

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KENNY A., by his next friend,)	
Linda Winn, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION
)	NO. 1:02-CV-1686-MHS
v.)	
)	
NATHAN DEAL, et al.,)	
)	
Defendants.)	

CONSENT PROTECTIVE ORDER

Class counsel has requested from State Defendants a complete copy of the file and the investigative materials surrounding the case of the death of a child, L.R., who was a member of Plaintiff class. Because L.R. meets the definition of a “child” under O.C.G.A. § 15-11-741, a portion of the requested records are subject to the Georgia Open Records Act; however, that Act may keep confidential certain personal and privileged information contained in those records. Class counsel has a legitimate interest in reviewing the unredacted file and the investigative materials relating to L.R.

Balancing the immediate interest in full disclosure to Class counsel with the potential need to redact or otherwise protect re-disclosure of some information in the file and investigative materials, and consistent with O.C.G.A. § 49-5-41(a)(2),

the Court finds that access to the information by Class counsel is necessary for a determination of potential issues arising from the Consent Decree and that the documents are otherwise admissible under the rules of evidence. Accordingly, it is hereby ORDERED that:

(1) The Georgia Department of Human Services shall produce to Class counsel the complete unredacted file and the investigative materials relating to the death of L.R. as soon as practicable, and no later than ten days from the date of this Order.

(2) Class counsel shall not disclose the contents of the unredacted file and the investigative materials to any persons other than Class counsel or any of their employees, experts, or other agents who are needed to assist in Class counsels' review of the file. Class counsel, their experts, or other agents, and their employees shall maintain and honor the confidential information contained in the file.

(3) If any of the produced records is to be filed for any purpose with the Court, information requiring redaction shall be redacted in accordance with Rule 5.2 of the Federal Rules of Civil Procedure and consistent with the requirements of O.C.G.A. § 49-5-41(e).

SO ORDERED this 21 day of April, 2014.



MARVIN H. SHOOB
Senior United States District Judge

CONSENTED TO:

/s/ Jeffrey O. Bramlett
JEFFREY O. BRAMLETT
Georgia Bar No. 075780
Bondurant, Mixson & Elmore LLP
1201 W. Peachtree St., N.W.
Suite 3900
Atlanta, GA 30309
Telephone: (404) 881-4100
Fax: (404) 881-4111
Email: bramlett@bmelaw.com

MARCIA ROBINSON LOWRY
pro hac vice
IRA P. LUSTBADER
pro hac vice

Children's Rights
330 7th Ave., Fl. 4
New York, NY 10001
Telephone: (212) 683-2210
Fax: (212) 683-4015
Email: ilustbader@childrensrights.org

Attorneys for Plaintiffs

/s/ Mark H. Cohen
MARK H. COHEN
Georgia Bar No. 174567
Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree St., N.E.
Atlanta, GA 30308
Telephone: (404) 885-3597
Fax: (404) 962-6753
Email:
mark.cohen@troutmansanders.com

SAMUEL S. OLENS
Attorney General
Georgia Bar No. 551540

DENNIS R. DUNN
Deputy Attorney General
Georgia Bar No. 234098

SHALEN S. NELSON
Senior Assistant Attorney General
Georgia Bar No. 636575

Attorneys for State Defendants