

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARY TROUPE, ET AL.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:10-cv-153-HTW-MTP

HALEY BARBOUR, ET AL.

DEFENDANTS

**RESPONSE IN SUPPORT OF
RENEWED MOTION TO VACATE PROTECTIVE ORDER**

Settlement negotiations between the parties in this case have terminated. Plaintiffs support the Clarion Ledger's Renewed Motion to Vacate Protective Order (ECF No. 92.)

The First Amendment and common law principles create a presumption that judicial proceedings and their filings should be open to the public and the press as this access is critical to the proper functioning of a fair justice system. *See, e.g., Globe Newspaper v. Superior Ct.*, 457 U.S. 596, 603-06 (1982). Additionally, the Mississippi Public Records Act states "that public records shall be available for inspection by any person unless otherwise provided." Miss. Code § 25-61-2. Thus, Plaintiffs support the Clarion Ledger's assertion that the public's interest in having the Technical Assistance Collaborative ("TAC") Report, which was created with taxpayer money about public entities tasked with serving Mississippi citizens, outweighs the State's interest in confidentiality. As articulated by the Clarion Ledger, there is no dispute that the parties and issues are of a public nature, weighing heavily in favor of releasing the report. *See* ECF No. 75 (citing *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 784 (3rd Cir. 1994)). The public has a clear interest in knowing the results of a tax-payer-funded investigation into the mental health system that is tasked with providing services to the citizens of the state. The original rationale that favored the imposition of a protective order – settlement negotiations

between the parties – is no longer applicable due to the termination of the settlement negotiations several months ago. (ECF No. 82.)

Accordingly, Plaintiffs support the Clarion Ledger’s request for this Court to vacate the protective order.

RESPECTFULLY SUBMITTED, this the 20th day of August, 2016.

/s/Vanessa Carroll

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CERTIFICATE OF SERVICE

I, Brooke McCarthy, certify that I have this day electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification of such filing to all counsel of record.

This the 20th day of August, 2016

/s/Brooke McCarthy