

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

) **Case No. CV** **-GAF**

) **STANDING ORDER RE: PROTECTIVE  
ORDERS AND TREATMENT OF  
CONFIDENTIAL INFORMATION**

Plaintiff(s),

v.

Defendant(s).

The Court has adopted the following substantive and procedural guidelines for protective orders, whether stipulated or not:

**I. Guidelines for Protective Order Provisions.**

**A. Clear and Precise.** A protective order must be sufficiently precise and clear, so that:

1. All parties and other persons who are bound by the order know precisely what they are required to do, permitted to do, and forbidden from doing.
2. In the event that any party seeks to have another party who supposedly violated the order held in contempt, it is necessary that the order contain no ambiguity concerning

1 the parties' rights and responsibilities.

2 **B. Narrowly Tailored.** A protective order must be narrowly tailored and cannot be  
3 overbroad. Therefore,

- 4 1. The documents, information, items or materials that are subject to the  
5 protective order shall be described in a meaningful fashion. (For example,  
6 "blueprints," "customer lists," or "market surveys," etc.) It is not sufficient to  
7 use only the conclusory term "trade secrets."
- 8 2. In proposing or agreeing to the protection of "trade secrets," the definition for  
9 that term in California Civil Code § 3426.1 should be incorporated into the  
10 protective order, either by reference or by quotation.<sup>1</sup>

11 **C. Burden of Proof.** The party designating information, documents, materials or items  
12 as confidential bears the burden of establishing the confidentiality.

13 **D. Procedures for Filing Confidential Information with the Court.** All Court orders  
14 will be presumptively available to the public. Therefore, if a protective order provides that  
15 evidence may be filed under seal and if a party does file such evidence under seal, all papers  
16 that refer to or rely upon such evidence shall designate the particular aspects that are  
17 confidential. This will enable the Court, in drafting orders, to determine whether there is  
18 evidence which the Court should attempt not to disclose. Absent such advance notification,  
19 the Court will be free to incorporate all such evidence in its written and oral rulings.

20 **E. Use of Confidential Information at Trial.** In the event that the case proceeds to  
21 trial, all of the information that was designated as confidential and/or kept and maintained  
22 pursuant to the terms of a protective order becomes public and will be presumptively  
23

---

24 1

25 Cal. Civil Code § 3426.1 provides that trade secret "means information, including a formula, pattern,  
26 compilation, program, device, method, technique, or process, that: (1) Derives independent economic  
27 value, actual or potential, from not being generally known to the public or to other persons who can  
28 obtain economic value from its disclosure or use; and (2) Is the subject of efforts that are reasonable  
under the circumstances to maintain its secrecy.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

available to all members of the public, including the press, unless sufficient cause is shown in advance of trial to proceed otherwise.

**II. Procedure for Obtaining Protective Order.**

A. **Stipulated Protective Orders.** Any proposed stipulated protective order submitted to the Court shall reflect the guidelines set forth in this order. If satisfactory, the Court will sign the proposed protective order and cause it to be filed. If not satisfactory, the Court will return it to counsel, with reference to the provisions that have to be added or changed. Thereafter, any revised proposed stipulated protective order shall contain such modifications.

B. **Motions for a Protective Order.** In the event that the parties are unable to agree upon the terms of a protective order, the procedure for obtaining such an order is that set forth in the Local Rules concerning discovery motions. In civil cases, the motion will be addressed to and resolved by the magistrate judge. The party initiating the motion shall ensure that the proposed order is attached to the joint stipulation. When filing the motion, the party seeking the protective order shall lodge with the court *in camera* copies of the evidence for which it seeks a protective order.

The Court thanks counsel for their anticipated cooperation and compliance with this order.

Dated:

---

**GARY ALLEN FEESS**  
**United States District Judge**