

The Honorable Edward F. Shea

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

14	SARAH BRADBURN, PEARL	)	
15	CHERRINGTON, CHARLES	)	
16	HEINLEN, and THE SECOND	)	NO. CV-06-327-EFS
17	AMENDMENT FOUNDATION,	)	
18	Plaintiffs,	)	NCRL'S RESPONSE TO
19	v.	)	PLAINTIFFS' OBJECTIONS TO
20		)	DEFENDANT'S WITNESSES AND
21	NORTH CENTRAL REGIONAL	)	EXHIBIT LIST
22	LIBRARY DISTRICT,	)	
23	Defendant.	)	

Defendant NCRL hereby responds to Plaintiffs Objections to Defendants' Witness and Exhibit List.

NCRL'S RESPONSE TO PLAINTIFFS' OBJECTIONS TO DEFENDANT'S WITNESSES AND EXHIBIT LIST - 1

CV-06-327-EFS  
DOCS-665537/ -

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## I. WITNESSES

Plaintiffs' arguments in support of its objections to the introduction of NCRL witnesses Connie Kuhlman, Sharon Reddick, Katy Sessions, and Deborah Moore are set forth in Plaintiff's Motions in Limine. This pleading was filed separately from Plaintiffs' Objections to NCRL's Witness and Exhibit List. Accordingly, NCRL reserves its response to Plaintiffs' arguments regarding the introduction of Kuhlman, Reddick, Sessions and Moore for its opposition to Plaintiffs' Motion in Limine, which is scheduled to be filed on or before April 11, 2008.

## II. EXHIBITS

### A. NCRL's Exs. 533-536

NCRL seeks to introduce four incident reports prepared by NCRL branch librarians between 2005 and 2008 detailing instances where sex offenders have patronized NCRL branch libraries and created disruptions or posed a threat to children, as well as one situation where an individual was asked to leave the library for inappropriate sexual conduct in a library setting. Plaintiffs object to the incident reports, arguing that the documents are hearsay and that they are irrelevant.

NCRL'S RESPONSE TO PLAINTIFFS'  
OBJECTIONS TO DEFENDANT'S  
WITNESSES AND EXHIBIT LIST - 2

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1 Plaintiffs hearsay objection is easily overcome by the business records  
2 exception. The reports are writings or records of act/events, made at or near the  
3 time of the incidents, or from information transmitted by a person with  
4 knowledge of the incident. The reports were kept and turned over to NCRL  
5 administrators Dan Howard and Dean Marney in the normal course of business.  
6  
7 The incident reports were not prepared in anticipation of litigation.  
8  
9 Accordingly, Plaintiffs' hearsay objection lacks merit.  
10

11 Second, the documents are relevant. When asked why NCRL has elected  
12 to employ the filter at all times, Executive Director Dean Marney testified that,  
13 among other things, "Libraries have a peculiar problem that we attract a certain  
14 element in our communities that isn't always family friendly." (Marney Dep. at  
15 p. 55). These incident reports are evidence of unique risks associated with  
16 operating a public library, which NCRL administrators believe offers further  
17 support for their decision to filter content such as adult materials and  
18 pornography.  
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22 Plaintiffs suggestion that the incidents detailed in the proffered reports  
23 "have nothing to do with any of the issues before the Court" is disingenuous.  
24 (Ct. Rec. 80, p. 4). Plaintiffs ask the Court to consider NCRL's Internet Usage  
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1 Policy in a vacuum, without reference to the types of conduct and issues that  
2 inform, and continue to justify, the Policy. Plaintiffs can argue as to the weight  
3 the reports should be given at trial, but they cannot passively contend that the  
4 reports are relevant and admissible.  
5

6  
7 **B. NCRL Exhibits 542-645**

8 NCRL seeks to introduce all patron unblocking requests and related  
9 correspondence. In its original disclosure, NCRL envisioned identifying each  
10 request and response as a separate exhibit – which would be numbered  
11 approximately Exs. 542-645. Although NCRL did not provide Plaintiffs with a  
12 copy of these exhibits (specifically labeled Exs. 542-645) for purposes of  
13 exchanging exhibit lists, Plaintiffs were certainly in possession of all of the  
14 documents NCRL intends to include as they are all, for the most part, contained  
15 in Plaintiffs' Ex. 66.  
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19 At this time, NCRL and Plaintiffs counsel have conferred and believe that  
20 both parties will be able to use Plaintiffs' Ex. 66, which was reserved as  
21 NCRL's Ex. 702, at trial. The parties intend to work together to refine and  
22 update the exhibit in the coming weeks. In the event that there is any dispute  
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28 **NCRL'S RESPONSE TO PLAINTIFFS'  
OBJECTIONS TO DEFENDANT'S  
WITNESSES AND EXHIBIT LIST - 4**

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1 between what should and should not be included, NCRL will fill its document  
2 separately under NCRL Ex. 702.  
3

4 C. NCRL's Ex. 699

5 NCRL seeks to introduce a letter from the ACLU of Washington to  
6 NCRL library patrons as Ex. 699. NCRL's Executive Director Dean Marney  
7 obtained this letter from a library staff member. NCRL does not intend to  
8 introduce the letter for the truth of the matter asserted therein, i.e. that NCRL was  
9 allegedly "depriving patrons of making choices" or depriving "parents of the  
10 ability to make the choice for their children." Rather, NCRL introduces the  
11 letter to show that the ACLU actively solicited litigants to advance its view of  
12 internet filtering in public libraries. Accordingly, Plaintiffs' hearsay objection  
13 lacks merit.  
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18 D. NCRL's Exs. 706-720

