

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Honorable Thomas O. Rice

Charles P.E. Leitch, WSBA 25443
PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S.
2112 Third Avenue, Suite 500
Seattle, WA 98121
Tel. 206.462.6700
Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

IVAN ROMERO, JESSICA
JUAREZ, and S.R., a minor by and
through his guardian ad litem, IVAN
ROMERO,

Plaintiffs,

v.

PASCO SCHOOL DISTRICT,
RATREE ALBERS, NORA
FLORES, TIM SULLIVAN,
SAUNDRA HILL, JOHN AND
JANE DOES 1-30,

Defendants.

No. 4:16-cv-05112

STIPULATION AND ORDER OF
PROTECTION OF STUDENT
RECORDS AND PERSONNEL
RECORDS

I. STIPULATION

Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20
U.S.C. § 1232g and 34 C.F.R. Ch. 99 et seq., the parties hereto, through their
respective counsel, STIPULATE and AGREE as follows:

STIPULATION AND ORDER OF PROTECTION OF
STUDENT RECORDS- 1
4:16-cv-05112
567707

PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S.
2112 Third Avenue, Suite 500, Seattle WA 98121
Tel. 206.462.6700 Fax 206.462.6701

1 1. All Student Records of any student and all Personnel Records of any
2 employee (hereinafter "Records") released by Pasco School District ("the
3 District") to Scott W. Johnson, of Johnson & Orr, attorney for Plaintiffs in this
4 litigation shall be considered confidential and private and shall not be released to
5 third parties except to the following individuals for purposes of this lawsuit:

6 a. Attorneys, paralegals, or assistants working in the parties'
7 attorneys' offices on this lawsuit;

8 b. Claims representatives for the insurance providers of the District;
9 and

10 c. Expert consultants and expert witnesses retained by the parties and
11 their attorneys for purposes of developing opinions regarding this
12 lawsuit.

13 2. Any Records released to Plaintiffs or their attorneys by the District shall
14 only be used for purposes of this litigation and shall not be re-released in any
15 form, including by orally informing others of their content, to anyone for any
16 purpose other than this litigation.

17 3. Before Plaintiffs release Records to any individuals, those individuals
18 must agree to maintain the confidentiality of the Records and promise to return
19 those Records to Plaintiffs' attorney at the end of this litigation or destroy those
20 Records.

21 4. Any document filed with the Court shall refer to students only by the
22 student's first and last initials. Additionally, any student names mentioned during
23 depositions shall be substituted out and be replaced in the record with the
24 student's initials.
25

1 5. At the end of this litigation, Plaintiffs shall either return the Records to
2 the attorneys for the District or destroy the Records, except that the parties may
3 maintain a copy of the records for their files.

4 6. Records containing information about students other than S.R. will not
5 be re-released to third parties outside of Plaintiffs' attorney's office, except
6 pursuant to a court order or valid subpoena. In such circumstances, the student (if
7 over 18 years of age) or the parent of that student shall be notified at least ten (10)
8 days in advance of the release so that they may make any objection concerning
9 the release before the release of Records occurs. Notwithstanding, Plaintiffs may
10 release copies of Records to experts retained after those experts agree to maintain
11 the confidentiality of any student information in the Records and promise to
12 return them to Plaintiffs' attorney at the end of this litigation or destroy the
13 Records that have been provided.

14 7. Upon any objection from a parent or student, Plaintiffs and Plaintiffs'
15 counsel shall take all reasonable steps to resolve the dispute about the release of
16 Records.

17 8. Should the District be required to respond to a complaint from the
18 Family Policy Compliance Office of the U.S. Department of Education (FPCO)
19 for anything related to the release of the Records to Plaintiffs and Plaintiffs'
20 attorney by the District, Plaintiffs and Plaintiffs' attorney will cooperate with

21 //

22 //

23 //

24 //

25 //

STIPULATION AND ORDER OF PROTECTION OF
STUDENT RECORDS- 3

4:16-cv-05112
567707


**PATTERSON BUCHANAN
FOBES & LEITCH, INC., P.S.**

2112 Third Avenue, Suite 500, Seattle WA 98121
Tel. 206.462.6700 Fax 206.462.6701

1 the District and the FPCO in resolving any such complaint.


