

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JOHN DOE, a minor, by his parents and  
next friends, SUSAN and JACK DOE,

Plaintiffs,

v.

Case No. 6:18-cv-102-Orl-37GJK

VOLUSIA COUNTY SCHOOL BOARD,

Defendant.

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**ORDER**

This matter comes before the Court on Plaintiff's Unopposed Emergency Motion to Seal Defendant's Response in Opposition to Plaintiff's Motion for Preliminary Injunction and Supporting Affidavits (Doc. 39).

The public has an undisputed interest in open court proceedings and records. *Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1314-15 (11th Cir. 2001). While compelling, this public interest may be overcome by the heightened privacy protections afforded to "vulnerable persons including minors." See Local Rule 1.09(a); see also *Doe v. Stegall*, 653 F.2d 180, 186 (5th Cir. 1981). In requesting such heightened protections, the following procedures must be followed:

[A] party seeking to file under seal any paper or other matter in any civil case shall file and serve a motion, the title of which includes the words "Motion to Seal" and which includes: (i) an identification and description of each item proposed for sealing; (2) the reason that filing each item is necessary; (iii) the reason that sealing each item is necessary; (iv) the reason that means other than sealing is unavailable or unsatisfactory to preserve the interest advanced by the

movant in support of the seal; and (v) a statement of the proposed duration of the seal; and (vi) a memorandum of legal authority supporting the seal.

Local Rule 1.09(a).

This action requires disclosure of highly confidential information concerning the medical, psychological, and educational needs of a 15-year-old person. Plaintiff's privacy interests overcome the interest of the public in accessing such confidential information. Further, Plaintiff has complied with the requirements of Local Rule 1.09(a), and the Defendant does not oppose the Motion. Accordingly, the Court agrees that an Order sealing certain filings is necessary to protect Plaintiff's heightened interests in maintaining his privacy during these proceedings.<sup>1</sup>

#### CONCLUSION

It is hereby **ORDERED AND ADJUDGED**:

1. Plaintiff's Motion to Seal (Doc. 39) is **GRANTED**.
2. The Clerk is **DIRECTED** to file the following documents under seal:
  - (a) Defendant Response in Opposition to Plaintiff's Motion for Preliminary Injunction (Doc. 31);
  - (b) Affidavits filed in support of Defendant's Response in Opposition to Plaintiff's Motion for Preliminary Injunction (Docs. 32, 33, 34, 35, and 36); and

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<sup>1</sup> The Court notes that Defendant filed more than one copy of certain exhibits, and directing that such duplicative filings be maintained under seal is not the least restrictive means available to maintain Plaintiff's privacy. Rather, the Court finds that the duplicative filings are due to be stricken from the record.

- (c) Exhibits filed in support of the Affidavits (Docs. 32-1, 32-4, 36-1, and 36-2).
3. Absent further order of the Court, the Clerk is **DIRECTED** to maintain these filing under seal until further order of the Court.
  4. The Clerk is **DIRECTED** to strike the following duplicative documents from the record and return such filings to the Defendant – (Docs. 33-1, 35-1, and 36-3).

**DONE AND ORDERED** in Chambers in Orlando, Florida, on March 26, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:

Counsel of Record