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Attorney for Plaintiffs,  
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Lisa Littlefield, Addison Fordham, and Tom de Knijf

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

RHONDA LEDFORD, an individual;  
RAYMON GREGSTON, an individual; JO  
MCKINNEY, an individual; SHANE PENROD,  
an individual; KIM MCCORMICK, an  
individual; and GRACIE REYNA, an  
individual; LISA LITTLEFIELD, an individual;  
ADDISON FORDHAM, an individual; TOM  
DE KNIF, an individual; and FRANK  
FARNWORTH, an individual,

Plaintiffs,

v.

IDAHO DEPARTMENT OF JUVENILE  
CORRECTIONS, et al.,

Defendants.

CASE NO. 1:12-cv-00326-BLW  
Hon. B. Lynn Winmill, Presiding

**PLAINTIFFS' MOTION TO STRIKE  
DEFENDANTS' EVIDENCE FILED IN  
SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

[Dkt. 33]

**TO: THE COURT, AND TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS:**

PLEASE TAKE NOTICE that the above-named Plaintiffs hereby move the Court for  
an Order striking evidence filed by the Defendants in support of their Motion for Summary  
MOTION TO STRIKE DEFENDANTS' EVIDENCE IN SUPPORT OF MSJ

Judgment.

The grounds for this motion are that the Defendants appear to have made no effort at all to redact or otherwise protect the names or other confidential information of juveniles in the deposition transcripts or other documents filed in support of their Motion for Summary Judgment on November 25, 2013.

Specifically, the names of several juveniles, including some of those who may have been subjected to sexual abuse by IDJC employees, such as former Safety and Security Officer Julie McCormick, appear throughout the transcripts of the depositions of IDJC Director Sharon Harrigfeld (Dkt. 36-1, Ex. 2), former Superintendent Betty Grimm (Dkt. 36-2, Ex. 3), and of IDJC employee Julie Cloud (Dkt. 38, Ex. 13). Plaintiffs' counsel has not had the time to review all of the other evidence submitted by the Defendants for similar failures, but has no reason to doubt that those documents are similarly unredacted.

The Defendants' failure violates not only F.R.C.P. 5.2, which requires filing parties to redact such information, but also the applicable confidentiality provisions of the Idaho Public Records Act, of the Idaho Juvenile Corrections Act, and Local Rule 5.5, as well as the juveniles' civil rights under other state and federal authorities.

As set forth in the concurrently-filed Declaration of Andrew T. Schoppe, even if inadvertent, the Defendants' failure to redact that evidence is inexcusable where they have relentlessly attempted to prevent the Plaintiffs from disclosing virtually any information or documents produced by the Defendants in the course of discovery on the purported grounds that the protection of the juveniles' confidential information is of supreme importance.

As for the Plaintiffs, Plaintiffs' counsel spent over five hours reviewing and redacting

MOTION TO STRIKE DEFENDANTS' EVIDENCE IN SUPPORT OF MSJ

all of the Plaintiffs' evidence prior to filing it in support of their Response to the Defendants' MSJ, and in an effort to protect the privacy and confidentiality interests of juveniles who might have been identified therein. Notwithstanding this, the Plaintiffs are presently reviewing their own evidence in support of their Response for any inadvertent errors of a similar nature, and will notify the Court and request leave to amend or redact that evidence should the need arise.

For the reasons set forth above, the Plaintiffs respectfully request that the Court issue an Order which strikes the Defendants' evidence offered in support of their Motion for Summary Judgment. In the alternative, Plaintiffs respectfully request that the Court issue any Order which it deems appropriate to address and remedy the Defendants' failure to redact and to protect the privacy and confidentiality interests of the juveniles whose names have been inexcusably unredacted.


The Court is also requested to consider the option of appropriate sanctions where it appears that no effort was made by the Defendants to redact or otherwise protect against the disclosure of that information, and where the Defendants have been wholly aware of their redaction obligations throughout the course of this litigation.

Respectfully submitted,

Date: February 19, 2014

THE LAW OFFICE OF  
ANDREW T. SCHOPPE, PLLC

By:

  
\_\_\_\_\_  
ANDREW T. SCHOPPE,  
Attorney for Plaintiffs,  
Rhonda Ledford, Raymon Gregston, Jo  
McKinney, Shane Penrod, Kim McCormick,  
Gracie Reyna, Lisa Littlefield, Addison Fordham,  
and Tom de Knijf

MOTION TO STRIKE DEFENDANTS' EVIDENCE IN SUPPORT OF MSJ

**CERTIFICATE OF SERVICE**

I hereby certify that on February 19, 2014, I served a true and correct copy of the documents listed hereinbelow upon the parties and/or their respective attorneys of record in this litigation:

**PLAINTIFFS' MOTION TO STRIKE DEFENDANTS' EVIDENCE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

The parties/attorneys upon whom said documents were served are as follows:

Phillip J. Collaer, Esq.  
Anderson, Julian & Hull LLP  
C. W. Moore Plaza  
250 South Fifth Street, Suite 700  
PO Box 7426  
Boise, ID 83707-7426  
Phone: 208-344-5800  
Fax: 208-344-5510

- Via U.S. Mail
- Via Electronic Service (ECF)
- Via Facsimile
- Via Overnight Delivery
- Via Personal Service



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ANDREW T. SCHOPPE

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

RHONDA LEDFORD, et al.

