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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA *ex rel.*  
NICOLLE O’NEILL, *et al.*,  
  
Plaintiffs,  
  
v.  
  
SOMNIA, INC., *et al.*,  
  
Defendants.

Case No. 1:15-cv-00433-DAD-EPG  
**ORDER REJECTING STIPULATED  
PROTECTIVE ORDER**  
  
(ECF No. 90)

On July 18, 2018, the parties filed a Stipulated Protective Order Governing Disclosure of Confidential Information. (ECF No. 90). “The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c). “In the federal judicial system trial and pretrial proceedings are ordinarily to be conducted in public.” *Olympic Ref. Co. v. Carter*, 332 F.2d 260, 264 (9th Cir. 1964) (“The purpose of the federal discovery rules, as pointed out in *Hickman v. Taylor*, 329 U.S. 495, 501, 67 S.Ct. 385, 91 L.Ed. 451, is to force a full disclosure.”) “As a general rule, the public is permitted ‘access to litigation documents and information produced during discovery.’” *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417, 424 (9th Cir. 2011) (quoting *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1210 (9th Cir.2002) and citing *San Jose Mercury*

1 *News, Inc. v. U.S. Dist. Court*, 187 F.3d 1096, 1103 (9th Cir.1999) (“It is well-established that the  
2 fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively  
3 public.”)).

4 Eastern District of California Local Rule 141.1 governs the entry of orders protecting  
5 confidential information in this District and provides that “All information provided to the Court  
6 in a specific action is presumptively public. . . . Confidential information exchanged through  
7 discovery, contained in documents to be filed in an action, or presented at a hearing or trial  
8 otherwise may be protected by seeking a protective order as described herein.” L.R. 141.1(a)(1).

9 Part (c) contains the requirements for a proposed protective order:

10 (c) Requirements of a Proposed Protective Order. All stipulations  
11 and motions seeking the entry of a protective order shall be  
12 accompanied by a proposed form of order. Every proposed protective  
order shall contain the following provisions:

13 (1) A description of the types of information eligible for protection  
14 under the order, with the description provided in general terms  
sufficient to reveal the nature of the information (e.g., customer list,  
formula for soda, diary of a troubled child);

15 (2) A showing of particularized need for protection as to each  
16 category of information proposed to be covered by the order; and

17 (3) A showing as to why the need for protection should be addressed  
18 by a court order, as opposed to a private agreement between or  
among the parties.

19 L.R. 141.1(c).

20 The Stipulated Protective Order, (ECF No. 90), submitted by the parties for Court  
21 approval is rejected because it fails to comply with Local Rule 141.1(c). However, the parties are  
22 granted leave to re-submit a compliant stipulated protective order for Court approval.

23 IT IS SO ORDERED.

24 Dated: July 19, 2018

25 /s/ Eric P. Gray  
26 UNITED STATES MAGISTRATE JUDGE