

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joshua David Packard v. CVS Pharmacy, Inc., Longs Drug Stores
California, LLC, and Does 1 to 100, Inclusive

Packard v. CVS Pharmacy · No. 2:24-cv-02286-DJC-CKD · Decided February 28, 2025

SUMMARY

The document is an order of the U.S. District Court for the Eastern District of California approving the parties’ stipulated protective order with modifications. The court clarifies that it will not retain jurisdiction to enforce the protective order after the case closes and explains that confidential filing under seal remains subject to Local Rule 141.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Carolyn K. Delaney
DECIDED	February 28, 2025
DOCKET	2:24-cv-02286-DJC-CKD
DISPOSITION	approved
PROCEDURAL POSTURE	The federal district court reviewed the parties' stipulated protective order in a removed civil action and approved it with modifications.
PRECEDENTIAL VALUE	Unknown
PARTIES	Joshua David Packard v. CVS Pharmacy, Inc., Longs Drug Stores California, LLC, Does 1 to 100, Inclusive

TOPICS

discovery dispute civil procedure

PRACTICE AREAS

civil procedure discovery and protective orders

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulated protective order.
- Whether the court would retain jurisdiction to enforce the protective order after the action closed.

3. Whether the protective order authorized the parties to file confidential information under seal without separately complying with Local Rule 141.

HOLDINGS

1. The court approved the parties' stipulated protective order because it complied with the relevant authorities and the court's applicable local rule, subject to the court's stated clarifications.
2. The court would not retain jurisdiction over enforcement of the protective order once the case was closed.
3. The stipulated protective order did not authorize a party to file confidential information under seal; any sealing request had to comply separately with Local Rule 141.

KEY QUOTATIONS

“The Court’s Local Rules indicate that once an action is closed, it “will not retain jurisdiction over enforcement of the terms of any protective order filed in that action.”” (1)

“Further, this Stipulated Protective Order does not entitle a party to file confidential information under seal.” (2)

FACTUAL BACKGROUND

The parties in a removed civil action submitted a stipulated protective order for the federal court's approval. The court determined that the stipulation complied with relevant authorities and Local Rule 141.1, but clarified that it would not retain jurisdiction to enforce the protective order after the case closed. The court also clarified that the order did not itself authorize filing confidential information under seal.

PROCEDURAL HISTORY

Plaintiff filed the action in the Superior Court of California, County of Nevada, on June 4, 2024. Defendants removed the action to the Eastern District of California. The parties submitted a stipulated protective order, which the court reviewed and approved subject to clarifications concerning post-closure jurisdiction and filing materials under seal.

DISPOSITION

approved

CASES CITED

- MD Helicopters, Inc. v. Aerometals, Inc., 2017 WL 495778 (E.D. Cal. Feb. 3, 2017)

OPINION

Packard v. CVS Pharmacy, Inc.

PER CURIAM.

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CVS PHARMACY, INC., and LONGS DRUG STORES

7 CALIFORNIA, LLC

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION

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11 JOSHUA DAVID PACKARD, CASE NO.: 2:24-cv-02286-DJC-CKD

[Removal from Superior Court of California, 12 Plaintiff, Nevada, Case No. CU0001431] 13 vs.

[PROPOSED ORDER]

14 CVS PHARMACY, INC., LONGS STIPULATED PROTECTIVE ORDER

DRUG STORES CALIFORNIA, LLC,

15 and DOES 1 to 100, inclusive, WITH MODIFICATIONS BY THE COURT 16 Defendants.

TRIAL DATE: None Set

17 ACTION FILED: 06/04/24

18 19 20 The Court has reviewed the parties' stipulated protective order. (ECF No. 13.) The 21

stipulation comports with the relevant authorities and the court's applicable local rule. See L.R. 22

141.1. The Court APPROVES the protective order, subject to the following clarification. The 23

Court's Local Rules indicate that once an action is closed, it "will not retain jurisdiction over 24

enforcement of the terms of any protective order filed in that action." L.R. 141.1(f); see also, e.g.,

25 MD Helicopters, Inc. v. Aerometals, Inc., 2017 WL 495778 (E.D. Cal., Feb. 03, 2017) (noting

26 that courts in the district generally do not retain jurisdiction for disputes concerning protective

27 orders after closure of the case). Thus, the Court will not retain jurisdiction over this protective

28 order once the case is closed. 1 Further, this Stipulated Protective Order does not entitle a party

to file confidential 2 || information under seal. Local Rule 141 sets forth the procedures that must

be followed and the 3 || standards that will be applied when a party seeks permission from the

Court to file material under 4 || seal. If a party's request to file confidential material under seal is

denied by the Court, then the 5 || party may file the information in the public record unless

otherwise instructed by the Court. 6 || Dated: February 28, 2025 / aie } Kt | Ld a a

CAROLYN K.DELANEY SS

8 2286.24 UNITED STATES MAGISTRATE JUDGE

9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -2-

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