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3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF WASHINGTON

5 DIGIDEAL CORPORATION, a  
6 Washington Corporation,

7 Plaintiff/  
8 Counterdefendant,

9 v.

10 SHUFFLE TECH INT’L LLC, an  
11 Illinois Limited Liability Company,  
12 RICHARD SHULTZ, an individual,  
13 POYDRAS-TALRICK HOLDINGS  
14 LLC, a Delaware Limited Liability  
15 Company,

16 Defendants/  
17 Counterclaimants/  
18 Third-Party Plaintiffs

19 v.

20 MICHAEL J. KUHN, an individual,

21 Third-Party Defendant

NO. 2:14-cv-277-JLQ

ORDER DENYING STIPULATED  
MOTION FOR PROTECTIVE ORDER

22 BEFORE THE COURT is the parties’ Stipulated Protective Order Governing  
23 Confidential Information (ECF No. 29). The Proposed Order is broad and intended to  
24 ensure that “confidential information exchanged during discovery or potentially submitted  
25 to the Court by the Parties is not disclosed or used for any purpose outside of the above-  
26 captioned lawsuit.” The Proposed Order allows the parties to designate portions of  
discovery as “confidential.”

It is not this court’s general policy to enter ‘blanket’ protective orders. The Ninth  
Circuit also does not generally approve of ‘blanket’ protective orders. See Foltz v. State  
Farm Auto Ins. Co., 331 F.3d 1122 (9<sup>th</sup> Cir. 2003) (finding it could not sustain the district

ORDER - 1

1 court's blanket protective order because the district court did not require a specific  
2 showing as to particular documents). Rule 26(c) provides that upon a showing of "good  
3 cause" the court may enter a protective order. "A party asserting good cause bears the  
4 burden, for each particular document it seeks to protect, of a showing that specific  
5 prejudice or harm will result if no protective order is granted." *Foltz*, 331 F.3d at 1130. No  
6 documents have been provided to the court for a determination of whether good cause  
7 exists for a protective order. The parties are free to enter into an agreement as to  
8 confidential documents without invoking the jurisdiction and supervision of the court.

9 **IT IS HEREBY ORDERED:**

10 1. The Stipulated Protective Order Governing Confidential Information (ECF No.  
11 29) is **DENIED**.

12 2. The parties are free to make agreements concerning the conduct of discovery, and  
13 apparently have so agreed. The court will not enter a Protective Order without a  
14 particularized showing of other need as to specific documents. The denial of court  
15 participation in the agreement between the parties does not affect the validity of any  
16 agreement between the parties. The parties have stipulated to certain terms and conditions  
17 to maintain the confidentiality of certain documents. Should the parties have need to file  
18 any of the alleged confidential documents with the court, they may file the documents  
19 under seal along with a motion to seal. At that time the court will determine if it is  
20 appropriate to seal the referenced documents. The parties shall also comply with  
21 Fed.R.Civ.P. 5.2 concerning privacy protections for filings made with the court.

22 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and furnish  
23 copies to counsel.

24 **DATED** this 28<sup>th</sup> day of April, 2015.

25 s/ Justin L. Quackenbush  
26 JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE