

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**JEFFERY C. CLARK**

**CIVIL ACTION**

**VERSUS**

**NO. 00-0956-JJB-DLD**

**STATE OF LOUISIANA, ET AL.**

**ORDER**

This matter comes before the Court on the Motion of plaintiff Jeffery C. Clark to Unseal Discovery Documents, rec.doc.no. 30, pursuant to which he seeks an Order unsealing responses to discovery filed by the defendants. This Motion is opposed.

Pursuant to Order dated July 23, 2004, rec.doc.no. 165 in consolidated Civil Action No. 00-0940-RET-DLD, the Court ordered the defendants to provide to the plaintiff (and other unrepresented plaintiffs) full and complete responses to objected-to and/or not-responded-to Interrogatories and Requests for Productions of Documents propounded in January, 2003, in that case. Inasmuch, however, as the plaintiff's claims in the consolidated proceeding were then on the verge of being administratively stayed, the Court directed the defendants to file the discovery responses under seal so that the discovery would be available to the plaintiff when and if needed at a later date. Although the defendants filed a subsequent motion to stay enforcement of the Court's Order relative to discovery, the defendants' motion was denied by the assigned District Judge. See rec.doc.no. 177 in Civil Action No. 00-0940-RET-DLD. It appears that the defendants thereafter complied with the Court's Order by filing the discovery responses, but it further appears that these discovery responses were docketed and filed under seal in a separate but related proceeding, Civil Action No. 00-0957-RET-DLD, at rec.doc.no. 25. Although the defendants have asserted that the referenced discovery responses filed under seal in Civil Action No. 00-0957-RET-DLD, at rec.doc.no. 25, "do not appear related" to the plaintiff's instant Motion to Unseal, see the

defendants' Opposition to the instant motion, rec.doc.no. 36 in this case, the Court is able to determine, upon a comparison between the Court's footnote no. 1 in Civil Action No. 00-0940-RET-DLD, at rec.doc.no. 165 (which itemizes the plaintiff's pending discovery), and the defendants' discovery responses filed in Civil Action No. 00-0957-RET-DLD, at rec.doc.no. 25 (which responses directly correlate with the footnote's itemization), that the discovery responses filed in Civil Action No. 00-0957-RET-DLD, at rec.doc.no. 25, are in fact responsive to the Court's directive in Civil Action No. 00-0940-RET-DLD that the defendants file full and complete responses to the plaintiff's pending discovery in that case.

The defendants' opposition to the unsealing of the referenced discovery is not persuasive. This Court has previously determined that the plaintiff's pending discovery in Civil Action No. 00-0940-RET-DLD called for the production of information and documentary evidence which was relevant to the plaintiff's claims and that the defendants' objections thereto were for the most part without merit. Although the defendants contend that their responses to that discovery, filed under seal in Civil Action No. 00-0957-RET-DLD, at rec.doc.no. 25, include "pre-sentence reports, which contain sensitive personal information about inmates and their families, victim and witness statements, and inmate 'enemy lists' .... [and] photographs taken of the slain Corrections officer, Captain David Knapps, which, if released could expose family members to unnecessary harassment," the Court has reviewed the referenced discovery responses and finds that these responses contain nothing of the sort. Accordingly, the defendants' objection is not well-taken, and the responses shall be made available to the plaintiff in this case. Notwithstanding, the Court further finds that, in light of the status of this proceeding, it is appropriate that the referenced discovery documents otherwise remain under seal. Accordingly,

**IT IS ORDERED** that the Motion of plaintiff Jeffery C. Clark to Unseal Discovery Documents, rec.doc.no. 30, be and it is hereby **GRANTED IN PART**, such that five (5) days after the entry of this Order, the Clerk of Court shall make the pleadings and attachments filed under seal in Civil Action No. 00-0957-RET-DLD, at rec.doc.no. 25, available to plaintiff Jeffery C. Clark, through his

attorney, and shall otherwise retain these pleadings and attachments under seal.

Signed in Baton Rouge, Louisiana, on September 10, 2012



---

**MAGISTRATE JUDGE DOCIA L. DALBY**