

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SUSAN MELLO, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:10CV01953 AGF
)	
MISSOURI DEPARTMENT OF)	
ELEMENTARY AND SECONDARY)	
EDUCATION, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion to Seal Case (Doc. 3) and Emergency Motion to Seal Case (Doc. 11). Plaintiffs seek to have the court file in this matter be sealed, and to have Defendants ordered “to seal and remove any decision or reporting from a public website.” (Doc. 4.)

This Court has the legal authority to seal records pursuant to Federal Rule of Civil Procedure 26(c). Rule 26(c) provides, in relevant part: “A party or person from whom discovery is sought may move for a protective order in the court where the action is pending The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” However, because the operation of the judicial system is a matter of significant public concern, the public has a right to inspect and copy court records. See Webster Groves Sch. Dist. v. Pulitzer Pub. Co., 898 F.2d 1371, 1376 (8th Cir. 1990) (citing Nixon v. Warner Commc’ns, 435 U.S. 589, 597-99 (1978)). The decision whether to seal public records is within the discretion of the trial court, and is to be exercised “in light of the relevant facts and circumstances of the particular case.” Id. (quoting Nixon, 435 U.S. at 599).

In order to justify sealing the normally public records, the party seeking to close the records must demonstrate that the restriction to public access is necessary because of a compelling interest supporting the privacy of the documents. See In re Search Warrant for Secretarial Area Outside Office of Thomas Gunn, 855 F.2d 569, 574 (8th Cir. 1988). “If the district court decides to close a proceeding or seal certain documents, it must explain why closure or sealing was necessary and why less restrictive alternatives were not appropriate.” Id. Thus, only those particular records should be sealed for which a party could prove a “compelling interest” in their removal from public access.

In addition to sealing records, Local Rule 5 - 2.17 provides for the redaction of personal data identifiers that appear within records filed with the Court. Rule 5 - 2.17(A) states that “parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers from all documents filed with the Court, including exhibits to such filings, unless otherwise ordered by the Court:” (1) social security numbers, (2) names of minor children, (3) dates of birth, (4) financial account numbers, and (5) home addresses. Rule 5 - 2.17(B) requires the parties to file, “in addition to the redacted filing, . . . either (1) an unredacted copy of the document, or (2) a reference sheet containing a key to the redacted personal identifiers.”

Having reviewed the record in this matter, the Court notes that Defendants filed the original and amended complaint under seal (Docs. 1-1, 1-2, 8). The remaining documents filed by Defendants identify the minor plaintiff solely by her initials, as required by Local Rule 5 - 2.17(a)(2). However, the original record of this matter, provided to the Court by the Circuit Clerk for St. Louis County Circuit Court, does include personal data identifiers, and the Court will therefore seal Documents 1-3, 1-4, 1-5, 1-6, and 1-7.

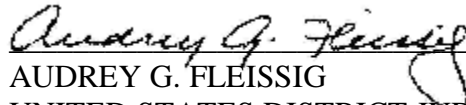
The Court does not find sufficient cause to seal the entire record in this matter. The parties are bound by Local Rule 5 - 2.17, and should redact all future personal data identifiers accordingly. Should a party feel that an entire document needs to be filed under seal, that party may make a motion under Fed. R. Civ. P. 26(c) to have that particular document filed under seal, and the Court will review such motions as they are filed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Seal Case (Doc. 3) is **GRANTED** in part and **DENIED** in part.

IT IS FURTHER ORDERED that Plaintiffs' Emergency Motion to Seal Case (Doc. 11) is **GRANTED** in part and **DENIED** in part.

IT IS FURTHER ORDERED that Documents 1-3, 1-4, 1-5, 1-6, and 1-7 shall be **SEALED**.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 20th day of October, 2010.