Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF OTTER TAIL **SEVENTH JUDICIAL DISTRICT**

Craig Stevenson and Marie Stevenson

Plaintiffs,

vs.

Sean Christopher Stevenson, Renee Stevenson, Lisa Steven-Allen, and Ashley Anderson,

Defendants.

Case Type: Civil Misc./Other
Court File No.: 56-CV-20-2928
Assigned To: The Hon. Kevin M. Miller

DEFENDANTS' REPLY IN SUPPORT OF THE MOTION TO REDESIGNATE CERTAIN DOCUMENTS AS NONCONFIDENTIAL

INTRODUCTION

Plaintiffs' memorandum in opposition attempts to recast defendants' motion as an effort to misuse confidential information. That mischaracterization ignores the terms of the blanket protective order and the stated purpose of the motion itself. Defendants are not asking the Court to disregard the protective order. To the contrary, defendants are asking the Court to enforce it.

Once defendants challenged specific designations, plaintiffs were required to make a particularized showing that continued confidentiality is warranted. They have not done so. Instead, plaintiffs rely on broad assertions of privacy and confidentiality while simultaneously maintaining a public website devoted to this lawsuit, the parties, counsel, and the Court. Through their website, plaintiffs have publicly discussed court filings, discovery, deposition testimony, medical issues, alleged abuse, and other subjects they now contend must remain confidential. Plaintiffs cannot selectively publicize portions of the litigation while using broad confidentiality designations to prevent public review of the underlying record.

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

For those reasons, and for the reasons set forth below, plaintiffs have failed to establish good cause for continued confidentiality over the challenged documents and discovery. The Court should grant defendants' motion and redesignate the materials identified in Tables 1, 2, and 3 as nonconfidential or public, as applicable.

ARGUMENT

I. The District Court Maintains Subject Matter Jurisdiction

Plaintiffs assert that this Court lacks subject matter jurisdiction to consider defendants' motion to redesignate certain documents as nonconfidential. That argument is without merit and unsupported by caselaw.

"Subject matter jurisdiction involves a court's authority to decide a particular class of actions and its authority to decide the particular questions before it." *Herubin v. Finn*, 603 N.W.2d 133, 137 (Minn. App. 1999).

District courts have jurisdiction in "all civil actions." Minn. Stat. § 484.01 (2024). The Minnesota Court of Appeals has jurisdiction to consider "appeals from all final decisions of the [district] courts." Minn. Stat. § 480A.06 (2024). Therefore, absent an appeal of the protective order, this Court maintains jurisdiction to decide questions pertaining to its order. *See Herubin*, 603 N.W.2d at 137.

> Courts consider most discovery orders to be interlocutory in nature and therefore dissolve upon termination of a case. However, a protective order issued by a state or federal court, which on its face survives the underlying litigation, continues to have full force and effect on the parties subject to it even after the final resolution of the underlying case, and the issuing court retains jurisdiction and authority to modify it.

27 MNPRAC (TM), 10.15 (footnotes omitted) (citing *Yates v. Performance Techs., Inc.*, 205 F.R.D. 497, 500 (S.D. Ohio 2002); *Tucker v. Ohtsu Tire & Rubber Co.*, 191 F.R.D. 495, 498-99 (D. Md. 2000)); *see also* Minn. R. Civ. App. P. 108, subd. 2 ("[T]he [district] court retains jurisdiction as to

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

matters independent of, supplemental to, or collateral to the order or judgment appealed from."); *State v. Barnes*, 81 N.W.2d 864, 866 (Minn. 1957) ("[T]he jurisdiction of a [district] court is suspended only as to those matters necessarily involved in the appeal, not as to those matters which are independent of, or which are supplemental to, the appeal or collateral to the proceeding in which the appealed order or judgment was rendered.") (emphasis omitted).

Further, the present motion is not seeking to appeal, amend, or remove the protective order. To the contrary, defendants seek enforcement of the blanket protective order; specifically, its provision allowing a party to challenge the confidentiality designations of another party. *See Schiller v. City of New York*, 04 Civ. 7922, 2007 WL 136149, at *3 (S.D.N.Y. Jan. 19, 2007) ("Where a protective order permits parties to designate discovery materials as '[c]onfidential' without a showing of good cause, and one party challenges a designation made by another, the challenging party is not seeking to modify the protective order and therefore does not bear the burden of demonstrating that the confidentiality designations should be lifted.")

The Court has—and maintains—subject matter jurisdiction to decide questions related to the blanket protective order; and, because defendants' motion seeking to redesignate certain documents as nonconfidential was filed in accordance with the deadlines set forth under the blanket protective order, the Court should determine whether plaintiffs have met their burden of proof in showing good cause to maintain the confidentiality designations for the challenged documents and discovery. Because plaintiffs failed to make a good-cause showing as to each document challenged by this motion, the Court should grant defendants' motion and order the documents and discovery identified be redesignated as nonconfidential, deny plaintiffs' motion in its entirety, and grant any further relief deemed necessary.

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

II. The Documents and Discovery Designated Confidential in Accordance with Blanket Protective Order Have Never Been Reviewed for a Showing of Good Cause; Thus, the Burden Rests with Plaintiffs to Support the Challenged Designations with a Showing of Good Cause Pursuant to Rule 26.03.

Plaintiffs contend that federal cases from the Ninth Circuit "have no precedential value." (Doc. 598 at 13.) Plaintiffs, however, misconstrue the relevant Minnesota caselaw holding otherwise. *See, e.g.*, *State ex rel. Humphrey v. Philip Morris Inc.*, 606 N.W.2d 676, 679 (Minn. App. 2000) (noting that "[b]ecause there are only minor differences between Fed. R. Civ. P. 26(c) and Minn. R. Civ. P. 26.03, [Minnesota courts may] look to federal cases interpreting the federal rules"), *rev. denied* (Minn. Apr. 25, 2000).[1] Minnesota courts clearly may look to federal cases—including cases from the Ninth Circuit—that consider Fed. R. Civ. P. 26.

Next, plaintiffs seek to shift the burden to show good cause onto defendants. That is improper given the fact that the Court ordered a blanket protective order. According to the terms of the blanket protective order, the parties were allowed to designate documents or discovery as confidential if that document or discovery would tend to cause that party "undue annoyance, embarrassment, oppression, burden or expense." (Doc. 73 at 2.) In so doing, the Court allowed such designations without conducting an item-by-item review as to the good cause for a need to designate each item confidential. This allowed the parties the opportunity to expedite both discovery and the proceedings. Notably, the protective order included a clause that allowed a party to challenge the confidentiality designation of the other party, if necessary. (*Id.* at 4.)

Minn. R. Civ. P. 26.03(a) allows a district court to "make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense."

[1] Plaintiffs, despite their argument to the contrary, cite this aspect of *Humphrey*, but from a Minnesota Supreme Court related to a defendant's criminal-history score, *Williams v. State*, 910 N.W.2d 736, 742 (Minn. 2018).

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

In so doing, the district court must be presented with a sufficient showing of good cause. Minn. R. Civ. P. 26.03(a).

In general, "the burden of demonstrating good cause rests with the party seeking a protective order." *Star Tribune v. Minn. Twins P'hip*, 659 N.W.2d 287, 293 (Minn. App. 2003). However, "[a]fter the documents are produced, an opposing party may indicate which documents, if any, it believes are not entitled to protection, and the burden of demonstrating good cause for each challenged document lies with the party seeking protection." *Id.* at 294; *see, e.g.*, *San Jose Mercury News, Inc. v. U.S. Dist. Ct.*, 187 F.3d 1096, 1102 (9th Cir. 1999) (holding that to gain protective order party must make "particularized showing of good cause with respect to any individual document"); *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992) (stating that "broad allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule 26(c) test" (quotation omitted)); *Deford v. Schmid Prods. Co.*, 120 F.R.D. 648, 653 (D. Md. 1987) (requiring party requesting protective order to provide "specific demonstrations of fact, supported where possible by affidavits and concrete examples, rather than broad, conclusory allegations of potential harm").[2]

In support of the good-cause arguments, plaintiffs attempt to cite federal cases that suggest that the burden of showing good cause to modify a protective order is on the moving party. Plaintiffs, however, have failed to understand a fundamental difference between a good-cause showing pertaining to a: (1) stipulated protective order, and (2) stipulated blanket protective order, as is the case here.

Defendants will address each case that plaintiffs mistakenly rely upon for the good-cause argument in turn.

First, *Graham v. Barnette*, No. 17-cv-2920, 2019 WL 13159459, at *1 (D. Minn. Feb. 6, 2019). In *Graham*, the defendant stipulated to a protective order with a nonparty hospital that would allow the

[2] *See Humphrey*, 606 N.W.2d at 679.

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

nonparty to produce a videotape, and designate the videotape as confidential. *Graham*, 2019 WL 13159459, at *1. The court noted that when a party to a stipulated protective order seeks to redesignate a document or discovery designated confidential, "that party must demonstrate particular good cause to obtain relief." *Id.* (emphasis and quotation omitted). The court further explained that "[t]his is because a party who has already shown good cause for sealing a document in the first instance should not bear the burden of showing good cause once again." *Id.* (emphasis and quotation omitted). What plaintiffs fail to comprehend is that in this example, the court was not dealing with a blanket protective order, as is the case here. Instead, it was considering a protective order that only contemplated a videotape being produced by a nonparty hospital and allowing the hospital to designate that videotape as confidential. *See id.* To do so, the nonparty hospital was required to show good cause for the confidentiality designation. And, because the nonparty hospital had made said showing, the defendant was required to show good cause to support her motion to redesignate the video tape.

The facts in *Graham* are distinguished from the facts here in that, here, the parties stipulated to a blanket protective order that allowed the parties to designate documents and discovery as confidential on a good faith basis—absent any showing of good cause. (Doc. 73.) Thus, when a party moves to redesignate a document or discovery designated as confidential, the burden of proof for the showing good cause for continued confidentiality rests with the party seeking confidentiality. (*Id.* at 4.)

This aspect of the blanket protective order is supported by relevant caselaw. "A party who has never made a good cause showing under Rule 26(c) justifying initial protection of disputed documents may not rely solely on the protective order to justify refusal when there is a reasonable request for disclosure." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 308 (N.D. Cal. 2005) (quotation omitted).[3] When the district court orders a blanket protective order, as is the case here, a party may only designate

[3] *See id.*

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

information confidential in good faith. "The duty of good faith in the protective order is a duty to review the documents in good faith before designating them as [confidential]." *Cell Tr. Corp. v. ionLake, LLC*, No. 19-cv-2855, 2022 WL 1553558, at *2 (D. Minn. May 17, 2022) (quoting *Paradigm Alliance, Inc. v. Celeritas Techs. LLC*, 248 F.R.D. 598, 605 (D. Kan. 2008)); *cf. Edwards Vacuum, LLC v. Hoffman Instrumentation Supply, Inc.*, No. 3:20-CV-1681, 2021 WL 186932, at *2 (D. Or. Jan. 19, 2021) ("[A] party's confidentiality designations must be reasonably and narrowly tailored to protect the confidential information the party seeks to shield from further disclosure.").[4]

Second, *Federal Trade Commission v. AbbVie Products LLC*, 713 F.3d 54, 66 (11th Cir. 2013). In *AbbVie*, the appellant pharmaceutical company "voluntarily disclosed a confidential document called the Project Tulip Financial Analysis." *AbbVie*, 713 F.3d at 58. This document contained information that projected the pharmaceutical company's profits and discussed the terms of a settlement agreement. *Id.* After a showing of good cause, the appellant pharmaceutical company was "issued a protective order sealing the Tulip FA because the document contained sensitive financial information." *Id.* Two years after the federal district court issued the protective order, the Supreme Court issued a writ of certiorari, and appellee Federal Trade Commission ("FTC"), returned to the district court and asked for the Tulip FA to be unsealed so that the FTC and its amici could discuss the document openly in the Supreme Court. *Id.*

AbbVie, like *Graham*, does not involve a blanket protective order. Instead, *AbbVie* involved a protective order issued only after a court determined that the moving party had shown good cause to designate the document as confidential. *See id.* Which, as discussed above, requires the movant seeking to redesignate the document to make a showing of good cause. The burden, however, shifts to the party seeking continued confidentiality when, as is the case here, the confidentiality designation was made

[4] *See id.*

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

pursuant to the terms of a blanket protective order that did not require a good-cause showing on an item-by-item basis.

Next, *Guzhagin v. State Farm Mutual Automobile Insurance Company*, No. 07-4650, 2009 WL 294305, at *2 (D. Minn. Feb. 5, 2009). In *Guzhagin*, following a motion hearing, the court granted the defendant insurance company's motion for a protective order after it determined that there existed good cause to do so. *Guzhagin*, WL 294305, at *1. Defendant insurance company then moved to redesignate certain "financial records and patient treatment and billing records" designated as confidential under the protective order. *Id.* The court granted the motion to amend. *Id.* Plaintiff clinic then challenged the redesignation of confidential documents, arguing that the court erred because there was not good cause for the redesignation. *Id.*

Guzhagin, like *AbbVie*, and *Graham*, does not involve a blanket protective order. Instead, *Guzhagin* involved a protective order issued only after a court determined that the moving party had shown good cause to designate the document as confidential. Which, as discussed above, requires the movant seeking to redesignate the document to make a showing of good cause.

Next, *Cordis Corporation v. SciMed Life Systems, Incorporated*, 177 F.R.D. 651, 654 (D. Minn. 1997). In *SciMed*, the parties were involved in two pending lawsuits simultaneously. *SciMed*, 177 F.R.D. at 652. One lawsuit in Minnesota, and the second in the Netherlands proceeding under Dutch law. *Id.* Because *SciMed* involves the interpretation of foreign law as it pertains to a confidentiality order, and not relevant state or federal law related to a protective order, it cannot be considered persuasive nor applied to the facts here.

