

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT.

Plaintiff.

V<sub>a</sub>

MARICELA CUEVAS dba EL  
MARINERO; JESSICA ELIZABETH  
GARIBAY.

## Defendants.

Case No. 1:22-cv-01130-ADA-BAM

**ORDER DENYING JOINT STIPULATION  
FOR PROTECTION OF DOCUMENTS  
WITHOUT PREJUDICE**

(Doc. 7)

On November 17, 2022, the parties filed a joint stipulation for protection of documents. (Doc. 7.) However, the stipulation suffers from several defects. First, the stipulation includes boilerplate language inapplicable to this Americans with Disabilities Act case, such as reference to putative class members, personnel records and time records. (*Id.* at ¶ 1.)

Second, the stipulation requires compliance with the California Rules of Court for sealing documents. (*Id.* at ¶ 8.) The California Rules of Court do not apply. Rather, the procedure for sealing of documents is governed by Local Rule 141.

Third, the stipulation refers to objections to discovery pursuant to the California Code of Civil Procedure. (*Id.* at ¶ 11.b.) The California Code of Civil Procedure does not apply. Discovery in this action is governed by the Federal Rules of Civil Procedure.

Finally, it is unclear if the parties' stipulation is intended to be a private agreement

1 between or among the parties or a request for protective order. (See *id.* at ¶ 11 [“Any Party may  
2 apply to the Court for a Protective Order to be entered consistent with the terms of this Joint  
3 Stipulation.”].) Local Rule 141.1 sets forth the mechanics of obtaining a protective order in this  
4 Court. L.R. 141.1(b).

5 For these reasons, the Court declines to adopt the parties’ stipulation for protection of  
6 documents without prejudice. (Doc. 7.) The parties may file a modified proposed stipulated  
7 protective order that addresses the requirements of Local Rule 141.1 and the defects herein  
8 identified.

9 IT IS SO ORDERED.

10 Dated: November 18, 2022

11 /s/ *Barbara A. McAuliffe*  
12 UNITED STATES MAGISTRATE JUDGE

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