

BEFORE THE MONTANA DEPARTMENT
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NO. 0141016851:

ROBERT D. HAY,)	Case No. 1100-2015
)	
Charging Party,)	
)	POST HEARING
vs.)	SEALING ORDER
)	
ST. PETER'S HOSPITAL,)	
)	
Respondent.)	

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This order defines which documents, evidence and information herein are sealed, with restricted access. This order becomes effective at Noon, M.S.T., on February 3, 2016, the 11th business day after issuance of this order, to give the parties an opportunity to seek a stay of this order for review of it before it becomes effective. Until the effective date of this order, all documents, evidence and information previously sealed by the Hearing Officer or by any designation of confidential information in this proceeding remain sealed.

This order designates sealed documents, evidence and information, and defines the scope of the seal applicable to the parties, each party's counsel and employees, the court reporter(s) working in this proceeding, employees of the Office of Administrative Hearings ("OAH"), employees, officers and members of the Department of Labor and Industry other than OAH, and/or the Montana Human Rights Commission. The persons and entities named in the preceding sentence are hereafter collectively called "Possessors." Any reviewing administrative or judicial tribunal of the Hearing Officer Decision or of this sealing order presumably will honor the sealing herein unless and until modified or ended by such tribunal.

"Sealed" documents and evidence means documents and evidence which have or which will, during the course of this entire contested case and this entire case including reviews, appeals or further proceedings, come into the possession of the Possessors and are covered by this order. "Sealed" information means information contained in sealed documents and sealed evidence that has only come to the Possessors because of their participation in any of those proceedings named in the preceding sentence. A Possessor who already was or comes into possession of sealed information in a lawful manner outside of those proceedings, from the time of coming into such possession or from the date of issuance of this order (whichever comes last), is not restricted in disclosure of such sealed information by this order.

- I. This order remains in full force and effect permanently, UNLESS
 - a. The person(s) and/or entity(ies) having privacy or confidentiality interests in particular sealed documents and evidence waive(s) and release(s), in writing, any and all such privacy interests and confidentiality interests in all or part of any particular sealed documents and evidence, whereby at that time the released document(s) and information are unsealed to the extent specified in the waiver and release, OR
 - b. A tribunal (judicial or administrative) exercising jurisdiction over the question issues an order modifying or rescinding this order (the modifying order replacing this order to the extent and in accord with the terms and conditions of said modifying order).
- II. "Sealed" under this order requires that Possessors must not reveal or release any of the contents of the sealed documents, evidence and information to any person or entity whatsoever EXCEPT
 - a. As required by law;
 - b. By filings and servings, or either, under seal in whatever administrative or judicial tribunal is exercising jurisdiction over (I) this order or (ii) review or appeal from the Hearing Officer Order in this case or (iii) any proceeding required by a decision on a review or appeal from the Hearing Officer Order;
 - c. In private communications with other Possessors;
 - d. As provided in Section I, above.
- III. Sealed under this order are:
 - a. Exhibits 1, 2, 4, 5, 11, 17, 101-107, 117, 118 are sealed in their entirety;
 - b. Transcript of Hearing, Vol. I: p. 66, ln. 25 - p. 67, ln. 6;
p. 241, ln. 13 - p. 253, ln. 4;
p. 290, ln. 9 - p. 292, ln. 20;
p. 295, lns. 5-11
 - c. Any products of discovery (formal or informal) designated as "Protected Information;"
 - d. Any filings designated as "Protected Information;"
- IV. Not Sealed
 - a. The balance of the entire Transcript of Hearing is not sealed.

- b. Any sealed documents, evidence or information not identified herein as sealed are hereby unsealed.
- c. Any documents, evidence or information not specifically sealed herein are not sealed.

V. Any review or modification of this order must be sought from a tribunal with the authority to review or modify this order, but not from OAH.

DATED this 19th day of January, 2016.



Terry Spear, Hearing Officer
Office of Administrative Hearings
Montana Department of Labor and Industry

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CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, or by means of the State of Montana's Interdepartmental mail service, and addressed as follows:

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DATED this 19th day of January, 2016.



