

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20CV523

LISA ANTOINE,)
Plaintiff,)
Vs.) ORDER
DELANCY LLC d/b/a VITAL)
MEDICAL STAFFING and)
JOURNEY'S OF STATESVILLE,)
Defendants.)

This matter is before the Court upon the Parties' cross motions for summary judgment. A hearing was held in this matter on July 13, 2022. For the reasons stated in open court at the conclusion of the hearing,

IT IS THEREFORE ORDERED that Plaintiff's Motion for Summary Judgment is hereby DENIED, and Defendant's Motion for Summary Judgment is hereby GRANTED.

Signed: July 13, 2022

Graham C. Mullen
United States District Judge

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 22-1755

LISA ANTOINE,

Plaintiff - Appellant,

v.

DELANCY LLC, d/b/a Vital Medical Staffing,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Senior District Judge. (3:20-cv-00523-GCM)

Submitted: December 15, 2022

Decided: December 19, 2022

Before GREGORY, Chief Judge, and WILKINSON and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lisa Antoine, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

FILED: December 19, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1755
(3:20-cv-00523-GCM)

LISA ANTOINE

Plaintiff - Appellant

v.

DELANCY LLC, d/b/a Vital Medical Staffing

Defendant - Appellee

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

PER CURIAM:

Lisa Antoine appeals the district court's order granting Defendant summary judgment and denying Antoine summary judgment on Antoine's discrimination and retaliation claims, brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, and the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 to 634. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Antoine v. Delancy LLC*, No. 3:20-cv-00523-GCM (W.D.N.C. July 13, 2022). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

APPENDIX B

IDENTIFICATION
CARD

Kyle J. Thomas

000034146224

12/10/1992

12/10/2022

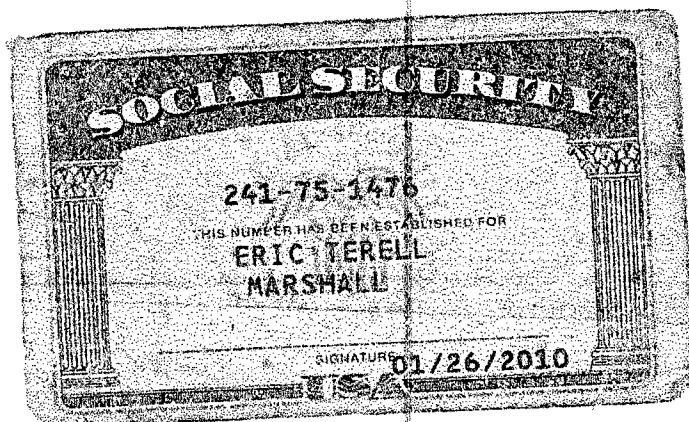
MARSHALL
ERIC TERELL
6217 PATRIC ALAN CT
CHARLOTTE, NC 28216-7644

SEX: M
HEIGHT: 5-07"
WEIGHT: 165
EYES: BRO
HAIR: BRO

05/27/2016

12/10/92

0016389150



A. Wooten, Alexandra
B. 02/09/1990
C. Female
D. 06/14/2018
E. CNA
F. 12/03/2018
G. NO CALL NO SHOW
H. Charly Lindsey, Manager
I. Delacy Lindsey, Director
J. N/A

A. Wright, Leathia
B. 12/04/1981
C. Female
D. 08/27/2018
E. LPN
F. 01/25/2019
G. NO CALL NO SHOW
H. Charly Lindsey, Manager
I. Delacy Lindsey, Director
J. N/A

11. Submit all documents related to Respondent's employment of Eric Marshall, including but not limited to all personnel files (both formal and informal), applications, evaluations, counseling forms, disciplinary actions (both formal and informal), termination paperwork, and any and all emails where Marshall's employment was discussed. If said information is in a separate file, please produce that file.

See Response 11 – Eric Marshall's employment file

12. Identify all Respondent employees assigned to work at the same location during the same shift as Charging Party (including full time, part time, or through a staffing agency) at any time during the period of March 5, 2019 through March 29, 2019, please provide the following in a sortable excel spreadsheet using clearly labeled headers:

Full Name	Job Title	Date of Birth	Sex	Date of Hire	An indication if said emp had super auth over charging party.	Current Emp Status	Date of Separation	Reason no longer employed.	Date and shift that they worked together with Lisa Antoine
Eric T. Marshall	Certified Nursing Assistant	12/10/1992	Male	6/15/2017	No	Terminated	2/7/2020	Poor attendance	3-23-19; 7a-3p
Zykisha Brown-Allen	Certified Nursing Assistant	1/22/1991	Female	6/30/2017	No	Active	N/A	N/A	3-27-19; 7a-3p

- a. Full name;
- b. Job title;
- c. Date of birth;
- d. Sex;
- e. Date of birth;
- f. An indication if said employee had supervisor authority over Charging Party;
- g. Current employment status;
- h. Date of separation (if applicable); and
- i. Reason no longer employed (if applicable).

13. Identify each complaint or report made by any other individual to any supervisor, manager, Human Resources representative, or owner regarding Eric Marshall during the relevant time period. For all complaints, provide the following information:

No complaints during this time frame.

- a. Full name, sex, age, and job title of the individual who made the complaint or report;
- b. Name and job title of all supervisors or managers who were involved in the complaint or were in the direct line of supervision of the individual who made the complaint or report;

APPENDIX C

4/1/2019

TO WHOM IT MAY CONCERN'S

I LISA ANTOINE WHO WORKS AS A CNA WITH VITAL MEDICAL STAFFING WAS ASSIGNED TO WORK AT JOURNEY'S ASSISTANT LIVING FACILITY, ON MARCH 23rd 2019. AT ABOUT 7:35 AM I WAS WORKING ON "B" HALL WITH ERIC MARSHALL ANOTHER VITAL WORKER. WHILE IN THE PROCESS OF GIVING CARE TO RESIDENT SARAH COMPTON, ERIC MARSHALL CAME INTO THE ROOM BEHIND ME. THE OTHER RESIDENT WHO RESIDED IN THE ROOM HER NAME IS JOANNE AND SHE WAS THERE AT THE TIME. I WAS IN THE BATHROOM WASHING THE RESIDENT SARAH COMPTON'S FACE IN THE WASH SINK. ERIC MARSHALL CAME BEHIND ME AND RESTED HIS BODY ON ME WITH AN ERECTED PENIS IN HIS PANTS. HE POSITIONED HIMSELF ON MY BUTTOCKS, AND SPECIFICALLY SAID, "DID I WANT TO SUCK IT." I REPLIED AND SAID, "I AM A MARRIED WOMAN." ERIC MARSHALL LEFT THE ROOM UPSET, AS I CONTINUED TO GIVE CARE BY MYSELF. ERIC AND MYSELF WAS SUPPOSED TO WORK TOGETHER.

AFTER GIVING CARE, I WENT TO THE DINING ROOM TO ASSIST WITH BREAKFAST WHICH STARTS AT 8:00 AM. WHILE

IN THE DINING ROOM I CONFRONTED ~~THE~~ (SIC)-SUPERVISOR IN CHARGE, AND TOLD HER OF THE INCIDENT. HER NAME IS AIYANA BYERS. THE (SIC) AIYANA BYERS THEN CALLED ERIC MARSHALL AND TOLD HIM, HE IS ASSIGNED TO WORK IN THE DINING ROOM. THE (SIC) AIYANA MYERS NEVER ADDRESSED THE SEXUAL ADVANCEMENT ISSUE IN THE WORK PLACE WHEN BROUGHT TO HER, WHICH TOOK PLACE AT THAT FACILITY (JURNEY'S ASSISTANT LIVING).

Lisa Lutie 4/1/19

Vital Medical Staffing Rebuttal

Jurney's of Statesville Rebuttal

May 24, 2019

I was going to work for them (Jurney's) for a month and I don't know how they can say I am not their employee. I was at The Crossing at Steele Creek and I did good work before Jurney's. I been doing this for 20 years. There was another incident with someone from another staffing agency when I was at Steele Creek. An unknown girl from Favorite staffing came to work with an attitude. The next day the girl from the Favorite staffing agency called Vital Staffing and reported me and Candy Robinson, another PCA. Candy went down and talked to the supervisor at Crossing and the supervisor said Vital called them about incident. The employees of the facilities be upset because the staff workers get \$8/hr. but staffing agency people get \$14-15/hr. Vital said I was getting burned out and moved me to Jurney's. I didn't ask to move over there and they didn't give me a reason as to why they were sending me there. I was working for 40 hours at Steele Creek. I took the job at Jurney's because I was buying a house. Vital knew I was going to school to start my own agency. I feel insulted about their attack on my credibility.

