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ALICIA B., PPA	:		
Through her Parent and Next Friend,	:		
CYNTHIA B., ET AL	:		
	:	SUPERIOR COURT	
PLAINTIFFS	:		
	:	JUDICIAL DISTRICT OF HARTFORD	
v.	:		
	:	DECEMBER 15, 2015	
DANNEL MALLOY, ET AL	:		
	:		
DEFENDANTS	:		
		:	

STATE OF CONNECTICUT:
: ss: HARTFORD
COUNTY OF HARTFORD :

**MEMORANDUM IN SUPPORT OF EX PARTE APPLICATION
FOR PERMISSION TO PROSECUTE SUIT THROUGH A PSEUDONYM**

Pursuant to Connecticut Practice Book Section 11-20A(h)(2) and (3), Plaintiffs in the above captioned matter respectfully apply to this Court Ex Parte for permission to prosecute the action in the pseudonyms of Tobias J., Robert J., Alicia B., and Cynthia B., which are the names Plaintiffs seek to assume for purposes of anonymity and privacy. (See Affidavits of Plaintiffs, attached hereto as Attachments A-D.)

Practice Book Section 11-20A(h)(2) empowers the Court to authorize the use of pseudonyms where the public's interest in knowing the identity of parties to a civil action is overridden by the necessity of preserving the identity and/or interests of a party to the matter. In this case, the necessity of preserving the privacy of minor Plaintiffs' identity outweighs the public's interest in knowing the names of Plaintiffs and their next friends, who are their parents.

Plaintiffs Tobias J. and Alicia B. are Black students, ages fifteen and thirteen years old, who have been expelled from their respective schools. During the period when Plaintiffs were expelled, they received alternative education, which the school district defendants are required to provide and the State defendants are responsible for guaranteeing. Plaintiffs allege the alternative education provided failed to meet Connecticut's constitutional guarantee of an adequate education. They further allege that the sub-standard alternative education offered to expelled children, who are disproportionately Black, violates the equal protection guarantees of the Connecticut and U.S. Constitutions.

Plaintiffs have a critical need to preserve the confidentiality of their identities. Plaintiff students are current students in Hartford Public Schools, and they allege facts regarding the alternative education that Hartford Public Schools provides. As current students in the school system, Plaintiffs are vulnerable to retaliation by the defendants. The fear of retaliation is justified based on previous discriminatory treatment by one or more of the Defendant school districts. (*See* Affidavits C and D of Tobias J. and Robert J. respectively, attached hereto).

Plaintiffs also have a strong privacy interest in protecting information regarding their expulsions. Disclosure of Plaintiffs' identities would allow the public, including fellow students, teachers, administrators, and community members, to learn of Plaintiffs' disciplinary history. Additionally, Plaintiff Tobias J.'s expulsion is directly related to juvenile court records. Disclosure of his identities would also allow the public, including fellow students, teachers, administrators, and community members, to learn of his juvenile court history. Plaintiffs reasonably believe this disclosure would subject them and their families to social stigmatization, public ridicule, and discrimination by those inside and outside the school community.

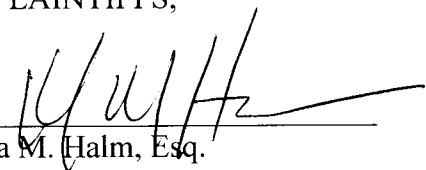
The sensitive nature of matters involving school discipline and juvenile court proceedings is recognized and protected by federal and state law. The federal Family Educational Rights and Privacy Act protects the privacy rights of parents and children by limiting access to education records, including disciplinary records, without parental consent. 34 C.F.R. § 99.2-99.3. Connecticut requires all records of cases of juvenile matters be confidential. Conn. Gen. Stat. § 46b-124. Connecticut recognizes “an overriding public interest in protecting children and preserving their reputations from public exposure.” *Doe v. Roe*, 2013 Conn. Super. LEXIS 66 (Conn. Super. Ct. Jan. 7, 2013, attached hereto as Attachment E). Plaintiff students’ privacy interests regarding their disciplinary and juvenile court history will be protected through the use of fictitious names. These privacy interests will also be protected through the use of fictitious names for their parents, as the public, including other students, teachers, administrators, and community members, would be easily able to identify Plaintiff students through their parents’ true names.

Fictitious names are necessary to preserve Plaintiffs’ anonymity and privacy. The population of expelled students in Connecticut and in the three named school districts is small, and Plaintiffs reasonably believe that members of the public could identify them if they file using their true initials.

