

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIAM T. ADAMS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 07-2047-CM
)	
TOSOH BIOSCIENCE, INC.,)	
)	
Defendant.)	

ORDER

This case comes before the court on the motion (**doc. 49**) of the defendant, Tosoh Bioscience, Inc., for a protective order prohibiting plaintiff's use of defendant's privileged memorandum dated September 23, 2004 and the information contained therein, and compelling plaintiff to return to defendant all copies of the privileged memorandum that are within his possession, custody or control. No timely opposition to the motion has been filed by plaintiff.

D. Kan. Rule 7.4 provides:

If a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.

While the court could simply grant the motion on the grounds that it is unopposed, the court also finds that defendant has established good cause for the protective order as required under Fed. R. Civ. P. 26(c).

In consideration of the foregoing,

IT IS HEREBY ORDERED:

1. Defendant's motion for protective order (**doc. 49**) is granted.
2. Plaintiff is prohibited from using defendant's privileged memorandum dated September 23, 2004 and the information contained therein. Plaintiff shall also return to defendant all copies of the privileged memorandum that are within his possession, custody, or control by **December 10, 2007**.

Dated this 28th day of November, 2007, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge