

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Chavez-DeRemer v. Bensen

Chavez-DeRemer · No. CV-19-03178-PHX-ROS · Decided April 10, 2026

SUMMARY

The United States District Court for the District of Arizona denied Individual Defendants’ motion to amend a stipulated protective order in an ERISA fiduciary-duty action. The court held that Defendants failed to demonstrate particularized harm that would result from allowing the Department of Labor to share protected financial information with additional personnel subject to the existing order. The court concluded that the current protective-order provisions sufficiently mitigated the asserted risks.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 10, 2026
DOCKET	CV-19-03178-PHX-ROS
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to amend an existing stipulated protective order to add a highly confidential designation and restrict dissemination of sensitive personal financial information to two Department of Labor representatives, counsel, and essential litigation personnel.
STANDARD OF REVIEW	A party seeking modification of a protective order must demonstrate good cause by showing specific prejudice or harm that will result if the requested modification is denied.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- discovery dispute
- civil procedure
- erisa
- breach of trust

PRACTICE AREAS

- civil procedure
- ERISA
- discovery
- protective orders

QUESTIONS PRESENTED

1. Whether defendants established good cause to modify the existing stipulated protective order by adding a highly confidential designation and limiting dissemination of sensitive financial information to two Department of Labor representatives.
2. Whether the existing protective order sufficiently mitigated the risk of disclosure when defendants offered only general allegations that broader dissemination among Department of Labor personnel could cause harm.

HOLDINGS

1. Defendants failed to demonstrate particularized harm that would result from denying the proposed modification and therefore did not establish good cause to amend the protective order.
2. The public-access balancing factors did not neatly apply because the proposed modification would not alter the existing limitations on public disclosure; the relevant inquiry was whether defendants showed particularized harm from the requested additional restrictions.

KEY QUOTATIONS

“The party seeking to modify a protective order must demonstrate good cause for the modification.” (Legal Standard)

“Based on the foregoing, Individual Defendants have failed to carry their burden of demonstrating particularized harm that will result if their proposed modification is not granted.” (Analysis)

FACTUAL BACKGROUND

The Department of Labor brought an ERISA action alleging that the individual defendants breached fiduciary duties and participated in a prohibited transaction with Reliance Trust Company. The parties stipulated to a protective order covering confidential information, including financial materials, and the court bifurcated discovery so that asset and account tracing could occur during the remedies phase. After the court found liability, the Department of Labor sought banking and brokerage statements, and defendants sought heightened restrictions on dissemination of those materials.

PROCEDURAL HISTORY

The court entered a stipulated protective order in 2020. After a bench trial and findings that defendants breached fiduciary duties and allowed a prohibited transaction, the parties proceeded to discovery concerning remedies, including discovery into defendants' assets and financial accounts. Defendants then moved to amend the protective order after the Department of Labor sought sensitive personal financial materials; the court denied the motion.

DISPOSITION

other

CASES CITED

- Beckman Indus., Inc. v. Int'l Ins. Co., 966 F.2d 470, 475-76 (9th Cir. 1992)
- Phillips ex rel. Ests. of Byrd v. Gen. Motors Corp., 307 F.3d 1206, 1210-12 (9th Cir. 2002)
- Cipollone v. Liggett Grp., Inc., 785 F.2d 1108, 1121 (3d Cir. 1986)
- Mardiros v. City of Hope, No. 219CV02196RMAAX, 2019 WL 13164174, at *2 (C.D. Cal. Oct. 2, 2019)
- Charles O. Bradley Tr. v. Zenith Cap. LLC, No. C-04-2239 JSW (EMC), 2005 WL 1030218, at *2 (N.D. Cal. May 3, 2005)
- Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1130, 1136-37 (9th Cir. 2003)
- Glenmede Trust Co. v. Thompson, 56 F.3d 476, 483 (3d Cir. 1995)
- In re Roman Cath. Archbishop of Portland in Oregon, 661 F.3d 417, 424-25 (9th Cir. 2011)
- Factory Mut. Ins. Co. v. Insteel Indus., Inc., 212 F.R.D. 301, 304 (M.D.N.C. 2002)
- Bayer AG & Miles, Inc. v. Barr Labs., Inc., 162 F.R.D. 456, 463-64 (S.D.N.Y. 1995)
- Campos v. Ariz. Bd. of Regents, No. CV-24-00987-PHX-JJT, 2024 WL 5187690 (Dec. 20, 2024)
- United States v. Manpow, L.L.C., No. 2:21-05418 VAP (ADSx), 2023 WL 4291806 (C.D. Cal. May 31, 2023)
- Cabell v. Zorro Prods., Inc., 294 F.R.D. 604 (W.D. Wash. 2013)
- Defazio v. Hollister, Inc., No. CIV S-04-1358 DFL GGH, 2007 WL 2580633 (E.D. Cal. Sept. 5, 2007)
- In re The City of New York, 607 F.3d 923, 935 (2d Cir. 2010)
- Flemming v. Parnell, No. C13-5062-BHS, 2013 WL 3270401 (W.D. Wash. June 26, 2013)
- M.G. v. Metro. Interpreters & Translators, Inc., No. 12cv0460-JM (MDD), 2014 WL 5494910 (S.D. Cal. Oct. 30, 2014)
- J.R. Simplot Co. v. McCain Foods USA, Inc., No. 1:16-cv-00449-DCN, 2019 WL 2745730 (D. Idaho July 1, 2019)
- Thomas v. Cassia Cnty., No. 4:17-cv-00256-DCN, 2018 WL 2224052 (D. Idaho May 15, 2018)
- Chavez-DeRemer v. Coway USA, Inc., No. 2:24-cv-08156-JLS-AJR, 2025 WL 3704376, at *4 (C.D. Cal. Dec. 22, 2025)
- Nutratech, Inc. v. Syntech (SSPF) Int'l, Inc., 242 F.R.D. 552, 555 (C.D. Cal. 2007)
- Brown Bag Software v. Symantec Corp., 960 F.2d 1465, 1470 (9th Cir. 1992)

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