IN RE SEALING LITIGATION	:	SUPERIOR COURT
	:	COMPLEX LITIGATION DOCKET
	:	AT MIDDLETOWN
REFERENCE NUMBERS 101-140	:	FEBRUARY 16, 2007

MEMORANDUM OF DECISION

I. INTRODUCTION

This case and its companions were assigned to me pursuant to Connecticut General Statutes §§51-347a and 51-347b. They arise from litigation initiated in the United States District Court for the District of Connecticut. In the case entitled The Hartford Courant Company v. Pellegrino, No. 3:03 CV 00313 (GLG), the plaintiff Hartford Courant Company and American Lawyer Media, Inc., d/b/a The Connecticut Law Tribune, which intervened, sought injunctive relief including access to various files. The complaint alleged that in a memorandum dated June 12, 2000, the Connecticut Judicial Branch set forth a practice of "sealing" files at three different levels. Level 1 sealing allegedly prohibited court personnel from acknowledging the existence of the cases and the cases did not appear on official docketing systems. Level 2 sealing allowed the name and docket number of the case to be disclosed, but prohibited access to the documents

comprising the bulk of the court file. Level 3 sealing allowed access to the entire file except as to specific documents. The plaintiffs did not object to the Level 3 sealing, but did request information regarding those cases subject to Level 1 and Level 2 sealing orders.

The defendants in that action, the then Chief Court Administrator and the then Chief Justice of the Connecticut Supreme Court, moved to dismiss the action on a variety of grounds. Judge Goettel granted the motion to dismiss on the ground that the named defendants lacked the authority administratively to order that judicial orders be, effectively, reversed. Hartford Courant Co. v. Pellegrino, 290 F.Supp.2d 265, 276-78 (D. Conn. 2003). The plaintiffs appealed to the United States Court of Appeals for the Second Circuit. The Second Circuit recognized a qualified First Amendment right to access to court documents and remanded the matter to the District Court for further determination of the question of whether docket sheets were sealed pursuant to administrative, or clerical, authority or rather pursuant to judicial orders.

The parties to the federal action, on remand, agreed to withdraw the matter from the federal judiciary, with the understanding that the forty cases sealed at Level 1 would be transferred to a Superior Court judge, who would "have authority to rule on the merits of any and all motions, including motions by Plaintiffs to intervene and to obtain access to unredacted dockets or other records. . . ." Settlement Agreement and Stipulation of Dismissal, ¶ 2, June 6,

2006.

The files were physically transported to Middletown and this court has managed their progress thus far. Because the files were technically sealed at Level 1, the clerk assigned reference numbers 101 through 140 to correspond to each of the files. Reference numbers were created pursuant to the agreement of June 6, 2006, terminating the federal action.

II. PROCEDURAL HISTORY

At the outset of the litigation in this court, The Hartford Courant and American Lawyer Media, Inc., filed motions to intervene in each of the files. In order to conform to the spirit of Rosado v. Bridgeport Roman Catholic Diocesan Corp., 276 Conn. 168 (2005), and to adhere to traditional notions of due process, parties and attorneys who appeared in the underlying cases were sent copies of the motion to intervene and were given an opportunity to object or otherwise respond.[1] The response was slight. This court granted the motions to intervene, which requested at this point only an order "granting . . . leave to intervene . . . for the limited purpose of being heard upon their motion to unseal the docket sheet herein," on October 30, 2006. Copies of the

[1]The clerk had sent notice of the transfer of the cases to all parties and attorneys by certified mail to be delivered to the addressee only. Not all of the parties received actual notice. Parties who had filed appearances were under no obligation to update addresses after their cases had concluded. The great majority of cases were closed at least several years ago, and apparently no "Level 1" orders were issued after 2003.

court's order and of the intervenors' "Motion to Unseal the Docket Sheet of This Proceeding" were mailed to the parties and attorneys in the cases. Any responses were to be mailed to Assistant Clerk Joseph Knight at the Middletown Superior Court. The responses which were received were edited in order to preserve anonymity and the edited versions were supplied to counsel for the intervenors.

Oral argument on the merits of the motions to unseal was held on November 28, 2006. The motions are limited at this point[2] to requests for access to the docket sheets in each of the files. The docket sheets are computer-generated reports which include the names of the parties, the docket number, titles of documents filed and the action taken, if any, on those documents. Docket sheets do not include the documents themselves or any detailed information.

Three lawyers and two pro se parties appeared at the oral argument, as well as the attorney for the intervenors. Two of the lawyers represented the same party and resisted disclosure of any material which would jeopardize the safety of their client. The third lawyer

[2]The intervenors have been careful to state that they are not waiving any ability to seek further, more detailed information regarding any particular case. If any such information is sought, it will have to be accomplished by means of another pleading.

preferred the file he was concerned with to be opened. One of the pro se individuals strongly urged opening the file in which he was a party. The other pro se individual objected to disclosure of documents, but was more ambivalent regarding docket sheet information. The attorney for the intervenors stressed his position regarding access to the docket sheets, and argued that in some of the files it may not be entirely clear whether a judicial order had contemplated the level of sealing resulting from Level 1 designation.

An observation regarding notice and the participation level of the individuals in the underlying files may be appropriate. Notice of all proceedings was sent by certified mail to all attorneys and pro se parties for whom the files contained contact information. Relatively few "green cards" were returned signed by the parties; many individuals in the files apparently were transient and some most likely preferred not to be directly involved in matters which they did not completely understand. Many of the parties were not represented by counsel. And an appearance of counsel in a family matter expires six months after judgment, though most counsel with lapsed appearances do appear to have contacted their prior clients where possible. In the discussion of each case, I will comment on the position, if any, of the individuals. Because many of the cases are old, and because of the economically depressed status of many of the individuals who still may fear for their safety, I do not necessarily equate lack of response with lack of

interest in anonymity.

In sum, I have tried to act consistently with the direction supplied by Rosado, supra, 231, that "the trial court, on remand, ensure that all parties to the [underlying] cases receive proper notice of this proceeding and any future proceedings in this matter." Because of the nature of this proceeding, however, some of the cases may be decided without actual notice to every party. This is unfortunate, but probably unavoidable, and the additional intrusion at this point is minimal.

III. STANDARDS TO BE APPLIED

Each of the files will be examined and with respect to each, this court will attempt to indicate, where applicable, the nature of the underlying case, the status of notice to the parties and any response from the parties. The relief[3] will be determined by application of the following standards.

[3]The intervenors have sought disclosure of the "docket sheets." I assume that the request is for unredacted docket sheets. In some instances, it is appropriate to create fictional names on the docket sheet in order to protect the personal safety of an individual. When this is done, I will give the reason for the redaction.

The Second Circuit Court of Appeals stated in this matter that there is a qualified First Amendment right of access to docket sheets. Hartford Courant Co. v. Pellegrino, 380 F.3d 83 (2d Cir. 2004). Docket sheets "enjoy a presumption of openness and . . . the public and the media possess a qualified First Amendment right to inspect them. Of course, this 'presumption is rebuttable upon demonstration that suppression "is essential to preserve higher values and is narrowly tailored to serve that interest."' Grove Fresh Distrib., Inc., 24 F.3d at 897." Hartford Courant, supra, 96. See generally Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980); Press- Enterprise Co. v. Superior Court, 464 U.S. 501 (1984); Press-Enterprise Co. v. Superior Court, 478 U.S. 1 (1986). Our Supreme Court has noted "a strong presumption of openness in judicial proceedings." Doe v. Connecticut Bar Examining Committee, 263 Conn. 39, 62-63 (2003). The judges of the Superior Court have recently amended the rules of practice such that the presumption of openness is overcome only by "an interest which is determined to override the public's interest in [access]". Practice Book §11-20A(c).

The sorts of interests which may overcome the public's right of access are varied and resist casual categorization. Many are statutory. Examples appear in Vargas v. Doe, 96 Conn. App. 399, 406-07 (2006). The statutory provision most germane to many of the cases in the matter at hand is General Statutes §46b-11, which permits closed hearings and sealing of records

in family relations matters where the court determines that "the welfare of any children involved or the nature of the case so requires."

A second category has arisen of necessity:

> For situations that do not fall within these specified [statutory] exceptions and yet in which a limit on disclosure is requested, the trial court must consider whether a substantial privacy interest exists to override the public's interest in open judicial proceedings. Such consideration is not reserved solely for questions of court closure or the sealing of documents, but extends to whether any individual may proceed by a pseudonym. "The principle of openness of judicial proceedings includes the question of whether one may proceed anonymously therein, because the question of who is using the judicial system is ordinarily as much a part of that principle as why it is being used." (Emphasis in original.) Doe v. Connecticut Bar Examining Committee, supra, 263 Conn. 68. For this reason, our Supreme Court has stated that "[t]he privilege of using fictitious names in actions should be granted only in the rare case where the nature of the issue litigated and the interest of the parties demand it and no harm can be done to the public interest." Buxton v. Ullman, 147 Conn. 48, 60, 156 A.2d 508 (1959), appeal dismissed sub nom. Poe v. Ullman, 367 U.S. 497, 81 S.Ct. 1752, 6 L.Ed.2d 989 (1961).
>
> Vargas v. Doe, supra, 407.

