

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 MATTHEW C. KILGORE, *et al.*,
6 Plaintiffs,

7 v.

8 KEYBANK NATIONAL
9 ASSOCIATION, *et al.*,
10 Defendants.

NO. C08-02958 TEH

ORDER RE PARTIES' REQUEST
FOR ADOPTION OF PROTECTIVE
ORDER

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12 This matter came before the Court on the request by Defendant KeyBank National
13 Association (“KeyBank”) and Plaintiffs for assistance in fashioning a Protective Order to
14 govern confidential documents. At the case management conference held on August 17,
15 2009, KeyBank and Plaintiffs agreed to seek the Court’s intervention if they were unable to
16 reach a consensus regarding the substance of a Protective Order. Having failed to reach
17 agreement after meeting and conferring on August 28, 2009, the parties presented their
18 positions to the Court in letters dated September 8, 2009 (from KeyBank) and September 15,
19 2009 (from Plaintiffs).

20 KeyBank has proposed using the Court’s standard form Protective Order with no
21 changes, a compromise suggested after Plaintiffs rejected its two other proposals: an order
22 used by KeyBank in similar cases, and the Court’s standard form with one revision.
23 Plaintiffs stand by their original proposal, a version of the Court’s standard form with three
24 revisions.

25 Having reviewed the parties’ positions, the Court concludes that the revisions to the
26 Court’s standard form proposed by both parties are unnecessary. “‘Confidential’ Information
27 or Items” in section 2.3 is defined by reference to Federal Rule of Civil Procedure 26(c);
28 although both parties propose to supplement this definition, no elaboration is needed. The


1 form order provides ample protection against a party's abuse of the "confidential"
2 designation: it explicitly prohibits any "[m]ass, indiscriminate, or routinized designations,"
3 allows sanctions for "clearly unjustified" designations, and sets forth the procedure for
4 challenging such designations. Plaintiffs fail to convince the Court that their proposed
5 revisions to section 6.1 and section 10 improve on those procedures.

6 The Court will therefore adopt a Protective Order based on the Court's standard form,
7 without revision. However, neither party has filed an unaltered version of the standard form
8 captioned for this case. KeyBank is therefore ORDERED to file, no later than Friday,
9 September 25, 2009, a proposed Protective Order in accord with this ruling.

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IT IS SO ORDERED.

Dated: 9/22/09



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT