

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,	)	
mother and legal guardian, M.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:21-cv-02965-TWP-MPB
	)	
METROPOLITAN SCHOOL DISTRICT	)	
OF MARTINSVILLE; PRINCIPAL,	)	
JOHN R. WOODEN MIDDLE SCHOOL,	)	
in his official capacity,	)	
	)	
Defendants.	)	

**MOTION TO MAINTAIN DOCUMENT UNDER SEAL**

Defendant, Metropolitan School District of Martinsville,<sup>1</sup> by counsel, pursuant to Local Rule 5-11, hereby moves to maintain under seal Exhibit 1 attached to Defendant’s “Request for Court to Take Judicial Notice of State Court Order and Notice of Collateral Estoppel” (ECF No. 43-1). In support of this motion, Defendant states:

1. Exhibit 1 attached to Defendant’s Request for Court to Take Judicial Notice of State Court Order and Notice of Collateral Estoppel is a copy of the Morgan County, Indiana State Court decision (Findings and Conclusions Re: Change of Gender Marker for a Minor Child, Cause No. 55D03-2111-MI-\*\*\*\*) that Plaintiff made reference to in a Notice to the Court on April 11, 2022. (*See* ECF No. 41.).

2. Defendant has designated Exhibit 1 to its Request for Court to Take Judicial Notice of State Court Order and Notice of Collateral Estoppel as “Confidential.” As the

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<sup>1</sup> Because Plaintiff redundantly sued the School District and an employee in his official capacity for the same claims, the School District is the proper and only party. *See Ball v. City of Muncie*, 28 F. Supp. 3d 797, 802 (S.D. Ind. 2014).

designating party, Defendant requests that Exhibit 1 be maintained under seal pursuant to Local Rule 5-11(d)(3).

3. Defendant will separately file its supporting brief for maintaining Exhibit 1 under seal within the 14 days allowed by the Local Rule and will address the required good cause and how less restrictive alternatives beyond redaction will not afford adequate protection.

4. Defendant states that it received an unredacted and complete version of Exhibit 1 from Plaintiff, and therefore Plaintiff has an unredacted and complete version of Exhibit 1 to Defendant's Request for Court to Take Judicial Notice of State Court Order and Notice of Collateral Estoppel. Nevertheless, pursuant to Local Rule 5-11(d)(2)(B), Defendant has served Plaintiff with an unredacted and complete version of Exhibit 1.

5. Counsel for Plaintiff, Kenneth Falk, has confirmed there is no objection to filing Exhibit 1 under seal.

WHEREFORE, Defendant respectfully moves the Court to maintain Exhibit 1 discussed above under seal.

Respectfully submitted,

/s/ Philip R. Zimmerly

Jonathan L. Mayes (#25690-49)

Philip R. Zimmerly (#30217-06)

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2022, a copy of the foregoing “Motion to Maintain Document Under Seal” was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

<p>Kenneth J. Falk, Esq. Stevie J. Pactor, Esq. ACLU of Indiana 1031 East Washington Street Indianapolis, IN 46202 <a href="mailto:kfalk@aclu-in.org">kfalk@aclu-in.org</a> <a href="mailto:spactor@aclu-in.org">spactor@aclu-in.org</a></p>	<p>Kathleen Bensberg, Esq. Indiana Legal Services, Inc. 1200 Madison Avenue Indianapolis, IN 46225 <a href="mailto:Kathleen.bensberg@ilsi.net">Kathleen.bensberg@ilsi.net</a></p> <p>Megan Stuart, Esq. Indiana Legal Services 214 South College Avenue, 2<sup>nd</sup> Floor Bloomington, IN 47404 <a href="mailto:Megan.stuart@ilsi.net">Megan.stuart@ilsi.net</a></p>
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/s/ Philip R. Zimmerly  
Philip R. Zimmerly

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METROPOLITAN SCHOOL DISTRICT )  
OF MARTINSVILLE; PRINCIPAL, )  
JOHN R. WOODEN MIDDLE SCHOOL, )  
in his official capacity, )  
 )  
Defendants. )

**ORDER GRANTING MOTION TO MAINTAIN DOCUMENT UNDER SEAL**

This matter having come before the Court on the Motion to Maintain Document Under Seal filed by Defendant; and the Court, being duly advised, hereby **GRANTS** the motion and **ORDERS** that Exhibit 1 to Defendant’s Request for Court to Take Judicial Notice of State Court Order and Notice of Collateral Estoppel (ECF No. 43-1) be maintained under seal until further order of the Court. Defendant shall have until **April 26, 2022**, to submit its brief showing good cause to maintain the document under seal pursuant to Local Rule 5-11(d)(3).

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE, UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

Service will be made electronically on all ECF-registered counsel of record via email generated by the court’s ECF system.