The interests which may overcome the presumption of openness are quite limited and any relief should be tailored as narrowly as possible to achieve the desired result. As again stated in Vargas, supra, 410-11:

> Furthermore, not all substantial privacy interests are sufficient to

> outweigh the public's interest in open judicial proceedings. "The ultimate test for permitting a [party] to proceed anonymously is whether the [party] has a substantial privacy right which outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings." (Internal quotation marks omitted.) Id., 159. "A [party's] desire to avoid economic and social harm as well as embarrassment and humiliation in his professional and social community is normally insufficient to permit him to appear without disclosing his identity." (Internal quotation marks omitted.) Doe v. Connecticut Bar Examining Committee, supra, 263 Conn. 70. "The most compelling situations [for granting a motion to proceed anonymously] involve matters which are highly sensitive, such as social stigmatization, real danger of physical harm, or where the injury litigated against would occur as a result of the disclosure of the [party's] identity. . . . There must be a strong social interest in concealing the identity of the [party]." (Internal quotation marks omitted.) Doe v. Diocese Corp., supra, 43 Conn. Sup. 159.

Although Vargas and Doe directly concerned only pseudonyms, the reasoning applies to sealing and redactions in many circumstances, and, as will be seen, the relief which I believe should be afforded to some of the individuals is anonymity. Embarrassment is not enough; the most compelling considerations for extending a degree of anonymity in the cases I reviewed are substantial threats of physical harm and severe risk of social stigmatization of *children*, consistent with the policy of the legislature as stated in General Statutes §46b-11.

A second set of considerations arises from the retrospective nature of the inquiry in the cases at hand. It is reasonably clear from cases such as Vargas what sorts of factors are pertinent

to the balancing of private interests in confidentiality against the public interest in disclosure. The inquiry in the instant cases adds another element to the mix: a prior judicial order has, with a greater or lesser degree of specificity, reflected a decision that the file ought to be sealed. Is there a presumption, as in "law of the case" instances, that the prior order should be maintained in place, at least in the absence of changes of circumstances or changes in law?

The answer is complex. Our Supreme Court has held, in the anticipation of review of a prior protective order prohibiting disclosure, that reliance of a party on a confidentiality order is a circumstance to be considered in the retrospective review. Rosado v. Bridgeport Roman Catholic Diocesan Corp., supra, 224, n.62. The prior order of the court[4] granting a level of sealing is a continuing order subject to review even when the case itself is resolved, whether by settlement or by judgment. Rosado, supra. There would be little question that such an order could be modified during the course of proceedings as circumstances change, without an inordinate reluctance to change a preexisting order. I agree with the reasoning of the Third

[4]The order in Rosado was a protective order preventing disclosure of certain materials. There would seem to be no conceptual difference between a protective order and a sealing order, for the purpose of this analysis.

Circuit:

> We agree with these courts that the standard of the Court of Appeals for the Second Circuit for modification is too stringent. The appropriate approach in considering motions to modify confidentiality orders is to use the same balancing test that is used in determining whether to grant such orders in the first instance,with one difference: one of the factors the court should consider in determining whether to modify the order is the reliance by the original parties on the confidentiality order. The parties' reliance on an order, however, should not be outcome determinative, and should only be one factor that a court considers when determining whether to modify an order of confidentiality. "[E]ven though the parties to [a] settlement agreement have acted in reliance upon that order, they [do] so with knowledge that under some circumstances such orders may be modified by the court." City of Hartford, 942 F.2d at 138 (Pratt, J., concurring).
>
> The extent to which a party can rely on a protective order should depend on the extent to which the order induced the party to allow discovery or to settle the case. For instance, reliance would be greater where a trade secret was involved, or where witnesses had testified pursuant to a protective order without invoking their fifth Amendment privilege. . . .
>
> . . . Reliance will be less with a blanket order, because it is by nature overinclusive. Beckman, 966 F.2d at 475-76 (citation omitted).
>
> * * * * *
>
> The party seeking to modify the order of confidentiality must come forward with a reason to modify the order. Once that is done, the court should then balance the interests, including the reliance by

the original parties to the order, to determine whether good cause still exists for the order.

> If access to protected [material] can be granted without harm to legitimate secrecy interests, or if no such interests exist, continued judicial protection cannot be justified. In that case, access should be granted even if the need for the protected materials is minimal. When that is not the case, the court should require the party seeking modification to show why the secrecy interests deserve less protection than they did when the order was granted. Even then, however, the movant should not be saddled with a burden more onerous than explaining why his need for the materials outweighs existing privacy concerns.
> Note, Nonparty Access to Discovery Materials in the Federal Courts, 94 Harv.L.Rev. 1085, 1092 (1981), cited with approval in Meyer Goldberg, Inc., of Lorain v. Fisher Foods, Inc., 823 F.2d 159, 163 (6th Cir. 1987).

