

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

**TERESA MILLS and CLINTON MILLS,
individually and as parents and guardians
of C.M.,**

Plaintiffs,

v.

Case No.: 3:22-cv-00592

**CABELL COUNTY BOARD OF EDUCATION,
JONNA DAVIS, MICKEY COPLEY,
TIFFANY BLACK, NATALIE MASTRANGELO,
and JOHN BAKER,**

Defendants.

**MEMORANDUM OPINION AND ORDER SEALING
RESPONSE IN OPPOSITION TO MOTION TO ORDER
INDEPENDENT PSYCHOLOGICAL EVALUATION OF
PLAINTIFF TERESA MILLS AND EXHIBITS**

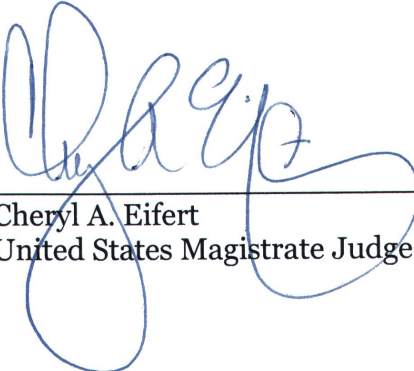
Pending before the Court is the Plaintiffs' Motion to Seal Response in Opposition to Motion to Order Independent Psychological Evaluation of Plaintiff Teresa Mills, (ECF No. 126), requesting their Response and attached exhibits be filed as sealed. The Court notes that the attached Response and Exhibits contain confidential medical information. Due to the confidential nature of this information, the Court **GRANTS** Plaintiffs' motion to seal and **ORDERS** the Clerk to seal Plaintiffs' Response in Opposition to Motion to Order Psychological Evaluation of Plaintiff Teresa Mills and Exhibits. (ECF No. 126-1-2). The Motion to File under Seal, (ECF No. 126), should not be sealed.

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v.*

Conoco, Inc., 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the Response in Opposition to the Motion to Order Psychological Evaluation of Plaintiff Teresa Mills and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Lastly, the documents have been submitted for purposes of resolving a discovery dispute and not to resolve a dispositive issue in the case. Accordingly, the Court finds that sealing the Plaintiffs' Response in Opposition to the Motion to Order Psychological Evaluation of Plaintiff Teresa Mills and attached exhibits does not unduly prejudice the public's right to access court documents. Accordingly, the Clerk is **DIRECTED** to file the Response in Opposition to the Motion to Order Psychological Evaluation of Plaintiff Teresa Mills and attached exhibits, (ECF No.126-1-2) under seal.

The Clerk is instructed to provide a copy of this Order to counsel of record and any unrepresented parties.

ENTERED: December 13, 2023



Cheryl A. Eifert
United States Magistrate Judge