

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Patricia M. Vroom,

10 Plaintiff,

11 v.

12 Jeh Johnson,

13 Defendant.
14

No. CV-14-02463-PHX-JAT

ORDER

15 The parties have jointly moved for a protective order claiming that such an order is
16 necessary in this case because documents may be produced which are “attorney work
17 product,” “attorney client communications,” “protected by the deliberative process
18 privilege,” or “Plaintiff’s medical records.” Doc. 46 at 2. However, in their proposed
19 protective order, it says that parties may designate as confidential anything counsel
20 determines is “necessary to protect the interests of the client.” Doc. 46-1 at 1.

21 Generally, global protective orders are not appropriate. *See AGA Shareholders,*
22 *LLC v. CSK Auto, Inc.*, 2007 WL 4225450, at *1 (D. Ariz. Nov. 28, 2007). Rule 26(c)
23 requires a party seeking a protective order to show good cause for issuance of such an
24 order. Fed. R. Civ. P. 26(c)(1). “For good cause to exist under Rule 26(c), ‘the party
25 seeking protection bears the **burden of showing specific prejudice or harm will result**
26 **if no protective order is granted.**’” *AGA Shareholders*, 2007 WL 4225450, at *1
27 (emphasis added) (quoting *Phillips v. G.M. Corp.*, 307 F.3d 1206, 1210-11 (9th Cir.
28 2002)). The party seeking protection “**must make a ‘particularized showing of good**

1 **cause with respect to [each] individual document.”** *Id.* (emphasis added) (quoting *San*
2 *Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102 (9th Cir. 1999)).

3 In their motion, the parties attempted to make a particularized showing that some
4 of the documents to be disclosed are privileged. However, in the actual proposed
5 protective order submitted to the Court, the parties included unacceptable, generalized
6 language allowing counsel to mark virtually anything confidential without counsel first
7 making a good faith determination that the documents are in fact privileged. As a result,

8 **IT IS ORDERED** that the motion for a protective order (Doc. 46) is denied
9 without prejudice.

10 Dated this 10th day of August, 2015.

11
12
13
14 
15 James A. Teilborg
16 Senior United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28