

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Brian P. Carr
Plaintiff

versus

Sam Reed, in his official capacity as Secretary of State of the State of Washington, Wanda Briggs in her official capacity as Chair of the State of Washington Commission of Judicial Conduct, and Rob McKenna, in his official capacity as Attorney General of the State of Washington and representing in their official capacity as representatives of the State of Washington and, separately, as private individuals the Honorable Robert L. Harris, John F. Nichols, Barbara D. Johnson, Kenneth Eiesland, Rich Melnick, John Hagensen, Kelli E. Osler, Joel Penoyar, (J.) C. C. Bridgewater, J. Robin Hunt, Gerry L. Alexander, Barbara Madsen, Mary E. Fairhurst, Susan Owens and James M. Johnson as well as other currently unnamed parties as determined by the Court
Defendants

Civil No. 3:07-cv-05260-RJB

Motion to
Limit Identifying Information

Noting Date:
September 21, 2007

Plaintiff, Brian P. Carr, pro se, in compliance with [Local Rule CR 7](#), respectfully requests that the Court Order Limits to Identifying Information in submissions to the court.

In the '[Report of the Judicial Conference Committee on Court Administration and Case Management on Privacy and Public Access to Electronic Case Files](#)' there are a series of recommendations to address the privacy issues related to public access to Electronic Case Files. This includes redacting documents submitted as necessary so that

If the involvement of a minor child must be mentioned, only that child's initials should be used; if an individual's date of birth is necessary, only the year should be used;

The Defendants' Declaration of August 31, 2007, [Document 31, Exhibit B \(part 3\)](#) violates these guidelines in that a minor child is listed with full name and age and the dates of birth of both parties are listed. However, the Report only made recommendations that local courts educate parties and adopt rules as appropriate.

The Conference concluded that courts already have the power to adopt rules to implement the guidelines with:

..., public access rights are not absolute, and courts balance access and privacy interests in making decisions about the public disclosure and dissemination of case files. The authority to protect personal privacy and other legitimate interests in nondisclosure is based, like public access rights, in common law and constitutional principles. See [Nixon v. Warner Communications, Inc., 435 U.S. 589 \(1978\)](#) at 596 (“[E]very court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes”).

Also, while the records submitted herein are already public records, they are not nearly as publicly available as the ECF filings. To get information on Washington state judicial cases, an individual must generally go to a court clerk's office and request the document. In contrast, ECF documents are accessible to anyone in the world with internet access and a credit card.

In addition, it is presumed that most people who are involved in these domestic violence proceedings would likely prefer that their full names and addresses not be widely disseminated. This case now considers more than 120 domestic violence cases and this may increase to 3 to 5 times that number if discovery is continued. For this reason the Plaintiff asks that the court

order:

1. No document submitted to the ECF system in this matter should include sensitive identifying information such as social security number, date of birth, or financial account numbers.
2. Minor children should be listed by first name only and no age listed.
3. Any party to a domestic violence case who is not a party to this case should be referred to by first name only with the last name and address redacted as necessary.
4. Any document which has been submitted to the ECF system in this matter and does not comply with the above requirements should be resubmitted with a corrected version in a timely fashion after the submitting party is notified of the required correction.

In the past, Defendants have opposed these restrictions as burdensome and unwarranted (see the Joint Status Report, August 22, 2007, [document 24](#), page 6). However, the Conference cited above considered both the burden as well as the benefits and concluded that some level of effort to protect the privacy of individuals was warranted.

CONCLUSION

For the reasons set forth above, plaintiff respectfully requests that the Order be made as described.

Respectfully submitted, September 6, 2007 (Vancouver, WA).

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

CERTIFICATION

I hereby certify that on September 6, 2007, a true and accurate copy of the foregoing Plaintiffs' Motion to Limit Identifying Information as well as the Proposed Order was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system as all parties have elected electronic filing as indicated on the Notice of electronic Filing. Parties access this filing through the court's CM/ECF System.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

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Civil No. 3:07-cv-05260-RJB

**PROPOSED ORDER
GRANTING PLAINTIFF'S
MOTION TO
Limit Identifying Information**

This matter comes before the court on plaintiff's Motion to Limit Identifying Information,,Dkt. 32. The court has considered the relevant documents and the remainder of the file herein.

PROCEDURAL HISTORY AND MOTION

On May 23, 2007, plaintiff filed a complaint against Clark County Superior Court judges and commissioners as well as other parties. Dkt. 1. The complaint concerns the processing of domestic violence cases in Clark County and raised the issue of sexual stereotyping as well as

other matters. The Complaint was amended by leave of this court on August 15, 2007, Dkt 15. On September 6, 2007, plaintiff filed a motion requesting that identifying information be limited in documents filed with the court's ECF system, Dkt. 32.

Plaintiff cited the ['Report of the Judicial Conference Committee on Court Administration and Case Management on Privacy and Public Access to Electronic Case Files'](#) which recommends

If the involvement of a minor child must be mentioned, only that child's initials should be used; if an individual's date of birth is necessary, only the year should be used;

Plaintiff also cited the Report above and its conclusion that courts already have the power to adopt rules to implement the guidelines with:

..., public access rights are not absolute, and courts balance access and privacy interests in making decisions about the public disclosure and dissemination of case files. The authority to protect personal privacy and other legitimate interests in nondisclosure is based, like public access rights, in common law and constitutional principles. See [Nixon v. Warner Communications, Inc., 435 U.S. 589 \(1978\)](#) at 596 (“[E]very court has supervisory power over its own records and files, and access has been denied where court files might have become a vehicle for improper purposes”).

Plaintiff noted that while domestic violence cases are public record in Washington state, these records are not widely available as an interested party must commonly go to a court clerk's office and request the document while documents in the ECF are much more easily accessed. Plaintiff also reasonably inferred that the parties in these domestic violence cases would not, in general, like to have their identity widely disseminated. For this reason the Plaintiff requested that additional restrictions be placed on the identifying information of parties to domestic violence cases who are not also a party to this case.

DISCUSSION

As this court has supervisory power over its own records and files and can establish standards for the submission of documents and as the court finds the requested restrictions reasonable and justified:

Therefore, it is hereby

ORDERED

1. No document submitted to the ECF system in this matter should include sensitive identifying information such as social security number, date of birth, or financial account numbers.
2. Minor children should be listed by first name only and no age listed.
3. Any party to a domestic violence case who is not a party to this case should be referred to by first name only with the last name and address redacted as necessary.
4. Any document which has been submitted to the ECF system in this matter and does not comply with the above requirements should be resubmitted with a corrected version in a timely fashion after the submitting party is notified of the required correction.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated:

ROBERT J. BRYAN

United States District Judge