

**IN THE
INDIANA COURT OF APPEALS
CAUSE NO. 49A02-0812-CV-1140**

STEVEN THOMAS, by his mother and)	
next friend Yulondia Thomas, and)	
DERRICK DAUSMAN, by his mother)	
and next friend Connie Dausman,)	
) Appeal from the Marion County Superior
Plaintiffs/Appellants,)	Court
)
v.)	Trial Court Cause No. 49D13-0802-PL-7019
)
ANNE WALTERMANN MURPHY, in)	The Honorable S.K. Reid, Judge
her official capacity as Secretary of the)	
Indiana Family and Social Services)	
Administration, and GINA ECKART,)	
in her official capacity as Director of the)	
Div. of Mental Health and Addiction,)	
)
Defendants/Appellees.)	

**MOTION FOR LEAVE TO FILE PAGES 3 AND 4 OF
REPLY BRIEF OF APPELLANTS UNDER SEAL**

COME NOW Appellants, by counsel and pursuant to Indiana Administrative Rule 9(G)(4)(b), and respectfully request that they be granted leave to file pages 3 and 4 of their reply brief under seal. In support of this Motion, the appellants state as follows:

1. This case concerns a statutory and constitutional challenge by two (2) developmentally disabled individuals to a policy of the State of Indiana whereby all incompetent criminal defendants are automatically and indefinitely placed in the restrictive confines of a state institution, without any consideration given to less restrictive alternatives.

2. The first footnote of the appellants' reply brief references a recent decision in a mental health proceeding, which may assist this Court in resolving the merits of the appellants' legal claims. However, pursuant to Indiana Administrative Rule 9(G)(1)(b), records from such proceedings are confidential and are excluded from public access. This footnote should therefore be sealed.
3. Contemporaneously with this Motion, and in compliance with Indiana Administrative Rule 9(G)(4)(b) and Indiana Trial Rule 5(G), the appellants are filing a redacted version of their reply brief for public access. Should this Court grant the present Motion, the unredacted versions of pages 3 and 4 of their reply brief should be shown filed as of the date of tender.
4. Nine (9) copies of pages 3 and 4 of the appellants' reply brief are attached to the original of the present Motion in a sealed envelope.

WHEREFORE, the appellants request that they be granted leave to file pages 3 and 4 of their reply brief under seal, and request all other proper relief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served on the following persons by U.S. mail, postage pre-paid, on this 23rd day of April, 2009:

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