

2003 WL 23095561

Only the Westlaw citation is currently available.
United States District Court,
W.D. Wisconsin.

David BLIHOVDE and Travis Brecher and Renee Houser (formerly Renee Jensen) individually, and on behalf of all others similarly situated, Plaintiff,

v.

ST. CROIX COUNTY, WISCONSIN, et al.,
Defendant.

No. 02-C-450-C. | March 5, 2003.

Attorneys and Law Firms

Vincent J. Moccio, for Plaintiff.

Raymond J. Pollen, Crivello, Carlson & Mentkowski, Milwaukee, WI, for Defendant.

Opinion

Order

CROCKER, Magistrate J.

*1 Before the court is a request to modify the order granted on February 7, 2003 regarding the records of minor arrestees. This order required plaintiff to draft a letter that would be mailed to every minor arrested during the time period. If a minor wished to join the lawsuit he or she could come forward and join. This method protected the minor's confidentiality. On February 13, 2003, the court certified a class for:

All United States citizens arrested

for misdemeanors or ordinance offences unrelated to weapons or illegal drugs who were required by officers at the St. Croix County jail to remove their clothing for visual inspection of their genitals, pubic area, buttocks, or breasts between August 6, 1996, and February 27, 2001.

Dkt. # 42. Plaintiffs argue that the letter is now moot because plaintiff represents all citizens, including minors.

I agree that the separate letter to each minor is not necessary now that the class has been certified. Notice of the lawsuit will inform the minor what the cause of action is, the reason why the minor is receiving the information, and if he or she so chooses, the opportunity to opt-out. The method of transmittal, however, is still necessary. Although minors are now included in the class, minors should still have a confidentiality right in their records until they have decided one way or another to remain within the class. If the minor wishes to pursue the lawsuit, he or she can arrange to make his or her records available to plaintiffs' attorney. Inclusion in a class action should not automatically override a minor's right to confidentiality.

Plaintiffs will draft a notice of the class action with the same information that is provided to adult class action members. The St. Croix County Sheriff's Department will refer to its records and mail a copy of this notice to every minor that falls within the certified class description. The sheriff's department may charge plaintiffs the reasonable costs of this mailing. This allows plaintiffs to contact class action minors who would benefit from the class action suit.