How many times did you work at Jurney's?

I can print all the places I worked.

Did you work only 4 days at Jurney's that month?

I worked more than that. I was there for 3 weeks. I have timesheets to show that I worked more than 4 times.

Tell me about the allegations about feces and patients not being changed.

I always get my timesheet completed. The nurse would not sign off on my timesheet for the day if I had not got my residents finished. The only incident I remember about feces was Vital said my partner Keisha and I didn't change the resident and left them in feces. On Wed, Keisha and I worked together. There was another girl who was an actual employee who didn't want to work with Keisha, so I told Keisha to work with me that day. I don't remember who she was that didn't want to work. We worked all the patients and when I left, Keisha worked a double

on the same hall. How could we leave patients soiled if she was there from 7-3pm and 3-11pm? They said a med tech had to clean up behind us, another CNA from another shift would have to clean the patient. Med techs don't clean patients. Keisha worked the next shift and she would have to take over once I left. She couldn't leave people unattended when working both shifts.

Tell me about sexual harassment incident?

Me and Eric work a lot of different places together. I knew he was attracted to me and he knew I was married. At the Regency location we worked at, he made it known he wanted to have sex. I told him I don't have random sex and I'm married. At the job, he walked over to me and he backed up on me and put his penis on my butt and said, "You want to suck it?" He said that in front of the patient. I jumped back and said, "I'm a married woman." He jumped back. He better be glad I didn't punch him. I saw him again on Sunday and he didn't do any rounds with me.

I complained to Miss Byers, the Supervisor in Charge, immediately. Eric started acting funny and wouldn't help me out after I rejected his advances. I told Miss Byers immediately that Eric just sexually harassed me, and he put himself against me and is not helping me. Byers called Eric over there and I was still standing there. I didn't argue with him because I didn't want the employer to call the staffing agency get me in trouble. I called Vital and they didn't answer the phone. I left a message on the weekend and I sent a text message to Lindsey Charlie at Vital. She never called me back. I felt like they didn't take me seriously. Every time I made a complaint to Vital about unsafe situations, they did not address it.

Erica Sanders from Vital called and told me that another CNA was working together with me and we left the resident in feces and I was outside listening to music. Ms. Sanders didn't tell me who called or said what from the facility. Sanders is new, and I have never received corrective action for poor performance.

Do you know if corrective action was taken?

He was 26 years and even if I was attracted to him, he's a kid.

When no one responded to your complaint?

No one because the next day they fired me.

When did the harassment occur?

On the 23rd, Saturday.

The two years I worked with Vital, no one knows what they are doing in that office. There were other complaints by other staff employees regarding how they were getting paid by Vital. They said I had 6 performance violations. I never was notified about them. I worked hard and make beds military style. I gave a superior work award by the physical therapy area and they only want to tell bad things. I read some of the position statement but not all of it because I know they are not honest.

That March 28th allegation that they put me in inactive status. I always take care of my residents and do my documentation. They have no statements and it's not documented so its hearsay.

December 28th issue was when that lady had diarrhea. The lady kept having to go the bathroom and she apologized repeatedly and I told the patient it is ok. The women wanted to go to the hospital and the facility wouldn't take her. I asked for Imodium for the patient. I reported this to Vital. Journey's did not report this to Vital Staffing. I did the best I could. Why didn't they say anything to me about this?

That is not true on March 7th. One of the residents cooked chicken in the microwave. I ran to the room and took the resident out the room and went back in and opened the window. Darrell Wright, another CNA from Favorite Staffing called Vital and made that complaint about me. Vital didn't take my story in consideration. When I asked the supervisor at Journey's, she said she didn't report me to Vital Staffing but Vital said Journey's contacted them. These are all mixed messages but I'm not being calling into the office or written up.

