

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Case No. 1:11-cv-02812-WJM-BNB

JOE CHRISTOPHER EARLS,

Plaintiff,

v.

COLORADO SPRINGS SCHOOL DISTRICT 11,

Defendant.

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**ORDER**

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The Magistrate Judge, having reviewed the parties' Stipulated Motion for Permission to Disclose Education Records and for Protective Order, **and good cause having been shown,** hereby enters the following Order:

**IT IS ORDERED:**

1. The parties may use in this proceeding, and the Defendant and Plaintiff shall disclose to the other, and to the Court as necessary, unredacted copies of all education records previously provided in this action, and to be provided subsequently in discovery and other proceedings. Any unredacted education records and information submitted to the Court shall be provided confidentially with a request that they be sealed and protected from disclosure to the public and any third parties to this case.
2. To enable the District to notify parents to the extent necessary under FERPA, the District shall produce these unredacted records (of previously provided redacted records) to the Plaintiff within seven business days from the District's receipt of this Order.
3. The records provided in paragraph 1 above shall be produced subject to the following restrictions:

- (a) Plaintiff shall not disclose the education records and information from such records to any third party with the exception of Plaintiff's counsel, such counsel's staff and expert witness(es), and any person who may be required to consult with such counsel or to testify about such records for purposes of this proceeding.
- (b) Plaintiff and each person identified in paragraph 3(a) above shall not disclose the education records and information from those records to any third party.
- (c) Plaintiff and each person identified in paragraph 3(a) above shall not use the education records and information from those records for any purpose but this proceeding.
- (d) Plaintiff and each person identified in paragraph 3(a) above shall, at the conclusion of this proceeding, destroy all copies of the records disclosed pursuant to paragraph 1 above, unless the records are necessary for an appeal, at which time the parties will make arrangements sufficient to protect education records and information from such records from public disclosure.

Dated May 29, 2012.

BY THE COURT:

s/ Boyd N. Boland

United States Magistrate Judge