

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

BRADLEY RAY CARTER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-CV-178-JED-FHM
)	
JOHN DAVIS, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

The Plaintiff's *Motion for Disclosure of Purportedly Confidential Records*, [Dkt. 29], is before the court for decision. No response has been filed. The Plaintiff's *Motion for Disclosure of Purportedly Confidential Records*, [Dkt. 29], is GRANTED.

In accordance with 10A O.S. § 1-6-102(E), the court has reviewed the records produced by the Oklahoma Department of Human Services ["Department"], and with due regard for the confidentiality of the records and the privacy of the persons identified in the records, the court finds that a compelling reason exists and it is necessary for the protection of a legitimate public or private interest to authorize the inspection, release, and/or disclosure of certain confidential records as designated by the court, subject to the terms and conditions set forth below in the court's adjudication.

IT IS THEREFORE ORDERED that the designated confidential agency records produced herein by the Department pursuant to a prior court order shall be released and disclosed to counsel for each party, subject to the protective order entered herein below. The records may be obtained by counsel from the Court Clerk.

IT IS FURTHER ORDERED that the appearance and testimony of certain Department employees as may be needed during these proceedings shall be compelled

by a separate *ex parte* court order served on each witness at least five (5) judicial days in advance of the date the testimony is needed. A subpoena for such testimony shall not be valid.

IT IS FURTHER ORDERED that the production of the agency records and/or testimony of any Department employee shall be conditioned on the terms and conditions of the following protective order:

- a. Confidential Records: The agency records being released and disclosed are confidential records pursuant to 10A O.S. § 1-6-102 and § 1-6-107 and their contents shall remain confidential FOR ATTORNEY EYES ONLY and shall not be open to any person, or inspected, or re-disclosed other than as set forth in this order.
- b. Restricted Use of Records: All Department records that are released and disclosed by the court shall be provided only to counsel for the parties and their employees or agents whose aid is necessary in the prosecution or defense of this case; said counsel shall be prohibited from further disclosure of the DHS records for any other purpose, except as may otherwise be expressly authorized by this court pursuant to a separate enabling order.
- c. Disclosure of Placement or Reporter Information Prohibited: Counsel for the Defendant may provide Defendant with information about the Department's records; **provided however**, the disclosure of any information which would identify the name or location of any child's out-of-home placement or the identity or location of any person who reported allegations of child abuse or neglect to the Department is specifically prohibited.
- d. File under Seal: No documents, pleadings, or records which contain confidential information shall be filed except under seal with the legend "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION AND IS SUBJECT TO A PROTECTIVE ORDER OF THE COURT."

- e. Identification Numbers: The release by counsel or any other person for any reason of any identifiers such as social security or tax ID numbers that may be contained in the DHS records and which belong to any person or entity is **strictly prohibited**.
- f. Violation: Any violation of this order shall be subject to prosecution for contempt of court.

IT IS FURTHER ORDERED that the agency records and their contents and any testimony pertaining to those records shall remain confidential and the use of the records and information contained therein shall be limited to the purposes for which disclosure is authorized in this action only. No other use of the confidential records or information shall be permitted absent an authorizing order of the court.

IT IS SO ORDERED this 5th day of August, 2015.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE