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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 BRITTNEY MENELEE, et al.,

8 Plaintiffs,

9 v.

10 TACOMA PUBLIC SCHOOL  
DISTRICT NO. 10, et al.,

11 Defendants.

CASE NO. C17-6037 BHS

ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING  
ORDER/TO QUASH SUBPOENA  
AND ORDERING THAT THE  
PARTIES MEET AND CONFER

12 This matter comes before the Court on the filing of Kristin Pleasant, a nonparty in  
13 this action. Dkt. 41. Kristin Pleasant moves to prevent disclosure and quash subpoenas  
14 issued on Defendants in this action that require the production of “any form of  
15 documentation including school records, emails (formal and informal) and any other  
16 documentations made by other parties that reference J.P.” *Id.* at 1. However, the Federal  
17 Rules of Civil Procedure authorize only “[a] party or any person from whom discovery is  
18 sought” to move for a protective order. Fed. R. Civ. P. 26(c)(1). *See also SEC v. Tucker*,  
19 130 F.R.D. 461, 462 (S.D. Fla. 1990) (the Office of the U.S. Attorney was neither a party  
20 nor a person from whom discovery was sought and was required to intervene in order to  
21 seek protection for certain documents); *Nelson v. Greenspoon*, 103 F.R.D. 118, 121  
22 (S.D.N.Y. 1984) (finding a nonparty may properly intervene to protect the disclosure of

1 | privileged documents). As Ms. Pleasant is a nonparty and has not sought to intervene in  
2 | this case pursuant to Fed. R. Civ. P. 24, her present motion is **DENIED** as it is  
3 | procedurally defective. The Court advises Ms. Pleasant that if she wishes to participate  
4 | more directly in controlling the manner in which the designated materials are handled by  
5 | the parties in this case, it may be necessary that she obtain counsel to aid her efforts.

6 |         Nonetheless, the Court notes that the requested discovery pertaining to J.P., while  
7 | relevant and necessary to Plaintiffs' ability to pursue their claims, does implicate highly  
8 | sensitive information. Accordingly, the Court sua sponte orders that the parties meet and  
9 | confer on the issue of whether a more carefully-tailored and restrictive protective order is  
10 | necessary with regards to discovery of documentation regarding J.P. (and perhaps other  
11 | minors) than the stipulated order already filed before the Court. Preferably, the parties'  
12 | conference, telephonic or otherwise, will include Ms. Pleasant to some extent in light of  
13 | her interest in protecting any potentially confidential and privileged material regarding  
14 | J.P. The parties shall then issue an additional stipulated protective order or a joint status  
15 | report informing the Court of their conference and its outcome. Until such a conference  
16 | occurs, any outstanding discovery pertaining to documentation involving J.P. is

17 | **STAYED.**

18 |         **IT IS SO ORDERED.**

19 |         Dated this 4th day of May, 2018.

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21 | **BENJAMIN H. SETTLE**  
22 | United States District Judge