

9.8 PARTIALLY DISCOVERABLE INFORMATION AND PROTECTIVE ORDERS

Information subject to discovery may be intermingled with privileged material. When the subject of discovery contains a mixture of privileged and nonprivileged material, the ALJ may, in the exercise of sound discretion, permit discovery of the nonprivileged information subject to the conditions necessary to reasonably protect the person for whose benefit the privilege exists.¹ A protective order may be entered, or the ALJ may undertake separate privileged information from discoverable material.²

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¹ Erickson v. MacArthur, 414 N.W.2d 406, 410 (Minn. 1987) (finding protective order to safeguard privacy interests of internal affairs witnesses appropriate); Thermorama v. Shiller, 271 Minn. 79, 83, 135 N.W.2d 43, 45-46 (1965); Snyker v Snyker, 245 Minn. 405, 407-08, 72 N.W.2d 357, 359 (1955); Caucus Distrib., Inc. v. Comm’r of Commerce, 422 N.W.2d 264, 268-69 (Minn. Ct. App. 1988) (finding protective order against general disclosure of names of contributors to political party appropriate).

² Snyker, 245 Minn. at 407-08, 72 N.W.2d at 359. For a discussion of the scope of a protective order in the analogous area of trade secret protection, see *supra* § 9.4, notes 15-16 and accompanying text in this chapter. See MINN. R. 1400.6700, subp. 4 (2013).