WHEREFORE, as the Plaintiffs’ privacy interests will be protected by the use of fictitious names Tobias J., Robert J., Alicia B., and Cynthia B., and the Plaintiffs’ privacy interests greatly exceeds the public’s interest in knowing the identity of the parties to this civil action, the Plaintiffs respectfully request that this Court grant the Plaintiffs’ Ex Parte Application for Permission to Prosecute Suit Through a Pseudonym.

In accordance with Practice Book § 11-20A(h)(2), the plaintiffs request that the motion be granted allowing prosecution through a pseudonym.

THE PLAINTIFFS,

By: 

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ORDER

The foregoing order, having been heard, is hereby ordered: GRANTED / DENIED

ATTACHMENT A

_____	:	
ALICIA B., PPA	:	
Through her Parent and Next Friend,	:	
CYNTHIA B., ET AL	:	
	:	SUPERIOR COURT
PLAINTIFFS	:	JUDICIAL DISTRICT OF HARTFORD
v.	:	
	:	DECEMBER 10, 2015
DANNEL MALLOY, ET AL	:	
	:	
DEFENDANTS	:	
_____	:	

STATE OF CONNECTICUT:
: ss: HARTFORD
COUNTY OF HARTFORD :

AFFIDAVIT OF ALICIA B.
IN SUPPORT OF
MOTION TO USE PSEUDONYM

I, Alicia B. being duly sworn, hereby depose and say:

1. I am Alicia B., the student referred to in the complaint in the above-captioned case.
Alicia B. is a false name I am using to bring this case.
2. I live in Hartford, Connecticut with my mother, Cynthia B., who brings this case as my parent and next friend. My mother is using the false name, Cynthia B., to bring this case on my behalf.
3. I am referred to as Alicia B. in the Complaint because I believe if my name or initials are used in this case, people will be able to figure out who I am, especially the students and teachers at my current school, the students and teachers at my previous school, and other

people who live in Hartford. I do not want people to try to connect my name with the very personal information in court documents from this case.

4. As of the date of the signing of this affidavit, I have been expelled from Hartford Public Schools once, and recommended for expulsion two times.
5. During the 2013-14 school year, when I was a sixth grade student at SAND School in Hartford, Connecticut, I was involved in a fight at school. I was expelled on April 17, 2014 for 180 days as a result of a hearing at which neither my mom or myself were present. I did not want to be expelled, and I asked the hearing officer to re-open the case, which she did. Even after I presented my side of the story, the hearing officer did not change her mind. On June 25, 2014, my expulsion was affirmed. I was upset, sad and mad about being expelled.
6. At the start of the 2014-15 school year, I was still expelled. I could not go to SAND School where my friends were. Instead, I had to go to New Visions, the alternative school in Hartford where students who are expelled are sent.
7. During this 2015-16 school year, I am an eighth grader at SAND School. The school wanted to expel me again as a result of an incident that occurred on October 27, 2015. I already served a 10 day suspension for this incident. I went to an expulsion hearing in front of a hearing officer over this incident on December 2, 2015. I still have not received the decision from this expulsion. If I am expelled, I will have to go back to New Visions for school.
8. I do not want to go back to New Visions. I got hardly any education at all the first time I was there, and it really discouraged me. I felt I was missing out on important learning

that the other kids at my home school were getting. I would prefer to drop out instead of going back to New Visions.

9. I have agreed to share the information I am sharing in this case because I believe that I did not get the education that I needed when I was expelled. I do not want other students to have to go through months at a place like New Visions where they get work that does not matter and they don't have the opportunity to learn. However, I do not want people to be able to know that I am the person in the Complaint and these are my facts.
10. I may have to return to New Visions, and if I do, I would be worried that the teachers and other staff will treat me differently if they know the facts involved in this case. I do not want the teachers or students at New Visions to ask about my current expulsion and why I am at New Visions again. If they ask me questions about what led to my expulsion, it would be uncomfortable for me.
11. I think the staff at New Visions will treat me badly because I am the Plaintiff in a case about the bad education at New Visions. There are not a lot of students at New Visions, so it would be easy to identify me if I did not use a false name in this case.
12. I also do not want the students and teachers at SAND School to know the facts about my expulsion and my feelings about being discouraged with school. I do not want my old classmates to know why I am no longer at SAND and what I am doing now. If they ask me questions about what led to my expulsion, it would be uncomfortable for me.
13. My past expulsion is private information, and I do not want people to know this private information about me.
14. This is all true to the best of my knowledge and belief.

Alicia B.

Alicia B.

Subscribed and sworn to before me this 10th day of December, 2015.

