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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FIDELINA RANGEL, as an
individual and on behalf of
all others similarly situated,

Plaintiff,

v.

FOREST RIVER, INC., an Indiana
Corporation, et al.,

Defendants.

Case No. EDCV 17-0613 JFW (SS)

MEMORANDUM AND ORDER RE:

STIPULATED PROTECTIVE ORDER

(Dkt. No. 18)

The Court has received and considered the parties' Stipulated Protective Order (the "Proposed Order"). (Dkt. No. 18). The Court cannot adopt the Proposed Order as drafted by the parties. The parties may submit a revised proposed stipulated protective order, but must correct the following deficiencies.

First, the Proposed Order fails to include an adequate statement of good cause. (Proposed Order at 1, ¶ 1-2). The Court may only enter a protective order upon a showing of good cause. Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1176 (9th

1 Cir. 2006) (parties must make a "particularized showing" under Rule
2 26(c) for the court to enter protective order); Phillips v. Gen.
3 Motors Corp., 307 F.3d 1206, 1210-12 (9th Cir. 2002) (Rule 26(c)
4 requires a showing of good cause for a protective order); Makar-
5 Wellbon v. Sony Electrics, Inc., 187 F.R.D. 576, 577 (E.D. Wis.
6 1999) (even stipulated protective orders require good cause
7 showing).

8
9 In any revised proposed stipulated protective order submitted
10 to the Court, the parties must include a statement demonstrating
11 good cause for entry of a protective order pertaining to the
12 documents or information described in the order. The paragraph
13 containing the statement of good cause should be preceded by a
14 heading stating: "GOOD CAUSE STATEMENT." The parties shall
15 articulate, for each document or category of documents they seek
16 to protect, the specific prejudice or harm that will result if no
17 protective order is entered. Foltz v. State Farm Mut. Auto. Ins.
18 Co., 331 F.3d 1122, 1130 (9th Cir. 2003).

19
20 Second, the Proposed Order is overbroad. (Proposed Order at
21 4, ¶ h). A protective order must be narrowly tailored and cannot
22 be overbroad. Therefore, the documents, information, items or
23 materials that are subject to the protective order shall be
24 described in a meaningful and specific fashion (for example
25 "personnel records," "medical records," or "tax returns," etc.).
26 Here, the parties define confidential information as "all originals
27 and copies of any document and/or information that any party has
28 designated as such by stamping or otherwise marking each page

1 'CONFIDENTIAL.'" (Id.). This definition does not clearly place
2 the parties or the Court on notice of the specific documents covered
3 by the Proposed Order. As such, the definition is overbroad. The
4 documents subject to a protective order must be particularly
5 defined and described. The parties may submit a revised proposed
6 stipulated protective order, but must correct this deficiency.

7
8 In the alternative, if the parties seek a "blanket" protective
9 order, as opposed to an order protecting individually-identified
10 documents, the stipulation must state the justification for this
11 type of protective order. See Blum v. Merrill Lynch Pierce Fenner
12 & Smith, Inc., 712 F.3d 1349, 1352 n.1 (9th Cir. 2013) (defining a
13 "blanket" protective order as an order that is obtained without
14 "making a particularized showing of good cause with respect to any
15 individual document") (citing Foltz, 331 F.3d at 1138); Perry v.
16 Brown, 667 F.3d 1078, 1086 (9th Cir. 2012) (blanket protective
17 orders often cover materials that would not qualify for protection
18 if subjected to individualized analysis).

19
20 Third, a protective order may not bind the Court or its
21 personnel. (Proposed Order at 4, ¶ 5). Any revised proposed
22 stipulated protective order may not include language that binds
23 the Court or obligates Court personnel to act in a certain manner
24 in relation to confidential documents.

25
26 Fourth, the Court will not agree to the procedures the parties
27 propose in the event of a dispute regarding the designation of
28 confidential information. (Proposed Order at 5, ¶ 1-2). In the

1 event of a dispute regarding the designation of confidential
2 information, the procedure for obtaining a decision from the Court
3 is that set forth in Local Rule 37. If the parties want to file
4 the Joint Stipulation required by Local Rule 37 under seal, the
5 parties may file a stipulation to that effect or the moving party
6 may file an ex parte application making the appropriate request.
7 The parties must set forth good cause in the stipulation or ex
8 parte application as to why the Joint Stipulation or portions
9 thereof should be filed under seal.

10
11 Fifth, parties must follow procedures from Local Rule 79 for
12 submitting confidential information to the court. (Proposed Order
13 at 9-10, ¶ n). If confidential material is included in any papers
14 to be filed in Court, such papers shall be accompanied by an
15 application pursuant to Local Rule 79, to file the papers - or the
16 confidential portion thereof - under seal. The application shall
17 be directed to the judge to whom the papers are directed. Pending
18 the ruling on the application, the papers or portions thereof
19 subject to the sealing applications shall be lodged under seal.

20
21 The Court advises the parties that all future discovery
22 documents shall include the following in the caption: "[**Discovery**
23 **Document: Referred to Magistrate Judge Suzanne H. Segal**]."
24 Finally, the Court notes that its website (see
25 <http://www.cacd.uscourts.gov>) contains additional guidance
26 regarding protective orders and a sample protective order. This
27 information is available in Judge Segal's section of the link
28 marked "Judges' Procedures & Schedules."

