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

KANDY KYRIACOU and OJOMA OMAGA,

No. C 08-4630 SI

Plaintiffs,

**ORDER DENYING DEFENDANTS’
MOTION FOR A PROTECTIVE ORDER**

v.

PERALTA COMMUNITY COLLEGE
DISTRICT, *et al.*,

Defendants.

_____ /

Now before the Court is defendants’ motion for a protective order. Defendants seek an order preventing the parties from disclosing deposition testimony to third parties. Defendants contend that such an order is necessary because defendant Derek Piazza, an instructor at the College of Alameda, received threatening phone messages and e-mails from members of the public regarding his involvement with this case.


The Court finds that defendants have not established good cause for the protective order they seek. First, defendants’ own motion demonstrates that the requested relief is overbroad. In their motion, defendants quote extensively from deposition testimony in this case, but they filed their motion on the public docket. Thus, defendants appear to recognize that it is not necessary for *all* deposition testimony to be kept confidential. Second, the e-mails and phone messages directed at Mr. Piazza date from the weeks in late April 2009 following plaintiffs’ interview on a cable news program about this case. Defendants have not established that there continues to be high media interest in this case that is likely to generate threats toward Mr. Piazza. Finally, it is possible to address defendants’ concerns about Mr. Piazza’s safety by giving defendants an opportunity to seek leave to place particular pages of deposition transcripts under seal.

United States District Court
For the Northern District of California

1 Accordingly, the Court DENIES defendants' motion for a protective order. The Court further
2 orders the parties not to disclose any deposition testimony taken in this case to third parties until ten
3 days after the deposition transcript is prepared. Either party may seek leave to place certain pages of
4 particular deposition transcripts under seal. If either party files a motion requesting this relief, neither
5 party shall disclose the deposition transcript in question to third parties until the Court has ruled on the
6 request.

7 **IT IS SO ORDERED.**

8
9 Dated: September 14, 2009



SUSAN ILLSTON
United States District Judge