2
3 DATED this 23 day of May, 2016.

4 PATTERSON BUCHANAN
5 FOBES & LEITCH, INC., P.S.

6
7 By: 
8 Charles P.E. Leitch, WSBA No. 25443
9 Attorney for Defendants

10
11
12 DATED this 22 day of May, 2016

13
14 JOHNSON & ORR, P.S.

15
16 By: 
17 Scott W. Johnson, WSBA No. 27839
18 Attorney for Plaintiffs

1
2 **II. ORDER**

3 THIS MATTER having come before the Court on the parties' stipulation
4 regarding student information contained in student records, the Court, having
5 reviewed the foregoing stipulation and having been otherwise fully informed
6 herein, hereby ORDERS:
7

8
9 All Student Records of any student and all Personnel Records of any
10 employee (hereinafter "Records") released by Pasco School District ("the
11 District") to Scott W. Johnson, attorney for Plaintiffs in this litigation shall be
12 considered confidential and private and shall not be released to third parties
13 except to the following individuals for purposes of this lawsuit:

- 14 a. Attorneys, paralegals, or assistants working in the parties'
15 attorneys' offices on this lawsuit;
16 b. Claims representatives for the insurance providers of the District;
17 c. Expert consultants and expert witnesses retained by the parties and
18 their attorneys for purposes of developing opinions regarding this
19 lawsuit.

20 2. Any Records released to Plaintiffs or their attorney by the District shall
21 only be used for purposes of this litigation and shall not be re-released in any
22 form, including by orally informing others of their content, to anyone for any
23 purpose other than this litigation.

24 3. Before Plaintiffs releases Records to any individuals, those individuals
25 must agree to maintain the confidentiality of the Records and promise to return

1 those Records to Plaintiffs' attorney at the end of this litigation or destroy those
2 Records.

3 4. Any document filed with the Court shall refer to students only by the
4 student's first and last initials. Additionally, any student names mentioned during
5 depositions shall be substituted out and be replaced in the record with the
6 student's initials.

7 5. At the end of this litigation, Plaintiffs shall either return the Records to
8 the attorneys for the District or destroy the Records, except that the parties may
9 maintain a copy of the records for their files.

10 6. Records containing information about students other than S.R. will not
11 be re-released to third parties outside of Plaintiffs' attorney's offices, except
12 pursuant to a court order or valid subpoena. In such circumstances, the student (if
13 over 18 years of age) or the parent of that student shall be notified at least ten (10)
14 days in advance of the release so that they may make any objection concerning
15 the release before the release of Records occurs. Notwithstanding, Plaintiffs may
16 release copies of Records to experts retained after those experts agree to maintain
17 the confidentiality of any student information in the Records and promise to
18 return them to Plaintiffs' attorney at the end of this litigation or destroy the
19 Records that have been provided.

20 7. Upon any objection from a parent or student, Plaintiffs and Plaintiffs'
21 counsel shall take all reasonable steps to resolve the dispute about the release of
22 Records.

23 8. Should the District be required to respond to a complaint from the
24 Family Policy Compliance Office of the U.S. Department of Education (FPCO)
25 for anything related to the release of the Records to Plaintiffs and Plaintiffs'


1 attorney by the District, Plaintiffs and Plaintiffs' attorney will cooperate with the
2 District and the FPCO in resolving any such complaint.

3
4 Date this 6th day of June, ²⁰¹⁷~~2016~~.

5
6
7 
8 _____
9 United States District Judge

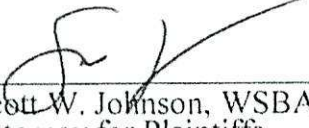
10 Presented by:

11 PATTERSON BUCHANAN
12 FOBES & LEITCH, INC., P.S.

13
14 By: 
15 _____
16 Charles P.E. Leitch, WSBA No. 25443
17 Attorney for Defendants

18 Approved as to form; Notice of Presentation Waived

19 JOHNSON & ORR, P.S.

20
21 By: 
22 _____
23 Scott W. Johnson, WSBA No. 27839
24 Attorney for Plaintiffs

25