



Heroy et al v. Gaston County Board of Education et al

2020 | Cited 0 times | W.D. North Carolina | March 4, 2020

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA

CHARLOTTE DIVISION 3:19-cv-661-MOC-DCK J. ALEXANDER HEROY, as Guardian) Ad Litem
for C.S., a minor, THOMAS) P. PANSA, and wife, PATRICIA D.) PANSA,)

Plaintiffs,)

vs.)

ORDER GASTON COUNTY BOARD OF) EDUCATION and NICHOLAS) PATTERSON, in his
individual) capacity,)

Defendants.) _____)

In this pending action, a high school student, C.S., and his parents Thomas and Patricia Pansa, have sued the Gaston County Board of Education and teacher Nicholas Patterson, regarding a locker room altercation between male high school students. Plaintiffs bring state law negligence claims, as well as claims of violations

nonparties Gordon and Brenda Stewart, (Doc. No. 23), in which they state that they do not want any of their minor student, medical, financial, or otherwise The Stewarts filed this objection after receiving notice from defense counsel that their child name appears in some relevant discovery documents. The notice was provided under the Family subpoena or court order for the release of confidential student information, the school system See 20 U.S.C. § 1232g(b)(2)(B).

Defendants have filed a response to the formal objection filed by the Stewarts. (Doc. No. 25). The Court overru opposition to the objection. 1

That is, the Court Protective Order in this case is sufficient to protect student records from unnecessary disclosure.

Furthermore, the protected disclosure of certain information is essential to enable full and fair litigation of this action. Finally, the Court notes that, when considering motions to compel and objections on the basis of FERPA, oth an evidentiary privilege ... [and] documents covered by FERPA are indeed discoverable in the



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Morton v. Bossier Parish Sch. Bd., 2014 WL 1814213, at *3 (W.D. La. May 6, 2014) (unpublished) (alterations in original) (quoting Garza v. Scott & White Mem'l Hosp., 234 F.R.D. 617, 624 (W.D. Tex. 2005)).

Thus, to the extent that the letter objection can be construed as a justiciable motion, the objection (Doc. No. 23) is overruled and denied.

IT IS SO ORDERED.

1 Plaintiffs have also filed a response to the objection, in which they agree with the substantive See (Doc. No. 26).

Signed: March 4, 2020