Pansy v. Stroudsburg, 23 F.3d. 772, 790-91 (3d Cir. 1994) (footnotes omitted).[5]

[5]At the time Pansy was written, the standard suggested by the Second Circuit was stringent: in general, a prior order was not to be modified in the absence of a showing of improvidence in the granting of the order or an extraordinary change of circumstance. See

Judge Alander adopted a similar approach when he considered the Rosado matter on remand from the Supreme Court. See Rosado v. Bridgeport Roman Catholic Diocesan Corporation (*Rosado II*), 2006 Ct. Sup. 22551 (Alander, J.). Judge Alander considered whether the protective order, previously entered in cases now settled and withdrawn, should be modified at the request of intervening news enterprises. Judge Alander stated that the party seeking to modify the existing order had the burden of advancing a nonfrivolous reason to modify the order. If that were done, the court then was to balance the interests involved. Reliance on the prior order is a factor to be considered. *Rosado II*, at 22557. I agree with the ultimate standard suggested by Judge Alander:

> I am persuaded that the party seeking to unseal a document previously sealed by the court should bear the burden of proving that appropriate grounds exist for the modification of the sealing order, which shall include that the initial basis for the sealing order no longer exists, Mokhiber v. Davis, supra, 537 A.2d 1117, that the

---

Martindell v. I.T.&T., 594 F.2d 291 (2d Cir. 1979). In S.E.C. v. TheStreet.com, 273 F.3d 222 (2d Cir. 2001), the Second Circuit limited the Martindell test to nonjudicial documents. Judicial documents, on the other hand, enjoyed a presumption in favor of access. TheStreet.com, supra, at 231.

> sealing order was improvidently granted, id., or that the interests protected by nondisclosure do not outweigh the public's right of access to the document. The interests to be weighed by the court include any reasonable reliance by the parties upon the sealing order. Pansy v. Borough of Stroudsberg, supra, 23 F.3d 790. Placing such a burden on the movant is consistent with the general rule that the moving party bears the burden of persuasion, In re Final Grand Jury Rpt., Torrington Police Dept., 197 Conn. 698, 712 (1985), and it gives appropriate deference to the fact that a court has previously determined that sealing is warranted.
>
> *Rosado II*, supra, at 22560.

In each of the cases under consideration, the intervenors have advanced nonfrivolous reasons to revisit the sealing orders. There is a presumption of openness and transparency; the public has a presumptive right to know what the courts are doing. See, e.g., Practice Book §11-20A. This presumption is buttressed by an additional factor not present when the various sealing orders were issued: between the time of the sealing order in each case and the present time, some have called into question the integrity of the judicial branch and have suggested that sealing orders may have been motivated by unseemly factors.[6] Public confidence in the integrity of the

[6]As stated in the Second Circuit's opinion in this matter:

> "Although some of these cases may have been sealed pursuant to a variety of statutory authorizations, including those directed at protecting juvenile offenders, see Hearing Before the Judiciary Comm. (Conn. Mar. 10, 2003) ("Judiciary Comm. Hearing") (statement of Rep. Farr), or those involving bar grievance

judicial branch is essential to its functioning in a free society. Public confidence, in the circumstances of these cases, is a factor reinforcing the presumption of public access. This court

---

procedures, see Judiciary Comm. Hearing (statement of Justice Peter Zarella), The Hartford Courant published an account that insinuated that many other cases may have been sealed simply at the behest of prominent individuals who were parties. See Eric Rich & Dave Altimari, Elite Enjoy "Secret File" Lawsuits, The Hartford Courant, Feb. 9, 2003, at A1 ("[J]udges have selectively sealed divorce, paternity and other cases involving fellow judges, celebrities and wealthy CEOs that, for most people, would play out in full view of the public. . . .")."

Hartford Courant Co. v. Pellegrino, supra, 86.

shall proceed to examine each of the previously sealed cases with an eye to balancing the interests involved. The passage of time may affect interests in confidentiality, as may reliance.[7] The public or private nature of the controversy and of the parties, as suggested in Pansy, may make a difference.

