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Judge rejects Kings' motion to seal divorce files

By Andrew Wolfson
awolfson@courier-journal.com

A judge Tuesday rejected a motion by Louisville mayoral candidate Jim King and his ex-wife, Rebecca, to seal their two divorce files from the 1980s, including one in which she accused him of physically, emotionally and verbally abusing her.

"This court on a weekly basis hears testimony from clients that is highly personal and very public," Jefferson County Family Court Judge Patty Walker FitzGerald said after a hearing. "The fact is that divorce cases in this state are open."

While FitzGerald refused to seal the cases entirely, she said she will allow lawyers for the Kings to argue Wednesday for withholding specific documents. She also said she will seal financial records and evaluations of the Kings' children, which she said are confidential under current court rules.

Lawyers for the Kings indicated that they would appeal the decision to the Court of Appeals.

In ruling against the Kings, FitzGerald cited in part the timing of their request — shortly after Jim King, a Democratic Metro Council member, announced he was running for mayor — and the fact "that this file has been open for more than 20 years."

Attorneys for the Kings — Don Cox and Janice Lintner for Rebecca King and Mark Dobbins for Jim King — argued that the files contain material that would harm their children and grandchildren if made public.

The lawyers also said that the U.S. Supreme Court has said that judges have the authority to insure that their records "are not used to gratify, spite or prompt public scandal through the publication of the painful and sometimes disgusting details of a divorce case."

But attorney Tim Napier argued for The Courier-Journal — which last Saturday published a story about allegations in the 1981 case and opposed the motion to seal — that divorce records have historically been open in Kentucky.

Referring to the allegations against Jim King, Napier said, "The very person who is alleged to have done these things is now running for the highest elected office in the city."

The Kings filed a motion Tuesday to find The Courier-Journal and reporter Joseph Gerth, who wrote last week's story, in contempt for reporting on the 1981 case file after FitzGerald said Friday that she was temporarily sealing both files pending Tuesday's hearing.

But FitzGerald said Tuesday that the file obtained by the newspaper was not sealed when it was given to a reporter by the clerk's office earlier last week, and Cox announced that the Kings were withdrawing the contempt motion, at least for now.

The newspaper reported that Rebecca King said in a court document in 1981 that the day after she filed for divorce, her husband twisted her hand and choked her when he caught her taking \$20 from

his wallet to pay for shoes for their youngest daughter.

According to the court file, she reported her husband's actions to Louisville police "because she was fearful for her physical safety."

Rebecca King dropped her divorce petition a month later, and no criminal charges were filed. Rebecca King filed for divorce again in 1988, and the marriage was eventually dissolved.

In an interview last week, she said she and ex-husband now have a "great relationship." And King said in a statement that he and his ex-wife remain friends and called the issues discussed in the divorce files "intensely private matters."

Reporter Andrew Wolfson can be reached at (502) 582-7189.
