D.N.: FBT-FA-19-6088163-S	)	SUPERIOR COURT
CHRISTOPHER AMBROSE	)	J.D. OF FAIRFIELD
v.	)	AT BRIDGEPORT
KAREN AMBROSE	)	January 20, 2022

PLAINTIFF'S MOTION OPPOSING THE UNSEALING OF THE ENTIRE DCF RECORD

Plaintiff, Christopher Ambrose, respectfully requests that the court continue to keep confidential the information contained in the DCF records regarding his three minor children, except for specific information the court deems necessary to reference to support its decision in the matter heard on January 10, 2022 involving the misconduct of Attorney Nickola Cunha.

There is ample statutory and case law that support the court's authority to keep these records sealed.

Connecticut General Statutes Section 11-20(a) states the general rule that courts not order proceedings or files to be sealed. However, Subsection (b) allows a court to seal a file "if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in attending such proceedings or viewing such materials. Any such order shall be no broader than necessary to protect such overriding interest." When closure is ordered, subsection (c) requires the judge to state on the record in open court the overriding interest being protected and the basis for this determination.

Section 46b-11 of the General Statutes (2012) supports this position:
"Any case which is a family relations matter may be heard in chambers or, if a jury case, in a courtroom from which the public and press have been excluded, if the judge hearing the case determines that the welfare of any children involved or the nature of the case so requires. The records and other papers in any family relations matter may be ordered by the court to be kept confidential and not to be open to inspection except upon order of the court or judge thereof for cause shown."

Practice Book § 25-59 also echoes this provision, "…[T]he records and other papers in any family matter may be ordered by the court to be kept confidential and not to be open except under order of the court or a judge thereof."

So, it is well established by Connecticut statutory law that judges have broad authority to keep records involving minor children confidential, provided the referenced protocols are followed.

Connecticut courts have approved record sealing when ordered to restrict disclosure of testimony related to minor children (*Genmarini v. Genmarini*, 2 Conn. App. 132, 1139 (1984)) so long as the judge articulates on the record the overriding reasons being protected.

Throughout the many months of this case, Attorney Cunha has constantly falsely alleged that the Plaintiff sexually and emotionally abused his children. These false allegations are frequently repeated on numerous social media blogs that support Cunha and her client, Karen Riordan. These blogs include but are not limited to *Family Court Circus, The Frank Report* and *Dolcefino Videos*.

In addition to these falsehoods, these same blogs have published confidential information about the children, including their psychiatric records and the custody evaluation. As explained in the attached Memorandum, these very public false accusations against their father and the publication of highly personal information have brought the minor children considerable emotional trauma.

The DCF records in question contain these same false allegations as well as details of the subsequent investigations they prompted. While the DCF record makes clear that not a single allegation Cunha made against the Plaintiff was substantiated, making public the information contained therein will only provoke more emotional distress for the children, whose welfare, the law provides, allows the court to override any public interest in unsealing the records.

To date, the judges involved in this case have recognized the upset that such violations of privacy cause children, and they have taken strong measures to protect Mia, Matthew and Sawyer. Judge Grossman sealed the custody evaluation (#173.00), which, nevertheless was published on February 4, 2021 by one of these social media blogs (the virulently anti-Semitic, racist *Family Court Circus*). Judge Goodrow and Judge Adelman have maintained the confidentiality of the DCF record by keeping it sealed. After Karen Riordan, the children's mother, shared confidential information about them with social media bloggers, Judge Adelman also appropriately issued an order specifically stating, "Defendant [Karen Riordan] shall not violate the privacy of the minor children by sharing with any third party through any means any information about the children." (#377.00). Unfortunately, Riordan is in contempt of this order and continues to share information about them.

We respectfully request that this court acknowledge on the record that the sharing of confidential information of the sort contained in the DCF records has caused the three minor children considerable emotional distress, and that the protection of the children's welfare overrides any right the public has to access the information in these records; therefore, we respectfully request that the court order the DCF records to remain sealed. However, if the court, in its sole discretion, believes that referencing specific information contained in the DCF records is necessary to support its decision, then the Plaintiff has no objection to the court publicly disclosing that limited information.

In addition to preventing public access to records in order to protect the welfare of children, courts have been willing to seal records that may be used to seek revenge or result in libelous statements. The U.S. Supreme Court has long established the presumption that the public has the right to inspect court records (*Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-598 (1978)), but it has also found that courts have inherent authority to limit public access to records when their use is for spiteful purposes or to serve as "reservoirs of libelous statements for press consumption" (*Id.*).

Attorney Cunha and her client have persistently made false and/or extremely derogatory statements about a number of individuals associated with this case who they believe are "against" them. Those so spitefully maligned by Cunha and Riordan include Judges Grossman, Adelman and Moukawsher, the Guardian ad Litem, the Plaintiff's counsel and the Plaintiff.

These defamatory statements are frequently parroted in very public posts on social media by the same bloggers who support Cunha and Riordan. To cite just one example, these blogs have frequently repeated Cunha's claims that the Plaintiff is a pedophile who abuses his own children and that his attorney, the Guardian ad Litem and Judge Adelman are covering up his supposed crimes. These accusations constitute libel *per se.*

It is reasonable to expect that any information contained in the DCF records will be manipulated by these bloggers as "reservoirs of libelous statements for press consumption." Just they have for months, these bloggers are likely to publish the information from the records out of context or with material omissions (such as the fact that the allegations were all unsubstantiated). In so doing, they will defame multiple participants with reputation-destroying allegations. *Nixon* gives the court license to seal the DCF record to prevent this egregious harm.

We respectfully request that this court keep the DCF records sealed and follow *Nixon* to prevent the vicious libel these blogs regularly inflict on the participants. As explained above, if the court determines in its discretion that discreet information from the DCF records is needed in its decision, the Plaintiff will have no objection.

For the foregoing reasons, the Plaintiff asks that the court keep the DCF records sealed, except for the limited circumstance described above.

THE PLAINTIFF

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