

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>DAVID E. MURRAY,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 2:15-cv-00484-DBH</b>
	)	
<b>WALMART STORES INC., ET AL.,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**ORDER ON PLAINTIFF’S MOTION FOR RECONSIDERATION**

The plaintiff has filed “Plaintiff’s Objection and Request for Reconsideration to Court’s Decision and Order [249] to Deny Plaintiff’s Motion [248] to Retain/Preserve (Not Purge) the Case Docket and Records” (ECF No. 250). I treat it as a motion for reconsideration and **DENY** the motion for the reasons I gave in my earlier Order. See Order on Pl.’s Mot. to Retain/Preserve Case Docket & Records (ECF No. 249).

I add these clarifications:

1. As I said in my earlier Order, this court has nothing to do with the state case or cases to which Mr. Murray refers, “PORSC-CV-2015-00380, CV-15-00380, and 15-CV-380.” Pl.’s Obj. at 5.
2. See Attached Affidavit of Chief Deputy Clerk of Court Eric M. Storms.
3. Exhibit A, to which Mr. Murray refers at length as a document filed on paper but never uploaded to CM/ECF, was *not* filed with this court, in

conformance with this District's Local Rule 26(a) regarding disclosures made under Federal Rule of Civil Procedure 26(a)(1)-(3).

4. If he wishes, Mr. Murray may make an appointment with the Clerk's Office to examine the paper documents it has in his case and arrange to photocopy any of them. He should do so within the next 30 days.

5. Complaints Mr. Murray has against his lawyers are not material to the resolution of this case. If they are warranted, they belong in a different lawsuit or before a different tribunal such as the Maine Board of Overseers of the Bar.

**SO ORDERED.**

**DATED THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2020**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

DAVID E. MURRAY,	)	
	)	
Plaintiff,	)	
	)	No. 2:15-cv-00484-DBH
v.	)	
	)	
WAL-MART STORES, INC. &	)	
WAL-MART STORES EAST, L.P.	)	
	)	
Defendants.	)	

AFFIDAVIT OF CHIEF DEPUTY CLERK OF COURT

I, Eric M. Storms, Chief Deputy Clerk of the U.S. District Court for the District of Maine hereby depose and say the following concerning the Court’s recordkeeping procedures in this case.

1. I am the Chief Deputy Clerk at the United States District Court in the District of Maine. I make the following statements contained in this affidavit based on my personal knowledge.
2. Under the Court’s Local Rules, Appendix IV (Administrative Procedures Governing the Filing and Service by Electronic Means), attorneys for the parties in this case were required to make all their filings on the Court’s Case Management/Electronic Case File (CM/ECF) system under this case’s docket number.
3. There are no paper filings in the Court’s case file made by an attorney in this case.
4. What Mr. Murray refers to as Exhibit A (his ECF Document 250-1) appears to be an Expert Witness Disclosure. Under the District of Maine’s Local Rule 26(a), it was

required to “be served upon other parties but shall not be filed with the Court.”

“Exhibit A” is not in the Court’s files and not on CM/ECF (except as Mr. Murray has now provided it).

5. Any documents submitted to the Court by Mr. Murray while he has represented himself (*pro se*) have been entered in the docket of this case in the Court’s CM/ECF system, whether Mr. Murray submitted the documents in paper or in email form.
6. Everything on the Court’s CM/ECF system remains available to the parties in its electronic form indefinitely and is not subject to the scheduled “purge.”
7. The scheduled “purge” that Mr. Murray has referred to applies only to the paper documents that Mr. Murray submitted while not represented by counsel. The Clerk’s Office entered all those papers on the Court’s CM/ECF system.
8. Exhibits A through G of the Declaration of Eben M. Albert (*Sealed Additional Attachments*, ECF Nos. 200-11 through 200-17), contain audio recordings that are stored on CD, are on file as part of the Court record in the Clerk’s Office, and will not be purged.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at Portland, Maine this 13th day of February 2020.

/s/ Eric M. Storms  
CHIEF DEPUTY CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE