

United States Court of Appeals for the Federal Circuit

~~UNDER SEAL (NON PUBLIC ORDER)~~

IN RE COMPLAINT NO. 23-90015

Before MOORE, *Chief Judge*, PROST and TARANTO, *Circuit Judges*.

PER CURIAM.

ORDER

On July 31, 2023, the Committee issued its Report and Recommendation (R&R) to the Judicial Council finding that Judge Newman had engaged in misconduct for failing to cooperate with the Committee's May 16 Order and thus thwarting the ability of the Committee to reach a conclusion regarding whether Judge Newman is able to continue to perform the duties of her job. On August 31, 2023, Judge Newman filed her response to the R&R under Rule 20(a). The Response was accompanied by three exhibits. On September 13, 2023, Judge Newman submitted a letter requesting the public release of her Response under Rule 23(b)(7). This Order responds to that letter, clarifying the outstanding tasks that must be completed for the public release of the Response.

The Clerk of Court responded to Judge Newman's request for release of the Response the same day he received the September 13 letter. In that response, the Clerk of Court instructed Judge Newman's counsel to submit Judge Newman's proposed redactions to the Response and

attached exhibits. Counsel for Judge Newman responded with redactions to Exhibit A and B, but did not include redactions to Exhibit C. Exhibit C has the names and contact information of court employees which must be redacted. Counsel must send properly redacted versions of all three exhibits.

Counsel for Judge Newman also informed the Clerk of Court no redactions to the Response were necessary. We cannot at present agree. We note, in particular, that certain [REDACTED], not concerning Judge Newman, is disclosed in at least one location in the Response, yet no redactions for that passage have been proposed. The Committee will review the 120-page Response to determine what redactions are necessary.

To help expedite this process, counsel for Judge Newman should provide the Clerk of Court a redacted version of Attachment C to the Response.

SO ORDERED: September 18, 2023.