Plaintiffs misconstrue both the express terms of the blanket protective order and the law governing such orders. In so doing, plaintiffs mistakenly argue that the burden to show good cause rests with defendants. Defendants, as the party challenging the confidentiality designation of another

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

that was not subject to a good-cause showing prior to the designation, have no such burden. And plaintiffs, as the party seeking continued confidentiality of the documents and discovery designated as confidential that was not subject to a good-cause showing prior to the designation, now have the burden of proof in showing that good cause exists to support the continued confidentiality. In meeting this burden, plaintiffs failed to show anything beyond "broad allegations of harm, unsubstantiated by specific examples or articulated reasoning." *Beckman*, 966 F.2d at 476. And because plaintiffs "never made a good cause showing under Rule 26(c) justifying initial protection of disputed documents," plaintiffs may not now "rely solely on the protective order to justify refusal when there is a reasonable request for disclosure." documents and discovery subject to defendants' motion challenging the confidentiality designation. *Contratto*, 227 F.R.D. at 308 (quotation omitted).

Further, as discussed in defendants' memorandum of law in support of the motion to redesignate certain documents as nonconfidential, each of the *Humphrey* factors[5] favors redesignation of the documents and discovery challenged by defendants. (*See* Doc. 579 at 13-20.) Because plaintiffs have clearly failed to show good cause supporting continued confidentiality and the *Humphrey* factors weighing in favor redesignation, the Court should grant defendants' motion to redesignate certain documents and court records as nonconfidential or public.

III. Plaintiffs Have Not Shown Good Cause for the Continued Confidentiality of the Challenged Record Sets

Plaintiffs cannot meet their burden by defending confidentiality in broad categories or by invoking generalized concerns of privacy and security not supported by any particularized showing. The challenged materials also differ in their relationship to the public court record: the summary-judgment filings are part of the dispositive-motion record, the nondispositive filings are still court records but may implicate a somewhat different access analysis, and the unfiled discovery materials

[5] *See id.* at 687-88.

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

are not court records but remain subject to Rule 26.03's good-cause requirement. As discussed below, even accounting for those distinctions, plaintiffs have not made the required particularized showing of good cause for continued confidentiality over any category.

A. Dispositive Motion Filings (Table 1).

i. Plaintiffs rely on generalized assertions, not a particularized showing of good cause.

Plaintiffs bear the burden of establishing good cause for maintaining confidentiality over records filed with the Court in connection with the motion for summary judgment. *See Humphrey*, 606 N.W.2d at 688 (citing *In re Agent Orange Prod. Liab. Litig*., 821 F.2d 139, 148 (2d Cir. 1987); *Ashmore v. CGI Gr. Inc.*, 138 F. Supp. 3d 329, 350 (S.D.N.Y. Sept. 23, 2015)). Table 1 of attorney Ross Tentinger's affidavit filed in support of defendants' motion contains a list of the court documents designated as confidential when filed with the district court, including the exhibits contained within those filings. (Doc. 577 at 1-3.)

To satisfy their good-cause burden, plaintiffs cite to a letter from plaintiffs' counsel dated April 10, 2026. (Doc. 598 at 16; Doc. 591 at Ex. 5). But that letter does not establish good cause for continued confidentiality. *See Beckman*, 966 F.2d at 476; *Contratto*, 227 F.R.D. at 308. Plaintiffs' confidentiality designations show that plaintiffs relied largely on generalized assertions of confidentiality, prior designations, and generally parrot the language of rule 26.03 without identifying any particularized harm: "Disclosure of these documents would cause undue harassment, embarrassment, annoyance, and burden." (Doc 591 at Ex. 5-13.) *See Deford*, 120 F.R.D. at 653. Plaintiffs have clearly failed to meet their burden of proof in showing good cause. Once defendants challenged the designations, plaintiffs were required to demonstrate, with specificity, why each challenged court record remains entitled to protection under rule 26.03. *See Humphrey*, 606 N.W.2d at 688 (citing *Agent Orange*, 821 F.2d at 148 for the aspect that while these factors may have warranted imposition of order at time, had

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

district court not lifted order, appellate court would have found protective order improvidently granted as lacking showing of good cause)).

Further, Plaintiffs' opposition rests largely on the premise that defendants seek redesignation for an improper purpose and that continued confidentiality is necessary to protect plaintiffs from public disclosure of private information. This argument, however, seeks to have this Court apply two standards when it comes to the public distribution of documents and discovery designated as confidential. One standard for defendants, and another standard for plaintiffs. This is readily apparent and identifiable through plaintiffs' own conduct in their intentional and deliberate creation, curation, and ongoing maintenance of the publicly available website. A website seemingly expressly dedicated to this lawsuit[6,7], the parties[8], counsel, and the Court.[9] (*See* Doc. 598 at 16.)

ii. Plaintiffs' public disclosures undermine their claimed need for continued confidentiality.

