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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANDREA JOY LYONS; MARK
GEERHART,

Plaintiffs,

v.

STATE OF WASHINGTON, CHILD
PROTECTIVE SERVICES, a Division of
THE DEPARTMENT OF SOCIAL AND
HEALTH SERVICES; Employee's
FRANCESCA GUZMAN in her individual
and official capacity; EAST VALLEY
ELEMENTARY SCHOOL, DISTRICT
NO. 90, Yakima County, State of
Washington; COLEEN CROWSTON, in
her individual and official capacity as
Principal of East Valley Elementary School;
LISA BARTHELD (Counselor), in her
individual and official capacity; CAROLYN
SAUVE (Administrative Assistant), in her
individual and official capacity; and
MELODY ANN LUKE (R.N.), in her
individual and official capacity,

Defendants.

NO. 1:17-CV-3108-TOR

ORDER GRANTING
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER

1 24. At the joint discovery conference, the attorney for Defendants Ms. Guzman
2 and Department attempted to explain to Plaintiffs the need for a protective order
3 before disclosing third-party protected information. ECF No. 23 at ¶ 3. Plaintiffs
4 have failed to timely respond.

5 **DISCUSSION**

6 Under Federal Rule of Civil Procedure 26(b)(1), the scope of discovery is
7 broad and includes “any nonprivileged matter that is relevant to any party’s claim
8 or defense....” Fed. R. Civ. P. 26(b)(1). Yet, under Federal Rule of Civil
9 Procedure 26(c)(1), the court may, for good cause, issue an order limiting
10 discovery to protect a party from “annoyance, embarrassment, oppression, or
11 undue burden or expense.” Fed. R. Civ. P. 26(c)(1).

12 Here, Plaintiffs sent a discovery request for “[c]omplete and unredacted case
13 notes of Andrea Lyons and Kevin Teeman.” ECF No. 23 at 5 (Ex. A). Defendants
14 do not contest that the request contains discoverable information involving the
15 parties’ claims and defenses. ECF No. 22 at 4. Yet, Defendants assert that a large
16 portion of the Department’s investigation, records, case notes, and other files
17 contain confidential and privileged information of third parties. *Id.* at 2.
18 Defendants state that the Department cannot waive any third parties’ privilege,
19 confidentiality, or privacy interests and therefore requests a protective order. *Id.*

1 Defendants cite eight statutes and regulations protecting such information. *See id.*
2 at 4–5.

3 The Court finds that Defendants have in good faith attempted to confer with
4 Plaintiffs and demonstrated good cause for issuance of a protective order. Such an
5 order ensures that the third-party privileged information regarding Mr. Teeman and
6 the confidential medical records of C.T. are not disclosed to the public. Plaintiffs
7 will also not suffer prejudice with entry of this Order. Accordingly, the Court
8 grants Defendants’ Motion for Protective Order. ECF Nos. 22, 24

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 Defendants’ Motion for Protective Order (ECF No. 22) and Joinder (ECF
11 No. 24) are **GRANTED**. The Proposed Protective Order, filed as ECF No. 22-1, is
12 approved and shall be entered. The parties shall abide by the Protective Order.

13 The District Court Executive is directed to enter this Order and furnish
14 copies to the parties.

15 **DATED** November 27, 2017.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge