

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

BETTY J. OSTERGREN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil No. 3:08cv362
ROBERT F. McDONNELL, in his official	)	
capacity as Attorney General of Virginia,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S REPLY BRIEF ON INJUNCTIVE RELIEF**

In his Brief on Injunctive relief, the defendant advocates an injunction that would prohibit enforcement of Virginia Code § 59.1-443.2 against Ms. Ostergren’s website as it currently exists, but would allow the statute to be enforced as to any public records that she might post on the site in the future. However, the defendant fails to set forth any principled basis for distinguishing one set of public records from another, or any reason why the currently posted records should be constitutionally protected, while any records posted in the future should not.

The defendant also fails to respond meaningfully to the plaintiff’s concern that, if only a narrow injunction is issued, she will be unable to use her website to advocate against government websites that may post records containing SSNs in the future. The defendant dismisses this concern as “without merit,” because all Virginia circuit court clerks have already made their land records available on line. But this argument ignores the fact that Ms. Ostergren also advocates – often successfully – against websites



