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STATE OF WYOMING)
)ss.
COUNTY OF LARAMIE)

IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT

LARAMIE COUNTY COMMUNITY)
COLLEGE)
)
 Plaintiff,)
)
 vs.)
)
DAVID L. FEATHERLY, dba)
THE CHEYENNE HERALD,)
)
 Defendant.)

FILED

MAY 21 2010

GERRIE E. BISHOP
CLERK OF THE DISTRICT COURT

Docket 176, No. 99

MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Rule 65 of the Wyoming Rules of Civil Procedure Laramie County Community College ("LCCC") hereby moves the Court for a temporary restraining order enjoining David L. Featherly, dba The Cheyenne Herald from viewing, copying, disseminating or in any way releasing information related to the Costa Rica Care Team Report. In support thereof LCCC attaches hereto and incorporates herein the affidavit of Carol Hoglund and states as follows:

1. On April 7, 2010, Becky Orr from the Wyoming Tribune Eagle submitted a public records request for LCCC's "CARE Team report about the trip to Costa Rica which Dr. Hammon took part in."

2. On or about April 12, 2010, Carol Hoglund of LCCC provided a letter to Ms. Orr denying the request because the disclosure of the information contained in the report would be a violation of the Family Educational Rights and Privacy Act (FERPA).

3. Bruce Moats, legal counsel for the Wyoming Tribune Eagle provided a letter to LCCC requesting LCCC enter into a joint motion to have the documents reviewed *in camera* by a judge.

4. The Trustees of LCCC have directed their legal counsel and Dr. Hammon to file a joint motion for declaratory judgment with the Wyoming Tribune Eagle for an *in camera* review of the documents.

5. Upon information and belief, David L. Featherly, dba The Cheyenne Herald has obtained a copy of the report and has prepared an article pertaining to the documents and has posted a portion of the documents online.

6. The Family Educational Rights and Privacy Act (FERPA), is a federal law that protects privacy interests of parents in their children's education records. FERPA generally prevents an educational agency or institution from disclosing the education records of students, or personally identifiable information contained in education records, without written consent. "Education records" are defined as records that are directly related to a student, and maintained by an educational agency or institution or by a party acting for the agency or institution. 34 CFR § 99.3.

7. Under the FERPA regulations, "disclosure" means "to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means." 34 CFR § 99.3. The regulations defined "personally identifiable information" so that it includes, but is not limited to:

- a. The student's name;
- b. The name of the student's parent or other family member;
- c. The address of the student or student's family;
- d. A personal identifier, such as the student's social security number or student number;
- e. A list of personal characteristics that would make the student's identity easily traceable; or

f. Other information that would make the student's identity easily traceable.

34 CFR § 99.3. That is, FERPA-protected information may not be released in any form that would make the student's identity easily traceable.

8. The documents obtained by David L. Featherly, dba The Cheyenne Herald contain personally identifiable information regarding a student.

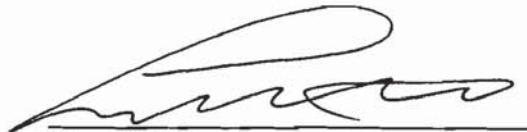
9. The actions of David L. Featherly, dba The Cheyenne Herald and its intent to publish information contained in the documents, as enumerated in Carol Hoglund's Affidavit, will cause irreparable harm to LCCC, including the possible loss of millions of dollars of federal funding, if allowed to continue.

10. Counsel for LCCC became aware of this information late in the afternoon of May, 21, 2010, is not aware of any legal counsel for the Defendant and has not contacted legal counsel for the Defendant and because of the late hour of this motion has been unable provide notice to the Defendant.

WHEREFORE, LCCC prays for a temporary restraining order enjoining David L. Featherly, dba The Cheyenne Herald, from viewing, copying, disseminating, publishing, online or otherwise or in any way releasing information related to the Costa Rica Care Team Report.

Dated this 21st day of May, 2010.

BAILEY, STOCK & HARMON P.C.



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