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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NATIONAL UNION FIRE INSURANCE )  
COMPANY OF PITTSBURGH, PA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
RESOURCES DEVELOPMENT )  
SERVICES, INC., ET AL., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: C 10-01324 JF (PVT)  
**ORDER DENYING WITHOUT  
PREJUDICE EX PARTE  
APPLICATION FOR ENTRY OF  
PROPOSED PROTECTIVE ORDER**  
**[Docket No. 65]**

On August 10, 2010, plaintiff National Union Fire Insurance Company of Pittsburgh, Pennsylvania filed a proposed protective order to govern disclosure and discovery in the above-captioned action. (“National Union”). None of the defendants have opposed the proposed protective order and only one defendant has expressly consented to it. *Ex Parte* Application for Entry of Protective Order at 2.

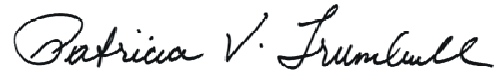
Having reviewed the proposed protective order, the court finds that it fails to require that the parties make a good faith determination that the information warrants protection under Rule 26(c). The court further finds that the proposed protective order fails to state that any confidential materials sought to be filed under seal will comply with Civ. L.R. 79-5. Finally, the proposed protective order does not place the burden on the party seeking protection to show that it is warranted. *See* Fed. R. Civ. P. 26(c).

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Plaintiff National Union (and the other parties) is advised to review the model stipulated protective order for standard litigation located on the court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

IT IS SO ORDERED.

Dated: September 8, 2010

  
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PATRICIA V. TRUMBULL  
United States Magistrate Judge

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