IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00520-PAB-BNB

HEALTH GRADES, INC.,

Plaintiff,

v.

MDX MEDICAL, INC., d/b/a Vitals.com,

Defendant.

ORDER

This matter arises on **MDx Medical, Inc.'s Supplemental Submission In Support of Its Motions to Restrict Access [etc]** [Doc. # 302, filed 9/18/2012] (the "Renewed Motion").

MDx filed six motions seeking to restrict public access to hundreds of pages of briefs and exhibits, claiming broadly that the materials contained trade secrets and other confidential information. I reviewed the materials, without the benefit of any meaningful discussion from MDx, and determined that none of the materials appeared to contain any confidential information the disclosure of which would result in clearly defined and serious injury. See D.C.COLO.LCivR 7.2B(3). I denied in their entirety all of the motions to restrict access. Order [Doc. # 289]. However, at MDx's urging, I stayed the Order insofar as it denied the motions to restrict access and allowed MDx to file a renewed motion "identifying with specificity any trade secrets the disclosure of which could result in serious injury." Id. MDx then filed the Renewed Motion [Doc. # 302], as permitted.

MDx chose not to renew its request for restricted access with respect to most of the materials. In several instances, MDx Medical indicated its intention to withdraw from consideration certain materials and to substitute more limited, redacted materials. MDx Medical seeks to restrict access to only four documents--Doc. ## 252, 253, 253-4, and 253-5--arguing that they disclose specific terms of an existing and confidential contract between MDx and Aetna. I accept MDx's representation, supported by an affidavit, that "disclosure of the specific terms of MDx's relationship with Aetna would severely negatively impact Mx's future negotiating position with other potential business partners and against its competitors." Renewed Motion [Doc. # 302] at p. 5.

IT IS ORDERED:

(1) Part 3 of my Order [Doc. # 289] addressing the motions to restrict access is VACATED;

(2) The Renewed Motion [Doc. # 302] is GRANTED;

(3) The following documents shall not be subject to restriction and shall be OPEN TO PUBLIC ACCESS: Doc. ## 201, 201-17, 219-4, 219-5, 219-6, 219-11, 219-12, 219-13, 220-1, 220-2, 220-3, 220-5, 220-6, 220-7, 264, 264-1 282-1, and 282-2;

(4) The following documents are STRICKEN, shall remain RESTRICTED LEVEL 1, and are replaced by substituted documents as indicated:

Stricken, Restricted Level 1	**Substituted Document, Open to Public Inspection**
Doc. # 201-15	Doc. # 302-2
Doc. # 201-16	Doc. # 302-3
Doc. # 249-1	Doc. # 302-1
Doc. #253-2	Doc. #302-4

(5) The following documents shall be RESTRICTED LEVEL 1: Doc. ## 252, 253, 253-4, and 253-5.

Dated September 20, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge