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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHRISTINA BARBOSA, et al.,

CASE NO. 1:11-cv-00275-LJO-SKO

Plaintiffs

v.

**ORDER ON REQUEST FOR  
STIPULATED PROTECTIVE ORDER**

(Docket No. 31)

CARGILL MEAT SOLUTIONS CORP.,

Defendant.

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**I. INTRODUCTION**

On July 10, 2012, the parties filed a stipulated request for a protective order regarding confidential discovery materials. (Doc. 31.) The Court has reviewed the stipulation and request for a protective order and has determined that, in its current form, the Court cannot grant the request for a protective order. For the reasons set forth below, the Court DENIES without prejudice the parties’ request.

**II. DISCUSSION**

**A. The Parties Fail to Comply with Local Rule 141.1**

The stipulation and proposed order do not comply with Local Rules of the United States District Court, Eastern District of California, Rule 141.1. Pursuant to Local Rule 141.1(c), any proposed order submitted by the parties must contain the following provisions:

- 1 (1) A description of the types of information eligible for protection under the  
2 order, with the description provided in general terms sufficient to reveal the  
3 nature of the information (e.g., customer list, formula for soda, diary of a  
4 troubled child);
- 5 (2) A showing of particularized need for protection as to each category of  
6 information proposed to be covered by the order; and
- 7 (3) A showing as to why the need for protection should be addressed by a court  
8 order, as opposed to a private agreement between or among the parties.

9 Local Rule 141.1(c). The stipulation and proposed order fail to contain any of this required  
10 information.

### 11 **1. The Parties Fail to Provide a Description of the Type of Information Eligible for 12 Protection Under the Proposed Protective Order**

13 Under Local Rule 141.1(c)(1), the parties must provide “[a] description of the types of  
14 information eligible for protection under the order.” Such information may be “provided in general  
15 terms sufficient to reveal the nature of the information (e.g., customer list, formula for soda, diary  
16 of a troubled child).” *Id.*

17 Here, the proposed protective order sets forth that protected information is “any Disclosure  
18 or Discovery Material that is designated as ‘CONFIDENTIAL,’” and that confidential information  
19 or items are “information (regardless of how it is generated, stored or maintained) or tangible things  
20 that qualify for protection under Federal Rule of Civil Procedure 26(c).” (Doc. 31, ¶¶ 2.2, 2.13.)

21 Rule 26(c) deals with general discovery provisions regarding protective orders, but does not  
22 provide a specific “description of the types of information eligible for protection.” Local Rule  
23 141.1(c)(1); *see also* Fed. R. Civ. P. 26(c). As such, the parties’ broad definition of confidential  
24 information fails to identify “the nature of the information” the parties seek to protect as required  
25 under Local Rule 141.1(c)(1).

### 26 **2. The Parties Fail to Show a Particularized Need for Protection**

27 Local Rule 141.1(c)(2) requires “[a] showing of particularized need for protection as to each  
28 category of information proposed to be covered by the order.” The parties fail to show such a  
particularized need and simply state:

1 Each Party or Non-Party that designates information or items for protection under  
2 this Order must take care to limit any such designation to specific material that  
3 qualifies under the appropriate standards. The Designating Party must designate for  
4 protection only those parts of material, documents, items, or oral or written  
communications that qualify – so that other portions of the material, documents,  
items, or communications for which protection is not warranted are not swept  
unjustifiably within the ambit of this Order.

5 (Doc. 31, ¶ 5.1.) This is far too broad and tenuous a category of information and provides no  
6 explanation as to why a particularized need for protection is required or what category of information  
7 is covered under the protective order.

8 **3. The Parties Fail to Show Why the Need for Protection Should Be Addressed by**  
9 **Court Order**

10 Local Rule 141.1(c)(3) requires that the parties show “why the need for protection should be  
11 addressed by a court order, as opposed to a private agreement between or among the parties.” The  
12 parties fail to address this requirement.

13 The Court can perhaps glean from the proposed protective order that the parties would like  
14 the ability to request that the Court rule on challenges to a party’s confidentiality designation. (*See*  
15 *Doc. 31, ¶ 6.3.*) However, it is unclear as to how the Court could decide on such a dispute since, as  
16 discussed above, there is no information provided in the proposed protective order defining  
17 confidential materials and therefore no guidance given to the Court as to how such a dispute should  
18 be resolved.

19 **B. The Parties’ Stipulated Protective Order is Denied Without Prejudice**

20 The parties may refile a revised stipulation and proposed order for a protective order that  
21 comply with Local Rule 141.1(c) and correct the deficiencies set forth in this order.

22 **III. CONCLUSION AND ORDER**

23 Accordingly, IT IS HEREBY ORDERED that the parties’ stipulated request for a protective  
24 order (Doc. 27) is DENIED without prejudice to renewing the request.

25  
26 IT IS SO ORDERED.

27 **Dated: July 11, 2012**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**