibits.¹

¹ Plaintiff does not object to Aetna filing the motion and some of the exhibits (No’s 1-20) in open court. However, rather than have some exhibits filed under seal and others in the public record, at this time the Court is directing that the Supporting Memorandum and ALL attached exhibits be filed under seal.

IT IS THEREFORE ORDERED THAT Aetna's motion for leave to file under seal (Doc. 781) is **GRANTED IN PART AND DENIED IN PART** as set forth in this Order.

IT IS FURTHER ORDERED THAT that Aetna's Motion to Compel Production of BKD, LLP Documents Being Withheld By Plaintiff on Claims of Attorney-Client Privilege and Work Product Doctrine and to Resolve Such Claims as They Relate to Testimony to be Taken from BKD, LLP, shall NOT be filed under seal but shall be filed in the public record. Aetna shall file the motion forthwith.

IT IS FURTHER ORDERED THAT Aetna's Memorandum in Support of Aetna's Motion to Compel, and *all* of Aetna's Exhibits in Support of its Motion to Compel are to be filed *under seal*. Aetna shall file the foregoing under seal forthwith.

Dated: June 18, 2007

/s/ Donald W. Bostwick
United States Magistrate Judge