[Signature]
Commissioner of the Superior Court

ATTACHMENT B

ALICIA B., PPA

Through her Parent and Next Friend,

CYNTHIA B., ET AL

PLAINTIFFS

v.

DANNEL MALLOY, ET AL

DEFENDANTS

STATE OF CONNECTICUT:

: ss: HARTFORD

COUNTY OF HARTFORD :

:

:

: SUPERIOR COURT

: JUDICIAL DISTRICT OF HARTFORD

: DECEMBER 10, 2015

:

:

AFFIDAVIT OF CYNTHIA B. IN SUPPORT OF
MOTION TO USE PSEUDONYM

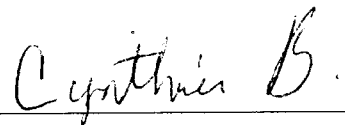
I, Cynthia B., being duly sworn, hereby depose and say:

1. I am the mother of Alicia B. who is a Plaintiff in the above-captioned case. Cynthia B. is the pseudonym I have assumed for purposes of bringing this action on behalf of my daughter.
2. I live in Hartford, Connecticut with my daughter, who is thirteen years old.
3. I am referred to as Cynthia B. in the Complaint because I believe if my name or initials are used in this case, people will be able to identify me and my daughter easily, especially the students and teachers at my daughter's schools, and other people who live in Hartford. I do not want people to be able to link my daughter's name to the personal information in court documents from this case.

4. During the 2013-14 school year, when my daughter was a sixth grade student at SAND School in Hartford, Connecticut, she was expelled for 180 days.
5. After my daughter was expelled, I enrolled her at New Visions in Hartford, Connecticut, the alternative school for expelled students. I was worried about New Visions because it was a school for students with discipline problems, and I did not think it was the best environment for my daughter. However, Hartford Public Schools told me that my daughter must attend New Visions or she would receive no education at all. I felt like I had no choice but to enroll her at New Visions.
6. During the 2015-16 school year, SAND again moved to expel my daughter for an incident that occurred on October 27, 2015. An expulsion hearing was held on this matter on December 2, 2015 in front of an impartial hearing officer. I have not yet been notified of the decision of the hearing officer.
7. If my daughter is expelled again, she will return to New Visions and I do not want her to be in that environment again. I do not want to see her fall further behind in school and grow more discouraged about her education.
8. I want my daughter to attend a magnet high school in Hartford, and I am worried that the expulsion will prevent her from securing a seat at a magnet school. I am frustrated that New Visions is ruining her current and future educational options.
9. I do not want the students or teachers at New Visions to link my or my daughter's name to the facts in this case. My daughter has told me that she is worried that school staff, including the teachers, will treat her differently if they knew the facts involved in this case. Learning that my daughter and I are involved in this case may make the New Visions staff treat her differently because she is speaking up about the poor education

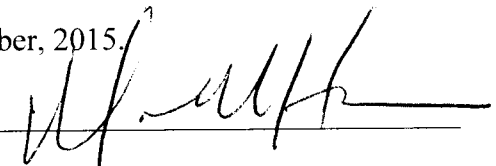
New Visions offers. My daughter may return to New Visions, and she could face retaliation from the staff.

10. My daughter has also told me that she is afraid that other students, both at New Visions and SAND, will ask her questions about her expulsion. She has told me that having been expelled is a painful and frustrating subject for her, and I do not want her to face questions from her classmates about what happened.
11. I have agreed to share personal details about my and my daughter's experience because I believe that my daughter did not receive the education she deserved while expelled. I do not want other students or parents to go through what I have gone through. However, I do not want people to be able to link my name to the facts in the Complaint about. I do not want people to know the private information included in the Complaint about her education. I am also very afraid that school employees will retaliate against both myself and my daughter for bringing this complaint against the school and the state.
12. The above is true to the best of my knowledge and belief.



Cynthia B.

Subscribed and sworn to before me this 10 day of December, 2015.



Commissioner of the Superior Court

ATTACHMENT C

ALICIA B., PPA
Through her Parent and Next Friend,
CYNTHIA B., ET AL

PLAINTIFFS

v.

DANNEL MALLOY, ET AL

DEFENDANTS

:
:
: SUPERIOR COURT
: JUDICIAL DISTRICT OF HARTFORD
: DECEMBER 11, 2015

STATE OF CONNECTICUT:

: ss: HARTFORD

COUNTY OF HARTFORD :

AFFIDAVIT OF TOBIAS J. IN SUPPORT OF
MOTION TO USE PSEUDONYM

I, Tobias J., being duly sworn, hereby depose and say:

1. I am Tobias J., the student referred to in the complaint in the above-captioned case. Tobias J. is a false name I am using to bring this case.

