

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

T.K. and R.K., on their own behalf, and as	:	
parents of S.K.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL NO: 3:03CV1747
	:	
WATERBURY BOARD OF EDUCATION	:	
	:	
Defendant.	:	

**RULING ON PENDING MOTIONS**

In this action, plaintiffs seek recovery, pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 *et seq.*, of reasonable attorney fees and costs incurred in connection with an allegedly successful challenge to the appropriateness of minor child's special educational program. Presently before the Court are plaintiffs' motions to prosecute this action in fictitious names and to seal the record in this case from public inspection. In their motion for permission to proceed using fictitious names, plaintiffs assert that they do so in order to protect the privacy of their minor child, who was the subject of the action for which they seek attorneys' fees. In their motion to seal the record, plaintiffs recite in conclusory fashion that the entire record of this proceeding must be sealed from public inspection because the action "involves facts which are such that the public knowledge of the Plaintiffs' identity would constitute an invasion of their privacy and subject and subject them to public obloquy and embarrassment." *See* Motion at 1.

The Court will grant the motion to proceed through use of fictitious names as that appears

to be a narrowly tailored remedy properly designed to protect the privacy of plaintiffs' minor child. However, plaintiffs have utterly failed to provide justification for their request to seal the entire file in this case.

Both the Supreme Court and the Second Circuit have recognized that the public has a right of access to court records. *See Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 579-99 (1978); *Video Software Dealers Assoc. v. Orion Pictures, Corp. (In re Orion Pictures Corp.)*, 21 F.3d 24, 26 (2d Cir. 1994). As a consequence, there is a strong presumption against sealing any court records to public inspection. *Id.* In limited circumstances and upon a showing of compelling circumstances, a court may order certain records to be sealed. However, "[i]n most cases, a judge must carefully and skeptically review sealing requests to insure that there really is an extraordinary circumstance or compelling need." *Id.* at 27 (citation omitted). Moreover, ordinarily, a court must make that determination on the basis of a careful document-by-document review. A blanket sealing order such as that requested by plaintiffs would rarely, if ever, be appropriate.

Here, it appears that plaintiffs are only seeking recovery of attorneys fees for an underlying dispute that has already been resolved. Furthermore, the Court has now granted their request to proceed using fictitious names. In those circumstances, it is difficult in the extreme to imagine why every document filed in this civil case should be sealed from public inspection in its entirety. Certainly, plaintiffs – who bear the heavy burden of justifying such an extraordinary remedy – have not even attempted to provide a justification for the requested relief in their conclusory two-sentence motion. The Court will not, therefore, seal the entire case file from public inspection. If during the course of this proceeding, there are particular portions of

documents that plaintiffs believe should be shielded from public view, they may seek individual orders relating to those documents, though they are on notice that they must justify their request by establishing a compelling need for such an order that substantially outweighs the public's interest in open judicial proceedings and by demonstrating that there are no other, less restrictive means to protect plaintiffs' interests.

According, plaintiffs' Motion to Prosecute Suit in Fictitious Name [Doc. # 4] is GRANTED and plaintiffs' Motion to Seal Record From Public Inspection [Doc. # 3] is DENIED.

IT IS SO ORDERED.

/s/ Mark R. Kravitz  
U.S.D.J.

Dated at New Haven, Connecticut: October 19, 2003.