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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GLENN McMILLAN, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

LOWE’S HOME CENTERS, LLC, et al.,

Defendants.

Case No. 1:15-cv-00695-DAD-SKO

**ORDER DENYING WITHOUT
PREJUDICE STIPULATED
PROTECTIVE ORDER AND
CONFIDENTIALITY AGREEMENT**

(Doc. 88)

I. INTRODUCTION

On December 7, 2016, the parties filed a request seeking Court approval of their Stipulated Protective Order and Confidentiality Agreement. (Doc. 88.) The Court has reviewed the proposed stipulated protective order and has determined that, in its current form, it cannot be granted. For the reasons set forth below, the Court DENIES *without prejudice* the parties’ request to approve the stipulated protective order.

II. DISCUSSION

A. The Protective Order Does Not Comply with Local Rule 141.1(c)(2)

The proposed protective order again does not comply with Rule 141.1 of the Local Rules of the United States District Court, Eastern District of California. Local Rule 141.1 requires, in relevant part, that any proposed protective order submitted by the parties must contain the following:

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

Local Rule 141.1(c)(2).

1 The proposed protective order addresses this particularized need as to certain
2 “[c]onfidential business or commercial information as referenced in Federal Rule of Civil
3 Procedure 26(c)(1)(G).” (Doc. 88 at 2–3.) However, the parties fail to provide a showing of the
4 requisite particularized need for protection as to the remaining categories of materials, including
5 (1) “[c]onfidential commercial research or development as referenced in Federal Rule of Civil
6 Procedure 26(c)(1)(G);” (2) “[p]ersonnel files and other private or confidential employment
7 records or information;” and (3) “[i]nformation subject to a separate protective order or
8 confidentiality agreement.” (*See id.* at 3.) Absent the requisite showing of *particularized need* for
9 protection as to *each category* of information that are the subject of the protective order, the Court
10 cannot enter the protective order filed by the parties.

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

12 The parties may re-file a revised proposed stipulated protective order that complies with
13 Local Rule 141.1(c)(2) and corrects the deficiencies set forth in this order.

14 **III. CONCLUSION AND ORDER**

15 Accordingly, IT IS HEREBY ORDERED that the parties’ request for approval of the
16 Stipulated Protective Order and Confidentiality Agreement (Doc. 88) is DENIED without
17 prejudice to renewing the request.

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19 IT IS SO ORDERED.

20 Dated: December 9, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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