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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SARAH BRADBURN, PEARL
CHERRINGTON, CHARLES HEINLEN,
and the SECOND AMENDMENT
FOUNDATION,

Plaintiffs,

v.

NORTH CENTRAL REGIONAL LIBRARY
DISTRICT,

Defendant.

No. CV-06-327-EFS

**DECLARATION OF DUNCAN
MANVILLE IN OPPOSITION TO
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT**

I, Duncan Manville, declare as follows:

1. I am one of the attorneys for Plaintiffs Sarah Bradburn, Pearl Cherrington, Charles Heinlen and the Second Amendment Foundation. I am over the age of 18 and competent to testify to the matters stated herein. I make this declaration on personal knowledge.

2. Attached as Exhibit LL to Plaintiffs’ Counterstatement of Facts in Opposition to Defendants’ Motion for Summary Judgment is a true and correct copy of excerpts from the Deposition of Sally W. Beesley.

1 3. Attached as Exhibit MM to Plaintiffs' Counterstatement of Facts in Opposition
2 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
3 Deposition Upon Oral Examination of Sarah Maria Bradburn.

4 4. Attached as Exhibit NN to Plaintiffs' Counterstatement of Facts in Opposition
5 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
6 Deposition of Liam Chasteen.

7 5. Attached as Exhibit OO to Plaintiffs' Counterstatement of Facts in Opposition
8 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
9 Deposition Upon Oral Examination of Pearl Anne Cherrington.

10 6. Attached as Exhibit PP to Plaintiffs' Counterstatement of Facts in Opposition
11 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
12 Deposition Upon Oral Examination of Alan Merrill Gottlieb.

13 7. Attached as Exhibit QQ to Plaintiffs' Counterstatement of Facts in Opposition
14 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
15 Deposition Upon Oral Examination of Charles Merle Heinlen.

16 8. Attached as Exhibit RR to Plaintiffs' Counterstatement of Facts in Opposition
17 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
18 Deposition Upon Oral Examination of Dean Marney.

19 9. Attached as Exhibit SS to Plaintiffs' Counterstatement of Facts in Opposition
20 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
21 Deposition of Kenton Oliver.

22 10. Attached as Exhibit TT to Plaintiffs' Counterstatement of Facts in Opposition
23 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
24 Deposition Upon Oral Examination of June Pinnell-Stephens.

1 11. Attached as Exhibit UU to Plaintiffs' Counterstatement of Facts in Opposition
2 to Defendants' Motion for Summary Judgment is a true and correct copy of excerpts from the
3 Deposition of Paul Resnick.

4 12. Attached as Exhibit VV to Plaintiffs' Counterstatement of Facts in Opposition
5 to Defendants' Motion for Summary Judgment is a true and correct copy of the Minutes of the
6 June 10, 1999 meeting of the Board of Directors of the North Central Regional Library
7 District ("NCRL"). NCRL produced this document in discovery.

8 13. Attached as Exhibit WW to Plaintiffs' Counterstatement of Facts in Opposition
9 to Defendants' Motion for Summary Judgment is a true and correct copy of the Minutes of the
10 August 12, 1999 meeting of NCRL's Board of Directors. NCRL produced this document in
11 discovery.

12 14. Attached as Exhibit XX to Plaintiffs' Counterstatement of Facts in Opposition
13 to Defendants' Motion for Summary Judgment is a true and correct copy of the Minutes of the
14 November 17, 1999 meeting of NCRL's Board of Directors. NCRL produced this document
15 in discovery.

16 15. Attached as Exhibit YY to Plaintiffs' Counterstatement of Facts in Opposition
17 to Defendants' Motion for Summary Judgment is a true and correct copy of Dean Marney's
18 January 13, 2000 Director's Report. NCRL produced this document in discovery.

19 16. Attached as Exhibit ZZ to Plaintiffs' Counterstatement of Facts in Opposition
20 to Defendants' Motion for Summary Judgment is a true and correct copy of the Minutes of the
21 May 11, 2000 meeting of NCRL's Board of Directors. NCRL produced this document in
22 discovery.

23 17. Attached as Exhibit AAA to Plaintiffs' Counterstatement of Facts in
24 Opposition to Defendants' Motion for Summary Judgment is a true and correct copy of Dean
25 Marney's January 11, 2001 Director's Report. NCRL produced this document in discovery.
26

1 18. Attached as Exhibit BBB to Plaintiffs' Counterstatement of Facts in
2 Opposition to Defendants' Motion for Summary Judgment is a true and correct copy of the
3 Minutes of the January 11, 2001 meeting of NCRL's Board of Directors. NCRL produced
4 this document in discovery.

