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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

E. & J. GALLO WINERY, *et al.*,  
Plaintiffs,  
v.  
INSTITUUT VOOR LANDBOUW - EN  
VISSERIJONDERZOEK, *et al.*,  
Defendants.

Case No. 1:17-cv-00808-DAD-EPG  
ORDER REJECTING STIPULATED  
PROTECTIVE ORDER  
(ECF No. 43)

On January 22, 2018, the parties filed a Stipulated Protective Order. (ECF No. 43.) “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 News, Inc. v. U.S. Dist. Court*, 187 F.3d 1096, 1103 (9th Cir.1999) (“It is well-established that the fruits of pretrial discovery are, in the

1 absence of a court order to the contrary, presumptively public.”)).

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

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

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

20 CAED-LR 141.1(c).

21 The Stipulated Protective Order (ECF No. 43) submitted by the parties for Court approval  
22 is rejected because it fails to comply with CAED-LR 141.1(c). However, the parties are granted  
23 leave to re-submit a compliant stipulated protective order for Court approval.

24 IT IS SO ORDERED.

25 Dated: January 22, 2018

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