

DOCKET NO. MMX-FA-12-4018627-S : SUPERIOR COURT
: :
TANYA TAUPIER : J.D. OF MIDDLESEX
: :
VS. : AT MIDDLETOWN
: :
EDWARD TAUPIER : OCTOBER 12, 2018
: :

PLAINTIFF'S MOTION TO SEAL PSYCHOLOGICAL EVALUATION, POST JUDGMENT

Pursuant to Practice Book §§ 25-59A and 7-4B, the plaintiff, Tanya Taupier, respectfully requests that the court enter an order sealing the psychological evaluation prepared in this matter, if the same is offered into evidence at any hearing in this matter, including but not limited to the hearing scheduled for December 4-5, 2018. In support thereof, the plaintiff submits the attached Memorandum of Law.

WHEREFORE, the plaintiff respectfully requests that the court enter an order sealing the psychological evaluation in this matter, if and when it is offered as evidence at any future hearing or trial; and such other and further relief as the court deems proper.

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MEMORANDUM OF LAW IN SUPPORT OF MOTION TO SEAL, POST JUDGMENT

Pursuant to Practice Book §§ 25-59A and 7-4B, the plaintiff, Tanya Taupier, respectfully submits this Memorandum of Law in support of her Motion to Seal, post judgment, and represents as follows:

Brief History and Facts

On August 28, 2015, the marriage of the parties was dissolved pursuant to a Memorandum of Decision following trial (Pinkus, J.). On January 17, 2017, the court (Albis, J.) approved and made an order of the court, the Agreement of the parties' (#225.00), wherein both parties agreed that they and their minor children (currently ages 12 and 11) would submit to a psychological evaluation. On February 24, 2017, the court (Domnarski, J.) entered an order that:

Pursuant to the agreement of the parties made an order of the court on January 17, 2017, whereby the parties and the minor children are to submit to a psychological evaluation, and upon the inability of the parties to agree upon the selection of an evaluator, it is hereby ORDERED:

Psychological evaluations of the plaintiff Tanya Taupier, the defendant Edward Taupier, and the parties' minor children Gabriel and Sara, shall be conducted by Dr. Bruce Freedman of Bloomfield, Connecticut.

....

On July 7, 2017, Dr. Freedman completed his psychological evaluation, but could not make recommendations as to changes to custody or visitation, because the defendant did not participate in the process. On June 14, 2018, the defendant filed a Motion for Contempt. On June 29, 2018, the plaintiff filed a Motion to Modify and a Motion for Contempt. All motions are scheduled to be heard on December 4-5, 2018.

Law and Argument

Pursuant to Practice Book §25-59A(c):

Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. . . .

In the instant matter, the prevailing private interest is the children's and the plaintiff's right to privacy and confidentiality. Dr. Freedman's psychological evaluation contains information of a sensitive and private nature, including but not limited to the plaintiff's psychological testing and discussion of the children's school performance and therapy sessions. The defendant has a history of posting on the internet, and/or taking other actions such that pictures, videos, court documents and other information pertaining to this litigation are posted on the internet, as well as disseminating such information to other individuals with no involvement in this matter.

The children's and the plaintiff's right to privacy and confidentiality as to the matters contained in Dr. Freedman's report, and their right to be free from annoyance, harassment and/or embarrassment as to the same, overrides the limited public interest in viewing the report if the same is entered into evidence during a hearing or trial in this matter.

Conclusion

For the foregoing reasons, the plaintiff respectfully requests that the Court enter an order sealing the psychological evaluation in this matter, if and when it is offered as evidence at any future hearing or trial; and such other and further relief as the court deems proper.

Pullman & Comley, LLC
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**PLAINTIFF'S MOTION FOR ORDER RE: DISSEMINATION OF PSYCHOLOGICAL
EVALUATION, POST JUDGMENT**

The plaintiff, Tanya Taupier, respectfully requests that the court enter an order precluding the dissemination of the psychological evaluation prepared in this matter, including to the defendant, Edward Taupier.

In support thereof, the plaintiff represents as follows:

1. On August 28, 2015, the marriage of the parties was dissolved pursuant to a Memorandum of Decision following trial (Pinkus, J.).

2. Pursuant to the court's judgment, paragraph 4, the defendant's regular parenting time with the children includes every other weekend and Tuesday and Thursday evenings, during the school year. During the summer months, the defendant's regular parenting time with the children includes every other week (beginning or ending on Sunday at 7 p.m.) Additionally, during the other parent's parenting time, the party who does not have parenting time on that day is entitled to

telephone contact with the children between 7:30 p.m. and 8 p.m. (For the court's specific orders, see Memorandum of Decision, dated August 28, 2015, attached hereto as Exhibit A).

3. On January 17, 2017, the court (Albis, J.) approved and made an order of the court, the Agreement of the parties' (#225.00), wherein both parties agreed that they and their minor children (currently ages 12 and 11) would submit to a psychological evaluation.

4. On February 24, 2017, the court (Domnarski, J.) entered an order that:

Pursuant to the agreement of the parties made an order of the court on January 17, 2017, whereby the parties and the minor children are to submit to a psychological evaluation, and upon the inability of the parties to agree upon the selection of an evaluator, it is hereby ORDERED:

Psychological evaluations of the plaintiff Tanya Taupier, the defendant Edward Taupier, and the parties' minor children Gabriel and Sara, shall be conducted by Dr. Bruce Freedman of Bloomfield, Connecticut.

....

5. On July 7, 2017, Dr. Freedman completed his psychological evaluation, but could not make recommendations as to changes to custody or visitation, because the defendant did not participate in the process.

6. On June 14, 2018, the defendant filed a Motion for Contempt. On June 29, 2018, the plaintiff filed a Motion to Modify and a Motion for Contempt. All motions are scheduled to be heard on December 4-5, 2018.

7. Defendant's counsel has requested that plaintiff's counsel produce to him a copy of Dr. Freedman's psychological evaluation. Said evaluation contains information of a sensitive and private nature, including but not limited to the plaintiff's psychological testing and discussion of the children's school performance and therapy sessions.

8. The defendant has a history of posting on the internet, and/or taking other actions such that pictures, videos, court documents and other information pertaining to this litigation are posted on the internet, as well as disseminating such information to other individuals with no involvement in this matter.

9. It is in the children's best interests that the defendant not be provided a copy of the psychological evaluation. Such an order is also necessary to protect the minor children and the plaintiff from annoyance, harassment and/or embarrassment.

WHEREFORE, the plaintiff respectfully requests that the court enter an order precluding the dissemination of the psychological evaluation issue by Dr. Freedman to anyone other than counsel to this action and the children's treating doctors and/or therapists; that such order shall specifically apply to the defendant such that he shall not be provided a copy of such evaluation, but shall only be permitted to read such evaluation in his counsel's office, with his counsel physically present in the room, and in so reading he shall not take any notes, pictures or otherwise memorialize

the contents of such evaluation in any way; and such other and further relief as the court deems proper.

The Plaintiff,
Tanya Taupier



By: _____

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