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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHANIE WARCHOL and J.M., a minor, by
and through his guardian ad litem STEPHANIE
WARCHOL,

Case No.: 1:17-cv-00106-DAD-MJS

**ORDER REGARDING RELEASE OF
PARENT CONTACT INFORMATION**

Plaintiffs,

v.

KINGS COUNTY OFFICE OF EDUCATION;
JOYCE BINGHAM; DAMIEN PHILLIPS; and
DOES 1-20,

Defendants.

Pursuant to the agreement of counsel for Plaintiff and Defendants, Defendants' counsel will, within five court days of the date of this Order, send a copy of the letter attached below to families of students in J.M.'s classroom during the time he claims that he was the victim of abuse and to families of students for whom a complaint was made against Ms. Bingham regarding her conduct toward those students, all for the purpose of seeking authorization from such families to release students identifying information to Plaintiff's counsel.

IT IS SO ORDERED.

Dated: September 25, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

1 Dear [Insert Name]:

2 Please be advised that the Law Offices of Gregory L. Myers represents Kings County
3 Office of Education, Joyce Bingham and Damien Phillips in the above civil lawsuit pending in the
4 United States District Court for the Eastern District of California.

5 The lawsuit was filed by J.M., a minor, and his guardian, Stephanie Warchol. The plaintiffs
6 are represented by the law Offices of Peter Alfert and the law Offices of Todd Boley. The plaintiffs
7 allege that during J.M.'s attendance at Shelly Baird School, he was subjected to verbal and physical
8 abuse by Joyce Bingham.

9 The court issued an order directing the Kings County Office of Education to provide
10 Plaintiffs with educational records containing "personally identifiable information" concerning
11 other children in J.M.'s classroom during the time he claims that he was the victim of abuse, as
12 well as the identities of any other students if a complaint was reported against Ms. Bingham
13 regarding her conduct toward those students. The term "personally identifiable information"
14 includes, but is not limited to the student's name, the name of the student's parent or other family
15 members, and the address of the student or student's family. See 34 C.F.R. § 99.3. Examples of the
16 type of information being requested are:

- 17 a. Any documents relating to any incident reports or emergency intervention reports for
18 students attending Shelly Baird related to conduct by Joyce Bingham;
- 19 b. Any documents relating to complaints about student mistreatment by Joyce Bingham
20 while serving at the Kings County Office of Education;
- 21 c. The identities of each child who was a student in Plaintiff J.M.'s classroom from 2013
22 to 2015, including each child's name, dates of birth, the dates said children were in the
23 classroom, and the contact information for each student's parents or guardians;

24 Plaintiffs seek this information because they believe that parents of other children are likely
25 to have information about the conditions in Mr. Cherry's classroom and inappropriate conduct by
26 Shelly Baird staff towards J.M.

27 After it is released, any "personally identifiable information" will be treated as confidential
28 under a protective order signed by Magistrate Judge Michael Seng. The protective order provides
that the information may only be used only for the purpose of this litigation. The information can

1 only be released to the parties in this litigation and their attorneys. The information may not be
2 released to any other person or party or for any other purpose. The plaintiffs are required to return
3 the information to the Kings County Office of Education's attorneys at the conclusion of the case
4 who will destroy it.

5 If you object to the release of this information, please contact the undersigned within 14
6 days of this notice.
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