

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**STACIE RAY, et al.**

Plaintiffs,

v.

**STEPHANIE MCCLLOUD, Director, Ohio  
Department Health, et al.,**

Defendants.

Case No.: 2:18-cv-00272-MHW-CMV

Judge Michael Watson

Magistrate Judge Chelsey Vascura

**MOTION FOR DESIGNATION AND REMOVAL FROM ECF OF  
HIGHLY SENSITIVE DOCUMENTS**

Pursuant to General Order 2021-01, which was issued in response to recent disclosures of wide-spread breaches of government computer systems that compromise the confidentiality of highly sensitive documents filed in in CM/ECF systems, Plaintiffs respectfully move that the Court designate five particular sealed filings in the above-captioned matter as Highly Sensitive Documents (HSD) and remove them from the Court’s electronic filing system.

As this Court and other Courts have recognized, “the excruciatingly private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond debate.” Order, ECF No. 47 at 23, citing *Powell v. Schriver*, 175 F.3d 108, 111 (2d Cir. 1999); see also *K.L. v. State*, No. 3AN-11-05431 CI, 2012 WL 2685183, at \*6 (Alaska Super. Ct. Mar. 12, 2012); *Love v. Johnson*, 146 F. Supp. 3d 848, 856 (E.D. Mich. 2015). “[T]ranssexualism is the unusual condition that is likely to provoke both an intense desire to preserve one’s medical confidentiality, as well as hostility and intolerance from others.” *Powell*, 175 F.3d at 111. Revealing explicit personal information about their bodies and their medical treatment related to their transgender status would invade the Plaintiffs’ privacy and put them at risk of harm.

Especially given that the relief sought is narrow here and furthers the same interests as orders already made in this case, this is the rare instance where Plaintiffs’ “interests of privacy outweigh the public’s right to know.” *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 474 (6th Cir. 1983).

Three orders were entered in this case to safeguard the identity of Plaintiff Jane Doe and the medical privacy of all Plaintiffs: ECF No. 9, Order Granting Motion to Proceed Anonymously, ECF No. 34, Stipulated Protective Order, and ECF No. 59, Order Granting Motion to File Under Seal. ECF No. 59 ordered that four unredacted deposition transcripts (ECF Nos. 60, 61, 62, and 63) and a brief which referenced sensitive portions of those transcripts (ECF No. 70) were to be filed under seal.

This Motion relates to these five documents, which were filed under seal, and contain highly sensitive information:

ECF No. 60	Sealed Deposition Transcript of Basil Argento
ECF No. 61	Sealed Deposition Transcript of Ashley Breda
ECF No. 62	Sealed Deposition Transcript of Jane Doe
ECF No. 63	Sealed Deposition Transcript of Stacie Ray
ECF No. 70	Defendants’ Sealed Motion for Summary Judgment

Redacted copies of each of these documents are available on the public docket.

To continue to protect the confidential identifying information and sensitive medical or bodily information of Plaintiffs, these five filings should now be designated as HSDs and removed from the Court’s electronic filing system.

A proposed order is attached hereto.

Kara Ingelhart\* (Illinois Bar No. 6321949)  
 Lambda Legal Defense and Education Fund, Inc.  
 105 W. Adams St., 26th Fl.  
 Chicago, IL 60603  
 Phone: (312) 663-4413  
 Facsimile: (312) 663-4307  
 Email: kingelhart@lambdalegal.org

Peter C. Renn\* (California Bar No. 247633)

/s/ Elizabeth Bonham  
 Elizabeth Bonham (0093733)  
 Freda Levenson (0045916)  
 Susan Becker (0010205)  
 ACLU of Ohio  
 4506 Chester Ave.  
 Cleveland, OH 44103  
 Phone: (614) 469-3200  
 Facsimile: (614) 469-3361  
 Email: flevenson@acluohio.org

Lambda Legal Defense and Education Fund, Inc.  
4221 Wilshire Blvd., Suite 280  
Los Angeles, CA 90010  
Phone: (213) 382-7600  
Facsimile: (213) 351-6050  
Email: prenn@lambdalegal.org

Jennifer S. Roach (0074143)  
Thompson Hine, LLP.  
127 Public Square  
Suite 3900  
Cleveland, OH 44114  
Phone: (216) 566-5885  
Fax: (216) 566-5800  
Email: Jennifer.Roach@thompsonhine.com

\*Admitted *Pro Hac Vice*

Email: sbecker@acluohio.org  
Email: ebonham@acluohio.org

David Carey (0088787)  
ACLU of Ohio Foundation  
1108 City Park Avenue  
Suite 203  
Columbus, OH 43206  
Phone: (614) 586-1969  
Fax: (614) 586-1974  
Email: dcarey@acluohio.org

John Knight\* (Illinois Bar No. 6201433)  
American Civil Liberties Union of Illinois  
180 N. Michigan Ave., Suite 2300  
Chicago, IL 60601  
Phone: (312) 201-9740  
Facsimile: (312) 288-5225  
Email: jknight@aclu-il.org

Malita Picasso\* (New York Bar No. 5750013)  
American Civil Liberties Union Foundation  
125 Broad St.  
18<sup>th</sup> Floor  
New York, NY 10004  
Phone: (212) 549-2561  
Facsimile: (212) 549-2650  
Email: mpicasso@aclu.org

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of January, 2021, I filed the foregoing electronically through the Court's CM/ECF system. Parties may access this filing through the Court's system.

/s/ Elizabeth Bonham  
Elizabeth Bonham (0093733)  
Attorney for Plaintiffs

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**[PROPOSED] ORDER DESIGNATING AND REMOVING HIGHLY SENSITIVE  
DOCUMENTS**

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On the Plaintiffs' Motion and for good cause shown, it is hereby ORDERED that ECF Nos. 60, 61, 62, 63, and 70 are designated Highly Sensitive Documents pursuant to General Order 2021-01. Highly Sensitive Documents will be immediately removed from the Court's electronic filing system and maintained by the Clerk's Office in a secure paper filing system or a secure standalone computer system that is not connected to any network.

IT IS SO ORDERED.

\_\_\_\_\_  
U.S. District Judge

Dated January \_\_\_\_, 2021