

DOCKET NO. WWM-CV-15-6009136 S

MELANIE PEREZ	:	SUPERIOR COURT
<i>Plaintiff</i>	:	
	:	JUDICIAL DISTRICT OF WINDHAM
v.	:	AT PUTNAM
	:	
STATE OF CONNECTICUT	:	
JUDICIAL DEPARTMENT	:	
<i>Defendant</i>	:	September 1, 2016

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO SEAL**

In accordance with Practice Book §§ 7-4B, 11-20A, and 11-20B, the defendant, State of Connecticut Judicial Department (hereinafter "Defendant" or "Judicial"), moves to seal portions of the pleadings filed in the above-mentioned matter; specifically, Exhibits 2, 4 (page 3) and 11 to the affidavit submitted by Mark Ciarciello in support of the Motion for Summary Judgment filed this date.

**I. BACKGROUND**

Plaintiff Melanie Perez brings this action against the State of Connecticut Judicial Department alleging a violation of her rights pursuant to Conn. Gen. Stat. § 46a-60 et seq., the Connecticut Fair Employment Practices Act ("CFEPA). The plaintiff alleges that she has a physical disability (Complaint, ¶ 4) and that the defendant violated her rights and subjected her to disability discrimination.

The exhibits noted above include confidential medical information regarding the plaintiff which the defendant moves to be sealed from public view. The parties filed a Motion for Protective Order on November 19, 2015 (Docket Entry No. 118.00) which was granted by the

Court on December 7, 2015 (Docket Entry No. 118.10, *Calmer, J.*). This Motion to Seal is consistent with the terms of the protective order.

## **II. ARGUMENT**

The information sought to be sealed relates to personal information of a confidential nature regarding the Plaintiff. It is appropriate to redact these documents and materials filed in this action. For example, Practice Book §11-20A (c) provides:

Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials 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. An agreement of the parties to seal or limit the disclosure of documents on file with the court or filed in connection with a court proceeding shall not constitute a sufficient basis for the issuance of such an order.

Additionally, Practice Book § 11-20B (a) provides:

The requirements of Section 11-20A shall not apply to “personal identifying information,” as defined in Section 4-7, that may be found in documents filed with the court. If a document containing personal identifying information is filed with the court, a party or a person identified by the personal identifying information may request that the document containing the personal identifying information be sealed. In response to such request, or on its own motion, the court shall order that the document be sealed and that the party who filed the document submit a redacted copy of the document within ten days of such order.

Here, the key factors bearing on whether to seal under Practice Book § 11-20A favor sealing because of the interest in protecting the personal information of the plaintiff overrides the public’s interest in viewing the confidential material. The requested relief is narrowly tailored to protect the interest of the plaintiff.

**III. CONCLUSION**

In accordance with Conn. Practice Book §§ 7-4B, 11-20A, and 11-20B, the Defendant respectfully moves that this Court seal Exhibits 2, 4 and 11 attached to the affidavit of Mark Ciarciello.

DEFENDANT  
STATE OF CONNECTICUT  
JUDICIAL BRANCH

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**CERTIFICATION**

The undersigned hereby certifies that on September 1, 2016 a true and accurate copy of the foregoing was sent by United States mail, first class postage prepaid, to the following:

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