The general discussion of the standards to be applied is to be incorporated into each of the specific discussions of each case. In many instances, the discussion of the individual cases will be somewhat terse, either because of the nature of the file itself, as it exists at the present time, or because there simply isn't much to say. In cases in which pseudonyms are maintained, there will be a brief explanation of why private interests of confidentiality are deemed to outweigh public interests in disclosure of identities and there will be a brief explanation of what

[7]"Reliance" is a broad concept. I find "reliance" on confidentiality, where a document would not have been filed, a case not brought or a settlement not effected, to be relevant. "Reliance" on confidentiality in the sense of providing comfort is likely not a persuasive factor. In examining these cases, I am not considering disclosing specific documents from the files at this time, and it is difficult to say that any of the underlying cases would not have been brought in the absence of a sealing order.

the case is about. It is important to bear in mind that this court is considering only the docket sheets. Documents within the files retain their current status. Although it is conceivable that further action as to individual documents will be requested in the future, this decision does not address the status of any individual documents. The court assumes as well that information such as social security numbers and other identifying data will not be disclosed even as a result of future actions.

A final general consideration is the issue of notice to the underlying parties. If a party has had the benefit of confidentiality, the benefit ought not be removed without the opportunity to be heard. The Supreme Court decision in Rosado briefly noted the importance of notice. In Rosado, of course, there was no practical difficulty with notice because the parties were present. In the discussion of the forty cases now before me, I will frequently mention whether parties and attorneys received notice. If an attorney received notice in a civil case, I have deemed the notice to be effective as to the party. If a pro se party in any case has actually received notice, then the notice requirement is of course satisfied. The situation is more complex if an attorney only has received notice in a family case. Because it is likely that the appearance has expired; see Practice Book §3-9(c); the attorney in theory has no remaining duty toward the client. Formal service is likely difficult or impossible, and may be an unreasonable requirement, especially

where notice has been attempted as described above and the requested relief at this point is not intrusive. If further disclosure of documents is requested, and there has been no actual notice to each affected party, formal service requirements may well have to be observed.

IV. THE FORTY CASES

1. Reference number 101. This is a case from the Judicial District of Hartford. A party requested a change of name because of severe threats made by the party's stepfather. In such an action, there is only an applicant and no defendant. The matter was brought pro se and the green card sent by the court was returned unsigned. I find that private interest in confidentiality outweighs any public interest in disclosure: there is no public interest in the controversy itself or in any of the parties, and disclosure would largely vitiate the purpose of the action. There is a danger of physical harm to the applicant. The docket sheet, appropriately edited by the clerk at the court's direction to prevent disclosure of the identity of the applicant, may be disclosed.[8]

2. Reference number 102. This is a divorce case from the Judicial District of Hartford. In a post-judgment proceeding, the attorney for a minor child moved that the file be sealed. The

[8]The clerk is directed to prepare docket sheets in a manner consistent with this decision. The court will review the process and approve any disclosures that are made.

motion alleged that persons connected with the case were in the federal witness protection program. The Federal Bureau of Investigation received notice of the motion. It was alleged that various family members were in danger. Notice of this proceeding was received by attorneys for the minor child and one of the parties. There was no response to the motions in this case. I find that the private interest in nondisclosure outweighs the public interest in disclosure. There is a risk of physical danger, and there is no public interest in the parties or the nature of the controversy. The docket sheets may be disclosed with appropriate editing.

3. Reference number 103. This is a paternity action from the Judicial District of Hartford. The respondent was allegedly a celebrated musician from another state, though this court must admit that it had never heard of him. A confidentiality agreement is in the file. Notice was received by attorneys for both sides and by the Connecticut Attorney General's Office; appearance by the Attorney General is standard in paternity actions. The position of the Attorney General's office has been neutral in this and every file in which it has an appearance. There was no response other than signed green cards by either of the parties. The file shows that the identity of the respondent was revealed in a newspaper column in any event.

I have reviewed the file and I find that the public interest in disclosure outweighs any private interest in confidentiality. The docket sheet shall be unsealed in its entirety.

4. Reference number 104. This is from the child support enforcement docket in the Judicial District of Hartford. The judgment was issued in 1990; in 1999 and 2000 there was activity on motions for contempt. There is very little in the file. Except for the Attorney General's Office, no party responded to notice of this action. The green card mailed to the pro se plaintiff was returned unsigned. In the absence of any articulable reason to preserve confidentiality, this court will recognize the presumption in favor of disclosure. The docket sheets are ordered to be disclosed.

5. Reference number 105. This is a divorce action from the Judicial District of Hartford. The motion to seal was filed by an attorney for a guardian ad litem for a minor child. The basis for the sealing is information regarding disease and the threat of violence. Notice of this action was sent to the attorneys and to the parties. It is not known if notice was actually received by all of the parties. Attorneys for the guardian ad litem filed written objections and argued orally before this court in an effort to keep information confidential. Though the social stigma associated with disease plays a part, especially with the involvement of children, they also urge that the interest of personal safety outweighs any public right to disclosure.

