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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MORGAN HILL CONCERNED  
PARENTS ASSOC., CONCERNED  
PARENTS ASSOC.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION,

Defendants.

No. 2:11-cv-03471-KJM-AC

ORDER TO SHOW CAUSE

The court held a status conference on February 14, 2014 at which the court discussed the parties' impasse on stipulating to a protective order as well as the parties' progress, or lack thereof, on discovery. The court then issued on February 20 an order to confirm the schedule outlined at status and to provide guidance for resubmission of a proposed protective order, which the parties were ordered to submit to the court no later than March 13, 2014. (ECF 47.) In addition, the court, after discussing the issue of notice to parents and students before discovery of documents containing students' personal identifying information was undertaken, set a schedule for finalizing notice and initiating discovery of defendant's databases.

On March 13, defendant filed objections to plaintiffs' proposed protective order. (ECF 49.) Many of these objections concerned preexisting provisions of the proposed protective order to which defendant previously had not objected. (*See Ex. A, ECF 49-1.*) Defendant stated

1 it did not have time to meet and confer with plaintiffs to resolve the remaining disputes regarding  
2 the proposed protective order prior to its submission. (*Id.*)

3 Plaintiffs filed their proposed protective order on March 13 and informed the court  
4 the parties had not met and conferred and that plaintiffs had just received defendant's objections  
5 to the proposed protective order. (ECF 50-2.) Plaintiffs also averred they had made "repeated  
6 suggestions that the parties engage in a telephonic meet and confer" but defendant rebuffed their  
7 overtures. (*Id.*)

8 The court will issue a protective order that memorializes the core terms the parties  
9 have essentially agreed upon. It declines to resolve the disputed issues the parties have failed to  
10 exhaust through meaningful meet and confer. In light of the court's prior orders requiring meet  
11 and confer sessions, the court orders counsel for plaintiffs and defendant to show cause why they  
12 should not be monetarily sanctioned, in the amount of \$250.00 each, for failure to meet and  
13 confer about the protective order. Counsel for each party shall respond by filing a sworn  
14 declaration within seven days of the date of this order.

15 All other provisions of the court's order of February 20, 2014, remain in effect.

16 IT IS SO ORDERED.

17 DATED: April 2, 2014.

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20 UNITED STATES DISTRICT JUDGE  
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