Plaintiffs' generalized assertions of "undue harassment, embarrassment, annoyance, and burden" are difficult to reconcile with their own public conduct. Plaintiffs have created and publicly hosted at least 23 separate webpages expressly discussing summary judgment in this case, including webpages that discuss documents and information designated as confidential.[10] Moreover, plaintiffs' website reveals countless additional pages dedicated to the discussion of this lawsuit, including commentary and conjecture by plaintiffs, presenting arguments as fact when the Court ruled otherwise, and overall shining a spotlight on the very information which they now aggressively claim is confidential and "private." (*Id.*) It is clear that plaintiffs have placed this litigation, the summary-

[6] Defendants cite to plaintiffs' website through the use of "permalinks." A permalink, as described by its developers, "archives the referenced content and generates a link to an archived record of the page. Regardless of what may happen to the original source, the archived record will always be available through the Perma.cc link." *See https://perma.cc/about*.
[7] Seeking Justice in Otter Tail County (permalink to homepage of plaintiffs' website: www.Justice-Denied.org)
[8] Lawsuit Information (permalink to website page "Lawsuit Information").
[9] Judge Kevin M. Miller (permalink to website page on Judge Kevin M. Miller).
[10] (Second Aff. Defs.' Att'y at ¶4.)

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

judgment record, and their version of the underlying facts directly before the public, while simultaneously insisting that defendants remain constrained by confidentiality designations that prevent a complete and accurate public response.

For example, on a webpage titled "Ignoring the Evidence and the Rules," a webpage authored by Craig, he discusses his declaration filed in opposition to summary judgment—(Doc. 396.)—which is a confidential filing that contains summaries of data which Craig contends was created from the "raw data" which came, in part, from confidential forensic examinations of defendants' phones.[11] Near the bottom of the page is a box titled "Original AI Query – Click to View," in which Craig explains how he uploaded information to ChatGPT 4o to "analyze" certain records, including confidential information and data.[12]

A webpage titled "Deletion of Evidence and Truthfulness" again delves into a discussion about arguments that were expressly rejected by this Court.[13] This article, again authored by Craig, reveals information from defendant Sean Stevenson's confidential deposition and from confidential forensic examinations.[14] In another webpage simply titled "Revenge," Craig publishes arguments plaintiffs raised in their confidential memorandum of law in opposition to summary judgment. (*See* Doc. 394 at 20, 44-48.) Plaintiffs have selectively publicized the substance of confidential filings when publication advances plaintiffs' preferred narrative, and then invoke the blanket protective order to prevent defendants from relying on the same record. Their own public disclosures subvert any claim that continued confidentiality is necessary to prevent undue harassment, embarrassment, annoyance, or burden.

[11] Ignoring the Evidence and the Rules (permalink to website).
[12] *Id.*
[13] Deletion of Evidence and Truthfulness (permalink to website).
[14] *Id.*

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

Another example is found on a webpage authored by Craig titled "Ignoring Contrary Evidence #3 (Multiple Omissions)" discussing plaintiffs' two IME reports and defendants' IME report, all three of which were submitted to the Court confidentially as part of the summary-judgment record.[15] (*See* Doc. 398 at Ex. B, D, F.) Plaintiffs even falsely imply that defendants' IME report supports a finding of wrongdoing by defendants.[16] Again, plaintiffs' own public discussion of these confidentially filed reports is inconsistent with their claimed need for continued protection; especially so when they misrepresent the substantive nature of the confidential documents in a public setting.

iii. Plaintiffs have not shown good cause for continued confidentiality over the deposition transcripts.

Additionally, the confidential deposition transcripts of Lisa, Craig, Marie, Makayla, and Miranda were submitted to the Court in connection with the motion for summary judgment. (Doc 391. at 19, 21-24.) Plaintiffs have not met their burden of showing good cause as to why those deposition transcripts, which are part of the court record on summary judgment, should remain confidential. (*See generally* Doc. 398 at 17; Doc. 591 at Ex. 5-10, 11.)

Plaintiffs generally allege that testimony was provided about "private medical symptoms, diagnoses, medications, and mental health as it related to Plaintiffs." (Doc. 591 at Ex. 5-10). But plaintiffs fail to identify any specific testimony in the above noted deposition transcripts that warrants protection, and even if they had, Marie's medical condition was put at issue by plaintiffs in the complaint and amended complaint. (*See, e.g.,* Doc. 6 at 2-3, 8-9; 13-14).

