UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

AVOCET SPORTS TECHNOLOGY, INC., ET AL., Plaintiffs, v. AMER SPORTS CORPORATION, ET AL., Defendants.	Case No.: C 08-04264 JW (PVT) **ORDER RE STIPULATED PROTECTIVE ORDER**

On March 10, 2009, the parties in the above-captioned case filed a stipulated protective order to govern disclosure and discovery. Having reviewed the stipulated protective order, the court finds that it fails to require that the parties make a good faith determination that the information warrants protection under Rule 26(c). *See* [Proposed] Stipulated Protective Order, ¶1. Moreover, the proposed order should state that Rule 26(c) places on the party seeking protection the burden of establishing that protection is warranted. *Id.* Finally, Rule 26(c) does not appear to provide authority for avoiding in advance any waiver of privilege from the inadvertent production of privileged documents. *Id.* at ¶ 10. The parties are advised to review the model stipulated protective

order located on the court's website <www.cand.uscourts.gov>.

IT IS SO ORDERED.

Dated: *March 12, 2009*

Patricia V. Trumbull

PATRICIA V. TRUMBULL
United States Magistrate Judge