

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STANDING ORDER REGARDING STIPULATED PROTECTIVE ORDERS  
AND MOTIONS FOR LEAVE TO FILE UNDER SEAL

December 4, 2021

TALWANI, D.J.

In cases where the parties reasonably believe that a protective order is necessary to preserve the confidentiality of documents and information produced in discovery, the parties may stipulate to a proposed protective order. However, notwithstanding the court's adoption of such an order, a motion requesting leave of court to file materials under seal must include a particularized showing for the need for impoundment.

The court is guided in this regard by First Circuit precedent and Local Rule 7.2. Because the public has a “presumptive” right of access to judicial documents, United States v. Kravetz, 706 F.3d 47, 59 (1st Cir. 2013) (citing Siedle v. Putnam Invs., Inc., 147 F.3d 7, 10 (1st Cir. 1998)), “only the most compelling reasons can justify non-disclosure of judicial records that come within the scope of the common-law right of access,” id. (quoting In re Providence Journal Co., 293 F.3d 1, 10 (1st Cir. 2002)). The impoundment-seeking party must therefore show that impoundment will not violate the public's presumptive right of access. See Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1130 (9th Cir. 2003) (“A party asserting good cause bears the burden, for each particular document it seeks to protect, of showing that specific prejudice or harm will result if no protective order is granted”) (citing Phillips v. Gen. Motors Corp., 307 F.3d 1206, 1212 (9th Cir. 2002)); Miller v. City of Bos., 549 F. Supp. 2d 140, 141 (D. Mass. 2008) (“The proponent of a Protective Order bears the burden of establishing ‘good cause’ for its continuation”) (internal citation omitted). For that reason, when seeking to file any documents under seal, a party must show this court good cause for the impoundment. See

Kravetz, 706 F.3d at 60.

IT IS SO ORDERED.

December 4, 2021

/s/ Indira Talwani  
United States District Judge