IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

ROBERT PATTERSON, Plaintiff, vs. JOHN B. MANN, Defendant.	MC 15-1-BU-BMM-JCL ORDER

On January 4, 2017, the Court conducted an initial in camera inspection of the Apple computer, which is comprised of Items 7,8, and 9 on the inventory list completed by the United States Marshals Service. The Court determined based on the serial number that the computer was manufactured in mid-2011. While this means it could not have been the same computer Plaintiff Robert Patterson testified that he saw at Defendant's office as early as 2003, the date of manufacture is not dispositive on the issue of ownership.

As explained in its order dated November 16, 2016, the Court also planned on examining the contents of the computer for the purpose of determining whether it belongs to the Defendant John Mann or Dr. Martha Mann. But because the computer is password protected, the Court was unable to review its contents. The

computer's log-in screen shows four user profiles labeled as follows: (1) apple; (2) John Mann new; (3) Nathaniel Mann, and; (4) Neil Mann. With the exception of the "apple" user profile, each of the three user profiles is protected with its own password.

Based on the limited information available from the computer's log-in screen, all indicia of ownership point to Defendant as the owner of the computer, rather than Dr. Martha Mann. If Defendant wants to show that Dr. Martha Mann actually owns the computer, he must provide the Court with the passwords necessary to access the computer. Accordingly,

IT IS ORDERED that if Defendant wants to challenge the Court's initial determination that he is the owner of the Apple computer (Items 7,8, & 9), he must provide the Court with the necessary passwords on or before January 18, 2017. If Defendant does not do so, the Court's initial determination as to ownership will stand, which means the computer was properly seized by the United States Marshals Service pursuant to the Writ of Execution previously issued in this case.

DATED this 5th day of January, 2017.

Jeremiah C. Lynch
United States Magistrate Judge