Moreover, plaintiffs have published pages on their website that discuss Marie's alleged medical issues in detail, even quoting directly from medical records.[17] Marie authored a webpage discussing her breast cancer diagnosis in which she alleges that defendants' conduct caused a delay in

[15] Ignoring Contrary Evidence #3 (Multiple Omissions) (permalink to website).
[16] *Id.*
[17] Marie's Story: From Abuse to Lawsuit (permalink to website page quoting confidential medical records).

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

her getting treatment.[18] The issue at hand is not whether medical information can ever warrant protection, but instead, plaintiffs must identify the specific deposition testimony that requires continued protection and explain, with particularity, why disclosure would cause a cognizable harm under Minn. R. Civ. P. 26.03. They have not done so.

Plaintiffs further claim that the deposition transcripts filed with the Court as part of summary judgment contain "testimony regarding abuse." (Doc. 591 at 34.) They assert that the "testimony regarding abuse must remain confidential to protect the physical safety, psychological well-being, and fundamental privacy of those involved." But as with their other claimed reasons for confidentiality, plaintiffs do not identify the specific deposition testimony they contend should be protected from public access. Instead, they rely on generalized assertions of "abuse testimony" which are insufficient to show good cause. *See San Jose Mercury News, Inc.,* 187 F.3d at 1102.

And once more, that argument is further undermined by plaintiffs' own public disclosures. Plaintiffs cannot establish good cause based on generalized privacy concerns regarding "abuse" while simultaneously publishing detailed allegations concerning Marie's alleged abuse on their website.[19] In an article titled "Bullied by the Judicial System," Marie describes the same allegations of abuse that provide the underpinnings for her claims against defendants in this lawsuit.[20] It is clear that plaintiffs' insistence on confidentiality is not rooted in concerns for privacy or security, but instead, but their desire to preserve confidentiality for the purpose of allowing them to publicly share their carefully curated narrative while shielding the underlying court record from public view.

[18] Marie's Breast Cancer Journey (permalink to website).
[19] Bullied by the Judicial System (permalink to website).
[20] *Id.*

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

Additionally, Miranda submitted a declaration stating that she understood her deposition testimony would remain confidential. (Doc. 608 at 1.)[21] Notwithstanding her declaration, Miranda wrote a public blog post for plaintiffs' website, summarizing her testimony and opining on this lawsuit, including discussion of information and data that are designated as confidential which Miranda, as a non-party, should not have access to.[22] She is also listed as the "Editor" for Justice-Denied.org and her bio states that "[h]onesty, clarity, and fair presentation of the facts are crucial to any news organization."[23] A "fair presentation" of the facts would inherently include all facts, and not a select few.

iv. Plaintiffs have not met their burden as to the summary-judgment record.

Taken together, plaintiffs' arguments do not establish good cause for confidentiality over the summary judgment records. Plaintiffs rely solely on generalized averments of privacy concerns, broad references to "confidential" and "private" communications, and their prior confidentiality designations. They fail to identify the particular information in each challenged filing or exhibit that requires continued protection, and they fail to explain how public access would cause a clearly defined and cognizable injury. That showing is required once defendants challenge the designations. *See Humphrey*, 606 N.W.2d at 688.

Further, plaintiffs' conduct in shining a spotlight on this litigation, particularly the summary judgment record, places much of the court record in public view already. That publication naturally negates the need for continued confidentiality of the summary-judgment records. As Craig quoted himself on their website, "the truth is often hidden in what is left out or missing."[24]

---

[21] Miranda also denies receiving notice of defendants' intent to seek to remove the confidential designation. Miranda, however, is also represented by Attorney Matthew Schaap and it is undisputed that Attorney Schaap had notice. Notice would properly be addressed to her counsel.

[22] What My First Deposition Taught Me (permalink to Miranda's blog post regarding her deposition and this lawsuit).

[23] Miranda Stevenson (Bio) (permalink to biography for Miranda).

[24] Quotes (permalink to "Quotes" on the website (the quoted text is seen by hovering over the "The truth is in the gaps" quote)).

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

B. Non-Dispositive Court Record (Table 2)

Plaintiffs bear the burden of establishing good cause for maintaining confidentiality over records filed with the Court that became part of the case record. MN ST ACCESS TO REC Rule 2; *See Humphrey,* 606 N.W.2d at 688. Court records and any included attachments filed with the Court are still generally "open to any member of the public for inspection or copying." MN ST ACCESS TO REC Rule 2. Table 2 of Attorney Ross Tentinger's Affidavit contains a list of court filings that were filed as confidential, without having made a good-cause showing, which defendants have now challenged and seek to have those records redesignated as nonconfidential. (Doc. 577 at 3-10).

