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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

G. LOOMIS, INC.,

Plaintiff,

v.

GARY A. LOOMIS, et al.,

Defendants

CASE NO. C09-5236BHS

ORDER DENYING
STIPULATED
PROTECTIVE ORDER

This matter comes before the Court on the parties' Stipulated Protective Order (Dkt. 89). The Court has considered the pleading filed in support of the proposed order and the remainder of the file and hereby declines to enter the proposed order as an order of the Court for the reasons stated herein.

The parties request an expansive protective order for all confidential information that may be disclosed during the discovery phase of this proceeding. Dkt. 89 at 1. The parties have agreed to designate as "CONFIDENTIAL MATERIAL . . . any trade secret or other confidential research, design, development, financial, or commercial information." *Id.* at 2. The parties have also agreed to designate as "ATTORNEYS ONLY MATERIAL" any material that "is entitled to a higher level of protection due to its commercial sensitivity." *Id.*

The Court need not enter the stipulation as an order of the Court because (1) the proposed order contains provisions that are more appropriate for an agreement between


1 the parties instead of an expansive protective order and (2) the attorneys for both parties
2 have executed the agreement. Moreover, the parties have already been ordered to redact
3 dates of birth, social security numbers, and financial accounting information pursuant to
4 the General Order of the court regarding Public Access to Electronic Case Files. *See* Dkt.
5 69 at 3. As outlined in the Stipulated Protective Order, if a party chooses to submit
6 confidential documents to the Court, the party may file a motion to seal the material
7 pursuant to Local Rule CR 5(g) and note the motion according to Local Rule CR 7(d)(2).
8 “The law requires, and the motion and the proposed order shall include, a clear statement
9 of the facts justifying a seal and overcoming the strong presumption in favor of public
10 access.” Local Rule CR 5(g)(2); *see also Valley Broadcasting Co. v. U.S. Dist. Court for*
11 *Dist. of Nevada*, 798 F.2d 1289 (9th Cir. 1986). If the party that chooses to submit the
12 material is not the party that designated the material “confidential,” it may state so in the
13 motion to seal and, in the response, the designating party may articulate facts in support
14 of sealing the submitted material.

15 If a party seeks protection from the public disclosure of any material after
16 unsuccessfully obtaining agreement for such protection from all parties, such party may
17 apply to the Court for relief. However, when disagreements arise, it is important to adhere
18 to the requirement of a “good faith” effort “to resolve the dispute without court action.”
19 *See* Fed. R. Civ. P. 26 and 37.

20 Therefore, it is hereby

21 **ORDERED** that the parties’ Stipulated Protective Order (Dkt. 89) is **DENIED**.

22 DATED this 9th day of September, 2009.

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25 BENJAMIN H. SETTLE
26 United States District Judge
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