5 19. Attached as Exhibit CCC to Plaintiffs' Counterstatement of Facts in
6 Opposition to Defendants' Motion for Summary Judgment are true and correct copies of
7 correspondence between Dean Marney and Nancy Talner.

8 20. Attached as Exhibit DDD to Plaintiffs' Counterstatement of Facts in
9 Opposition to Defendants' Motion for Summary Judgment are screen shots of the splash
10 pages of Web sites which, according to Plaintiff Charles Heinlen and documents produced by
11 NCRL in discovery, are currently blocked by NCRL's Internet filter.

12 21. Attached as Exhibit EEE to Plaintiffs' Counterstatement of Facts in Opposition
13 to Defendants' Motion for Summary Judgment are true and correct copies of documents
14 produced by NCRL in discovery pertaining to requests made by patrons of NCRL between
15 October 1, 2007 and February 20, 2008 to unblock specific Web sites. These documents were
16 produced to Plaintiffs after Plaintiffs and NCRL filed their respective summary judgment
17 motions and supporting materials.

18 22. Attached as Exhibit FFF to Plaintiffs' Counterstatement of Facts in Opposition
19 to Defendants' Motion for Summary Judgment is a spreadsheet that I prepared summarizing
20 the information contained in the documents referenced in paragraph 21 above.

21 23. Attached as Exhibit GGG to Plaintiffs' Counterstatement of Facts in
22 Opposition to Defendants' Motion for Summary Judgment are true and correct copies of
23 screen shots of Web pages showing prices for recessed desks and for recessing retrofit kits. I
24 printed these screen shots on February 23, 2008.

25 24. Attached as Exhibit HHH to Plaintiffs' Counterstatement of Facts in
26 Opposition to Defendants' Motion for Summary Judgment is a true and correct copy of the

1 complaint filed in Adamson v. Minneapolis Public Library, No. 03-02521 (D. Minn. March
2 24, 2003).

3 25. Attached as Exhibit III to Plaintiffs' Counterstatement of Facts in Opposition
4 to Defendants' Motion for Summary Judgment is a true and correct copy of the docket sheet
5 of the U.S. District Court for the District of Minnesota in Adamson v. Minneapolis Public
6 Library, No. 03-02521 (D. Minn. March 24, 2003).

7 26. Attached as Exhibit JJJ to Plaintiffs' Counterstatement of Facts in Opposition
8 to Defendants' Motion for Summary Judgment is a true and correct copy of the Minneapolis
9 Public Library's current Internet use policy, downloaded from the Web site
10 <http://www.mpls.lib.mn.us/policy.asp> on February 14, 2008.

11 27. None of the librarians identified in Fact #90 through Fact #98 of Defendant's
12 Statement of Facts In Support of Motion for Summary Judgment and in the corresponding
13 paragraphs of the Declaration of Dan Howard (Sharron Reddick, Jennifer Thompson, Lucile
14 Ames, Gailene Hooper, Claire Kirkpatrick, Michelle Orosco, Carla Loreto and Katy Sessions)
15 were disclosed by NCRL pursuant to Rules 26(a)(1)(A) or 26(e) as "individual[s] likely to
16 have discoverable information that the disclosing party may use to support its claims or
17 defenses." Nor was any information possessed by Dan Howard (other than what he testified
18 to during his deposition) regarding alleged incidents at NCRL branch libraries involving
19 patrons accessing pornography online shared with Plaintiffs before NCRL filed its Motion for
20 Summary Judgment and supporting materials on February 4, 2008.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this
2 25th day of February, 2008 at Seattle, Washington.

3
4 By: /s/ Duncan Manville
5 Duncan Manville, WSBA #30304
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11 Co-Counsel for Plaintiffs
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 25, 2008, I electronically filed the foregoing
3 document with the Clerk of Court using the CM/ECF system, which will send notification of
4 such filing to the persons listed below:

5 Thomas D. Adams
6 Celeste Mountain Monroe
7 KARR TUTTLE CAMPBELL
8 1201 Third Avenue, Suite 2900
9 Seattle, WA 98101

Attorneys for Defendant

DATED this 25th day of February, 2008.

10 AMERICAN CIVIL LIBERTIES UNION OF
11 WASHINGTON FOUNDATION

12 By: /s/ Aaron H. Caplan
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