

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|----|---------------------|
| BLAKE J. ROBBINS , a Minor, by his Parents | >: | CIVIL ACTION |
| and Natural Guardians, MICHAEL E. ROBBINS | : | |
| and HOLLY S. ROBBINS , Individually, and on | : | |
| Behalf of all Similarly Situated Persons | : | |
| | : | |
| v. | : | NO. 2:10-CV-0665-JD |
| | : | |
| LOWER MERION SCHOOL DISTRICT | : | |
| and THE BOARD OF DIRECTORS OF THE | : | |
| LOWER MERION SCHOOL DISTRICT | : | |
| and CHRISTOPHER W. McGINLEY , | : | |
| Superintendent of Lower Merion School District | : | |

**PLAINTIFFS' RESPONSE TO THE GOVERNMENT'S MOTION
TO MODIFY THE COURT'S ORDER OF APRIL 14, 2010**

Plaintiffs, Blake J. Robbins, *et al.*, have elected not to take any formal position with regard to the USA's Motion to Modify the Court's Order of April 14, 2010 but expresses concern over the ultimate use the Government may make of that evidence.

Plaintiffs' counsel's concern centers around the 50,000+ photographs and screen shots taken of other students and parents that Plaintiffs' counsel has not examined. Having fully examined all of the data collected relating to Plaintiffs, there is absolutely no concern that Blake Robbins engaged in any improper conduct. Since the Government has not agreed to immunize all students and their parents from prosecution for criminality that could possibly be depicted in the data collected, and since it is conceded that the data collected by LMSD, a government entity, was illegally obtained in violation of the Fourth Amendment, there is concern that the Government will target, or worse prosecute, students and parents based upon the illegally obtained evidence.

Balancing that concern against the Government's legitimate need to determine whether the administration, faculty or staff of LMSD violated any criminal statutes

argues in favor of allowing the Government's investigation to proceed without intervention by Plaintiffs objecting to the Government's Motion.

Certainly, should the Government attempt to prosecute any student or parent based upon such illegally obtained evidence, the subject of such prosecution will be able to exercise their respective rights to seek to suppress any such evidence.

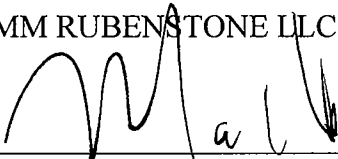
Consequently, for the reasons set forth above, Plaintiffs have elected not to take a formal position on the Government's Motion.

Respectfully submitted,

LAMM RUBENSTONE LLC

Date: 5/5/10

By:



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CERTIFICATE OF SERVICE

I hereby certify that on the date written below the foregoing Plaintiffs' Response to the Government's Motion to Modify the Court's Order of April 14, 2010, was filed electronically and is available for viewing and downloading from the ECF system, which also electronically served same on the following:

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DATED:

5/3/10