IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN FRESHWATER,	)	CASE NO. 2:11-CV-00190
	)	
Plaintiff,	)	JUDGE
	)	
v.	)	
	)	
MOUNT VERNON CITY SCHOOL DISTRICT BOARD OF EDUCATION,	)	**DEFENDANT MOUNT VERNON CITY SCHOOL DISTRICT BOARD OF EDUCATION'S MOTION TO SEAL EXHIBITS**
	)	
Defendant.	)	
	)	

Defendant Mount Vernon City School District Board of Education ("Defendant") respectfully requests this Court enter an order sealing three documents attached to John Freshwater's Complaint that Defendant removed to this Court, namely, John Freshwater's Closing Statement Brief ("Attachment 5"), John Freshwater's Reply Brief to the Employer's Post-Hearing Brief ("Attachment 6") and R. Kelly Hamilton's letter to Referee Lee Shepherd, dated September 20, 2010 ("Attachment 7") (collectively, "Plaintiff's Attachments"). Since Plaintiff's Attachments contain confidential information in the form of the identity of numerous minor children, Defendant requests an order to seal these documents to protect the identities of minor children from general public access. The reasons for this Motion are more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

/s/ Sarah J. Moore

David Kane Smith (0016208)
Krista K. Keim (0067144)
Sarah J. Moore (0065381)
Paul J. Deegan (0085451)
BRITTON SMITH PETERS &
KALAIL CO., L.P.A.
3 Summit Park Drive, Suite 400
Cleveland, OH 44131
Telephone: (216) 503-5055
Facsimile: (216) 503-5065
Email: dsmith@ohioedlaw.com
kkeim@ohioedlaw.com
smoore@ohioedlaw.com
pdeegan@ohioedlaw.com

Attorneys for Defendant Mount Vernon City School District Board of Education

MEMORANDUM IN SUPPORT

I. INTRODUCTION & ARGUMENT

Plaintiff filed a complaint in Knox County Court of Common Pleas as a pro se plaintiff. Attached to his complaint are three exhibits that Defendant seeks to seal ("Plaintiff's Attachments"). Specifically, Plaintiff's Attachments contain unredacted names of minor students.

On March 1, 2011, Defendant removed the state court case to the United States District Court for the Southern District of Ohio. Pursuant to 28 U.S.C. § 1446, in order to properly remove Plaintiff's claim, Defendant was required to file a copy of all "process, pleadings, and orders" that were served on Defendant in the original state action. In accordance with Fed. R. Civ. P. 5.2(b), (c), and (d), Defendant filed the Plaintiff's Attachments with its Notice of Removal as these documents are part of the record of an administrative proceeding and part of the official record of a state court.[1]

Defendant respectfully requests this Court enter an Order sealing Plaintiff's Attachments 5, 6, and 7 (Doc. 1 attachments 5, 6, and 7) in order to protect the identity of numerous minor children that were included in those attachments. While the Fed. R. Civ. P. 5.2(b), (c), and (d) exemptions do not require the redaction of these documents, Defendant seeks to protect the minor children's identities from continued disclosure. The requested Order carries forward the spirit of Magistrate Norah King's November 16, 2009 Order in 2:09cv464, which provided that minor students' identities would not be subject to disclosure in that action. As an aside, this lawsuit is a related case to *John D. Freshwater, et al. v. Mount Vernon City Sch. Dist. Bd. of*

[1] Defendant redacted the names in the Plaintiff's Complaint as the task was not onerous and doing so did not interfere with the context of the document.

Educ., et al., Case No. 2:09cv464, which was before Judge Gregory Frost, and contains many of the claims dismissed with prejudice in that case.

An Order sealing Plaintiff's Attachments (Doc. 1 Attachments 5, 6, and 7) is proper in light of the strong interest in protecting the identity of minors and to honor the order in related case *John D. Freshwater, et al. v. Mount Vernon City Sch. Dist. Bd. of Educ., et al.*, Case No. 2:09cv464.

II. CONCLUSION

Pursuant to Fed. R. Civ. P. 5.2(d) and for the reasons stated herein, Defendant requests Doc. 1 Attachments 5, 6, and 7 be sealed.

Respectfully submitted,

/s/ Sarah J. Moore

David Kane Smith (0016208)
Krista K. Keim (0067144)
Sarah J. Moore (0065381)
Paul J. Deegan (0085451)
BRITTON SMITH PETERS &
KALAIL CO., L.P.A.
3 Summit Park Drive, Suite 400
Cleveland, OH 44131
Telephone: (216) 503-5055
Facsimile: (216) 503-5065
Email: dsmith@ohioedlaw.com
kkeim@ohioedlaw.com
smoore@ohioedlaw.com
pdeegan@ohioedlaw.com

Attorneys for Defendant Mount Vernon City School District Board of Education

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March 2011, a copy of the foregoing *Defendant Mount Vernon City School District Board of Education's Motion to Seal Exhibits* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Additionally, a true and correct copy of the foregoing was sent this 1st day of March 2011, upon the following:

John Freshwater
7760 New Delaware Road
Mount Vernon, OH 43050

Pro Se Plaintiff

/s/ Sarah J. Moore
One of the Attorneys for Defendant Mount Vernon City School District Board of Education