

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
No. 03-2684L & No. 01-568L (consolidated)

(Filed: July 17, 2008)

SHELDON PETERS WOLFCHILD, *et al.*,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES,)
)
Defendant.)

ORDER

Pending before the court are status reports addressing the disclosure of names of the intervening plaintiffs in the Anonymous Walker Group in connection with an examination of the publicly-accessible court files by a counsel's agents. These status reports were filed in response to a request made by the court on June 25, 2008 by the court, after the disclosure was reported by the counsel whose agents obtained the information. In addition, the Anonymous Walker Group filed a motion on July 8, 2008, seeking an independent investigation of the circumstances involving the release of names of anonymous plaintiffs in that group.

The clerk's office confirmed that it has verified that the files pertinent to anonymous plaintiffs and anonymous intervening plaintiffs are secure and sealed. There is no evidence that any disclosure of the names of anonymous plaintiffs and anonymous intervening plaintiffs was made other than the one incident involving the Anonymous Walker Group of intervening plaintiffs.

To address the circumstances of the release of sealed information and any further cure and remedy beyond the steps already taken, the court will hold two evidentiary hearings. The first will take place August 6, 2008, commencing at 10:00 a.m., and will concern the extent of the disclosure of the sealed information, including the specific persons who had access to the information; what, if anything, they did with the information; and whether additional disclosures were made in any form or by any manner. Counsel for the Shakopee Mdewakanton Sioux Community shall appear at this hearing and shall make available the non-lawyer researchers to

whom the release was reportedly made, such that they may provide testimonial evidence at the hearing. This hearing shall be open to the public. In the meantime, counsel for the Shakopee Mdewakanton Sioux Community shall continue to secure all printed and electronic copies of the sealed records.

The second hearing will take place on August 7, 2008, also commencing at 10:00 a.m., and will focus on any harm or prejudice that might have stemmed from the release. That hearing will be closed to the public and to all parties except for the Anonymous Walker Group and the defendant.

The hearings shall be held at the National Courts Building, and the particular courtrooms to be used will be listed in the lobby of the courthouse on the days of the proceedings.

IT IS SO ORDERED.

s/ Charles F. Lettow
Charles F. Lettow
Judge