A review of the file validates the positions of the guardian ad litem. The parties are not public figures in any way, and the subject matter does not have any unusually public interest.

There is an articulated private interest in personal safety. There may have been some reliance on confidentiality for persons to come forward in the underlying matter. The docket sheet may be disclosed in such a manner as to shield the identity of the parties and the guardian ad litem.

6. Reference number 106. This is a paternity petition on the child support enforcement docket from the Judicial District of Hartford. Notice was received by two of the parties and the state; one of the parties was not able to be reached. No responses to motions to unseal were filed in this action. The file is minimal. Because there has been no showing, either in the file or otherwise, of a reason for continued confidentiality, an unredacted docket sheet may be disclosed.

7. Reference number 107. This is a change of name application from the Judicial District of Hartford. It was brought by a woman who alleged 21 years of abuse by an estranged husband, who threatened to kill her. Notice of this action was sent to a shelter. The private interest in confidentiality outweighs public interest in disclosure. The docket sheet may be disclosed, edited to shield identity.

8. Reference number 108. This is another name change action from the Judicial District of Hartford. The applicant is the mother of the applicant in 101. Notice of this action was ineffective. The private interest in confidentiality outweighs the public interest in disclosure.

The docket sheet shall be edited accordingly and then disclosed.

9. Reference number 109. This is a paternity action from the Judicial District of Hartford. An attorney for the plaintiff appeared at the hearing on the motion to disclose and advocated for disclosure. Attorneys for the parties received notice and green cards were received. Notice was sent directly to the respondent as well, but there was no response. The ground for sealing appears to be embarrassment and possible professional repercussions; the respondent is an attorney. The immediate ground may perhaps no longer be germane because of change of circumstances; see generally *Rosado II*, supra. There does not appear to be a private interest which outweighs public interest in disclosure. The docket sheet may be disclosed in full.

10. Reference number 110. This is another change of name application from the Judicial District of Hartford. The applicant was fleeing an abusive ex-boyfriend. There is no public interest in the party or any special public interest in the nature of the controversy. The docket sheet shall be redacted to shield the identity of the applicant and then disclosed.

11. Reference number 111. This and the following file are the change of name applications brought by the applicant in 110 to change the names of her children. For the same reasons that appear in 110, the docket sheets shall be appropriately redacted.

12. Reference number 112. See 110 and 111.

13. Reference number 113. This is another change of name applicant by an assault victim, brought in the Judicial District of Hartford. Notice was not received by the applicant. The docket sheets shall be edited to protect identity.

14. Reference number 114. This is a divorce action from the Judicial District of Hartford. Notice was received and the green card signed by the plaintiff; there is no indication that the defendant received notice. There was no response to the motion to unseal. I could find nothing in the file to show a private interest outweighing the public interest. The docket sheet shall be disclosed.

15. Reference number 115. This is a divorce case from the Judicial District of Hartford. Notice was received by the plaintiff and the state, and the plaintiff sent an objection to the motion to intervene. In the objection, the plaintiff states that the file was sealed because someone connected with the file was a confidential informer for the Federal Bureau of Investigation. The plaintiff feared for her safety and that of her children should identity be disclosed.

There is no public interest in the parties and no unusual interest in the subject matter of the file. The docket sheet may be disclosed, subject to editing so that identity is not revealed. The private interest in confidentiality outweighs the public interest in disclosure.

16. Reference number 116. This is a dissolution action from the Judicial District of Middlesex. Notice was sent to the plaintiff and to attorneys for all parties, and green cards were signed and returned on behalf of all three. There was no response to the motion to unseal.

I find no private interest apparent in the file to outweigh public interest in disclosure. The docket sheet shall be disclosed without redaction.

17. Reference number 117. This is a civil action from the Judicial District of Middlesex. This file contains only an application for a prejudgment remedy; the bulk of the file is the subject of Reference Number 118. The order in 118 shall also be applicable to this file.

18. Reference number 118. This is a civil action brought in the Judicial District of Middlesex by the father of a child who claims the child was sexually molested by another. Notice was received by attorneys for the parties; there has been no response to the motions to intervene and to unseal. In the underlying file, much of the filing was public ; the file was ordered sealed in conjunction with a confidentiality order entered at the time of settlement. The defendant apparently had been arrested, and the arrest was presumably public. This is a close case: minors have been recognized to have legitimate privacy interests in circumstances where adults perhaps would not. Cf. Doe v. Martin, 2004 Ct. Super. LEXIS 3155, *4 (Pittman, J.). On the other hand, despite receiving notice, there has been no objection to the motion to unseal. As

stated by the Appellate Court in Vargas v. Doe, supra, 413:

> Although we recognize that when allegations of sexual assault are involved, those who are alleged to be victims, *especially minors*, may have strong privacy interests in having the allegations and surrounding circumstances concealed from public scrutiny, the procedures that our rules of practice provide do not permit automatic approval of the use of pseudonyms by the party or parties involved. (Emphasis added).

