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

SHIRLEY A. NEWMAN and
ANTHONY C. BUTLER,

Plaintiffs,

No. 2:09-cv-03441 WBS KJN

v.

SAN JOAQUIN DELTA COMMUNITY
COLLEGE DISTRICT, a public entity;
DANIELLE RULEY, JAMES WOOD,

Defendants.

ORDER

Presently before the court is the parties’ “Stipulated Protective Order,” which seeks an order limiting the use and dissemination of information that the parties seek to designate as “confidential.” (Dkt. No. 59.) The undersigned will not approve the proposed stipulated protective order as drafted because it does not conform to the requirements of Eastern District Local Rule 141.1.

This court’s Local Rule 141.1(c) provides:

(c) Requirements of a Proposed Protective Order. All stipulations and motions seeking the entry of a protective order shall be accompanied by a proposed form of order. Every proposed protective order shall contain the following provisions:

(1) A description of the types of information eligible for protection under the order, with the description provided in general terms

1 sufficient to reveal the nature of the information (e.g., customer list,
2 formula for soda, diary of a troubled child);

3 (2) A showing of particularized need for protection as to
4 each category of information proposed to be covered by the order; and


5 (3) A showing as to why the need for protection should
6 be addressed by a court order, as opposed to a private agreement between
7 or among the parties.

8 E. Dist. Local Rule 141.1(c). Although the parties' Stipulated Protective Order makes the
9 showing required by subsections (c)(1) and (c)(2) of Local Rule 141.1, it does not contain any
10 provision addressing "why the need for protection should be addressed by a court order, as
11 opposed to a private agreement between or among the parties." E. Dist. Local Rule 141.1(c)(3).
12 Moreover, the undersigned is not inclined to approve a Stipulated Protective Order that requires
13 this court to "retain jurisdiction to resolve any dispute" regarding the proposed confidential
14 information after the termination of this action. Accordingly, the undersigned will not approve
15 the Stipulation Protective Order as proposed. However, the parties may either reach a private
16 agreement or file a proposed stipulated protective order that meets all of the requirements of the
17 Federal Rules of Civil Procedure and the court's Local Rules.

18 For the foregoing reasons, IT IS HEREBY ORDERED that the parties' Stipulated
19 Protective Order is not approved, but without prejudice to the refile of a sufficient proposed
20 stipulated protective order.

21 IT IS SO ORDERED.

22 DATED: December 17, 2010

23 
24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE
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