2. Though I used to live in Manchester, Connecticut, I now live in Hartford, Connecticut with my father, Robert J., who shares the same name as me and who brings this case as my parent and next friend.

3. I am referred to as Tobias J. in the Complaint because I believe if my name or initials are used in this case, people will be able to figure out who I am, especially the students and teachers at my school, and other people who live in Hartford or Manchester. I do not want people to try to connect my name with the very personal information in court documents from this case.

4. During the 2013-14 school year, when I was an eighth grade student at Global Experience Magnet School in Bloomfield, Connecticut, I was expelled after the police told my school about an alleged delinquent act. These charges were eventually dismissed by the Juvenile Court. Though the charges were dismissed, I was expelled from January 14, 2014 through December 16, 2014. It was very painful and humiliating for me to be expelled.

5. While I was expelled, from January 2014 to April 2014, the education I received from Manchester Public Schools was limited to ten hours of tutoring weekly.

6. On April 1, 2014, Manchester Public Schools stopped my tutoring. From then on, I did not get any education from Manchester Public Schools.

7. In May or June 2014, I moved to Hartford to live with my father. Although I tried to register with Hartford Public Schools, they would not let me because of my expulsion. Until the end of April 2015, I did not receive any education from Hartford Public Schools. Though my expulsion should have ended on December 16, 2014, I was not allowed to start school until after April 24, 2015.

8. When I finally returned to school, I was put back in eighth grade.

9. In the fall of 2015, I started my high school education at a new school in Hartford. As far as I know, no one at this school knows about my expulsion and the lack of education I received.

10. I am afraid that school staff, including my teachers, will treat me differently if they know the facts involved in this case. I do not want my teachers to treat me differently because I am the Plaintiff in a case against the school district. I do not want them to look at me differently than other students.

11. In the past, Hartford school staff treated me differently when they learned about my expulsion. Because they learned about my expulsion, they wouldn't let me start school, even when my expulsion was over. They also made me go through an assessment to say that I was safe to be in school. I am afraid that Hartford school staff will treat me differently again.

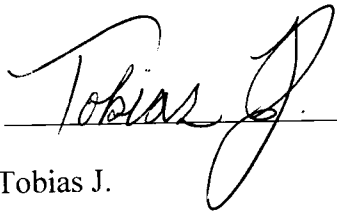
12. I am also afraid that other students will treat me differently. I think other students will ask me questions about why I was expelled, and they may assume I am a bad person because I was expelled. They may also ask me questions about the police incident that led to my expulsion. These questions from other students would be very painful for me.

13. I do not want my new school to think I am a bad person because of my expulsion or my police involvement. I am trying hard to learn and succeed at school, despite the lack of education that I received from Manchester and Hartford.

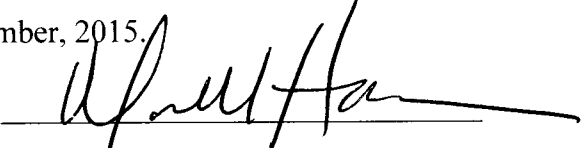
14. My expulsion and the police incident during the 2013-14 school year are my private information, and I do not want people to know this private information about me.

15. I have agreed to share this information because I believe that I did not get the right education that I needed throughout the time that I was expelled. I do not want other students to have to go through what I did being put out of school for so long. However, I do not want people to be able to link my name to the facts in the Complaint about me.

16. This is all true to the best of my knowledge and belief.


Tobias J.

Subscribed and worn to before me this 11th day of December, 2015.



Commissioner of the Superior Court

ATTACHMENT D

_____	:
ALICIA B., PPA	:
Through her Parent and Next Friend,	:
CYNTHIA B., ET AL	:
	: SUPERIOR COURT
PLAINTIFFS	:
	: JUDICIAL DISTRICT OF HARTFORD
v.	:
	: DECEMBER 10, 2015
DANNEL MALLOY, ET AL	:
	:
DEFENDANTS	:
_____	:

STATE OF CONNECTICUT:

: ss: HARTFORD

COUNTY OF HARTFORD :

AFFIDAVIT OF ROBERT J. IN SUPPORT OF
MOTION TO USE PSEUDONYM

I, Robert J., being duly sworn, hereby depose and say:

1. I am the father of Tobias J., a Plaintiff in the above-captioned case. Robert J. is the pseudonym I have assumed for purposes of bringing this action on behalf of my son.
2. I live in Hartford, Connecticut with my son, Tobias J. My son is fifteen years old. My son and I share the same name.
3. I am referred to as Robert J. in the Complaint because I believe if my name or initials are used in this case, people will be able to identify me and my son easily, especially the students and teachers at my son's school, and other people who live in Hartford.

