

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

A.W., a minor, by his mother and next friend,
M.W.,

Plaintiff,

v.

KENOSHA UNIFIED SCHOOL DISTRICT
NO. 1 BOARD OF EDUCATION and SUE
SAVAGLIO-JARVIS, in her official capacity
as Superintendent of the Kenosha Unified
School District No. 1,

Defendants.

Civ. Action No. 2:16-cv-00943

MOTION FOR LEAVE TO RE-FILE COMPLAINT WITHOUT REDACTIONS

Plaintiff A.W., through his mother and next friend, M.W., moves the Court for leave to re-file his Complaint [Doc. 1], which was filed in redacted form using initials in place of the full names of A.W. and M.W., as an unredacted document using the full names of Plaintiff and his mother. In support of this motion, Plaintiff states the following:

1. Plaintiff filed the Complaint using initials for his name and his mother's name to conform to the Court's redaction requirements for electronically filed documents under the E-Government Act. *See* "Redaction Requirements - E-Government Act," at <http://www.wied.uscourts.gov/e-filing/redaction-requirements-e-government-act>.

2. This lawsuit, as well as certain events alleged in the Complaint that preceded this lawsuit, have attracted significant local and national media attention. As a result, the identity of Plaintiff, A.W., and his mother, M.W., have been well known in the Kenosha community and elsewhere for several months.

3. Since the filing of this lawsuit, local and national print, radio, and television news outlets have covered the case extensively, identifying A.W. and M.W. by name. A.W. and M.W. have been interviewed by several media outlets and consented to the use of their names in media coverage.

4. Kenosha Unified School District (“KUSD”) officials, including KUSD’s Board of Education president, have publicly referred to A.W. by his full name in media coverage about the lawsuit, including in a July 20, 2016 article in the *Kenosha News* in which KUSD officials disputed allegations in the lawsuit.

5. Plaintiff, who will turn 17 years old this month, wishes to use his full name during the litigation of this case and consents to waiver of his right, as a minor, to keep his name confidential.

6. Re-filing Plaintiff’s complaint in unredacted form would be consistent with the Seventh Circuit’s presumption against the use of pseudonyms in favor of open court proceedings. *See Bond v. Utreras*, 585 F.3d 1061, 1073-74 (7th Cir. 2009) (“It is beyond dispute that most documents filed in court are presumptively open to the public.”); *Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999) (“The public at large . . . has an interest in what goes on at all stages of a judicial proceeding. That interest does not always trump the property and privacy interests of the litigants, but it can be overridden only if the latter interests predominate in the particular case, that is, only if there is good cause for sealing a part or the whole of the record in that case.” (citations omitted)).

7. Because the identities of Plaintiff and his mother are already a matter of public knowledge, and in light of Plaintiff’s wish to waive his right to the confidentiality of his full name in court proceedings, the public’s interest in open court proceedings trumps any potential

privacy interest Plaintiff might otherwise have in not disclosing his full name in court documents.

8. If this motion is granted, Plaintiff will, if circumstances warrant, request leave to file certain documents containing sensitive private information under seal over the course of this litigation.

Based on the foregoing, Plaintiff respectfully requests that the Court permit him to re-file his complaint in unredacted form.

Dated: August 3, 2016

Respectfully submitted,

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** Application for admission to this Court to follow*