

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

CHRISTOPHER J. BARNETT,)
Petitioner,)
v.) No. 121,268
JUDGE DOUG DRUMMOND,)
CHIEF JUDGE,)
Respondent.)

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUN 12 2023
JOHN D. HADDEN
CLERK

ORDER

Petitioner's Petition for Writ of Mandamus or in the Alternative A Writ of Prohibition is treated as an application to assume original jurisdiction, and is denied.

The filings provisionally sealed by order entered May 8, 2023 shall remain sealed.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS
5th DAY OF JUNE, 2023.


CHIEF JUSTICE

KAUGER, WINCHESTER, EDMONDSON, COMBS, GURICH, AND DARBY, JJ.,
CONCUR;

KANE, C.J., CONCURS IN PART, DISSENTS IN PART;

Kane, C.J., concurring in part, dissenting in part

Rec'd (date)	6/12/23
Posted	JM
Mailed	JM
Distrib	JM
Publish	yes X no

"While I concur that the public filing of personal identifiers and inappropriate reference to minor children should not be allowed, I dissent to the sealing of the entire filings."

ROWE, V.C.J., DISSENTS (by separate writing);

KUEHN, J., RECUSED.

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

CHRISTOPHER J. BARNETT,)
Petitioner,)
v.)
JUDGE DOUG DRUMMOND,)
CHIEF JUDGE,)
Respondent.)
ROWE, V.C.J., dissenting

FILED
SUPREME COURT
STATE OF OKLAHOMA
JUN 12 2023
JOHN D. HADDEN
CLERK
No. 121,268

Rec'd (date)	6/11/23
Posted	JM
Mailed	JM
Distrib	JM
Publish	yes <input checked="" type="checkbox"/> no

¶1 The purpose of the Open Records Act ("ORA") is "to ensure and facilitate the public's right of access and review of government records so [the public] may efficiently and intelligently exercise their inherent political power" but privacy interests of individuals are adequately protected in specific exceptions to the ORA or other statutes. 51 O.S § 24A.2. The ORA provides: "[a]ll court records, . . . shall be considered public records and shall be subject to the provisions of the Oklahoma Open Records Act, unless otherwise identified by statute to be confidential." 51 O.S. § 24A.30.

¶2 The documents Petitioner seeks to unseal are court records which are subject to the ORA. Title 74 O.S. § 840-2.11 provides:

The home addresses, home telephone numbers, social security numbers, and information related to personal electronic communication devices of current and former state employees shall not be open to the public inspection or disclosure without written permission from the current or former state employees or without an order from a court of competent jurisdiction.

Judge Nightingale's personal information included on the police report filed with the pertinent documents falls within the purview of 74 O.S. § 840-2.11. Therefore, redacting portions relating to her personal information is "identified by statute to be confidential" and not subject to the ORA. 51 O.S. § 24A.30.

¶3 In accordance with the Open Records Act, the filings provisionally sealed in this Court should be unsealed, provided that any personal information relating to Judge Rebecca Nightingale be redacted. Accordingly, I respectfully dissent.