UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Hicks v. Midland Credit Management, Inc.

Case No. 1:22-cv-00676-JLT-EPG (E.D. Cal. Mar. 8, 2023) · No. 1:22-cv-00676-JLT-EPG · Decided March 8, 2023

SUMMARY

This document is a stipulated protective order entered in Hicks v. Midland Credit Management, Inc., a federal Fair Debt Collection Practices Act action in the Eastern District of California. It governs the designation, use, disclosure, challenge, filing, and final disposition of confidential discovery materials, including Defendant’s business information and Plaintiff’s personal financial information.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
DECIDED	March 8, 2023
DOCKET	1:22-cv-00676-JLT-EPG
DISPOSITION	approved
PROCEDURAL POSTURE	The parties stipulated to and jointly requested entry of a protective order governing confidential discovery material. The court reviewed and approved the stipulation.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Breana Hicks v. Midland Credit Management, Inc.

TOPICS

discovery dispute · civil procedure · fair debt collection · consumer protection · sanctions

PRACTICE AREAS

civil procedure · fair debt collection · consumer protection

QUESTIONS PRESENTED

1. Whether good cause supported entry of the parties' stipulated protective order under Federal Rule of Civil Procedure 26(c).
2. What restrictions and procedures should govern the designation, use, disclosure, challenge, filing, retention, and disposition of confidential discovery material.

HOLDINGS

1. The court approved the parties' stipulation and joint request for entry of a protective order because good cause existed to protect Defendant's confidential business information and Plaintiff's personal financial information from improper disclosure and use.
2. Protected material may be used only to prosecute, defend, or attempt to settle the action; disclosure is limited to specified persons and conditions; confidentiality designations must be narrowly tailored; challenges place the burden of persuasion on the designating party; and violations may result in sanctions.

KEY QUOTATIONS

> *"Upon review, IT IS ORDERED that the parties' stipulation and joint request for entry of protective order (ECF No. 21) is approved."* (at 14)

FACTUAL BACKGROUND

The action concerns Plaintiff's claims that Midland Credit Management, Inc. called her in violation of the Fair Debt Collection Practices Act. The parties anticipated discovery concerning Midland's policies and procedures for placing and stopping calls, internal compliance procedures, and related confidential business information. Discovery also could involve Plaintiff's personal financial information, leading the parties to seek protection from public disclosure and use outside the litigation.

PROCEDURAL HISTORY

Plaintiff brought claims alleging that Defendant called her in violation of the Fair Debt Collection Practices Act. During discovery, the parties submitted a stipulated protective order addressing confidential business information and Plaintiff's personal financial information. The court approved the stipulation and entered the protective order.

DISPOSITION

approved

CASES CITED

- S2 Automation LLC v. Micron Technology, Inc., 283 F.R.D. 671, 681 (D.N.M. 2012)
- Miles v. Boeing Co., 154 F.R.D. 112, 114 (E.D. Pa. 1994)
- Horowitz v. GC Services Ltd. Partnership, No. 14cv2512-MMA RBB, 2016 U.S. Dist. LEXIS 172359, at *9 (S.D. Cal. Dec. 12, 2016)