

STATE OF VERMONT

SUPERIOR COURT
Rutland Unit

CIVIL DIVISION
Docket No. 221-3-10 Rdcv

RUTLAND HERALD,
Plaintiff

CONFORMED COPY
VERMONT SUPERIOR COURT

v.

JUL 26 2010

CITY OF RUTLAND
Defendant

RUTLAND

ENTRY ORDER RE: PROPOSED REDACTIONS

A hearing was held in this matter on July 16, 2010, regarding the issue of intervention by an interested party, AFSCME Council 93, Local #1201. At the close of arguments, the Court found that, generally, the public interest in disclosure of the documents outweighed any individual's privacy interest. See *Norman v. Vermont Office of Court Administrator*, 2004 VT 13, ¶ 4, 176 Vt. 593 (mem.) ("public's interest in overseeing decisions of its governmental officials must be balanced against the people's right to privacy in their personal and economic pursuits.").

However, the issue of whether redactions were appropriate was still disputed, and the Court ordered the City of Rutland to submit proposed redactions to the documents previously filed for in camera review. In order to create a detailed record, along with the proposed redactions, the City shall submit a separate document detailing the reasoning for each of its redactions.

The Court will take the proposed redactions under advisement and conduct a review of the documents to determine which redactions, if any, are necessary. The Court will issue its own "findings necessary to support its conclusions, resolve the issues before

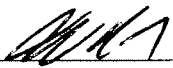
it, and provide an adequate basis for appellate review.” *Norman*, 2004 VT 13, ¶ 10. Should the Court find that any information in the documents is exempt from public inspection, it will consider redaction of the information and file of a separate decision under seal setting forth its specific factual findings. *Kade*, 2006 VT 44, ¶ 9 (citing *Norman*, 2004 VT 13, ¶ 10, n.2.).

At the hearing, the Court also ruled that if the identities of the individuals in the documents are redacted, the Court will not allow the union, AFSCME Council 93, Local #1201, to intervene. If the Court determines that the identities will not be redacted, then AFSCME Council 93, Local #1201 will be allowed to intervene.

ORDER

- (1) The City of Rutland shall have two weeks from July 16, 2010, to submit proposed redactions to the documents previously filed for in camera review and to submit a separate document detailing the reasoning for each of its redactions.
- (2) The Court will refrain from ruling on the Motion to Intervene until it determines whether redaction of the names is appropriate.

Dated at Rutland, Vermont this 24th day of July, 2010.



Hon. William Cohen
Superior Court Judge