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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NASIR HUSSEIN,

Plaintiff,

v.

K2M, INC., a Delaware corporation, and
DOES 1–20 inclusive,

Defendants.

No. 2:16-cv-01446-KJM-EFB

ORDER

The parties submitted a stipulated protective order on December 2, 2016. ECF No. 13. For the following reasons, the court DENIES without prejudice the parties’ request to adopt the protective order.

The court issued its standing order in this case on June 6, 2016. ECF No. 3-1. In a section entitled “Sealing and Protective Orders,” the court made two requirements abundantly clear. *Id.* at 6. First, a protective order should not purport to bind the court, as “[n]o document will be sealed, nor shall a redacted document be filed, without the prior approval of the court.” *Id.* Further, any protective order covering the discovery phase “shall not govern the filing of sealed or redacted documents on the public docket.” *Id.* Second, the burden is on the party seeking seal or redaction. *Id.* (“The court will only consider requests to seal or redact filed by the proponent of sealing or redaction.”).

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The parties' stipulation does not comply with the court's requirements. First, the stipulation repeatedly purports to bind the court regarding the parties' stipulation. *See* Stip. 1 (the order "shall govern the use and treatment of documents" produced in the action); *id.* ¶ 13 ("persons bound" includes "all individuals described under ¶ 5.b.i-ix," which includes the court, its officers, and the jury). Second, the stipulation puts the burden on the party filing the document, rather than on the party seeking a seal or redaction. *See id.* ¶¶ 6, 8(a).

Because the parties' stipulation violates these two requirements under the court's standing order, the court DENIES the parties' request. This order is without prejudice, and the parties may file a stipulated order consistent with the court's standing order.

IT IS SO ORDERED.

DATED: March 2, 2017


UNITED STATES DISTRICT JUDGE