

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN DOE, <i>et al.</i>)	CASE NO. 2:08 cv 575
)	
Plaintiffs,)	JUDGE FROST
)	MAGISTRATE JUDGE KING
v.)	
)	
MOUNT VERNON CITY SCHOOL)	<u>PROPOSED AGREED PROTECTIVE</u>
DISTRICT BOARD OF EDUCATION, <i>et</i>)	<u>ORDER</u>
<i>al.</i> ,)	
)	
Defendants.)	

Plaintiffs, parents of a minor child in the Mount Vernon School District, instituted this action for declaratory, monetary, and injunctive relief under 42 U.S.C. §1983 in connection with the alleged violations by defendant Freshwater of the Establishment Clause of the First Amendment. Plaintiffs also alleged a retaliation claim for the exercise of plaintiffs' First Amendment rights, as well as supplemental state law claims of battery and negligent supervision and retention. Defendants include the Mount Vernon City School District Board of Education, Superintendent Steven Short, Principal William White, and Teacher John Freshwater.

Since this case arises from a school setting, the parties recognize that several minor children could be called upon as witnesses and that documents regarding the incidents at issue

may contain the identities of said minor children. In accordance with Local Rule 26.2(a), Defendant Mount Vernon City School District Board of Education will create a pseudonym directory for minor students, using numbers as identifiers, starting with the number 1. This directory will be provided to Plaintiffs and the individual Defendants. Any minor students identified during discovery who are not on the directory shall be added. The directory shall not be filed with the Court and the parties shall not refer to any minor children by name. Upon request, the directory shall be provided to the Judge.

Any document containing a minor student name shall have that name redacted and replaced by the pseudonym directory number assigned to that minor student. Deposition transcripts of minor children will identify minor students by their assigned pseudonym directory number. All deposition transcript references to minor children shall be redacted and replaced by the applicable pseudonym directory number. The parties will not file documents that identify minor children by name.

To the extent a document contains personally identifiable information from an education record of a student that is protected by the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. Part 99, Defendant Mount Vernon City School District Board of Education will, prior to production of the document, make a reasonable effort to notify the parent or eligible student of this order so that the parent or eligible student may seek protective action, if desired. The notification to the parent or eligible student will indicate the date on which the document will be produced in the absence of the parent or eligible student obtaining protective relief.

This Protective Order shall not prevent any of the parties or any third party from applying to the Court for relief therefrom, or from applying to the Court for further or additional

Protective Orders, or from agreeing between themselves in writing to modification of this Protective Order, subject to the approval of the Court.

/s/ Jessica K. Philemond (per verbal consent 11/5/08)

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APPROVED: s/Norah McCann King

Norah McCann King
United States Magistrate Judge _