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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AMERICAN AUTOMOBILE
ASSOCIATION,

Plaintiff,

v.

AAA INSURANCE INC.,

Defendant.

CASE NO. C08-5515BHS

ORDER

This matter comes before the Court on the parties' Proposed Discovery Confidentiality Order (Dkt. 22). The Court has considered the pleading filed in support of the proposed order and the remainder of the file and hereby declines to enter the proposed order as an order of the Court for the reasons stated herein.

The parties request an expansive protective order for all "confidential information" that may be disclosed during the discovery phase of this proceeding. Dkt. 17 at 1. The parties have agreed to mark as "confidential" all material "that contain[s] or embod[ies] proprietary, commercial, financial, or otherwise confidential information" *Id.* at 2-3. The parties dictate a procedure for the disclosure of designated material. *See id.* at 3-7. Finally, the parties "agree to be bound by [the proposed order's] terms as of the date first submitted to the Court for execution." *Id.* at 8.

The Court need not enter the proposed order as an order of the Court because the proposed order contains provisions that are more appropriate for an agreement between

1 the parties instead of an expansive protective order and the attorneys for both parties have
2 executed the agreement. Moreover, the parties have already been ordered to redact dates
3 of birth, social security numbers, and financial accounting information pursuant to the
4 General Order of the court regarding Public Access to Electronic Case Files. *See* Dkt. 21
5 at 3. If a party chooses to submit confidential documents with the Court, the party may
6 file a motion to seal the material pursuant to Local Rule CR 5(g) and note the motion
7 according to Local Rule CR 7(d)(2). “The law requires, and the motion and the proposed
8 order shall include, a clear statement of the facts justifying a seal and overcoming the
9 strong presumption in favor of public access.” Local Rule CR 5(g)(2); *see also Valley*
10 *Broadcasting Co. v. U.S. Dist. Court for Dist. of Nevada*, 798 F.2d 1289 (9th Cir. 1986).
11 If the party that chooses to submit the material is not the party that designated the material
12 “confidential,” it may state so in the motion to seal and, in the response, the designating
13 party may articulate facts in support of sealing the submitted material.

14 Therefore, it is hereby

15 **ORDERED** that the parties Proposed Discovery Confidentiality Order (Dkt. 22) is
16 **DENIED**.

17 DATED this 7th day of April, 2009.

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BENJAMIN H. SETTLE
United States District Judge