

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Roberts v. County of Sacramento

Roberts · No. 2:22-cv-01974 KJM AC · Decided March 16, 2023

SUMMARY

This document is a protective order issued by the United States District Court for the Eastern District of California in Roberts v. County of Sacramento. It approves and incorporates the parties’ stipulated protective order and establishes procedures governing confidentiality designations, sealing requests, discovery disputes, modifications, and post-termination enforcement.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
DECIDED	March 16, 2023
DOCKET	2:22-cv-01974 KJM AC
DISPOSITION	other
PROCEDURAL POSTURE	The court considered the parties' stipulated protective order and entered an order approving and incorporating it, subject to additional requirements and limitations.
PRECEDENTIAL VALUE	Nonprecedential district-court protective order

TOPICS

discovery dispute civil procedure evidence

PRACTICE AREAS

civil procedure civil rights discovery evidence

QUESTIONS PRESENTED

- Whether the parties' stipulated protective order should be approved and incorporated into the court's order.
- What procedures and standards govern sealing requests, disputes concerning the protective order, modifications, and enforcement of the order.

HOLDINGS

1. The parties' stipulated protective order, ECF No. 26, was approved and incorporated into the court's order, except that any conflicting provision was disapproved.
2. A confidentiality designation under the protective order does not automatically entitle a party to file the designated material under seal; a written request to seal must be made under E.D. Cal. Local Rule 141, ordinarily by motion before the judge who will decide the related matter.
3. The parties must follow E.D. Cal. Local Rule 251 procedures for unresolved disputes concerning the protective order, including disputes involving inadvertently produced materials under Federal Rule of Evidence 502; absent good cause, the court will not hear such discovery disputes *ex parte* or on shortened time.
4. The parties may not modify the protective order without court approval, and the court will not retain jurisdiction to enforce the order after the action terminates.

KEY QUOTATIONS

“The designation of documents (including transcripts of testimony) as confidential pursuant to this order does not automatically entitle the parties to file such a document with the court under seal.” (at 1)

“Absent a showing of good cause, the court will not hear discovery disputes on an ex parte basis or on shortened time.” (at 2)

FACTUAL BACKGROUND

The parties to the civil rights action agreed to a stipulated protective order concerning confidential documents and discovery materials. The court approved the stipulation but clarified that confidentiality designations do not automatically authorize filing under seal and established procedures for sealing requests, discovery disputes, modifications, and enforcement.

PROCEDURAL HISTORY

In this civil rights action, the parties submitted a stipulated protective order designated as ECF No. 26. The court approved and incorporated the stipulation, disapproved any conflicting provisions, and imposed procedures governing sealing requests, discovery disputes, modifications, and enforcement.

DISPOSITION

other

CASES CITED

- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096-1102 (9th Cir. 2016)
- Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 CLAUDELL ROBERTS, an individual; No. 2:22-cv-01974 KJM AC S.R., a
minor, by and through his Guardian 12 Ad Litem CLAUDELL ROBERTS, 13 Plaintiffs,
PROTECTIVE ORDER 14 v. 15 SCOTT JONES, in his individual capacity as the Sheriff of
Sacramento County 16 Sheriff's Department; COUNTY OF SACRAMENTO, a municipal
corporation; 17 and DOES 1-50, inclusive., 18 Defendants.

19 20 IT IS HEREBY ORDERED that the parties' Stipulated Protective Order (ECF No. 26), is 21
APPROVED and INCORPORATED herein. 22 IT IS FURTHER ORDERED THAT: 23 1.
Requests to seal documents shall be made by motion before the same judge who will 24 decide the
matter related to that request to seal. 25 2.

The designation of documents (including transcripts of testimony) as confidential 26 pursuant to
this order does not automatically entitle the parties to file such a document with the 27 court under
seal. Parties are advised that any request to seal documents in this district is governed 28 by E.D.
Cal. R. ("Local Rule") 141.

In brief, Local Rule 141 provides that documents may only 1 be sealed by a written order of the
court after a specific request to seal has been made. Local 2 Rule 141(a). However, a mere request
to seal is not enough under the local rules.

In particular, 3 Local Rule 141(b) requires that "[t]he 'Request to Seal Documents' shall set forth
the statutory or 4 other authority for sealing, the requested duration, the identity, by name or
category, of persons 5 to be permitted access to the document, and all relevant information." Local
Rule 141(b) 6 (emphasis added). 7 3. A request to seal material must normally meet the high
threshold of showing that 8 "compelling reasons" support secrecy; however, where the material is,
at most, "tangentially 9 related" to the merits of a case, the request to seal may be granted on a
showing of "good cause." 10 Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096-
1102 (9th Cir.), cert. denied, 11 137 S. Ct.

38 (2016); Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-80 (9th 12 Cir. 2006).
13 4. Nothing in this order shall limit the testimony of parties or non-parties, or the use of 14
certain documents, at any court hearing or trial – such determinations will only be made by the 15
court at the hearing or trial, or upon an appropriate motion. 16 5.

With respect to motions regarding any disputes concerning this protective order which 17 the
parties cannot informally resolve, including any disputes regarding inadvertently produced 18
materials under Fed. R. Evid. 502, the parties shall follow the procedures outlined in Local 19
Rule 251. Absent a showing of good cause, the court will not hear discovery disputes on an ex 20
parte basis or on shortened time.

21 6. The parties may not modify the terms of this Protective Order without the court's 22
approval. If the parties agree to a potential modification, they shall submit a stipulation 23 and
proposed order for the court's consideration. 24 7. Pursuant to Local Rule 141.1(f), the court will
not retain jurisdiction over enforcement 25 of the terms of this Protective Order after the action is
terminated.

26 //// 27 //// 28 //// 1 8. Any provision in the parties' stipulation (ECF No. 26) that is in conflict
with anything 2 || 1n this order is hereby DISAPPROVED. 3 IT IS SO ORDERED. 4 | DATED:
March 15, 2023 ~ 5 Htttenr— Lhor—e_ ALLISON CLAIRE 6 UNITED STATES MAGISTRATE
JUDGE 7 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28