

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

KENNETH CHAPMAN et. al.,

:

CASE NO. 16-cv-1114

Plaintiffs,

:

:

v.

:

OPINION & ORDER

[Resolving Doc. [25](#)]

TRISTAR PRODUCTS, INC.,

:

:

Defendant.

:

:

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

The parties in this products liability litigation jointly propose a protective order to limit public disclosure of information they designate as confidential.¹

Granting a protective order motion is within the trial court's discretion, but that discretion "'is circumscribed by a long-established legal tradition' which values public access to court proceedings."² Unwarranted restriction of court documents hampers the public's ability to act as an important check on judicial integrity.³ Thus, courts in the Sixth Circuit approach protective order motions with a presumption in favor of public access to judicial records.⁴

Moreover, the fact that all parties jointly seek a protective order does not overcome this presumption.⁵

¹ [Doc. 25](#).

² [Procter & Gamble Co. v. Bankers Trust Co.](#), 78 F.3d 219, 227 (6th Cir. 1996) (citation omitted).

³ See [Brown & Williamson Tobacco Corp. v. Fed. Trade Comm'n](#), 710 F.2d 1165, 1179 (6th Cir. 1983); see also [Wilson v. Am. Motors Corp.](#), 759 F.2d 1568, 1570 (11th Cir. 1985) (observing that "trials are public proceedings" and that access to court records preserves "the rights of the public, an absent third party").

⁴ See, e.g., [In re Perrigo Co.](#), 128 F.3d 430, 447 (6th Cir. 1997).

⁵ See [Procter & Gamble Co.](#), 78 F.3d at 227 (warning district courts against "abdicat[ing their] responsibility to oversee the discovery process and to determine whether filings should be made available to the public" and against "turn[ing] this function over to the parties," which would be "a violation not only of Rule 26(c) but of the principles so painstakingly discussed in [Brown & Williamson](#)").

Movants for a protective order must show substantial personal or financial harm before the Court will seal any documents.⁶ Here, the parties fail to meet that standard. The proposed protective order is overbroad and unspecific. The parties have asked the Court for blanket authority to designate documents as “CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER”⁷ and to file such documents under seal.⁸ The proposed order would allow overbroad discretion, limited only by a promise to “mak[e] a good faith determination that the documents contain certain information protected from disclosure.”⁹

The parties are, of course, free to privately contract to limit disclosure of documents and information. Additionally, any party or non-party may move to seal individual documents—provided that they make the requisite particularized showing.

The Court thus **DENIES** the parties’ proposed protective order.

IT IS SO ORDERED.

Dated: October 26, 2016.

s/ _____ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶See, e.g., [Brown & Williamson](#), 710 F.2d at 1179–80; [Sollitt v. KeyCorp](#), 2009 WL 485031, at *2 (N.D. Ohio Feb. 26, 2009).

⁷ [Doc. 25-1](#) ¶ 2.

⁸ Id. at 6.

⁹ Id. at 3.