4. My son previously lived in Manchester, and I am also concerned about people in Manchester identifying him as a Plaintiff in this case. I do not want people to be able to link my son's name to the very personal information in court documents from this case.

5. During the 2013-14 school year, when my son was an eighth grade student at Global Experience Magnet School in Bloomfield, Connecticut, he was expelled based on an alleged delinquent act. Even though the Juvenile Court eventually decided not to pursue these charges, he was expelled from January 14, 2014 through December 16, 2014. After my son was expelled, I was extremely concerned that he was not receiving an adequate education. From January 2014 to April 2014, the education my son received from Manchester Public Schools was limited to ten hours of tutoring weekly. I was worried that he was not learning enough during this time.

6. In early April 2014, Manchester Public Schools abruptly ended the tutoring my son was receiving. After that, he did not receive any educational services from Manchester Public Schools. I did not know that he was still entitled to receive educational services even though he was expelled.

7. Sometime in late May or June 2014, my son moved to Harford to live with me.

8. I believed that my son would not be allowed to enroll in Hartford Public Schools until his expulsion was over. Preparing for the end of his expulsion, I took my son to Hartford Public Schools on November 9, 2014 to enroll him. The Hartford Public Schools Welcome Center staff told me my son had to enroll as an eighth grader and that

Milner School had space for him. The staff also told me to then go to the Miler School and complete additional paperwork to register him.

9 On November 10, 2014, I took my son to Milner to complete the necessary paperwork to enroll him in school. As I completed the extensive paperwork, I told the school secretary that my son had been expelled the previous school year. The Milner principal then talked to me and told me that my son would need to take a risk assessment and she would need to talk to her supervisor at the Central Office of Hartford Public Schools before he could attend Milner.

10. As a result, my son's enrollment process was cut short. The principal told me to wait to hear back from her about my son's enrollment.

11. I did not hear back from Milner or Hartford Public Schools in November or December 2014. In December 2014, I contacted Milner and was told that the principal would call me back, but I did not hear back from her.

12. Though my son's expulsion should have ended on December 16, 2014, Hartford Public Schools failed to enroll him in school at that time. In fact, Hartford Public Schools failed to permit me to enroll my son until April 2015. In the meantime, he received no education whatsoever.

13. It was not until April 24, 2015 that Milner staff contacted me to have my son start school.

14. I immediately brought my son to Milner to finish the enrollment process.

In the fall of 2015, my son started high school at a new school in Hartford. I do not think that school staff or students know at this school know about his previous expulsion and the lack of education he received after he was expelled.

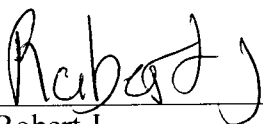
15. My son has told me that he is afraid that school staff, including my son's teachers, will treat him differently if they knew the facts involved in this case. I know that learning about my son's expulsion can make school staff treat him differently because this is what happened when I told Milner staff about his expulsion: they prevented him from enrolling in school and he was wrongfully denied an education for several month.

16. My son has also told me that he is afraid that other students will treat him differently, asking him questions about his expulsion and the incident that led to his expulsion. He has told me that his expulsion is a painful subject for him, and I do not want him to face questions from his classmates about it.

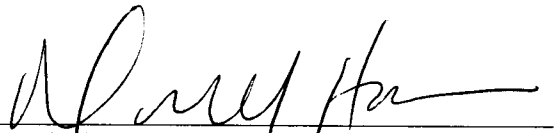
17. I have agreed to share personal details about my and my son's experience because I believe that my son did not receive the education he deserved while expelled. I do not want other students or parents to suffer what I have suffered. However, I do not want people to be able to link my name to the facts in the Complaint.

18. Because my son and I have the same name, if someone knew my name, it would be easy for them to figure out who my son was. I do not want people to know the private information included in the Complaint about his education and Juvenile Court involvement.

19. The above is true to the best of my knowledge and belief.


Robert J.

Subscribed and worn to before me this 10th day of December, 2015.



Commissioner of the Superior Court

ATTACHMENT E

Doe v. Roe

Superior Court of Connecticut, Judicial District of Waterbury at Waterbury

January 7, 2013, Decided; January 7, 2013, Filed

CV116010525

Reporter

2013 Conn. Super. LEXIS 66; 2013 WL 453052

John Doe et al. v. Jane Roe et al.

