

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joseph Aguinaldo v. Dick's Sporting Goods, Inc.; Thomas Ziebart;
and Does 1 through 100, Inclusive

Aguinaldo · No. 2:21-cv-1940 DC AC · Decided March 19, 2025

SUMMARY

This document is an order approving and incorporating the parties’ stipulated protective order in Aguinaldo v. Dick’s Sporting Goods, Inc. The order addresses sealing requests, confidentiality designations, discovery disputes, inadvertent production under Federal Rule of Evidence 502, modifications, and post-termination jurisdiction. It was issued by Magistrate Judge Allison Claire of the United States District Court for the Eastern District of California on March 18, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
DECIDED	March 19, 2025
DOCKET	2:21-cv-1940 DC AC
DISPOSITION	approved
PROCEDURAL POSTURE	The court considered the parties' stipulated protective order and approved and incorporated it into the case, subject to additional terms governing sealing requests, discovery disputes, modification, and post-termination enforcement.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Joseph Aguinaldo v. Dick's Sporting Goods, Inc., Thomas Ziebart, Does 1 through 100, inclusive

TOPICS

- discovery dispute
- civil procedure
- evidence

PRACTICE AREAS

- civil procedure
- discovery
- sealing of court records

QUESTIONS PRESENTED

1. Whether the parties' stipulated protective order should be approved and incorporated into the court's order.
2. What procedures and standards govern requests to seal documents covered by the protective order.
3. What procedures govern disputes concerning the protective order, including disputes involving inadvertently produced materials under Federal Rule of Evidence 502.

HOLDINGS

1. The court approved and incorporated the parties' stipulated protective order, subject to the additional provisions in the court's order.
2. Requests to seal must be made by motion before the judge who will decide the matter related to the request, and a confidentiality designation under the protective order does not itself authorize filing a document under seal. A written court order is required, and the request must comply with Eastern District of California Local Rule 141.
3. The parties must follow the procedures in Eastern District of California Local Rule 251 for unresolved disputes concerning the protective order, including disputes concerning 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 its terms after the action is terminated.

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.” (1)

“A request to seal material must normally meet the high threshold of showing that “compelling reasons” support secrecy; however, where the material is, at most, “tangentially related” to the merits of a case, the request to seal may be granted on a showing of “good cause.”” (1)

FACTUAL BACKGROUND

The parties stipulated to a protective order governing confidential materials and related discovery matters. The order addressed requests to seal, use of confidential documents and testimony, disputes concerning inadvertently produced materials under Federal Rule of Evidence 502, modification of the protective order, and enforcement after termination of the action.

PROCEDURAL HISTORY

The parties submitted a stipulated protective order, identified as ECF No. 33, for court approval. The court approved and incorporated the stipulation, disapproved any conflicting provisions, and entered additional requirements concerning sealed filings and disputes arising under the protective order.

DISPOSITION

approved

CASES CITED

- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096-1102 (9th Cir.), cert. denied, 137 S. Ct. 38 (2016)
- Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006)

OPINION

Aguinaldo v. Dick's Sporting Goods, Inc.

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 JOSEPH AGUINALDO, No. 2:21-cv-1940 DC AC

11 Plaintiff,

12 v. PROTECTIVE ORDER

13 DICK'S SPORTING GOODS, INC.;

THOMAS ZIEBART; and DOES 1

14 through 100, inclusive, 15 Defendants. 16 17 IT IS HEREBY ORDERED that the parties' Stipulated Protective Order (ECF No. 33), is 18 APPROVED and INCORPORATED herein. 19 IT IS FURTHER ORDERED THAT: 20 1. Requests to seal documents shall be made by motion before the same judge who will 21 decide the matter related to that request to seal. 22 2. The designation of documents (including transcripts of testimony) as confidential 23 pursuant to this order does not automatically entitle the parties to file such a document with the 24 court under seal. Parties are advised that any request to seal documents in this district is governed 25 by E.D. Cal. R. ("Local Rule") 141. In brief, Local Rule 141 provides that documents may only 26 be sealed by a written order of the court after a specific request to seal has been made. Local 27 Rule 141(a). However, a mere request to seal is not enough under the local rules. In particular, 28 Local Rule 141(b) requires that "[t]he 'Request to Seal Documents' shall set forth the statutory or 1 || other authority for sealing, the requested duration, the identity, by name or category, of persons 2 || to be permitted access to the document, and all relevant information." Local Rule 141(b) 3 || (emphasis added). 4 3. A request to seal material must normally meet the high threshold of showing that 5 || "compelling reasons" support secrecy; however, where the material is, at most, "tangentially 6 || related" to the merits of a case, the request to seal may be granted on a showing of "good cause." 7 | Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1096-1102 (9th

Cir.), cert. denied, 8 | 1378S. Ct. 38 (2016); *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-80 (9th 9 || Cir. 2006). 10 4. Nothing in this order shall limit the testimony of parties or non-parties, or the use of 11 | certain documents, at any court hearing or trial — such determinations will only be made by the 12 || court at the hearing or trial, or upon an appropriate motion. 13 5. With respect to motions regarding any disputes concerning this protective order which 14 | the parties cannot informally resolve, including any disputes regarding inadvertently produced 15 || materials under Fed. R. Evid. 502, the parties shall follow the procedures outlined in Local 16 || Rule 251. Absent a showing of good cause, the court will not hear discovery disputes on an ex 17 || parte basis or on shortened time. 18 6. The parties may not modify the terms of this Protective Order without the court's 19 || approval. If the parties agree to a potential modification, they shall submit a stipulation 20 || and proposed order for the court's consideration. 21 7. Pursuant to Local Rule 141.1(f), the court will not retain jurisdiction over enforcement 22 | of the terms of this Protective Order after the action is terminated. 23 8. Any provision in the parties' stipulation (ECF No. 33) that is in conflict with anything 24 || in this order is hereby DISAPPROVED. 25 IT IS SO ORDERED. 26 || DATED: March 18, 2025 A /

27 ALLISON CLAIRE

28 UNITED STATES MAGISTRATE JUDGE