

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

BERNARD W. SLOCUM,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 06-1143-JTM
)	
UNUM LIFE INSURANCE COMPANY)	
OF AMERICA,)	
Defendant.)	
_____)	

ORDER PERMITTING PARTIES TO FILE SEALED EXHIBIT

The parties' Sealed Joint Motion to File Sealed Exhibit (Doc. 27) is before the Court. After reviewing the Motion and accompanying materials, the Court is prepared to rule. The court makes these findings of fact:

1. This is an ERISA denial-of-benefits appeal case. Plaintiff Bernard W. Slocum appeals defendant UNUM Life Insurance Company of America's denial of benefits under his long-term disability insurance policy.
2. The parties are in agreement that this case can be resolved through dispositive motions. In its Second Scheduling Order, the Court set November 9, 2007 as the deadline for cross-motions for summary judgment. (Doc. 26, p. 1).
3. Because this is an ERISA appeal, the administrative record will be the key exhibit in both summary judgment motions.
4. The administrative record is composed of Mr. Slocum's medical records and related documents. It is large and replete with private and sensitive information.
5. If the administrative record became a public record, Mr. Slocum could be irreparably harmed, annoyed, and embarrassed. His medical records detail matters that are

purely private in nature, including, but not limited to medical tests, notes and diagnoses relating to his various physical and medial conditions.

6. The public has no interest in viewing Mr. Slocum's medical records. If anything, third parties could use Mr. Slocum's medical records for improper purposes.

7. The parties are in agreement that the administrative record should be filed as one exhibit, under seal.

WHEREUPON, the Court acknowledges the inherently private nature of the administrative record; that its public disclosure would only serve as a vehicle for embarrassment, harm, or annoyance; and, that Mr. Slocum's interest in the privacy of the administrative record outweighs the public interest.

THEREFORE, IT IS THE ORDER OF THIS COURT that the parties' Sealed Joint Motion to File Sealed Exhibit is GRANTED. The parties are directed to file the administrative record as a sealed exhibit in accordance with D. Kan. Standing Order 07-03.

IT IS FURTHER ORDERED THAT counsel for all parties in this case be allowed access to the sealed exhibit.

IT IS SO ORDERED.

Dated this 7th day of November, 2007.

s/ DONALD W. BOSTWICK
U.S. Magistrate Judge

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