

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

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

Case No. 16-cv-943-PP

Plaintiff,

v.

KENOSHA UNIFIED SCHOOL DISTRICT NO. 1
BOARD OF EDUCATION and
SUE SAVAGLIO-JARVIS,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO RE-FILE
COMPLAINT WITHOUT REDACTIONS (DKT. NO. 7)**

The Eastern District of Wisconsin's web site provides instructions for electronically filing documents. The web site instructs parties that electronically-filed pleadings are public, and that parties should not include "sensitive information" in such pleadings. See www.wied.uscourts.gov/e-filing. www.wied.uscourts.gov/e-filing/redaction-requirements-e-government-act. Specifically, the site mandates that "[t]he following personal data identifiers must be partially redacted from the document, whether it is filed traditionally or electronically," and then it lists information which must be redacted. The list includes "[m]inors' names," and instructs filers to "[u]se only the minors' initials." *Id.*

These redaction requirements come from Fed. R. Civ. P. 5.2, which was promulgated to comply "with section 205(c)(3) of the E-Government Act of

2002, Public Law 107-347.” Fed. R. Civ. P. 5.2, Advisory Committee Notes, 2007 Adoption. Rule 5.2(a) states, “Unless the court orders otherwise, in an electronic or paper filing with the court that contains . . . the name of an individual known to be a minor . . . , a party or nonparty making the filing may include only: . . . (3) the minor’s initials”

On July 19, 2016, the plaintiff filed his complaint. Dkt. No. 1. The complaint indicates that as of the date it was filed, the plaintiff was sixteen years old. *Id.* at 1. Because he was a minor, the plaintiff’s complaint does not refer to him or to his mother by their full names, but by their initials (as required by Rule 5.2(a)(3) and the court’s web site).

On August 3, 2016, the plaintiff filed the current motion, asking for leave to re-file the complaint using the plaintiff’s full name, and his mother’s, rather than their initials. Dkt. No. 7. The motion indicates that the complaint was drafted using only initials for the purpose of complying with the requirements on the court’s web site, but that neither the plaintiff nor his mother wish to keep their names private. He also indicates that his name, and his mother’s, already are widely known.

While Rule 5.2 requires a party making a filing to use only a minor’s initials, it also allows the court the discretion to “order[] otherwise.” Under these circumstances—where the individuals whose privacy the rule was designed to protect do not seek that privacy—the court will exercise its discretion and order otherwise.

The court **GRANTS** the plaintiff's motion for leave to re-file complaint without redactions. Dkt. No. 7. The court **ORDERS** that the plaintiff may file an amended complaint which refers to him, and to his mother, by their full names. The court **ORDERS** that the plaintiff shall indicate in the caption of the complaint that it is an amended complaint. The court further **ORDERS** that, once filed, this amended complaint will take the place of the original complaint, and will act as the operative complaint in this case.

Dated in Milwaukee, Wisconsin this 10th day of August, 2016.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge