Walther v. Florida Tile, Inc. et al Doc. 24

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF OHIO**
**WESTERN DIVISION AT DAYTON**

| | | |
|---|---|---|
| JAMES WALTHER,<br><br>Plaintiff,<br><br>vs.<br><br>FLORIDA TILE, INC., *et al.*,<br><br>Defendants. | : | Case No. 3:17-cv-257<br><br>District Judge Thomas M. Rose<br>Magistrate Judge Sharon L. Ovington |

## ORDER

This case is presently before the Court upon the parties' Joint Motion for Protective Order (Doc. #23) and the record as a whole.

Paragraph 1 of the proposed Stipulated Protective Order permits the producer or discloser of information to designate the material as "CONFIDENTIAL." If a party seeks to file "Confidential Materials" with the Court, Paragraph 9 requires the parties to discuss whether it should be sealed and, "[i]f the parties agree to such sealing and filing, it shall be accomplished in accordance with the appropriate local court rules and any specific procedures of this Court for filing material under seal." (Doc. #23, *PageID* #s 167-68). Although Paragraph 9 correctly notes that sealed documents should be filed pursuant to the local rules and procedures, it does not indicate that only the Court may determine which documents the parties may file under seal, pursuant to the holding in *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996). For these

Dockets.Justia.com

reasons, the proposed Stipulated Protective Order will not be approved in its current form.

The parties may submit a revised proposed stipulated protective order in compliance with the holding in *Bankers Trust Co.* for the Court's approval and entry. The proposed stipulated protective order must also require a party designating material as "CONFIDENTIAL" to provide legal justification for filing the document under seal.

IT IS SO ORDERED.

March 6, 2018

*s/Sharon L. Ovington*
Sharon L. Ovington
United States Magistrate Judge