

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SHAWN GOWDER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	No. 11-cv-1304
CITY OF CHICAGO, a municipal corporation,	)	
the CITY OF CHICAGO DEPARTMENT OF	)	Judge Der-Yeghiayan
ADMINISTRATIVE HEARINGS, MUNICIPAL	)	
HEARINGS DIVISION, SCOTT V. BRUNER,	)	
Director of the City of Chicago Department of	)	
Administrative Hearings, the CITY OF CHICAGO	)	
DEPARTMENT OF POLICE, and JODY P. WEIS,	)	
Superintendent of the City of Chicago Department	)	
of Police,	)	
	)	
Defendants.	)	

**PLAINTIFF'S UNOPPOSED MOTION  
FOR RULE 5.2(e) PROTECTIVE ORDER**

NOW COMES plaintiff, Shawn Gowder, by and through his attorney, Stephen A. Kolodziej of Brenner, Ford, Monroe & Scott, Ltd., and moves the Court pursuant to FRCP 5.2(e) for entry of a protective order: (1) sealing plaintiff's Chicago Firearms Permit Application, pages 48-50 of Document #1 and pages 26-28 of Document #13-2, and/or prohibiting any non-party from having remote electronic access to those pages on the Court's docket; and (2) requiring the parties to redact plaintiff's Social Security Number, Drivers License Number, date of birth and address from all further filings and exhibits in this action. In support of this motion, plaintiff states as follows:

1. This action began as a state court claim for administrative review, declaratory judgment and injunctive relief filed in the Circuit Court of Cook County, Illinois, premised upon the denial of plaintiff's application for a Chicago Firearms Permit (CFP). Plaintiff contends that

the denial of his CFP application violates his right to keep and bear arms under the Second and Fourteenth Amendments to the United States Constitution, and under Article I, Section 22 of the Illinois Constitution. Plaintiff filed his state court claim pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*, and 42 U.S.C. Sec. 1983.

2. Defendants removed this action to this Court based upon the Court having original jurisdiction over the plaintiff's federal constitutional claim (Doc. #1). A copy of documents from the Circuit Court of Cook County's court file on this case, including plaintiff's complaint and all attached exhibits thereto, was attached to the defendants' notice of removal (Doc. #1, pp. 5-63).

3. On March 3, 2011, with leave of Court, plaintiff re-filed the complaint bearing this Court's caption and redacting a single page from Exhibit A which was unrelated to this case (Doc. #13). The re-filed complaint is otherwise identical to the original complaint filed in state court, including all exhibits.

4. Exhibit B to both the original state court complaint (Doc. #1, pp. 48-50) and the re-filed complaint bearing this Court's caption (Doc. #13-2, pp. 26-28) is a copy of plaintiff's CFP application. This CFP application was also filed as an exhibit in the administrative proceeding before the Chicago Department of Administrative Hearings that preceded the filing of plaintiff's administrative review action.

5. Plaintiff's CFP application contains his Social Security Number, his Drivers License Number, his date of birth and his home address. This information is irrelevant to this action, because it is not disputed between the parties and had no bearing upon the denial of plaintiff's application. However, because plaintiff's CFP application forms part of the official records of both the Department of Administrative Hearings proceeding and the Circuit Court of Cook County, it is not subject to redaction of plaintiff's personal information under FRCP 5.2(b).

6. Although not subject to redaction under Rule 5.2(b), the inclusion of plaintiff's personal information in this Court's file serves no legitimate purpose and has no bearing upon either plaintiff's claims or defendants' defenses thereto. Plaintiff is very concerned about the risk of identity theft resulting from this personal information being accessible to the general public through remote electronic access to the Court's file, particularly in view of the fact that several cases challenging the constitutionality of Chicago's handgun ordinance (MCC Ch.8-20) are currently pending in this Court, and have received media attention. *E.g., Ezell, et al. v. City of Chicago*, No. 10-CV-5135; *Illinois Association of Firearms Retailers, et al. v. City of Chicago*, No. 10-CV-4184. Because this case also presents a constitutional challenge to a portion of the ordinance, Plaintiff is concerned that similar media attention could be given to this case, which could result in a large number of members of the public remotely accessing and reviewing the court file documents.

7. Plaintiff's counsel has conferred with defendants' counsel, who has reviewed this motion prior to filing, and has agreed that plaintiff's personal information has no relevance to any issues in this case and may be redacted from all future court filings. Defendants' counsel has further agreed that the Court may seal the copies of plaintiff's CFP application attached to the original complaint and re-filed complaint, and/or prohibit any non-party from having remote electronic access to those pages.

8. In addition to the copies of plaintiff's CFP application attached to the original state court complaint and the re-filed complaint, defendants are required under the Illinois Administrative Review law to file a certified copy of the record from the Department of Administrative Hearings as part of their answer to the complaint. *See* 735 ILCS 5/3-108. This

will contain another copy of plaintiff's CFP application. Plaintiff's and defendants' counsel have agreed that plaintiff's personal information should also be redacted from the copy of his CFP application in that filing, and from all future filings with the Court.

9. FRCP 5.2(e) authorizes the Court to grant the relief requested herein for good cause shown. Granting the relief requested herein will not prejudice the parties, and will not deprive the general public from access to any other information in the Court file. Neither the Chicago Department of Administrative Hearings nor the Circuit Court of Cook County provide remote electronic access to the particular documents in their files like plaintiff's CFP application, and thus no legitimate reason exists for the public to have such access to plaintiff's personal information simply because the action has been removed from state court to this Court.

WHEREFORE, plaintiff Shawn Gowder respectfully requests that the Court enter a protective order (1) sealing plaintiff's Chicago Firearms Permit Application, pages 48-50 of Document #1 and pages 26-28 of Document #13-2, and/or prohibiting any non-party from having remote electronic access to those pages on the Court's docket; and (2) requiring the parties to redact plaintiff's Social Security Number, Drivers License Number, date of birth and address from all further filings and exhibits in this action.

Respectfully submitted,

s/ Stephen A. Kolodziej

*Counsel for Plaintiff*

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**CERTIFICATE OF SERVICE**

I, Stephen A. Kolodziej, an attorney, hereby certify that on March 4, 2011, service of the foregoing document is being made in accordance with the General Order on Electronic Case Filing section XI to the following:

Rebecca Alfert Hirsch  
Andrew W. Worseck  
Assistant Corporation Counsel  
30 N. LaSalle Street, Suite 1230  
Chicago, IL 60602

s/ Stephen A. Kolodziej \_\_\_\_\_  
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