On balance, I do not believe that interests in privacy have been asserted sufficient to overcome the presumption of openness. The docket sheet may be disclosed without redaction. If the parties submit a motion for reconsideration prior to the expiration of the appeal period, I will consider any additional reasons, with the understanding that arguments advocating confidentiality would have to be most convincing in order to prevail.

19. Reference number 119. This was a case in which the plaintiff successfully appealed from a decision of DCF to the Judicial District of Middlesex regarding alleged physical abuse of her daughter and placement of her name in a registry. Notice was received by the agency, the appellant and her attorney. The appellant objected to disclosure, on the ground that she had only recently been able to obtain employment in her field. This again is a close case. Because of the objection to the disclosure motion and the involvement of a minor, the docket sheet may be disclosed, but edited in such a way to shield identity. There is no public interest in the parties

themselves. I find that the private interest in confidentiality outweighs the public interest in knowing the identity of the plaintiff. The public does, of course, have an additional interest in being able to see how courts resolve issues. The editing of the docket sheet, thus shielding the identity of the plaintiff, should not compromise the public interest in that regard.

20. Reference number 120. This is a custody application by a father, who claimed the child was in an unhealthy environment. It was brought in the Judicial District of New London. Notice was sent to all appearing parties and signed green cards were returned to the court on behalf of all. No objections to the motion to unseal were filed.

There would not appear to be a reason not to disclose the docket sheet. No reasons have been advanced by any of the parties. Perhaps the passage of time has had its effect. The docket sheet may be disclosed without having been edited.

21. Reference number 121. This is a dissolution action from the Judicial District of New London. The file has been mostly destroyed pursuant to the standard retention schedule. Notice was sent to attorneys for all the parties; there have been no objections to motions to disclose. The docket sheet shall be disclosed without editing.

22. Reference number 122. This is a dissolution action from the Judicial District of New London. It was filed in 1992 and the sealing order was entered in 1998. All lawyers and a party

with a pro se appearance have received notice and there are no objections to the intervenors' motion to unseal the docket sheet. I can find in the file no reason to retain confidentiality which outweighs the public's interest in disclosure. The docket sheet may be disclosed without editing.

23. Reference number 123. This is a dissolution action from the Judicial District of New London. Notice was received by the state, the pro se plaintiff, pro se defendant and the attorney for minor children. No objections to the intervenors' motion to unseal have been received. In light of the lack of objection, the docket sheet may be disclosed in its entirety.

24. Reference number 124. This is a divorce action from the Judicial District of New London. Notice was received by the pro se plaintiff, the guardian ad litem, the attorney for the minor child and the attorney for the defendant. No notice was received by the defendant in his pro se capacity. There has been no objection registered to disclosure of the docket sheet. The docket sheet may be disclosed without redactions.

25. Reference number 125. This is a dissolution action from the Judicial District of New London. The file was sealed at the request of the attorney for the children. Signed green cards have been received from the plaintiff herself, her attorney, the attorney for the minor children, the attorney for a maternal grandmother, and the attorney for the father. The father in his pro se capacity apparently did not receive notice. There have been no objections registered to

disclosure of the docket sheet. The docket sheet is ordered unsealed.

26. Reference number 126. This case was a divorce action from the Judicial District of New London. The file was sealed by motion of the plaintiff's counsel. Notice of this action was received by the plaintiff pro se and the defendant's attorney. No objection to unsealing was received. The docket sheet is ordered to be unsealed without editing.

27. Reference number 127. This is a dissolution action from the Judicial District of New London. Notice was received by the two pro se parties and by the attorney for the minor child. An attorney for the defendant has reviewed the file. The court has received no objection to the motion to unseal. The docket sheet is ordered to be unsealed without redaction.

28. Reference number 128. This is a custody case from the Judicial District of New London. Notice was received by the attorney for the plaintiffs, the minor child and the defendant. The attorney for the defendant indicated that he had no objection to disclosure of the docket sheet; he had been unable to reach his former client to solicit her view.

The docket sheet is ordered disclosed without redaction.

29. Reference number 129. This is a dissolution action from the Judicial District of Ansonia-Milford. Notices were received by the pro se defendant and the attorney for the plaintiff. The defendant spoke at the hearing on this matter and urged that the matter be opened.

There was no response from the plaintiff's side. I see no private interest sufficient to outweigh the public interest in disclosure of the docket sheet.

The docket sheet is ordered disclosed without redaction.

