

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

<b>DAVID SCHICK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 2013CV232324</b>
<b>vs.</b>	)	
	)	
<b>BOARD OF REGENTS OF THE</b>	)	
<b>UNIVERSITY SYSTEM OF GEORGIA,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT’S MOTION TO FILE DOCUMENTS  
UNDER SEAL AND BRIEF IN SUPPORT THEREOF**

COMES NOW the Board of Regents of the University System of Georgia (“Board of Regents”), by and through its attorney of record, Samuel S. Olens, the Attorney General for the State of Georgia, and pursuant to Uniform Superior Court Rule 21.1, files this Motion to File Documents under Seal.

Contemporaneously with filing this Motion, Defendant has filed a Motion for Relief pursuant to O.C.G.A. § 50-18-71(a). The subject of that motion is four pages of documents that Defendant inadvertently produced in response to Plaintiff’s July 18, 2012 Open Records Act (“ORA”) request. The documents contain the names of a number of individuals who applied for the position of president at one of the Board of Regents’ college or universities. However, none of the individuals identified in these pages was a finalist for the position for which he/she applied. Therefore, the documents should not have been disclosed, based on the exemption set forth in O.C.G.A. § 50-18-72(a)(11).

These four pages were inadvertently disclosed when the Board of Regents produced a CD to Plaintiff’s attorney on August 13, 2013, which contained 713 pages. Plaintiff has posted all 713 pages on his blog. Plaintiff has refused Defendant’s request

to remove the four pages from his blog. Therefore, Defendant is seeking an order from the Court directing Plaintiff to remove the pages from his blog.

Defendant is filing these four pages under seal in order to protect the privacy of the individuals identified in the documents. The court has the authority to file documents under seal in order to protect the confidentiality of records in appropriate circumstances. *See e.g. Dekalb County v. Adams*, 272 Ga. 401 (2000); *Savannah College of Art & Design v. Sch. of Visual Arts*, 270 Ga. 791, 793 (1999). The Georgia courts have held that the State is not authorized to produce records in response to an ORA request if the production of the documents would invade another individual's privacy. *Hardaway Co., v. Rives*, 262 Ga. 631, 633 (1992); *Harris v. Cox Ent., Inc.*, 256 Ga. 299, 302 (1986). Defendant submits that the production, and subsequent publication, of these four pages has invaded the privacy of each individual identified in those pages. In order to protect any further invasion of the privacy of their privacy, Defendant is filing the four pages at issue in Defendant's Motion for Relief pursuant to O.C.G.A. § 50-18-71(a) under seal.

WHEREFORE, Defendant respectfully requests that the Court maintain these records under seal until further order of the Court.


Respectfully submitted,


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Attorney General

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Deputy Attorney General

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Senior Assistant Attorney General

[signatures continued on next page]

  
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Please address all  
communications to:

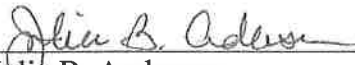
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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day served the within and foregoing **DEFENDANT'S MOTION TO FILE DOCUMENTS UNDER SEAL AND BRIEF IN SUPPORT THEREOF** by depositing a copy of the same to be delivered via United States Mail, addressed as follows:

Daniel Levitas  
Clements & Sweet, LLP  
1355 Peachtree Street  
Suite 1800  
Atlanta, GA 30309

This 15th day of May 2014.

  
\_\_\_\_\_  
Julia B. Anderson  
Senior Assistant Attorney General