

APPENDIX J

Received

FEB 27 2020

Commission on
Judicial Conduct

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK, ss.

Case No. OE-143.

IN RE: PAUL M. SUSHCHYK

ORDER

The Commission on Judicial Conduct (Commission) has moved pursuant to Rule 1:15 of the Rules of the Supreme Judicial Court to impound the name of the complaining witness in the Formal Charges and the response thereto filed in the formal proceedings against Judge Paul M. Sushchyk (Judge), until such time as the complaining witness testifies at a public hearing in this matter. The Commission asserts that the complaining witness has concerns about media attention and possible threats against her and her family if her identity becomes public prior to her public testimony. The Commission's motion included an affidavit from the Commission's counsel but not from the complaining witness.

The Judge has filed a cross-motion requesting either that the Commission's formal proceedings be wholly impounded or, in the alternative, that the names of both the Judge and the complaining witness be impounded. As grounds for his cross-motion, the Judge asserts his interest in protecting his privacy and in being free of public ridicule. The cross-motion included an affidavit from the Judge's counsel but not from the Judge.

Upon consideration of the parties' motions, it is ORDERED that:

1. The Commission's motion to impound the name of the complaining witness in the Formal Charges and the Judge's response thereto until such time as she testifies at the public hearing is DENIED WITHOUT PREJUDICE. The Commission may submit, for the court's

consideration, an affidavit from the complaining witness identifying with specificity the particularized harm that would be caused by public disclosure of her name prior to the public hearing in this matter.

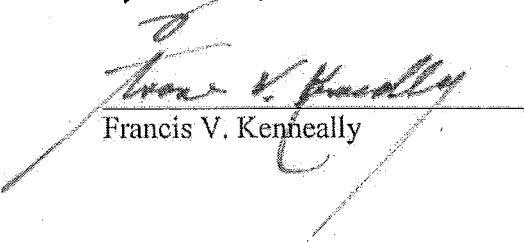
2. The Judge's motion to impound his name is DENIED.

3. The Judge's motion to impound the Commission's formal proceedings is DENIED WITHOUT PREJUDICE. The Judge may submit, for the court's consideration, an affidavit identifying with specificity any information, apart from the Judge's name, in which the Judge may have a legitimate privacy interest, such as personal medical information and other personal information.

4. If a party intends to file an affidavit as referenced in this Order, the affidavit shall be filed with this court no later than 4:30 p.m. on Tuesday, March 3, 2020.

5. This matter shall remain impounded until further order by the court.

By the Court,



Francis V. Kenneally

Entered: February 27, 2020