Notice: THIS DECISION IS UNREPORTED AND MAY BE SUBJECT TO FURTHER APPELLATE REVIEW. COUNSEL IS CAUTIONED TO MAKE AN INDEPENDENT DETERMINATION OF THE STATUS OF THIS CASE.

Judges: [*1] MARK H. TAYLOR, J.

Opinion by: MARK H. TAYLOR

Opinion

MEMORANDUM OF DECISION RE MOTION FOR PSEUDONYM

I

BACKGROUND

The present action for damages was brought by the parents of a minor child who was, allegedly, sexually assaulted at gunpoint by two of the named defendants in this case, who are also minor children. In the complaint, it is further alleged that these minor defendants have been prosecuted in juvenile court, based upon the same allegations. The third defendant is their mother, who is being pursued in this matter for negligent supervision of her two minor children. These allegations have been denied by the defendants.

This case was filed with the court on June 27, 2011. Since then, all court filings have included the names of all parties, other than the victim who is simply referred to as "the Child." On October 17, 2012, the defendants filed a motion for the use of pseudonyms in place of their legal names. After proper notice, an initial hearing on this motion was held by the court on November 5, 2012 and the matter was continued for further proceedings and findings, held on January 2, 2013.

There is a second, related action filed in this judicial district, named *Utica First Ins. v. Roe*, Superior Court,

[*2] judicial district of Waterbury, Docket No. CV 12 6015091. All parties to the present action are the named defendants in this second action, brought by the defendants' insurance carrier, seeking declaratory relief from any liability resulting from the actions of the defendants in the present case.

A status conference was scheduled by the court for both cases on December 5, 2012. Without the assistance of the court, all parties reached a universal settlement agreement, which included a provision to seal both files. However, the agreement to seal both cases was not immediately accepted by the court for three reasons. First, no sealing or use of pseudonyms order had been issued, as no findings had yet been made by the court on the record, as required by Practice Book §11-20A. Second, no motion for pseudonyms has been filed by the plaintiffs in the present case to protect the names of the parents and, thereby, the name of the victim. Third, no motion had yet been filed, noticed or heard by the court in the companion case of *Utica First Insurance v. Roe*.

Since then, however, on December 19, 2012, a motion for pseudonyms has been filed by the plaintiff in the second case to protect the names [*3] of all of the defendants, who include all of the parties in this case. This second motion was noticed for a hearing by the court and was scheduled together with this matter on January 2, 2013, as required by the Practice Book.

II

DISCUSSION

Public court proceedings and records are necessary to protect the public's faith in the integrity of the judicial system. Therefore, "[t]he presumption of openness of court proceedings, which is implicated in applications to proceed anonymously, is a fundamental principle of our judicial system." *Doe v. Connecticut Bar Examining Committee*, 263 Conn. 39, 65, 818 A.2d 14 (2003). "The public and press enjoy a right of access to attend trials

in civil as well as criminal cases . . . Though not as critical as access to the proceedings, knowing the litigants' identities nevertheless tends to sharpen public scrutiny of the judicial process, to increase confidence in the administration of the law, to enhance the therapeutic value of judicial proceedings, and to serve the structural function of the First Amendment by enabling informed discussion of judicial operations." (Internal quotation marks omitted.) *Doe v. Firm*, Superior Court, judicial district of Ansonia-Milford, Docket No. CV 06 5001087, 2006 Conn. Super. LEXIS 2860 (September 22, 2006, Fischer, J.). [*4] See also *Doe v. McNamara*, Superior Court, judicial district of Fairfield, Docket No. CV09 5022796, 2009 Conn. Super. LEXIS 1038 (April 20, 2009, Hiller, J.).

Nevertheless, there are some matters so sensitive and private that openness in such a public forum must be tempered for there to be justice without further harm to victims and, as here, even for those who have allegedly harmed them, due to their status as minor children. "The ultimate test for permitting a plaintiff to proceed anonymously is whether the plaintiff has a substantial privacy right which outweighs the customary and constitutionally-embedded presumption of openness in judicial proceedings." (Internal quotation marks omitted.) *Doe v. Firm*, *supra*, Superior Court, Docket No. CV06 5001087. See also *Doe v. Diocese Corp.*, 43 Conn. Supp. 152, 159, 647 A.2d 1067 (1994) [11 Conn. L. Rptr. 519].

