

IN THE SUPREME COURT OF OHIO

Disciplinary Counsel	:	
	:	Case No.: 2014-1905
Relator,	:	
	:	
	:	RELATOR'S RESPONSE TO
	:	RESPONDENT'S MOTION TO
	:	RESTRICT FROM PUBLIC
	:	ACCESS RESPONDENT'S
Hon. Angela R. Stokes (0025650)	:	FORTHCOMING MOTION FOR
	:	MODIFICATION AND
Respondent.	:	EXHIBITS

**RELATOR'S RESPONSE TO RESPONDENT'S MOTION TO RESTRICT FROM
PUBLIC ACCESS RESPONDENT'S FORTHCOMING MOTION FOR
MODIFICATION AND EXHIBITS**

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On January 20, 2015, respondent, Angela Rochelle Stokes, through counsel, filed a Motion to Restrict from Public Access Respondent's Forthcoming Motion for Modification and All Exhibits Attached Thereto. For the following reasons, relator, Disciplinary Counsel, opposes respondent's motion.

Memorandum in Opposition

Respondent has not—and cannot—demonstrate by clear and convincing evidence that the presumption of allowing public access to her Motion for Dissolution or Modification, as well as Exhibits A through U that she submitted in support of her motion, is outweighed by any higher interest. Sup. R. 45(E)(2).

A review of respondent's motion and exhibits reveals that, in large part, respondent's Motion for Dissolution or Modification is a recitation of statements and facts contained within Exhibits A through U. Exhibits A through U, however, are mostly public court records (i.e. transcripts, dockets, journal entries, etc.) that contain no personal identifying or otherwise

sensitive information. In fact, the vast majority of Exhibits A through U are transcripts from various court hearings held at the Cleveland Municipal Court.

With respect to those exhibits that may contain somewhat sensitive information, there are less restrictive means available to protect that information than restricting the entire document from public access. For instance, Sup. R. 45(E)(3) suggests redaction of a document, use of a generic title or description for a document, or use of initials in lieu of proper names. To restrict public access to an entire document when only a fraction of it may contain sensitive information defeats the purpose of Sup. R. 45 and deprives the public of this Court's transparency. Clearly, redaction of personal identifying or other sensitive information is much less restrictive, and more compatible with S.Ct.Prac.R. 3.12(A) and Sup. R. 45(A), which presume that all documents filed with this Court are public records.

Moreover, respondent's claim that redaction will prevent her from fully articulating her position simply lacks merit. It is not necessary for respondent to redact "entire portions" of her motion or the exhibits in order to protect sensitive information. She merely has to protect the identity of the person with whom the identifying or sensitive information is associated. This can easily be accomplished by using the "generic title" or "initial" method suggested in Sup. R. 45(E)(3)(d) and (e).

Finally, respondent has had ample opportunity to redact personal indentifying and other sensitive information from her motion and exhibits in support. As early as December 18, 2014, respondent was aware of this Court's position regarding the restriction of public access to documents in this matter when her earlier Motion to Remove from Public Access Exhibits 1 through 21 was denied. As an aside, respondent's pending Motion to Restrict from Public Access Respondent's Forthcoming Motion for Modification and All Exhibits Attached Thereto

seeks to protect substantially the *same* documents and information that she previously sought to protect in her Motion to Restrict from Public Access Exhibits 1 through 21.

Moreover, more than four weeks have passed between the time that respondent became aware of this Court's position regarding public access to documents in this matter and when she filed her Motion for Dissolution or Modification on January 20, 2015. During this time, respondent could have easily redacted personal identifying or sensitive information from her motion and exhibits and/or drafted her Motion for Dissolution or Modification in a manner that protected such information. Nevertheless, there is nothing prohibiting respondent from undertaking this task now in that she may seek leave under S.Ct.Prac.R. 3.12(C) to redact documents that contain personal identifying or other sensitive information.

CONCLUSION

Because there are less restrictive means for protecting the privacy interests of those persons identified in respondent's Motion for Dissolution or Modification and the exhibits that she submitted in support, this Court should deny respondent's Motion to Restrict from Public Access Respondent's Forthcoming Motion for Modification and All Exhibits Attached Thereto. Instead, this court should order respondent, under S.Ct.Prac.R. 3.12(C) and Sup. R. 45(E)(4), to redact any personal indentifying or other sensitive information that was not redacted when she initially filed her motion and exhibits.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing *Relator's Response to Respondent's Motion to Restrict from Public Access Respondent's Forthcoming Motion for Modification and All Exhibits Attached Thereto* has been served upon respondent's counsel, Larry W. Zukerman, Paul B. Daiker, S. Michael Lear, and Brian Murray, at Zukerman, Daiker, & Lear Co., LPA, 3912 Prospect Ave. E., Cleveland, Ohio 44115 this 30th day of January 2015 via regular U.S. mail and electronic mail.



Scott J. Drexel (0091467)
Relator