

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

Civil Action No. 1:17-cv-01177-LTB-NYW

DAKOTA TYLER MCGRATH,

Plaintiff,

v.

FORT COLLINS POLICE SERVICES OFFICER NICK ROGERS, in his individual
capacity,

Defendant.

**UNOPPOSED MOTION TO RESTRICT ACCESS TO CONFIDENTIAL EXHIBITS
FROM DEFENDANT**

Defendant Fort Collins Police Services Officer Nick Rogers, through counsel, Thomas J. Lyons and Matthew J. Hegarty of Hall & Evans, L.L.C., submits an Unopposed Motion to Restrict Access to Confidential Exhibits under D.C.COLO.LCivR 7.2, as follows:

D.C.COLO.LCivR 7.1(A) Conferral: Undersigned counsel conferred with counsel for Dakota Tyler McGrath (“McGrath”), who indicated the relief sought is unopposed.

1. Concurrently with this Motion, Defendant is filing his Motion for Summary Judgment (“MSJ”). Attached to the MSJ are excerpts from McGrath’s medical records, namely **Exh. E**. This exhibit contains confidential information not generally available to the public, including confidential medical conditions, diagnosis, and treatment of McGrath. To this end, all pages of **Exhibit E** have been designated “Confidential”.

2. The public has no interest in accessing these non-public documents.

3. By contrast, McGrath possesses an interest in keeping the personal matters

described in **Exhibit E** private, and he could suffer embarrassment or other injury if these records are made public.

4. No alternative to restricted access is practicable or adequate, as the documents themselves are not public records, and redaction of the names or of any confidential medical information will impede the Court's analysis of the issues in the summary judgment briefing.

5. Defendant therefore respectfully requests Exhibit E be accepted for filing in support of Defendant's MSJ as Level 1 Restricted pursuant to D.C.COLO.LCivR 7.2, with access limited to the parties and the Court.

In conclusion, for all the foregoing reasons, Defendant Fort Collins Police Services Officer Nick Rogers respectfully requests the Court issue an order subjecting **Exhibit E** to his MSJ to Level 1 Restriction, with access limited to the parties and the Court.

Respectfully submitted this 6th day of June, 2018.

s/ Matthew J. Hegarty
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on the 6th day of June, 2018, I electronically filed the foregoing **UNOPPOSED MOTION TO RESTRICT ACCESS TO CONFIDENTIAL EXHIBITS FROM DEFENDANT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following e-mail address:

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