

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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| DONALD RICHARDSON, ¹ | : | |
| on behalf of himself and his minor | : | |
| child K.R., et al., | : | |
| Plaintiffs, | : | Case No. 3:12cv00342 |
| vs. | : | District Judge Thomas M. Rose |
| | : | Chief Magistrate Judge Sharon L. Ovington |
| BOARD OF EDUCATION OF | : | |
| HUBER HEIGHTS CITY | : | |
| SCHOOLS, et al., | : | |
| Defendants. | : | |

ORDER

The case is presently before the Court upon Defendant Board of Education of Huber Heights City Schools' Notices of Submission of Documentation Concerning Students 1 and 5 for In Camera Inspection (Doc. #s 98, 99), Student 1's Objections (Doc. #107), and the record as a whole. Defendant represents that Student 5 does not object to disclosure of his document. *See* Doc. # 99. The documents presently under in camera review have been filed under seal. (Doc. #s 105, 106).

Rule 26(b)(1) of the Federal Rules of Civil Procedure allows a party to "obtain discovery regarding any matter, not privileged, that is relevant to any party's claim or

¹ Plaintiff KR, who has reached the age of majority, was recently substituted as Plaintiff in place of his father, Donald Richardson. (Doc. #88). As a result, KR is now the sole Plaintiff in the case.

defense” Additionally, “For good cause, the court may order discovery of any matter relevant to the subject matters involved in the action. Relevant information need not be admissible at the trial if the discovery appears to be reasonably calculated to lead to the discovery of admissible evidence” Fed. R. Civ. P. 26(b)(1).

“The scope of discovery under the Federal Rules of Civil Procedure is traditionally quite broad.” *Lewis v. ACB Bus. Serv., Inc.*, 135 F.3d 389, 402 (6th Cir. 1998). “Generally, [Rule] 26(b) enables parties to discover any unprivileged evidence or information relevant to their claim.” *Surles ex rel. Johnson v. Greyhound Lines, Inc.*, 474 F.3d 288, 305 (6th Cir. 2007) (citation omitted). Yet, it is not an abuse of discretion to preclude “discovery when the discovery requested would be irrelevant to the underlying issue to be decided.” *Green v. Nevers*, 196 F.3d 627, 632 (6th Cir. 1999).

In camera review of the documents concerning Students 1 and 5 reveals that the documents contain information relevant and discoverable under Fed. R. Civ. P. 26(b)(1). Specifically, the documents speak to what occurred during the incident at issue and what the Principal of Wayne High School did in response to the incident.

Student 1 objects to any production of the document concerning him (Doc. #105), arguing that it is “inaccurate and incomplete, as it does not conclude by correctly noting that [Student 1’s] suspension was completely expunged from his records and that his official high school records do not reflect any suspension of any kind.” (Doc. #107). Student 1 also objects to the disclosure of his name “being the only party identified by name in this documentation.” *Id.* Accepting as true (at this stage of the case) that Student 1’s suspension

was completely expunged from his high-school records, this fact fails to eliminate the relevance, under Rule 26(b)(1), of the information in the document. To the extent the alleged inaccuracies in the document implicate Student 1's interest in maintaining his privacy, that interest is sufficiently protected by his designation as Student 1, rather than his actual name; by both this Order and the Court's prior Protective Order; and by the sealed-status of the documents related to him in the record of the case.

IT IS THEREFORE ORDERED THAT:

Defendant Board of Education of Huber Heights City Schools may produce to Plaintiff's counsel Doc. #s 105 and 106, pursuant to the terms of the Protective Order (Doc. # 24). The documents shall be retained solely in the custody of the parties' counsel and their employees and shall not be placed in the possession of, or disclosed to, any other person except as the Protective Order permits.

December 8, 2014

s/Sharon L. Ovington
Sharon L. Ovington
Chief United States Magistrate Judge