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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRIOT RAIL CORP.,
Plaintiff,
v.
SIERRA RAILROAD COMPANY,
Defendant.

No. 2:09-cv-00009 MCE-EFB
ORDER

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Defendant Sierra Railroad Company ("Defendant") filed a request for the Court to construe or modify the Protective Order previously granted by this Court (ECF No. 122). Specifically, Defendant requests the Court construe the Protective Order to include the ability of Defendant to disclose material litigation information about the case to third parties who are potential purchasers of the company.

The Court's Protective Order (ECF No. 21) clearly states that the parties may not disclose any litigation information to any outside party not in employ by either side. The order defines litigation information as any information "obtained by either party from the other party in the course of litigation."

1 This does not include any information available in the public
2 domain, but does cover, for example, information obtained during
3 informal settlement discussions, discovery materials, and
4 deposition testimony.

5 The plain language of the Protective Order is clear.
6 Defendant may disclose any information available in the public
7 domain, but nothing obtained through litigation with Plaintiff
8 Patriot Rail Corp., or any other counter party involved in the
9 instant suit. Beyond the clarification above, Defendant's
10 request is DENIED.

11 IT IS SO ORDERED.

12 Dated: November 2, 2010

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15 MORRISON C. ENGLAND, JR.
16 UNITED STATES DISTRICT JUDGE
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