As discussed by the Appellate Court in *Vargas v. Doe*, 96 Conn.App. 399, 411, 900 A.2d 525 (2006): "[t]he 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 [*5] 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.) The court recognized 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 . . ." *Id.*, at 413. The burden is on the party requesting to proceed anonymously. *Id.*, at 410. In determining whether there is a substantial, protected matter of privacy, our statutes and Practice Book provide courts with procedures and recognized rights of

confidentiality, permitting parties to proceed in some cases without full public disclosure of the parties' names and other confidential information.

Notwithstanding an agreement of the parties to limit public access to judicial filings and proceedings, which exists here, Practice Book §11-20A sets forth procedures and considerations courts must follow before permitting parties to proceed anonymously. Section 11-20A(h)(1) provides in relevant part: "Pseudonyms may be used in place of [*6] the name of a party or parties . . . only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in knowing the name of the party or parties. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. The judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record . . . An agreement of the parties that pseudonyms be used shall not constitute a sufficient basis for the issuance of such an order . . . The Practice Book also provides for the use of pseudonyms after an action has been commenced, as is the case here, so long as there has been proper notice to the public of the court's pending consideration of a motion for the use of pseudonyms.¹ Section 11-20A(h)(3) provides for the entry of such an order as long as the matter is placed on the short [*7] calendar to be held "not less than fifteen days following the filing of the motion unless the judicial authority otherwise directs, so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration."

The court finds that the defendant's motion for permission to proceed under pseudonyms was filed on October 17, 2012. The motion was noticed and heard by the court at the short calendar held on November 5, 2012, and, upon further notice, the matter was continued to the short calendar held on January 2, 2013, a date not less than fifteen days following the date of filing.

The settlement agreement of the parties also provides for the sealing of a file. Practice Book §11-20A sets forth

¹ There is the same provision for sealing at Practice Book §11-20A(f)(1), which is requested by the parties' agreement.

a procedure, similar to the procedure for the use of pseudonyms, that the court must follow in determining whether to seal documents within a file. Section 11-20A(g) and (h) provide in relevant part: "[T]he judicial authority may order that files, affidavits, documents, or other materials [*8] on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest . . . The judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order . . ."

A motion to seal a file is subject to the same notice provisions that apply to pseudonyms. See Practice Book §11-20A(f)(1). In this case, no motion to seal has been filed and, therefore, no attendant notice to the public has been provided to perfect this request. Nevertheless, pursuant to Practice Book §11-20A(c), the court may enter an order limiting public access to information in a court file, sua sponte. In the present case, the court does not intend to seal the court file, except to the extent it may be necessary to effectuate an order permitting the [*9] use of pseudonyms.

To issue an order for the use of pseudonyms, the court must find that it is necessary to protect an individual interest, overriding the public interest in knowing the names of the parties. In the case before the court, there is no question that the confidentiality of sexual assault victims is protected by law. For example, General Statutes §54-86e protects the confidentiality of identifying information of victims of sexual assault. "The purpose underlying §54-86e is clear. It aims to protect victims of sexual assault by reducing unnecessary harassment and embarrassment in court, and by encouraging the disclosure of sexual assaults." *State v. Bennett-Gibson*, 84 Conn.App. 48, 69, 851 A.2d 1214, cert. denied, 271 Conn. 916, 859 A.2d 570 (2004).

The allegations in this case involve a sexual assault of a seven-year-old boy by two other males who are minors, aggravated by the use of a weapon. In ordering that pseudonyms be used in place of the plaintiff and his parents, the court needs no further rationale than that expressed by the court in *Doe v. Johnson*, Superior Court, judicial district of New Haven, Docket No. CV03

0483186 (December 2, 2003, Arnold, J.) (36 Conn. L. Rptr. 101, 2003 Conn. Super. LEXIS 3330). [*10] In considering an application by the plaintiff to use a pseudonym, the court stated: "The social policy engendered in this statute should apply no less in a civil case where a minor child has alleged that she has been sexually abused by her stepfather over a period of years. The social stigmatization attached to a sexual assault, especially at such a young age, is obvious. Protecting the privacy of the plaintiff Jane Doe in no sense will harm the public interest. The details of the defendant's alleged wrongful conduct are extremely intimate and distressing. To force the plaintiff to proceed without the protection of the pseudonym Jane Doe could only subject the plaintiff to additional psychological harm and distress. To force her father to use his real name instead of John Doe would defeat the need for confidentiality of the identity of Jane Doe. This case is one of a highly sensitive and personal nature and overrides the public's interest in knowing the plaintiffs' true identities." *Id.*

Somewhat ironically, the plaintiffs have never sought an order for pseudonyms to protect the name of the victim from being discovered through the names of his parents, except through the settlement [*11] agreement to seal, filed on December 5, 2012. To the extent that it may be necessary to protect the name of the victim by protecting the names of his parents, the court will exercise its discretion to issue a narrower order to use a pseudonym, in place of the authority it has to seal a file, sua sponte, to protect the name of the victim in this case.

