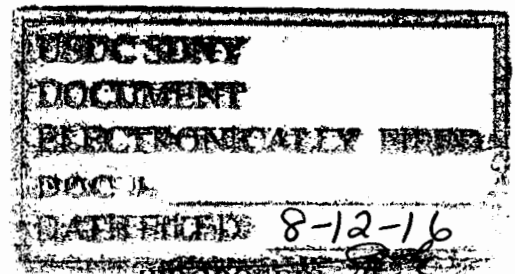


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

In re McCray, Richardson, Santana, Wise and Salaam
Litigation



[PROPOSED]
ORDER REGARDING
TREATMENT OF NON-
PARTY CRIMINAL
INFORMATION AND
IDENTITIES

03 CV 9685 (RLE)

----- x

RONALD L. ELLIS, United States Magistrate Judge:

WHEREAS the parties in this case are presently reviewing for public disclosure the underlying discovery record, most of which is designated confidential pursuant to the Stipulation and Order for the Production and Exchange of Confidential Information dated October 28, 2008 (“2008 Stipulation”) and/or the Stipulation and Order for the Production and Use for Plaintiff’s Confidential Information (“2010 Stipulation”); and

WHEREAS the underlying police, prosecution and court records contain information regarding individuals who are not parties to this case, but who were arrested and/or prosecuted in connection with the underlying events that occurred in Central Park on April 19, 1989; and

WHEREAS by letter dated March 24, 2016, the City of New York delineated five categories of individuals whose arrest and/or prosecution information may be implicated in the underlying record: (1) individuals who were arrested, charged, convicted and their convictions were subsequently vacated (i.e. the plaintiffs in this matter); (2) individuals who were arrested, charged and convicted or pled guilty; (3) individuals who were only questioned/interviewed as witnesses (and not formally detained); (4) individuals who were

arrested, charged and the charges were subsequently dismissed; and, (5) individuals who were arrested and questioned as suspects but not charged; and

WHEREAS information concerning the arrest and/or prosecution of non-parties who fall into categories 2, 4 and 5 above may have been sealed pursuant to N.Y. CRIM. PROC. LAW §§ 160.50, 160.55, N.Y. FAM. CT. ACT § 375.1, and other applicable statutes; and

WHEREAS the Federal Rules of Civil Procedure do not abrogate the privacy rights afforded to individuals by N.Y. CRIM. PROC. LAW §§ 160.50, 160.55, N.Y. FAM. CT. ACT § 375.1, and other applicable statutes; and

WHEREAS the parties have represented that the names and criminal records of individuals who may fall into categories 2, 4 and 5 were not redacted by the parties during discovery because the documents were subject to the 2008 Stipulation and because facts about which teenagers were implicated, by whom they were implicated, and when they were implicated were central to the parties' claims and defenses; and

WHEREAS with respect to the *names* of individuals who were arrested and/or prosecuted in connection with the underlying events that occurred in Central Park on April 19, 1989, the public's interest in accessing the underlying discovery record in an intelligible form outweighs the privacy concerns embodied in state law sealing statutes.

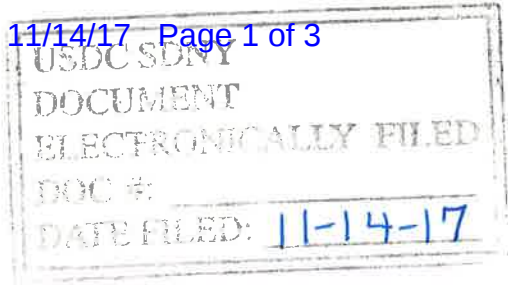
THEREFORE, IT IS HEREBY ORDERED THAT the 2008 Stipulation is hereby modified to permit the public disclosure the *names* of individuals covered under Categories 2, 4 and 5 in the City's March 24th letter; and,

IT IS FURTHER ORDERED THAT *records or information* pertaining to these criminal proceedings, such as the criminal charges, should remain confidential, and/or redacted when necessary.

SO ORDERED this 12th day of August 2016
New York, New York



Honorable Ronald L. Ellis
United States Magistrate Judge



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

In re McCray, Richardson, Santana, Wise and Salaam
Litigation

**COURT ORDER
MODIFYING THE
CONFIDENTIALITY
STIPULATIONS**

03 CV 9685 (RLE)

x

RONALD L. ELLIS, United States Magistrate Judge:

WHEREAS, following settlement of this matter, the parties have agreed, as a matter in the public interest, to disclosure of certain documents in the underlying discovery record which were previously designated confidential pursuant to the Stipulation and Order for the Production and Exchange of Confidential Information dated October 28, 2008 (“2008 Stipulation”) and/or the Stipulation and Order for the Production and Use for Plaintiff’s Confidential Information (“2010 Stipulation”) (collectively the “Confidentiality Stipulations”); and

WHEREAS, counsel for the parties have engaged in review and redaction of the underlying discovery record in anticipation of said documents previously designated as confidential being made publicly available; and

WHEREAS, the parties have agreed to the de-designation and/or continued confidentiality of certain documents or information; and

WHEREAS, with respect to documents or information upon which the parties could not agree, the parties’ counsel sought the Court’s intervention orally or in writing and, having reviewed all applications from both sides, the Court has ruled that certain documents and/or information are to be made public and others are to remain confidential.

THEREFORE, IT IS HEREBY ORDERED THAT the Confidentiality Stipulations are hereby modified as follows:

1. As ruled on by the Court at the Conferences on May 1, 2017 and July 11, 2017, employment, personnel and/or disciplinary records, for parties and non-parties, are to remain confidential.

2. As ruled on by the Court at the Conference on October 31, 2017, with regards to the City's letter application dated October 12, 2017, training materials used by the New York City Police Department ("NYPD") and New York County Office of the District Attorney (DANY), as well as documents concerning NYPD's DNA Backlog program, are to remain confidential.

3. As ruled on by the Court at the Conference on October 31, 2017, with regards to the City's letter application dated October 27, 2017, certain audio recordings and video recordings are to be made public.

4. As ruled on by the Court at the telephone conference on November 8, 2017, various topics listed in the City's letter applications dated November 2 and November 6, 2017, and the Plaintiffs' letter applications of November 2, November 6, and November 7, 2017, are to remain confidential or be de-designated as directed by the Court.

5. In addition to Nos. 1 through 4 above, certain categories, documents and/or information are to be made public as agreed to by counsel for the parties.

6. In addition to Nos. 1 through 4 above, certain categories, documents and/or information are to remain confidential as agreed to by counsel for the parties.

7. This order also incorporates any other post-settlement rulings or instructions by the Court to the parties concerning the treatment of discovery documents which the counsel for the parties reviewed and coded since the first planning Court Conference on May 13, 2015.

8. Written applications made by the parties post-settlement which included documents and charts or contained information deemed confidential pursuant to the Confidentiality Stipulations were sent directly to the Court and not filed via Electronic Case Filing. The confidential information in these applications and their attachments shall remain subject to the Confidential Stipulations unless specifically de-designated by agreement of the parties or this court order.

9. As documents and/or information which are to remain confidential were discussed in detail at the Court Conferences on October 31, 2017 and November 8, 2017, transcripts of said conferences are to remain confidential, except that copies of said transcripts can be specifically ordered from the Southern District Court Reporters by counsel of record who appeared at and participated in those conferences.

10. All other documents and/or information which were exchanged during discovery subject to the provisions of the Confidentiality Stipulations shall remain confidential.

SO ORDERED this 14th day of November 2017
New York, New York



Honorable Ronald L. Ellis
United States Magistrate Judge