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

10 JOHNNY B. DELASHAW, JR.,

11 Plaintiff,

12 v.

13 SEATTLE TIMES COMPANY, et  
14 al.,

15 Defendants.

CASE NO. C18-0537JLR

ORDER TO SHOW CAUSE  
REGARDING STIPULATED  
PROTECTIVE ORDER

16 Pending before the court is the parties' stipulated protective order. (SPO (Dkt.  
17 # 42).) The stipulated protective order purports to apply to a proceeding in front of the  
18 Washington Medical Quality Assurance Commission: *In re Delashaw*, No. M2016-1084  
19 ("MQAC Proceeding"). (SPO at 2 ("The protections conferred by this Stipulated Order  
20 cover not only Confidential material (as defined above), but also . . . any testimony,  
21 conversations, or presentations by parties or their counsel in this action and/or the MQAC  
22 Proceeding that reveal Confidential material.")) The court is unaware of any authority

1 that gives it jurisdiction over the proceedings of the Washington Medical Quality  
2 Assurance Commission, nor have the parties provided any support for that proposition.

3 (*See generally id.*)


4 In addition, section 8(b) of the stipulated protective order proposes that “[a]ll  
5 documents produced in discovery in this lawsuit will be treated as ‘Private’ and subject to  
6 the terms of [s]ection 8(a) for a period of 14 days after production.” (*Id.* at 8.) In turn,  
7 section 8(a) of the stipulated protective order provides that “documents designated as  
8 ‘Private’ will be treated as ‘Confidential’ unless a receiving party objects to such  
9 designation in writing.” (*Id.*) In other words, all documents produced in discovery will  
10 be treated as “private,” and all “private” documents will be treated as “confidential”  
11 unless a party objects in writing. (*See id.*) These provisions appear to “confer blanket  
12 protection on all disclosures or responses to discovery” in violation of Local Rule 26(c).  
13 Local Rules W.D. Wash. LCR 26(c) (“The court may enter a proposed stipulated  
14 protective order as an order of the court if it . . . does not purport to confer blanket  
15 protection on all disclosures or responses to discovery . . .”).

16 The court therefore ORDERS the parties within seven (7) days of the date of this  
17 order to show cause why the court can enter a protective order that relates to disclosures  
18 in the MQAC Proceeding, and why section 8 of the stipulated protective order complies  
19 with Local Rule 26(c). *See id.* LCR 26(c). The parties may file a joint response or  
20 separate responses. Either way, any response to the court’s order shall not exceed five  
21 (5) pages. Alternatively, the parties may choose to modify these provisions and file an

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1 amended stipulated protective order pursuant to the Local Rules within seven (7) days of  
2 the date of this order. *See id.* LCR 26(c)(2).

3 Dated this 6<sup>th</sup> day of September, 2018.



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5 JAMES L. ROBERT  
United States District Judge  
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