

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**United States of America and
the State of Michigan,**

Plaintiffs,

Civil Action No. 10-14155

vs.

District Judge Denise Page Hood

**Blue Cross Blue Shield
of Michigan,**

Magistrate Judge Mona K. Majzoub

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR PROTECTIVE ORDER [194]

Before the Court is Defendant Blue Cross Blue Shield's motion for protective order. (Dkt. 194.) The Court has been referred this motion for determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Dkt. 199.) The Court has reviewed the pleadings, dispenses with a hearing, and issues this order.¹

The Court denies BCBS's motion for a protective order. The Court finds that BCBS's motion, filed on Wednesday, August 22, 2012 to stay Jeffrey Connolly's deposition noticed for Monday, August 27, 2012 is inappropriate, and finds the timing of the filing of said motion to be professionally irresponsible, given the facts as presented to the Court.

Plaintiffs inform the Court that Mr. Connolly's deposition has been previously noticed prior to the latest August 27, 2012 notice.² (Pls.' Resp. at 1-2.) BCBS therefore has had more than ample

¹The Court dispenses with a hearing pursuant to Eastern District of Michigan Local Rule 7.1(f)(2).

²The other interested party in this motion, Aetna, has stated that, "[l]ast week, [it] agreed to permit Mr. Connolly to be questioned at his deposition about *all* business matters, including matters that would otherwise be protected by his confidentiality agreement." The issues related

time to prepare Mr. Connolly and to work with any of the interested parties regarding any issues that may arise during his deposition. BCBS's inappropriate and unexcused delay in addressing any of the readily foreseeable issues referenced in its pleadings will not and should not be rewarded with an order acquiescing to its motion for protective order. Defendant Blue Cross Blue Shield's Motion for Protective Order is denied.

The parties have the weekend to work out any unresolved issues before Monday.

The deposition will go forward as noticed. Failure to do so may result in sanctions. The Court reminds the parties that this Order "remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge." E.D.Mich. LR 72.2.

So ordered.

NOTICE TO THE PARTIES

Pursuant to Federal Rule of Civil Procedure 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: August 24, 2012

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: August 24, 2012

s/ Lisa C. Bartlett

Case Manager

to those arguments are therefore removed. Any other issues can be addressed this weekend, before the deposition takes place.