While attempting to meet their good cause burden, plaintiffs rely on the same, generalized claims of "undue harassment, embarrassment, annoyance, and burden," without making the particularized showing of harm that is required. (Doc. 598 at 16-22.) *See Deford*, 120 F.R.D. at 653.

With respect to the deposition transcripts filed with the Court as part of any nondispositive motions, plaintiffs do not identify any specific testimony in the filed transcripts that allegedly warrants continued confidentiality. This failure to do so is important because it is plaintiffs, as the party seeking to maintain confidentiality of documents and discovery that did not require an initial showing of good cause by the designating party, that bear the burden of establishing good cause; therefore, must show a particularized harm, not merely rely on conclusory assertions of confidentiality. *See TC/Am. Monorail, Inc. v. Custom Conveyor Corp.*, 840 N.W.2d 414, 420 (Minn. 2013) (quotation omitted); *see also Gulf Oil Co. v. Bernard*, 452 U.S. 89, 102 (1981). Plaintiffs have failed to do so and therefore continued confidentiality is unwarranted.

Moreover, as discussed above, any testimony regarding Marie's alleged childhood abuse is already in the public forum through Marie's article "Bullied by the Judicial System."[25] And with

[25] Bullied by the Judicial System (permalink to website).

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

respect to any claim that the deposition transcripts discuss "confidential medical information," the deposition transcripts themselves do not contain any medical records and the general discussion of medical records on its own, does not warrant further protection absent a showing of good cause, especially given the publicity brought to those issues by plaintiffs through their website.

Similarly, the remaining court filings and exhibits contained therein are extensively discussed and publicized by plaintiffs on their website. For example, in the article "Cherry-Picking Facts at Summary Judgment," Craig discusses various communications that have been filed confidentially and/or summarized in charts and included with Craig's confidential declarations.[26] Plaintiffs additionally have articles discussing what appears to be every, or almost every, order from this Court in this case, many of which had confidential filings with the underlying motion.[27] Plaintiffs also directly link to the Minnesota Court Records Online (MCRO)[28], providing the case number, and directly republish at least one court record: Craig's declaration filed on July 26, 2024, which, despite an order approving plaintiffs' request to have that record filed under seal[29], is still publicly available on MCRO and now plaintiffs' website as well.[30]

Continued confidentiality of the court record in this case is not warranted. Not only have plaintiffs failed to meet their burden of showing good cause, but given their extensive publication of this case through their website, the factors considered by the Minnesota Court of Appeals in *Humphrey* strongly favor removing any confidentiality protection from this court record. 606 N.W.2d at 687.

[26] Cherry-Picking Facts at Summary Judgment (permalink to website).
[27] (Second Aff. Defs.' Att'y at ¶5.)
[28] Lawsuit Information (permalink to website page "Lawsuit Information").
[29] (Doc. 542)
[30] Distorting the Law: Antiquated Cases (permalink to website which has link to Craig's redacted "sworn declaration," (Doc. 504.)).

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

C. Discovery Documents Not Part of the Court Record (Table 3)

Defendants are also seeking an order removing the confidential designation from numerous discovery documents that have not been filed with the Court, and as such, are not part of the case record. *See* MN ST ACCESS TO REC Rule 3. Table 3 of attorney Ross Tentinger's affidavit, filed in support of this motion, contains a list of the documents sought to have the designation removed. (Doc. 577 at 10-14).

While not part of the case record, Minn. R. Civ. P. 26.03 still requires a showing of good cause for the continued protection of discovery records. *See Star Tribune*, 659 N.W.2d at 293. Even if plaintiffs had established good cause for the initial confidentiality designations to the discovery documents identified in Table 3, the *Humphrey* factors weigh in favor of removing the confidentiality designation now. 606 N.W.2d at 688.

First, as discussed in defendants' initial memorandum, there is no justifiable reliance on a blanket protective order that allows parties to designate records as "confidential" without a good cause showing, and that explicitly puts that party on notice that they will have to meet that good cause showing if their designation is challenged. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003).

Second, continued protection is likely to generate unnecessary collateral litigation. Defendants have reasonably understood throughout this case that this litigation was unlikely to be the last dispute involving one or both plaintiffs. Marie has already initiated a separate harassment restraining order proceeding against Sean on June 27, 2023, in Dakota County. (Second Aff. Defs.' Att'y at Ex. G (comparing records from the same date of service).) Marie's petition, while unsuccessful, was based on the same conduct alleged in this lawsuit and she submitted discovery documents from this case with her petition. (*See id.*). Now, with the discovery of plaintiffs' website, the concern for additional

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

allegations, and the eventual litigation that follows, is even more prevalent. Plaintiffs' website demonstrates an ongoing effort to continue litigating the same issues publicly, to revisit arguments already rejected by the Court, and to republish plaintiffs' version of the facts in a forum outside the courtroom. Given the scope and tone of plaintiffs' public comments, future litigation or threatened litigation between the parties is reasonably foreseeable.