On March 11th, that allegation is not true. I was told that I complained about the residents. I was working with Frances (she works for Vital) and they were her patients. They said I made a nurse go home. The nurse went home and didn't come back. Most of the people are HIV+ and it is a skill facility at the Bryan Center. I didn't make that lady go home. I don't know how Vital

got this information.

There are saying on March 28th, Ms. Lindsey informed me that I was terminated. Ms. Lindsey did not contact me. Ms. Sanders from Vital was the person who contacted me and informed me that I was terminated. Ms. Sanders was also the person I contacted about Eric's sexual harassment.

They hire you and put you straight to work. Vital gets the older ones out and the younger generation who wants to make money and don't ask any questions. They never gave us policy or procedures about the contracts.

APPENDIX D



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Charlotte District Office**

129 West Trade Street, Suite 400
Charlotte, NC 28202
Intake Information Group: 800-669-4000
Intake Information Group TTY: 800-669-6820
Charlotte Status Line: (866) 408-8075
Direct Dial: (704) 344-6686
TTY (704) 344-6684
FAX (704) 954-6410
Website: www.eeoc.gov

March 24, 2020

VIA RESPONDENT PORTAL AND EMAIL

Vital Medical Staffing
c/o Anna Westmoreland
anna@westmorelandlegalnc.com

**RE: LISA ANTONIE V. VITAL MEDICAL STAFFING
EEOC CHARGE NO. 430-2019-01515**

Dear Ms. Westmoreland:

The Commission has determined that further information is needed to make a determination based upon the merits of the charge. Therefore, Vital Medical Staffing is hereby requested to submit information and records relevant to the subject charge of unlawful employment practices as related to Title VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967. The Commission is required by law to investigate charges filed with it, and the enclosed request for information does not necessarily represent the entire body of evidence, which we need to obtain from your organization in order that a proper determination as to the merits of the charge can be made.

If there are objections to providing any of the information requested herein, please notify me immediately. Otherwise I look forward to a timely response. Failure to follow the instructions contained herein or providing an evasive or incomplete answer will constitute a failure to respond and shall be subjected to the service of a subpoena for the requested documents, information, and/or electronic data.

The relevant time period for your response is October 1, 2018 through the present, unless otherwise noted. The following information should be provided through the EEOC Respondent Portal. Clearly label each document and/or file, and upload said documents and/or files separately, in the same manner maintained by or on behalf of Respondent to the Respondent Portal. Other formats may be acceptable if approved by the EEOC prior to submission. Your response should be addressed to Rebecca Conway, Federal Investigator, by close of business, **April 7, 2020**.

1. State the full legal name and address of the facility named in the charge.
2. Provide the job title, duties, and description for all job positions Charging Party held at any time during her employment.

3. Submit a complete copy of Respondent's employee handbook and any other employment policies that were applicable at the time Charging Party was employed. Include Charging Party's signature page, if applicable.
4. Submit all documents related to Respondent's employment of Charging Party including but not limited to all hiring documents, job applications, personnel files (both formal and informal), applications, evaluations, counseling forms, time sheets, disciplinary actions (both formal and informal), termination paperwork, memoranda, and any and all emails where Charging Party's employment was discussed. If said information is in a separate file, please produce that file.
5. Describe how Respondent's Position Statement Exhibit 6, "Commission Mandated Educational In-Services" applies to Respondent employees.
6. Submit any and all documents relating to Charging Party being placed on "inactive" status for six months on or around March 28, 2018.
7. For any and all "oral discipline" referenced within Respondent's Position Statement, Section 3, provide the following:
 - a. Full name, job title, and employer of the individual(s) issuing the oral discipline;
 - b. Any and all documentation enforcing the need for said discipline; and
 - c. Any and all documentation relating, referencing, or reflecting the oral discipline.
8. Identify each complaint or report made by any other individual to any supervisor, manager, Human Resources representative, or owner regarding Charging Party at any time during her employment. For all complaints, provide the following information:
 - a. Full name, job title, and medical facility (or client) of the individual who made the complaint or report;
 - b. Name and job title of all supervisors or managers who were involved in the complaint or were in the direct line of supervision of the individual who made the complaint or report;
 - c. All documents, emails, email attachments, text messages, and instant messages which state, describe, reference, or relate to the individual's complaint or report;
 - d. Description of what action, if any, Respondent took in response to the complaint or report; and
 - e. A copy of all investigation notes and documents, to include witness testimonies and statements related to or that reference the complaint or report.
9. Submit any and all information relating to Charging Party's discharge. Including, but not limited to:
 - a. Date of discharge;
 - b. Full name, job title, sex, and age of all individuals who requested the discharge;
 - c. Full name, job title, sex, and age of the individual who made the final decision to discharge Charging Party; and
 - d. Copies of any and all documents relating to Charging Party's discharge.

