

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Emma Cuadros Ortiz v. Circle K Stores Incorporated, et al.

Ortiz · No. CV-25-02014-PHX-JAT · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Arizona denied without prejudice the parties’ stipulation for entry of a protective order. The court held that the proposed order was an impermissibly broad global protective order and that the parties had not shown the particularized good cause required under Federal Rule of Civil Procedure 26(c).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Arizona                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | James A. Teilborg                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the District of Arizona                                                                                                                                                                                                                              |
| DECIDED               | February 9, 2026                                                                                                                                                                                                                                                                      |
| DOCKET                | CV-25-02014-PHX-JAT                                                                                                                                                                                                                                                                   |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The parties jointly stipulated to entry of a protective order during discovery. The court reviewed the proposed order and denied the stipulation without prejudice.                                                                                                                   |
| STANDARD OF REVIEW    | A party seeking a protective order under Federal Rule of Civil Procedure 26(c) bears the burden of demonstrating good cause through a particularized showing of specific prejudice or harm, including with respect to individual documents or identifiable categories of information. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                       |

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- discovery

## QUESTIONS PRESENTED

1. Whether the parties established good cause under Federal Rule of Civil Procedure 26(c) for entry of the proposed protective order.
2. Whether the proposed protective order was impermissibly broad because it operated as a global protective order without identifying specific documents, categories of information, or cognizable harms.

## HOLDINGS

1. The parties failed to demonstrate good cause under Federal Rule of Civil Procedure 26(c) because they made no particularized showing that disclosure of specified information would cause identifiable, significant harm.
2. The proposed protective order was impermissibly broad because it purported to cover undefined materials and categories without a showing that the information fell within Rule 26(c)'s limited protections.

## KEY QUOTATIONS

*“For good cause to exist under Rule 26(c), ‘the party seeking protection bears the burden of showing specific prejudice or harm will result if no protective order is granted.’” (at 1)*

*“Thus, “[t]he burden is on the party requesting a protective order to demonstrate that (1) the material in question is a trade secret or other confidential information within the scope of Rule 26(c), and (2) disclosure would cause an identifiable, significant harm.”” (at 2)*

## FACTUAL BACKGROUND

The parties proposed a protective order defining confidential material broadly to include nonpublic information such as personnel records, medical or psychiatric information, private customer data, proprietary business information, trade secrets, and other information protected by statute or privacy interests. The stipulation did not explain why a protective order was needed. The court found the proposal overly broad because it used an open-ended definition and included categories, such as private customer data and third-party personnel records, that were not shown to be at issue in the case.

## PROCEDURAL HISTORY

Plaintiff filed this civil action in the United States District Court for the District of Arizona. During the case, the parties submitted a stipulation requesting entry of a protective order. The court denied the request without prejudice because the proposed order was an impermissibly broad global protective order and the parties had not shown good cause.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The stipulation for entry of a protective order was denied without prejudice, permitting the parties to submit a narrower proposal supported by the required showing of good cause.

#### CASES CITED

- AGA Shareholders, LLC v. CSK Auto, Inc., 2007 WL 4225450, at \*1 (D. Ariz. Nov. 28, 2007)
- Phillips v. G.M. Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002)
- San Jose Mercury News, Inc. v. U.S. Dist. Ct., 187 F.3d 1096, 1102 (9th Cir. 1999)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1131 (9th Cir. 2003)
- Rocky Mountain Bank v. Google, Inc., 428 F. App'x 690, 691 (9th Cir. 2011)
- Kamakana v. City & County of Honolulu, 447 F.3d 1172, 1183 (9th Cir. 2006)

#### OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Emma Cuadros Ortiz, No. CV-25-02014-PHX-JAT 10 Plaintiff, ORDER 11 v. 12 Circle K Stores Incorporated, et al., 13 Defendants. 14 15 Pending before the Court is the parties' stipulation for entry of a protective order. 16 (Doc. 24).

In the stipulation, the parties offer no cause for the need for a protective order. 17 (Id.). In the proposed protective order, they define what they will mark as confidential as: 18 "Confidential Material means non-public information, including but not limited to 19 personnel records, medical or psychiatric information, private customer data, proprietary 20 business information, trade secrets, or other information protected by statute or recognized 21 privacy interests, the disclosure of which would cause harm or invade legitimate privacy 22 interests." (Doc 24-1 at 3).

23 Generally, global protective orders are not appropriate. See AGA Shareholders, LLC 24 v. CSK Auto, Inc., 2007 WL 4225450, at \*1 (D. Ariz. Nov. 28, 2007). Federal Rule of Civil 25 Procedure 26(c) requires a party seeking a protective order to show good cause for issuance 26 of such an order. Fed. R. Civ. P. 26(c)(1). "For good cause to exist under Rule 26(c), 'the 27 party seeking protection bears the burden of showing specific prejudice or harm will result 28 if no protective order is granted.'" AGA Shareholders, 2007 WL 4225450, at \*1 (quoting 1 Phillips v. G.M.

Corp., 307 F.3d 1206, 1210-11 (9th Cir. 2002)). The party seeking 2 protection "must make a 'particularized showing of good cause with respect to [each] 3 individual document.'" Id. (quoting San Jose Mercury News, Inc. v. U.S. Dist. Ct., 187 4 F.3d 1096, 1102 (9th Cir. 1999)).

Thus, "[t]he burden is on the party requesting a 5 protective order to demonstrate that (1) the material in question is a trade secret or other 6 confidential information within the scope of Rule 26(c), and (2) disclosure would cause an 7 identifiable, significant harm." Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 8 1131 (9th Cir. 2003) (quotation omitted).

9 A permissible subcategory of global protective orders is umbrella or blanket 10 protective orders. Blanket protective orders delay the requirement to show good cause with 11 respect to individual documents until the designation of that document as confidential is 12 challenged or when a party attempts to file it under seal. *Rocky Mountain Bank v. Google, Inc.*, 428 Fed.

App'x 690, 691 (9th Cir. 2011) (citation omitted) (explaining that “where 14 [a] blanket protective order [is] issued, an actual showing of good cause must be made if 15 another seeks access to the document.”); *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1183 (9th Cir. 2006) (“we have held that ... reliance on a blanket protective order is 17 unreasonable and is not a ‘compelling reason’ that rebuts the presumption of access” once 18 a document is filed in the record).

19 Here, the parties’ proposed protective order is so broad that it is an impermissible 20 global protective order. For example, it seeks to protect documents, “including but not 21 limited to”. This language does not advise the Court or the public of the scope of the 22 documents that will be marked as confidential. It further lists information that the Court 23 has no reason to believe will be at issue in this case like “private customer data” or 24 “personnel records” of third parties.

Thus, the breadth of the proposed protective order 25 does not fall within Federal Rule of Civil Procedure 26’s limited protections and good 26 cause has not been shown to protect any categories of information. Fed. R. Civ. P. 26(c)(1), 27 (G) (the district court may, upon a showing of good cause, “issue an order to protect a party 28 or person from annoyance, embarrassment, oppression, or undue burden or expense,” 1 || including by “requiring that a trade secret or other confidential research, development, or 2 || commercial information not be revealed or be revealed only in a specific way.”).

3 As a result of the foregoing, 4 IT IS ORDERED that the stipulation for entry of a protective order (Doc. 24) is || denied without prejudice. 6 Dated this 9th day of February, 2026. 7 8 ' = James A. CO 10 Senior United States District Judge 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 \_3-