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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 PROVIDENCE HEALTH AND SERVICES,
10 a Washington non-profit corporation; and
11 SWEDISH HEALTH SERVICES, a
12 Washington non-profit corporation,

13 Plaintiffs,

14 v.

15 CERTAIN UNDERWRITERS AT LLOYD'S
16 LONDON, SYNDICATE 2623/623
17 (BEAZLEY); and FEDERAL INSURANCE
18 COMPANY.

19 Defendants.

CASE NO. C18-495 RSM

ORDER DENYING STIPULATED
MOTION FOR PROTECTIVE ORDER

20 This matter comes before the Court on the parties' Stipulated Motion for Protective Order.
21 Dkt. #74.

22 The Court finds that the proposed Protective Order does not conform to the requirement
23 that its "protection from public disclosure and use extends only to the limited information or
24 items that are entitled to confidential treatment under the applicable legal principles" as required
25 by Local Rule 26(c)(2). Under the section entitled Confidential Material, the Court's Model
26 Protective Order instructs: "[t]he parties must include a list of specific documents such as
27 'company's customer list' or 'plaintiff's medical records;' do not list broad categories of

ORDER DENYING STIPULATED MOTION FOR PROTECTIVE ORDER – 1

1 documents such as ‘sensitive business material.’” *See* Dkt. #74-1 at 2. Defendants have rewritten
2 this section to state that confidential material shall include “any documents, testimony, or other
3 information that the producing party believes in good faith is entitled to confidential treatment
4 under applicable law, including but not necessarily limited to the following documents,” and list
5 materials including “Documents that include confidential commercial or competitively sensitive
6 information, including but not limited to trade secrets” and “Documents containing material that,
7 if unnecessarily disseminated or used for purposes other than this litigation, could prejudice
8 Providence’s interests in the proceedings underlying this insurance coverage action.” *Id.*

9
10 The Court finds that the parties have impermissibly left the door open to labeling a wide
11 variety of documents as confidential. Furthermore, the parties have contradicted the instructions
12 of the model order by listing broad categories of documents such as “sensitive business material.”
13 “Confidential commercial or competitively sensitive information” and “documents containing
14 material that... could prejudice Providence’s interests” are overbroad categories too likely to
15 include materials not entitled to confidential treatment. The parties submit no argument to justify
16 this departure from the Model Protective Order’s guidelines. For this reason alone, the Motion
17 will be denied.
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19 Having reviewed the briefing, along with the remainder of the record, the Court hereby
20 finds and ORDERS that the parties’ Stipulated Motion for Protective Order, Dkt. #74, is
21 DENIED.

22 DATED this 25th day of July 2019.

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25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE
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