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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WOODLAND TRACTOR AND
EQUIPMENT CO., INC.,

Plaintiff,

v.

CNH INDUSTRIAL AMERICA, LLC,

Defendant.

No. 2:15-cv-2042 MCE DB

ORDER

On June 6, 2017, the parties submitted a proposed stipulated protective order regarding the use of confidential information for the court’s consideration. (ECF No. 21.) Local Rule 141.1(c), provides that a proposed protective order must include:

- (1) A description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information (e.g., customer list, formula for soda, diary of a troubled child);
- (2) A showing of particularized need for protection as to each category of information proposed to be covered by the order; and
- (3) A showing as to why the need for protection should be addressed by a court order, as opposed to a private agreement between or among the parties.


Here, the parties’ proposed stipulated protective order fails to address the requirements of Local Rule 141.1(c). Moreover, the parties’ proposed stipulated protective order provides that

1 “any Confidential Information,” is to be “filed under seal.” (ECF No. 21 at 6.) The parties are
2 advised that, all documents filed with the court are presumptively public. See San Jose Mercury
3 News, Inc. v. U.S. Dist. Court, 187 F.3d 1096, 1103 (9th Cir. 1999) (“It is well-established that
4 the fruits of pretrial discovery are, in the absence of a court order to the contrary, presumptively
5 public.”).

6 Therefore, documents that are the subject of a protective order may be filed under seal
7 only if a sealing order is first obtained. See Local Rule 141.1. A party seeking to obtain a sealing
8 order shall comply with the provisions of Local Rule 141, which sets forth a specific procedure
9 for seeking a sealing order. After compliance with Local Rule 141, the court will issue an order
10 granting or denying the request to seal.

11 Accordingly, IT IS ORDERED that the parties’ June 6, 2017 request for entry of the
12 proposed stipulated protective order (ECF No. 21) is denied without prejudice to renewal.

13 Dated: June 8, 2017

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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