

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KENNETH EATON and
GEORGE CAMPBELL,

Plaintiffs,

v.

Case No. 06-4030-JAR

STEVE HARSHA, in his individual
capacity, and THE CITY OF TOPEKA,

Defendants.

ORDER

This matter comes before the court upon plaintiffs' Motion for Reconsideration of the court's ruling regarding Defendant's Motion to Enforce Protective Order (Doc. 46). Defendants have filed a response to plaintiffs' motion (Doc. 47). Upon reviewing plaintiffs' motion, along with defendants' response, the court finds that further reply is not necessary and is prepared to rule.

In their response to plaintiffs' motion, defendants indicate that the parties have reached an agreement on this issue. Specifically, defendants state that the plaintiffs in this case have signed documents authorizing and consenting to the release of their personnel records, discussion of those records in depositions, memoranda for summary judgment, and other court documents. Therefore, defendants state that they are not opposed to the court granting plaintiffs' motion for reconsideration on this issue.

However, defendants indicate that the parties are also in agreement that if *any* depositions are made public, references contained in those depositions that refer to police officers other than the named plaintiffs in this case are still subject to the Protective Order (Doc. 20). Furthermore,

defendants state that the parties are in agreement that depositions which refer to other police officers protected by the Protective Order shall be redacted and submitted to the court in compliance with the court's October 23, 2006 order (Doc. 45) and the deadlines contained therein.

As a result, and upon a full review of the record, the court finds that plaintiffs' motion for reconsideration should be granted in part and denied in part.

IT IS THEREFORE ORDERED that plaintiffs' Motion for Reconsideration re: Order on Motion to Enforce Protective Order (Doc. 46) is granted in part and denied in part;

IT IS FURTHER ORDERED that all components of depositions that make reference to, quote from, or attach personnel records of personnel other than the named plaintiffs in this case are hereby sealed pursuant to the Protective Order (Doc. 20) in this case;

IT IS FURTHER ORDERED that prior to disseminating any portion of a deposition, the parties shall confer and present to the court in camera a redacted copy of the deposition for approval of this court on or before **November 13, 2006**.

IT IS SO ORDERED.

Dated this 9th day of November, 2006, at Topeka, Kansas.

s/ K. Gary Sebelius
K. Gary Sebelius
U.S. Magistrate Judge