

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

HODGDON POWDER COMPANY, INC.

Plaintiff,

Civil Action No.

v.

06-2100-CM

ALLIANT TECHSYSTEMS, INC.,

Defendant.

**ORDER**

This matter is before the Court upon Defendant's Motion for Sanctions for Violation of Stipulated Protective Order (doc. 67). Defendant thereby seeks an order to strike the transcript of the deposition of Dick Quesenberry from the public record and to prohibit Plaintiff from using it in its case in chief. It alleges that Plaintiff violated the Protective Order entered in this case by filing an unredacted copy of the deposition. Parts of the deposition had been designated confidential under the protective order as for "attorney eyes only."

Plaintiff acknowledges that its counsel erred in failing to redact confidential portions of the Quesenberry deposition. Upon learning that the confidential material had been filed, defense counsel notified Plaintiff's counsel of the violation and requested immediate corrective action. Plaintiff's counsel followed with immediate action, so as to replace the filed document with a redacted copy. It argues, therefore, that sanctions are not warranted; because counsel took immediate steps to cure the oversight, after learning of the mistake. Defendant has not disputed this description of corrective action. Nor has defendant demonstrated that any actual harm has occurred or is likely to occur from this inadvertent error.

The Court finds, accordingly, that the sanctions requested by Defendant are not warranted. The Court instead will impose simply the sanction of an admonition to Plaintiff and its counsel to exercise particular care to avoid repetition of such mistake. Accordingly, it sustains in part and overrules in part Defendant's Motion for Sanctions for Violation of Stipulated Protective Order (doc. 67).

IT IS SO ORDERED.

Dated this 24th day of August, 2007.

s/Gerald L. Rushfelt  
Gerald L. Rushfelt  
United States Magistrate Judge