The court issues this order in light of multiple circumstances in these related cases and primarily to protect the innocent victim, who should be no less protected than the alleged perpetrators, who have procedurally perfected their motion for the use of pseudonyms in this case. In doing so, the court considers the fact that a motion for use of pseudonyms by the defendants has been pending in this matter for over two months and has been properly noticed on two occasions, without objection. In addition, there has been notice of the motion for the use of pseudonyms in the second, companion case, applicable to both the plaintiffs and defendants in this case, pending for fourteen days prior to the hearing held on January 2, 2103. Although this is insufficient legal notice under the Practice Book, which requires fifteen days notice instead of [*12] fourteen, the court views this procedural flaw to be de minimus, especially in light of the multiple proper notices of the motion for pseudonyms filed by the

defendants in this case. Taken together, the court considers the public to have been afforded the opportunity to be heard on the question of the use of pseudonyms by the victim and his parents in this case. See Practice Book §11-20A(f)(1) and (h)(3).

The defendants also seek the protection of anonymity through the use of pseudonyms. Similar to the issue of the statutory protection of victims of sexual assault, there is no question that the confidentiality of juvenile delinquency proceedings is protected by law. Delinquency proceedings are statutorily protected from disclosure by General Statutes §46b-124,² reflecting a clear public policy protecting the confidentiality of delinquency information. Although there are statutory exceptions to this general rule,³ none of them appear to apply under the facts of this case, except that delinquency information may be made available to a victim.⁴ However, information made available to the victim of a juvenile offense may not be further disclosed, as has been done by the plaintiff in the [*13] pleadings in this case.

Therefore, the court finds that there is a protected interest associated with the confidentiality of juvenile proceedings, leading the court to conclude that there is an overriding public interest in protecting children and [*14] preserving their reputations from public exposure, despite the fact that the allegations against them may be abhorrent. The court finds there is no extraordinary reason in this case to depart from the general policy of confidentiality involving allegations of criminal acts committed by children.

III

ORDER

The court finds that the plaintiffs' interest in protecting the identity of their child is compelling and significant in light of the allegations of sexual assault. Although the

plaintiffs have requested that the court seal the entire file as a part of its settlement agreement, the court finds that the use of pseudonyms is no broader or narrower than is necessary to preserve their interest in confidentiality here in overriding the public's interest in knowing their names.

The court further finds that the defendants' interest in protecting the identity of their children is also compelling and significant. The court makes this finding in light of their status as children. Although the allegations brought against them involve abhorrent criminal conduct, confidential juvenile proceedings and their underlying facts are highly protected by law from public dissemination. Therefore, the court [*15] finds that pseudonyms are necessary for the defendants, including their parent, to accomplish the overriding interest in the confidentiality of children as the alleged perpetrators of criminal misconduct.

The parties shall prepare copies of all pleadings they have filed, identical to those previously filed with the court, except that all personally identifying information shall be removed, with names substituted by pseudonyms. The first named plaintiff shall be John Doe. The first named defendant shall be Jane Roe. Other pseudonyms shall be at the discretion and agreement of the parties. Furthermore, any addresses identified in the pleadings may be limited to the municipality involved. Once agreed upon by the parties, the new pleadings shall be substituted for the pleadings of record by the court clerks. This order shall remain in effect until otherwise ordered by a court of competent jurisdiction. No new filing fees shall be required.

Any transcripts of these proceedings shall be subject to this pseudonym order and any transcription shall be made with pseudonyms in place of a party's actual name.

BY THE COURT

² General Statutes §46b-124(c) provides: "All records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be confidential and for the use of the court in juvenile matters and shall not be disclosed except as provided in this section."

³ See General Statutes §46b-124(d).

⁴ General Statutes §46b-124(f) provides: "Records of cases of juvenile matters involving delinquency proceedings, or any part thereof, shall be available to the victim of the crime committed by such child to the same extent as the record of the case of a defendant in a criminal proceeding in the regular criminal docket of the Superior Court is available to a victim of the crime committed by such defendant. The court shall designate an official from whom such victim may request such information. Records disclosed pursuant to this subsection shall not be further disclosed, except as specifically authorized by a subsequent order of the court."

MARK H. TAYLOR, J.