

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

P.S. and C.S., by their Guardians, **LINDA NELSON** and **RANDALL NELSON,**)
)
)
 Plaintiffs,)
 v.)
)
 THE FARM, INC., ROY BARTRAM,)
 JANET BARTRAM, and WYANDOT)
 CENTER FOR COMMUNITY)
 BEHAVIORAL HEALTHCARE, Inc.,)
 formerly WYANDOT MENTAL HEALTH)
 CENTER, INC.,)
)
 Defendants.)

Case No. 07-2210-JWL-DJW

ORDER

Before the Court is Defendant The Farm, Inc.’s (“Defendant”) Response to Plaintiffs’ Fourth Motion to Compel and Motion to Strike Exhibits (doc. 174)¹ (the “Motion to Strike”). The Court will now take up the portion of Defendant’s Motion to Strike which asks the Court to (1) strike Plaintiffs’ exhibits 1, 2, and 3 attached to Plaintiffs’ Fourth Motion to Compel (doc. 162) on the grounds that the exhibits contain personal information required to be redacted under D. Kan. Rule 5.4.14, and (2) sanction or otherwise reprimand Plaintiffs’ counsel for failure to comply with D. Kan. Rule 5.4.14. The Court has reviewed the Motion to Strike as well as Plaintiffs’ Response to The Farm, Inc.’s Motion to Strike Exhibits (doc. 179). Plaintiffs, in their response, ask that the Court take appropriate steps to cause exhibits 1, 2, and 3 attached to Plaintiffs’ Fourth Motion to

¹ Defendant’s Response to Plaintiffs’ Fourth Motion to Compel and Motion to Strike Exhibits (doc. 173) was re-filed as doc. 174 for administrative purposes.

Compel to be unavailable for public view. For the reasons set forth below, the Motion to Strike is denied.

Under D. Kan. Rule 5.4.14, parties are required to “refrain from including, or [] partially redact where inclusion is necessary” certain personal data identifiers, including the first or last name of a minor child, an individual’s complete birth date, and an individual’s complete social security number (“Personal Information”).² Defendant points out that Plaintiffs failed to redact this Personal Information from exhibits 1, 2, and 3 to Plaintiffs’ Fourth Motion to Compel. The Court has reviewed these exhibits as well as the entire docket for this case, including all previously filed pleadings and exhibits. The Court notes that Plaintiffs’ counsel and Defendant’s counsel have on several occasions filed pleadings and exhibits containing unredacted Personal Information, including the complete first name, last name, or both the first and last name, and the complete birth date of P.S. and C.S., as well as other minor children. As a result, this Personal Information has been placed in full view of the public. This is particularly troubling considering the nature of the allegations of abuse involved in this action.

The Court will not strike exhibits 1, 2, and 3 to Plaintiffs’ Fourth Motion to Compel. However, in order to remedy the prior failure of Plaintiffs’ counsel and Defendant’s counsel to comply with D. Kan. Rule 5.4.14, the Court will require counsel to review all previously filed pleadings and other documents, including exhibits, for any Personal Information. This includes exhibits 1,2, and 3 to Plaintiffs’ Fourth Motion to Compel. Plaintiffs and Defendant shall redact all Personal Information from previously filed pleadings and other documents, including exhibits, and

² See D. Kan. Rule 5.4.14.

submit redacted copies of the pleadings and other documents, including exhibits, to the Court. The Court will then arrange to have the previously filed unredacted pleadings and other documents, including exhibits, filed under seal, and to have the redacted copies made available for public view.

IT IS THEREFORE ORDERED that Defendant's Motion to Strike (doc. 174) is denied.

IT IS FURTHER ORDERED that Plaintiffs' counsel shall review all pleadings and other documents, including exhibits, previously filed by Plaintiffs for Personal Information. Plaintiffs' counsel shall then redact all Personal Information found and re-submit redacted copies of the pleadings and other documents to the Court **by August 8, 2008**. The redacted pleadings and other documents shall be submitted electronically in .pdf format as an attachment to an Internet e-mail sent to ksd_waxse_chambers@ksd.uscourts.gov.

IT IS FURTHER ORDERED that Defendant's counsel shall review all pleadings and other documents, including exhibits, previously filed by Defendant for Personal Information. Defendant's counsel shall then redact all Personal Information found and re-submit redacted copies of the pleadings and other documents to the Court **by August 8, 2008**. The redacted pleadings and other documents shall be submitted electronically in .pdf format as an attachment to an Internet email sent to ksd_waxse_chambers@ksd.uscourts.gov.

IT IS FURTHER ORDERED that the Court will not issue sanctions at this time. However, all parties are instructed to comply with D. Kan. Rule 5.4.14 and to redact all Personal Information from any future pleadings or other documents, including exhibits, filed with the Court in this case. Any party seeking to file a pleading or other document without redacting Personal Information shall

seek permission from the Court to file the pleading or other document, including exhibits, under seal.

Dated in Kansas City, Kansas on this 18th day of July 2008.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and *pro se* parties