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

ROBERT CAPELLI and CARLA CAPELLI,

Plaintiffs,

No. 2:09-cv-03469-MCE-KJN

v.

BRINK’S INCORPORATED,

Defendants.

ORDER

Presently before the court is the parties’ “Stipulation and [Proposed] Protective Order Regarding Confidential Information” which seeks an order limiting the use and dissemination of “trade secrets and other” information that the parties seek to designate as “confidential.” (Dkt. No. 39.) 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

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

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

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

8 E.D. Local Rule 141.1(c). The parties' "Stipulation and [Proposed] Protective Order Regarding
9 Confidential Information" does not make the showing required by subsections (c)(1) and (c)(2) of
10 Local Rule 141.1, and more importantly, it does not contain any provision addressing "why the
11 need for protection should be addressed by a court order, as opposed to a private agreement
12 between or among the parties." E.D. Local Rule 141.1(c)(3). Additionally, the undersigned is not
13 inclined to approve a "Stipulation and [Proposed] Protective Order Regarding Confidential
14 Information" that might require this court to retain jurisdiction regarding the proposed
15 confidential information after the termination of this action, as paragraph 8 of the stipulation may
16 envision.

17 Accordingly, the undersigned will not approve the "Stipulation and [Proposed]
18 Protective Order Regarding Confidential Information" as proposed. However, the parties may
19 either enter into a private agreement or file a proposed stipulated protective order that meets all of
20 the requirements of the Federal Rules of Civil Procedure and the court's Local Rules.

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

24 IT IS SO ORDERED.

25 DATED: April 14, 2011

26 
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE