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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN RUSSELL MEYER,  
Petitioner,

vs.

No. CIV S-06-2584-LKK-GGH P

ARNOLD SCHWARZENEGGER, et al.,  
Respondents.

ORDER

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Introduction

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for a protective order, filed on February 24, 2009, to which defendants filed their opposition on March 13, 2009. Plaintiff seeks a protective order for deposition testimony.

Motion for Protective Order

“It is well-established that [under the Federal Rules of Civil Procedure,] the fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively public.” San Jose Mercury News, Inc. v. United States District Court-Northern District, 187 F.3d 1096, 1103 (9th Cir.1999). Rule 26(c), which governs the granting of a protective order, “authorizes a district court to override this presumption where ‘good cause’ is shown.” San Jose Mercury

1 News, 187 F.3d at 1103. Rule 26(c) confers “broad discretion on the trial court to decide when a  
2 protective order is appropriate and what degree of protection is required.” See Seattle Times Co.  
3 v. Rhinehart, 467 U.S. 20, 36, 104 S.Ct. 2199 (1984).

4 To obtain a protective order, the party resisting discovery or seeking limitations  
5 must, under Rule 26(c), show good cause for its issuance. “For good cause to exist, the party  
6 seeking protection bears the burden of showing specific prejudice or harm will result if no  
7 protective order is granted.” Phillips v. Gen. Motors Corp., 307 F.3d 1206, 1210-11 (9th  
8 Cir.2002). “Broad allegations of harm, unsubstantiated by specific examples or articulated  
9 reasoning, do not satisfy the Rule 26(c) test.” Beckman Indus., Inc. v. Int’l Ins. Co., 966 F.2d  
10 470, 476 (9th Cir.1992).

11 Additionally, a court will not grant a motion to seal documents unless the  
12 proponent makes a particularized showing either that the record is one traditionally kept secret or  
13 that there is a compelling reason for sealing the document. Kamakana v. City and County of  
14 Honolulu, 447 F.3d 1172, 1178-79 (9th Cir.2006). Compelling reasons that would outweigh the  
15 public's interest in disclosure include the likelihood the record would be used for an improper  
16 purpose, such as to gratify private spite, promote public scandal, circulate libelous statements or  
17 release trade secrets. Nixon v. Warner Communications, 435 U.S. 589, 598, 98 S.Ct. 1306  
18 (1978).

19 Plaintiff’s motion is deficient for several reasons. First and foremost, plaintiff has  
20 brought this motion after the deposition testimony occurred, and the taking of the deposition is  
21 something plaintiff was attempting to avert. Plaintiff has also failed to set forth any arguments  
22 on how the deposition testimony will cause him harm.

23 It appears that plaintiff is seeking a protective order as a sanction against  
24 defendants for perceived discovery violations. Plaintiff alleges that defendants did not provide at  
25 least thirty (30) days notice for the deposition. Defendants correctly counter that pursuant to the  
26 court’s August 21, 2008, discovery order, at least fourteen (14) days notice is required. It is

1 undisputed that defendant's provided plaintiff with nineteen (19) days notice. Furthermore, the  
2 rest of defendant's conduct in arranging and carrying out the deposition was within the limits of  
3 the court's discovery order. Plaintiff's motion is without merit.

4 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for a protective  
5 order, filed on February 24, 2009, is denied.

6 DATED: April 14, 2009

7 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS  
9 UNITED STATES MAGISTRATE JUDGE

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11 meye2584.po

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