30. Reference number 130. This file was brought in the Judicial District of New Britain to enforce an order of a New York family court. The court in New Britain determined that the matter qualified under Connecticut law as a juvenile matter, thus subject to mandatory "sealing." Notice was not received by the parties. Because juvenile matters are sealed by statute, the docket sheet in this case shall remain sealed.

31. Reference number 131. This is a dissolution action arising from the Judicial District of Tolland. The case was sealed during the course of a support hearing. Notice was received by attorneys for all parties and by all the parties pro se. There was no response to this court other that a request by one of the lawyers to be removed from the appearance list.

I do not find a private interest sufficient to outweigh the public interest in disclosure of the docket sheet and it is ordered to be disclosed without redaction.

32. Reference number 132. This is a dissolution action from the Judicial District of Fairfield. Notice was received by the attorney for the plaintiff wife and the pro se husband. The wife moved for an order sealing the file because she was in hiding from her first husband, who

had allegedly imprisoned and abused her and had been sentenced to prison for a number of years. The court ordered that "the court computer should not have a record of the plaintiff's or defendant's last name." An objection to the motion to unseal was communicated to the clerk.

In the circumstances, I find that the interest in physical safety outweighs the public interest in disclosure. The docket sheet, edited in a manner to protect identity, shall be disclosed.

33. Reference number 133. This dissolution action arises from the Judicial District of Fairfield. The motion to seal sought to protect disclosure of plaintiff's law firm records. Notice was received by attorneys for both sides.

On review of the file, I find that the purpose of the sealing is still accomplished if the intervenors' motion to unseal the docket sheet is granted. It is, then, granted.

34. Reference number 134. This is a dissolution action from the Judicial District of Fairfield. Notice was received by the attorney for the plaintiff and the pro se defendant. From a review of the file, I do not see a privacy interest that outweighs public interest in disclosure of the docket sheet. The motion to unseal is granted as to the docket sheet in this file.

35. Reference number 135. This is a civil action brought in the Judicial District of Fairfield. Notice was received by the pro se plaintiff and attorneys for all of the defendants. The pro se plaintiff appeared at the hearing in this matter and did not appear to object to unsealing the

name of the file, but was somewhat ambivalent as to other matters.

Having reviewed the file, I find that the file is of some public interest, and there is no private interest sufficient to outweigh the public interest in disclosure of the docket sheet. The motion to unseal the docket sheet in this matter is granted.

36. Reference number 136. This is a dissolution action from the Judicial District of Tolland. Sealing was accomplished by action on a motion by the guardian ad litem. Notice was received by pro se parties and attorneys for the defendant and the minor children. Both parties objected to unsealing information in order to protect the children.

I find that little or no harm is likely to arise from disclosure of the docket sheet only; no sensitive information will be disclosed thereby. Thus, the private interest in confidentiality does not outweigh the public interest in openness. The motion to unseal the docket sheet is granted.

37. Reference number 137. This is an eviction case from the Judicial District of Tolland. Notice was received by attorneys for the plaintiff and the defendant. Notice was apparently not received by the actual defendants. No objections to unsealing were received.

The motion to unseal the docket sheet is granted as to this file.

38. Reference number 138. This is a custody application from the Judicial District of Tolland. Notice was received by attorneys for the mother, one of the defendants and the minor

children. Notice was received by the guardian ad litem. Notice was not received by the attorney for a second defendant.

On a review of the file, I do not find that private interests outweigh public interests and the motion to unseal the docket sheet is granted as to this file.

39. Reference number 139. This is a civil case from the Judicial District of Danbury. Five lawyers for various parties received notice of this action. No objection to unsealing the docket sheet was received by the court.

The file was withdrawn on November 8, 1999, and the contents have presumably been destroyed pursuant to a retention schedule. Docket sheet reproductions exist. They may be disclosed.

40. Reference number 140. This is a civil case from the Judicial District of New Haven. Notice was received by attorneys for the parties and no objection to unsealing has been received. The file has been destroyed pursuant to a retention schedule. The docket sheet may be disclosed.

V. CONCLUSION

The orders in the forty files are subject to an automatic stay, pending the appeal period.

At the expiration of the appeal period, and depending perhaps on whether one or more appeals are taken, the clerk shall arrange for disclosure of the docket sheets, except as to Reference Number 130. Some will be disclosed in their entirety; some will be edited in such a way that pseudonyms will protect identity. In any event, some information will be disclosed in every case but one. The information will appear on the publicly accessible web site approximately one business day after the appeal period runs. A list of docket numbers, with corresponding "reference numbers," will be supplied to counsel for the intervenors immediately after the appeal period has expired.

_____, J.
Beach