

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 SAMATRIA MCCUISTION,

11 Plaintiff,

12 v.

13 DAVITA, INC.,

14 Defendant.
15

Case No. 1:21-cv-00985-NONE-EPG

ORDER DENYING PROPOSED
STIPULATION FOR PROTECTIVE
ORDER, WITHOUT PREJUDICE

(ECF No. 13)

16 On November 18, 2021, the parties filed a proposed stipulation for a protective order. (ECF
17 No. 13). The stipulation will be denied, without prejudice, because it does not comply with Local
18 Rule 141.1 and the Court's established procedures.

19 Regarding Local Rule 141.1(c)(1)-(2), the parties failed to provide an adequate description
20 of the types of information eligible for protection and a particularized showing of need for
21 protection as to each category of information covered by their proposed order. Paragraph one
22 defines "confidential" to mean "any information which is in the possession of a Designating Party
23 who believes in good faith that such non-public information is entitled to confidential treatment
24 under applicable law."¹ (*Id.* at 2). It defines "confidential materials" to mean:

25 any Documents, Testimony or Information as defined below designated as
26 "CONFIDENTIAL" pursuant to the provisions of this Protective Order, including,
but not limited to, (i) documents or testimony not otherwise available to the public

27
28 ¹ In this order, the Court has omitted some capitalization used by the parties' proposed stipulation for a protective order.

1 regarding DaVita's commercial or financial information, including materials
2 regarding DaVita's business or marketing plans, sales practices, revenues or cash
3 levels; (ii) documents or testimony regarding DaVita's trade secrets; (iii) documents
4 or testimony regarding DaVita's patients, clients, customers, accounts, financial
5 records, and transactions, including emails which include information relating to any
6 of DaVita's patients; (iv) health or private information of DaVita's patients; (v)
health, employment, and financial information of Plaintiff Samatria McCuistion; and
(vi) other documents or testimony subject to an agreement between the parties that,
due to the nature of the materials, those documents or testimony should be
designated CONFIDENTIAL in accordance with this Order.

7 (*Id.*).

8 Here, the parties have included a catchall description of confidential information to include
9 information that they "believe[] in good faith . . . is entitled to confidential treatment under
10 applicable law." Such description is not sufficient "in general terms [] to reveal the nature of the
11 information" under LR 141.1(c)(1). While the parties also provide, as exemplars, some general
12 categories of documents that are "sufficient to reveal the nature of the information," the catch-all
13 language does not limit the confidentiality order to these categories. Moreover, the parties fail to
14 make "[a] showing of particularized need for protection as to each category of information proposed
15 to be covered by the order." LR 141(c)(2).

16 Accordingly, IT IS ORDERED that the parties' proposed stipulation for a protective order
17 (ECF No. 13) is DENIED without prejudice.

18
19 IT IS SO ORDERED.

20 Dated: November 19, 2021

21 /s/ Eric P. Shoj
UNITED STATES MAGISTRATE JUDGE