In that context, maintaining confidentiality over the Table 3 discovery materials would invite unnecessary litigation expense. If plaintiffs continue to initiate or pursue collateral proceedings against the defendants, defendants should not be forced to relitigate access to the same discovery materials simply to defend themselves. The interests of judicial economy favor resolving the confidentiality issue now. *See id.* at 1131.

This need to be able to preserve the discovery from this lawsuit for future litigation is compounded by the fact that Marie's medical records have previously been amended,[31] and other relevant videos were not preserved.[32] Given the spotlight placed upon this litigation by plaintiffs through their website, defendants are very concerned that future litigation is inevitable and that records that may have some relevance in the future, will be lost to them forever. The protective order requires that they "delete or destroy all documents designated by the opposing party" as confidential, thus the documents identified in Table 3 are potentially lost forever to defendants, absent a court order requiring redesignation. (*See* Doc. 73 at 4.)

Third, courts can consider the "nature of the material for which protection is sought, and the need for continued secrecy." This factor weighs in favor of redesignation. Relevant here, plaintiffs assert that "third parties" have not, and do not, consent to certain documents being public (Doc. 598 at 20.) But it was plaintiffs, and not any third party, that designated the discovery documents as

[31] (*See* Second Aff. Defs.' Att'y at Ex. G (comparing medical records from the same January 11, 2013 visit.)).
[32] *See* Doc. 344 at 2-3.

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

confidential. No third party has produced records in this case that they themselves designated confidential. Even if they had done so, they would now have the burden of showing good cause for that designation and none have met that burden here. (*See* Doc. 602-608.) Additionally, there is no need for continued confidentiality where plaintiffs have directly published, disclosed, or discussed confidential information and data on their website, while inviting the public to examine and accept their characterization of the underlying case record. Given that conduct, continued confidentiality does not serve a legitimate privacy or security interest. For example, Ed Liebsch provided an affidavit stating that he produced "an email exchange between [his] brother Frank and [himself] that was designated confidential as Plaintiffs

5060-5062" and that absent the confidentiality protections found in the blanket protective order, he "would not have voluntarily produced the documents."[33] (Doc. 603 at 1.) Despite this declaration, plaintiffs have publicly disclosed the content of those confidential emails on their website.[34] Craig, who is listed as the author, publicly discloses the very documents which plaintiffs, and Ed Liebsch, are seeking to keep confidential. Countless more examples have already been discussed above, all of which result in the same conclusion: that confidentiality is no longer necessary.

Accordingly, plaintiffs have not shown good cause for continued confidentiality over the discovery materials identified in Table 3. The relevant *Humphrey* considerations therefore weigh in favor of redesignation, and the Court should remove the confidential designation from the discovery materials identified in Table 3. 606 N.W.2d at 687-88.

CONCLUSION

In sum, plaintiffs have failed to meet the burden of proof in showing good cause for the continued confidentiality of the documents and discovery challenged through this motion. This is

[33] Plaintiffs 5060-62 are found in Doc. 570 at 1-3.
[34] "Ignoring Contrary Evidence #2 (Text/Email)" (permalink to page containing the confidential records).

Filed in District Court
State of Minnesota
5/15/2026 4:28 PM

supported by the Minnesota Rules of Civil Procedure, the caselaw, and clearly demonstrated through the conduct of the parties throughout the pendency of the above-captioned matter. Because the parties designated certain documents and discovery as confidential under the terms of the blanket protective order, no good-cause showing for said designations was made or required. As such, upon the timely motion of a party challenging the confidentiality designation of another, the burden of proof in showing good cause for continued confidentiality rests with plaintiffs as the nonmoving party. Plaintiffs have clearly failed to meet their burden and have not shown a sufficient, nor particularized, harm requiring the continued confidentiality of documents and discovery traditionally made public by Minnesota courts. Accordingly, the Court should grant defendants' motion seeking to redesignate certain documents as nonconfidential.

TENTINGER LAW FIRM, P.A.

Dated: May 15, 2026

/s/ Ross Tentinger

Ross N. Tentinger (#0397010)
Joseph C. Tourand (#0505171)
14665 Galaxie Avenue, Suite 300
Apple Valley, Minnesota 55124
Tel: (952) 953-3330
Fax: (952) 953-3331
Email: ross@tentingerlawfirm.com
Email: joseph@tentingerlawfirm.com

Attorneys for Defendants Sean Stevenson, Renee Stevenson, and Ashley Anderson