10. Identify all employees who were discharged for at any time during the time period of October 1, 2018 through the present. For each person identified, provide the following information:

- a. Full name of each employee discharged;
- b. Date of birth;
- c. Sex;
- d. Date of hire;
- e. Job title hired into;
- f. Date of discharge;
- g. Reason for discharge;
- h. Full name of direct supervisor;
- i. Full name and job title of any and all individuals involved in making the decision to discharge the employee; and
- j. All documents which relate to the discharge of the employees identified.

11. Submit all documents related to Respondent's employment of Eric Marshall, including but not limited to all personnel files (both formal and informal), applications, evaluations, counseling forms, disciplinary actions (both formal and informal), termination paperwork, and any and all emails where Marshall's employment was discussed. If said information is in a separate file, please produce that file.

12. Identify all Respondent employees assigned to work at the same location during the same shift as Charging Party (including full time, part time, or through a staffing agency) at any time during the period of March 5, 2019 through March 29, 2019, please provide the following in a sortable excel spreadsheet using clearly labeled headers:

- a. Full name;
- b. Job title;
- c. Date of birth;
- d. Sex;
- e. Date of birth;
- f. An indication if said employee had supervisor authority over Charging Party;
- g. Current employment status;
- h. Date of separation (if applicable); and
- i. Reason no longer employed (if applicable).

13. Identify each complaint or report made by any other individual to any supervisor, manager, Human Resources representative, or owner regarding Eric Marshall during the relevant time period. For all complaints, provide the following information:

- a. Full name, sex, age, and job title of the individual who made the complaint or report;
- b. Name and job title of all supervisors or managers who were involved in the complaint or were in the direct line of supervision of the individual who made the complaint or report;
- c. All documents, emails, email attachments, text messages, and instant messages which state, describe, reference, or relate to the individual's complaint or report;
- d. Description of the complaint or report;

- e. Description of what action, if any, Respondent took in response to the complaint or report; and
- f. A copy of all investigation notes and documents, to include witness testimonies and statements related to or that reference the complaint or report.

14. Identify each complaint or report made Charging Party to any supervisor, manager, Human Resources representative, owner, or anyone else during the relevant time period. For all complaints, provide the following information:

- a. Name and job title of all individuals who were involved in the complaint or were in the direct line of supervision of the individual who made the complaint or report;
- b. All documents, emails, email attachments, text messages, and instant messages which state, describe, reference, or relate to the individual's complaint or report;
- c. Description of the complaint or report;
- d. Description of what action, if any, Respondent took in response to the complaint or report; and
- e. A copy of all investigation notes and documents, to include witness testimonies and statements related to or that reference the complaint or report.

If we do not receive the requested information by the date specified, we may proceed to subpoena the requested information. The EEOC is authorized by Title VII – Section 710 to issue a subpoena compelling the production of the information in the event of non-compliance by a Respondent. The confidentiality of information provided during investigations is governed by 42 U.S.C. § 2000e-8(d) and (e) and EEOC regulations contained at 29 C.F.R. § 1601.22. Availability of records is governed by the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the EEOC regulations pertaining to FOIA set forth at 29 C.F.R. § 1610. The EEOC cannot agree on exemptions to disclosure that are contrary to law.

Additionally, find the enclosed Document Retention Notice Pursuant to Charge of Discrimination. If you have any questions regarding the information the Commission is requesting or anything else in this letter, please do not hesitate to communicate with me. I can be reached at (980) 296-1271 or rebecca.conway@eeoc.gov.

Thank you for your assistance.

