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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

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Columbia Pictures Industries Inc v. Bunnell

CIVIL MINUTES - GENERAL

Case No. CV 06-1093 FMC(JCx) Date December 18, 2006

Title Columbia Pictures Industries, Inc. et al. v. Justin Bunnell, et al.

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

<u>Nancy Hackney</u>	<u>none</u>	<u>none</u>
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs: none Attorneys Present for Defendants: none

Proceedings: ORDER DENYING REQUEST TO APPROVE STIPULATED PROTECTIVE ORDER WITHOUT PREJUDICE

The parties' request for a stipulated protective order (Proposed Order) has been referred to the magistrate judge and is denied without prejudice. The parties may choose to submit for court approval, an amended proposed protective order which remedies the deficiencies stated below.¹ Alternatively, the parties may wish to enter into a confidentiality agreement among themselves, obviating the need for a protective order from the court.

1. Paragraph 13 of the Proposed Order appears to require the parties to file certain documents under seal. Although it would not be inappropriate for the parties to agree to seek to file certain documents under seal, it is inappropriate to require that they actually file documents under seal as documents may not automatically be filed under seal by a party. If parties seek to file materials under seal, they must comply with the requirements of Local Rule 79, including the requirement that "no case or document shall be filed under seal without prior approval by the court." L.R. 79-5.1. See also Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006) (discussing standards for sealing documents attached to non-dispositive motions and dispositive motions). Any such application must be made to the particular judge considering the matter to which the proposed under seal filing pertains (i.e., magistrate judge for discovery proceedings, district judge for non-discovery proceedings).

2. Paragraph 4(b) contemplates a procedure for the parties to designate "depositions or other pretrial testimony" as being protected under the Proposed Order. As the term "pretrial testimony" is broad enough to encompass a matter before the district judge as opposed to the magistrate judge, it is not appropriate to include in the Proposed Order which is limited to discovery proceedings before the magistrate judge. In the event an issue arises with respect to non-discovery-related pretrial testimony before the district judge, the parties may seek an appropriate order from that judicial officer.

¹If the parties submit an amended proposed order, they should also correct the case numbers referenced on page 3, lines 6 and 8, so that the initials of the currently assigned district judge and magistrate judge are reflected.

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3. Paragraph 9 of the Proposed Order refers to a Notification of Protective Order attached as Exhibit A. No such exhibit is attached to the Proposed Order.

4. Paragraph 23 contemplates the return or destruction of all material covered by the Proposed Order within sixty days after the final termination of the litigation, but does not exempt the court from this requirement. This court is unwilling to approve any provision which contemplates the return or destruction of materials by the court.

IT IS SO ORDERED.

Initials of
Deputy Clerk

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