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

ANI CHOPOURIAN,

Plaintiff,

No. 2:09-cv-02972-KJM-KJN

vs.

CATHOLIC HEALTHCARE WEST,
et al.,

Defendants.

ORDER

_____ /
On June 30, 2011, the undersigned ordered that a review of certain documents “shall be videotaped, on mute and without audio,” and ordered that “[t]he video recording shall be ‘zoomed out’ enough so as not to reveal the specific contents of the documents being reviewed.” (Dkt. No. 58.)

On July 1, 2011, counsel for defendant Catholic Healthcare West (the “defendant” or “CHW”)¹ delivered a sealed box to the court, without any pending motion or notice pertaining

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¹ This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(1) and 28 U.S.C. § 636(b)(1).

1 thereto, which purportedly contained a video camera.² Later that same day, counsel for the
2 defendant filed a Motion for Protective Order explaining that the box contained a video camera,
3 describing the parties' discovery dispute relating thereto, and setting the matter for hearing on
4 August 4, 2011.³ (Dkt. No. 59.)

5 On July 6, 2011, the parties filed a document entitled "Stipulation and Order
6 Relating To Video Recording Of Document Review And Defendant's Motion For Protective
7 Order Regarding The Video Recording" (the "Stipulation"). (Stipulation, Dkt. No. 60.) The
8 Stipulation provides, in part, that the court will keep a particular compact disc (the "CD") "under
9 seal until such time as this matter is fully concluded" (Stipulation ¶ 4.)⁴

10 To date, there has been no formal request that the particular CD referenced in the
11 stipulation be filed under seal in accordance with Local Rule 141.⁵ Paragraph 4 of the
12 Stipulation would allow the parties to sidestep the requisite procedures for filing and maintaining
13 documents under seal. The parties are reminded that the Local Rules, specifically Local Rule
14 141, govern requests to file documents under seal. A stipulation between litigants does not
15 automatically render the court a custodian of documents or CDs connected with the litigants'
16 discovery disputes. A stipulation between litigants that certain documents should be kept "under
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18 ² To date, neither the undersigned nor any members of his staff have opened the box to
19 confirm its contents.

20 ³ Absent some order or other direction from the court, the court is not the repository for
21 such materials.

22 ⁴ In an apparent response to the Stipulation, an individual appeared at the office of the
23 Clerk of the Court on the morning of July 7, 2011, purportedly to retrieve and copy data from the
24 video camera that had been delivered to the court on July 1, 2011. The court did not release the
25 video camera to this individual, as the court had not yet reviewed or approved the Stipulation the
26 parties filed less than 24 hours prior. This chain of events should demonstrate to the parties that
the court is not in a position to be a repository or custodian of their video camera; likewise, the
court is not in a position to know whether or when to release the video camera to individuals who
ask for it.

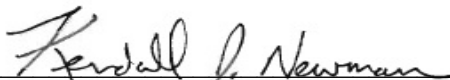
⁵ If they choose, the parties may file a Request to Seal that includes the statutory or other
authority for such sealing, as required by Local Rule 141(b).

1 seal” does not automatically render those documents filed under seal. The undersigned is not
2 inclined to approve a stipulation that imposes special requirements on the undersigned and/or the
3 Clerk of Court insofar as the maintenance of the parties’ documents is concerned.

4 For the foregoing reasons, IT IS HEREBY ORDERED that the parties’
5 Stipulation is not approved, but without prejudice to the refiling of a sufficient stipulation (or, if
6 necessary, a proposed stipulated protective order)⁶ if the parties are unable to reach a private
7 agreement regarding the ongoing storage of both the video camera and CD at issue.

8 IT IS SO ORDERED.

9 DATED: July 7, 2011

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12 KENDALL J. NEWMAN
13 UNITED STATES MAGISTRATE JUDGE
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25 ⁶ Any such proposed stipulated protective order must make the showing required by
26 Local Rule 141.1, including a provision addressing “why the need for protection should be
addressed by a court order, as opposed to a private agreement between or among the parties.”
E. Dist. Local Rule 141.1(c)(3).