Plaintiffs,

v.

IDAHO DEPARTMENT OF JUVENILE  
CORRECTIONS, et al.,

Defendants.

**CASE NO. 1:12-cv-00326-BLW  
Hon. B. Lynn Winmill, Presiding**

**DECLARATION OF ANDREW T.  
SCHOPPE RE: NOTICE OF  
DEFENDANTS' FAILURE TO REDACT  
CONFIDENTIAL INFORMATION OF  
MINORS IN EVIDENCE FILED IN  
SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

**[F.R.C.P. 5.2(d)]**

[Dkt. 33, filed November 25, 2013]

**DECLARATION OF ANDREW T. SCHOPPE**

1. I, Andrew T. Schoppe, am the attorney for all of the Plaintiffs in this matter. I am licensed to practice law before all the courts of the State of Idaho and California, and

DECLARATION RE: DEFENDANTS' FAILURE TO REDACT EVIDENCE

the matters set forth herein are true and correct to the best of my personal knowledge, except where clearly indicated to be on information or belief, under penalty of perjury under the laws of the State of Idaho and the United States of America.

2. In reviewing the Defendants' evidence filed on November 25, 2013 in support of their Motion for Summary Judgment, I have discovered that neither the Defendants nor their attorneys appear to have made any effort at all to redact or otherwise protect the names or other confidential information of juvenile offenders prior to filing those documents on the PACER system, which of course is publicly accessible, and which requires all users to confirm redaction as follows at the login screen:

“IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with Fed. R. Civ. P. 5.2 or Fed. R. Crim. P. 49.1. This requirement applies to all documents, including attachments... I understand that, if I file, I must comply with the redaction rules. I have read this notice.”

3. The Defendants' failure to redact that information violates not only F.R.C.P. 5.2(d), but the applicable confidentiality provisions of the Idaho Public Records Act, of the Idaho Juvenile Corrections Act, as well as the juveniles' civil rights under other state and federal authorities.
4. Even if the Defendants' failure to redact was somehow inadvertent, it is both inexcusable and galling where the Defendants have for over a year fought to conceal from public view virtually anything produced by them in the course of discovery, and purportedly on the grounds that the protection of the juveniles' privacy and confidentiality interests are of supreme importance. The Court's Interim Protective Order is still pending. See Dkts. 18, 26, and 42. On those same grounds, the

DECLARATION RE: DEFENDANTS' FAILURE TO REDACT EVIDENCE

Defendants refused to produce any documents at all in response to the Plaintiffs' written discovery until the Court ordered them to do so in April of 2013. Where the Defendants were wholly aware of their obligation to redact such information throughout the entirety of this litigation, their failure to make any effort to do so is inexcusable.

5. Specifically, the names of several juveniles, including some of those who may have been subjected to sexual abuse by IDJC employees, such as former Safety and Security Officer Julie McCormick, appear throughout the transcripts of the depositions of IDJC Director Sharon Harrigfeld (Dkt. 36-1, Ex. 2), former Superintendent Betty Grimm (Dkt. 36-2, Ex. 3), and of IDJC employee Julie Cloud (Dkt. 38, Ex. 13).
6. I have not reviewed all of the other deposition transcripts filed in support of the Defendants' MSJ, but I have no reason to believe that any efforts to redact such information were made in those instances, either.
7. The Defendants' failure to redact this information was not immediately apparent to me because, in reviewing their MSJ and in preparing the Plaintiffs' Response, I relied upon the electronic and text-searchable copies of the deposition transcripts of the Defendants, Plaintiffs, and other witnesses that were already in my possession.
8. In contrast, prior to filing the Plaintiffs' evidence offered in support of their Response, I personally spent over five hours reviewing all documents and deposition transcripts to be filed using the text recognition, word search, and redaction tools of Adobe Acrobat XI Pro, as well as my own eyes. Any missed redactions are therefore the result of inadvertence only, as our best efforts were made to ensure that the privacy of the juveniles was protected.

DECLARATION RE: DEFENDANTS' FAILURE TO REDACT EVIDENCE

9. Nonetheless, the Plaintiffs and I are presently reviewing our own evidence in order to identify any potential redaction errors, and will notify the Court of any mistakes, technical problems, or other errors which may have inadvertently resulted in unredacted information being left in the documents.

Pursuant to 28 USC § 1746, I, Andrew T. Schoppe, declare under penalty of perjury that the foregoing statements are true and correct to the best of my personal knowledge, except where clearly stated otherwise to be on information or belief, and with respect to those matters I believe them to be true.

EXECUTED on February 19, 2014, at Boise, Idaho.



By:

ANDREW T. SCHOPPE



**CERTIFICATE OF SERVICE**

I hereby certify that on February 19, 2014, I served a true and correct copy of the documents listed hereinbelow upon the parties and/or their respective attorneys of record in this litigation:

**DECLARATION OF ANDREW T. SCHOPPE RE: NOTICE OF DEFENDANTS' FAILURE TO REDACT CONFIDENTIAL INFORMATION OF MINORS IN EVIDENCE FILED IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

The parties/attorneys upon whom said documents were served are as follows:

Phillip J. Collaer, Esq.  
Anderson, Julian & Hull LLP  
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