Sincerely,



Rebecca Conway
Federal Investigator

Document Retention Notice Pursuant to Charge of Discrimination

YOU ARE HEREBY GIVEN NOTICE NOT TO DESTROY, CONCEAL OR ALTER ANY PAPER DOCUMENTS OR ELECTRONIC DATA INCLUDING DATA GENERATED BY OR STORED ON ANY COMPUTER STORAGE MEDIA (E.G. HARD DISKS, FLOPPY DISKS, BACKUP TAPES), THAT RELATE TO THE CLAIMS AND DEFENSES IN THE ACCOMPANYING CHARGE OF DISCRIMINATION. FAILURE TO COMPLY WITH THIS NOTICE, EITHER THROUGH INTENTIONAL ACTS OR NEGLIGENCE, CAN RESULT IN SANCTIONS FOR SPOLIATION OF EVIDENCE. SANCTIONS COULD INCLUDE MONETARY PENALTIES AND OTHER COURT-IMPOSED ACTION.

A. Paper Documents to be Preserved: Hard-copy information which should be preserved includes, but is not limited to:

1. Personnel files;
2. Employee data;
3. Payroll information;
4. Personnel policies, procedures, and regulations;
5. Letters, memorandums, and notes;
6. All complaints of discrimination or unfair treatment;
7. All documents related to internal investigations; and
8. All other documents containing information relevant to the subject matter of the charge of discrimination

Note that even where hard-copy documents exist, the Commission may still seek the same information in an electronic format simultaneously.

B. Electronic Data to be Preserved: Electronic information which should be preserved includes but is not limited to:

1. Electronic mail (e-mail) and information about email (including message contents, header information, and logs of e-mail system usage) sent or received which is relevant to the subject matter of the charge of discrimination;
2. Databases (including all records and fields and structural information in such databases), containing any reference to or information about the human resources or personnel information of your employees;
3. Word processing files, including prior drafts, "deleted" files and file fragments containing information about or relevant to the subject matter of the charge of discrimination;
4. Electronic data files and file fragments created or used by electronic spreadsheet programs, where such data files contain information relevant to the subject matter of the charge of discrimination; and
5. All other electronic data containing information relevant to the subject matter of the charge of discrimination.

APPENDIX E

DERANCY C. LLC D/B/A VITAL MEDICAL STAFFING POLICIES

SEXUAL HARASSMENT

All facilities approved by your staffing agency are committed to providing a work environment that is free of discrimination and unlawful harassment. Sexual harassment in the workplace is unlawful, and it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of such a complaint.

The facility will subscribe to the following guidelines concerning sexual harassment and has adopted them as guidelines. All forms of harassment of others due to race, color, religion, sex, age, national origin, ancestry, sexual orientation, physical or mental handicap, veteran, or other protected statute are prohibited and not tolerated in the workplace.

For the purposes of this policy, sexual harassment is defined as any type of sexually-oriented conduct, whether intentional or not, that is unwelcome and has the purpose of creating a work environment that is hostile, offensive, or coercive to a reasonable woman or man, as the case may be. The following are examples of conduct that, depending upon the circumstances, may constitute sexual harassment:

1. a) unwelcome and unwanted sexual jokes, language, epithets, advances, or propositions
2. b) written or oral abuse of a sexual nature, sexually degrading or vulgar words used to describe an individual
3. c) the display of sexually suggestive objects, pictures, posters, or cartoons
4. d) unwelcome and unwanted comments about an individual's body, sexual prowess, or sexual deficiencies
5. e) asking questions about sexual conduct
6. f) unwelcome touching, leering, whistling, brushing against the body; or suggestive, insulting, or obscene comments or gestures; and
7. g) demanding sexual favors in exchange for favorable reviews, assignments, promotions, or continued employments, or promises of the same.

If you believe that you have been the subject of sexual harassment or subjected to a hostile, offensive, or coercive work environment, or if you are not certain whether certain behavior is sexual harassment or whether it is actionable under this policy, you are strongly encouraged to notify your immediate supervisor or Human Resources in the facility as well as your staffing company, so that the complaint may be investigated. An investigation of all complaints will be undertaken immediately, and all information will be handled with the highest degree of confidentiality possible under the circumstances and with due regards for the rights and wishes of all parties.