19 On March 24, 2008, NCRL filed its Original Witness and Exhibit List.  
20 (See Ex. A attached hereto.) The following day, NCRL e-mailed Plaintiffs'  
21 counsel a list of all of its exhibits with references to bates numbers and court  
22 record cites for each document. On March 28, 2008, Plaintiffs' counsel  
23 contacted NCRL's counsel, Celeste Monroe, to inform Ms. Monroe that the two  
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28 NCRL'S RESPONSE TO PLAINTIFFS'  
OBJECTIONS TO DEFENDANT'S  
WITNESSES AND EXHIBIT LIST - 5

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1 documents were inconsistent. Specifically, there were more documents on the  
2 e-mailed version of NCRL's exhibit list than on the one that was filed.  
3

4 After some investigation, it was revealed that NCRL accidentally filed a  
5 draft version of the witness and exhibit list, as opposed to the final version. (See  
6 Ex. B attached hereto.) NCRL thanked Plaintiffs for bringing the matter to their  
7 attention and immediately filed an Amended Witness and Exhibit List. (See Ex.  
8 C attached hereto). Plaintiffs' counsel thanked NCRL for the clarification. (See  
9 Ex. B).  
10  
11

12 In light of the parties' exchange and NCRL's prompt correction of its  
13 error, NCRL was surprised to receive Plaintiffs' objections to the Amended  
14 Witness and Exhibit List. This was particularly true given that Plaintiffs had  
15 received a complete list of the items contained in the Amended Witnesses List,  
16 via e-mail, less than 24 hours after the original (albeit draft) version was filed.  
17 In any event, Plaintiffs' objections to the introduction of these exhibits as  
18 untimely, should be overruled.  
19  
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22 As an initial matter, NCRL explicitly reserved its rights to amend its  
23 witness and exhibit list. Furthermore, Plaintiffs' cannot demonstrate prejudice.  
24 The documents that were accidentally omitted from the original filing include a  
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28 NCRL'S RESPONSE TO PLAINTIFFS'  
OBJECTIONS TO DEFENDANT'S  
WITNESSES AND EXHIBIT LIST - 6

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1 number of newspapers articles collected by Mr. Marney discussing widespread  
2 problems with unfiltered Internet access at public libraries throughout the  
3 county, as well as written discovery of the parties. None of these documents  
4 were new to Plaintiffs. The newspapers articles were submitted by NCRL in  
5 support of its motion for summary judgment and counsel has already engaged in  
6 considerable debate regarding their admissibility. The written discovery was  
7 exchanged over a year ago. In the absence of any prejudice to Plaintiffs, NCRL  
8 should be permitted to introduce Exs. 706-720 at trial.

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12       Beyond the timeliness of their disclosure, Plaintiffs' have raised several  
13 other challenges to the admissibility of the newspaper articles, including a  
14 hearsay challenge. Plaintiffs arguments on these points are contained in their  
15 Motions in Limine. Accordingly, NCRL reserves its response to Plaintiffs'  
16 arguments regarding the admissibility of the newspaper articles for its  
17 opposition to Plaintiffs' Motion in Limine, which is scheduled to be filed on or  
18 before April 11, 2008.  
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2 DATED this 7<sup>th</sup> day of April, 2008

3 KARR TUTTLE CAMPBELL

4  
5 By: /s/ Celeste Mountain Monroe  
6 Celeste Mountain Monroe, WSBA #35843  
7 E-mail – cmonroe@karrtuttle.com  
8 Thomas D. Adams, WSBA #18470  
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10 Attorneys for Defendant North Central  
11 Regional Library District  
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28 NCRL'S RESPONSE TO PLAINTIFFS'  
OBJECTIONS TO DEFENDANT'S  
WITNESSES AND EXHIBIT LIST - 8  
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1 **CERTIFICATE OF SERVICE**

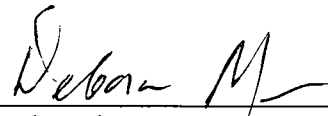
2 I hereby certify that on April 7, 2008, I electronically filed the foregoing  
3  
4 with the Clerk of the Court using the CM/ECF system which will send  
5 notification of such filing to the persons listed below:  
6

7 Duncan Manville  
8 1629 2nd Ave. W  
9 Seattle, WA 98119

Aaron Caplan  
ACLU of Washington  
705 Second Ave., Ste. 300  
Seattle, WA 98103

10 Catherine Crump  
11 American Civil Liberties Union  
12 Foundation  
13 125 Broad Street, 17<sup>th</sup> Floor  
14 New York, NY 10004

15 KARR TUTTLE CAMPBELL

16  
17 By:   
18 Deborah Messer  
19 dmesser@karrtuttle.com

# EXHIBIT A

The Honorable Edward F. Shea

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

SARAH BRADBURN, PEARL )  
CHERRINGTON, CHARLES )  
HEINLEN, and THE SECOND ) NO. CV-06-327-EFS  
AMENDMENT FOUNDATION, )  
 ) DEFENDANT NORTH CENTRAL  
Plaintiffs, ) REGIONAL LIBRARY'S WITNESS  
 ) AND EXHIBIT LIST  
v. )  
 )  
NORTH CENTRAL REGIONAL )  
LIBRARY DISTRICT, )  
 )  
Defendant. )

Defendant North Central Regional Library identifies the following  
witnesses and exhibits:

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 1

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2  
3 I. FACT WITNESSES

4 1. **Dean Marney**

5 Dean Marney is the Director of the North Central Regional Library  
6 (“NCRL”) District. Mr. Marney was appointed to his position by the NCRL  
7 Board of Trustees in 1990. As Director, Mr. Marney serves as the liaison  
8 between the Board and library staff.  
9

10  
11 Mr. Marney will testify regarding NCRL and its policies, including: its  
12 mission, collection development policy and internet usage policy. He will  
13 testify regarding NCRL’s need to comply with the Children’s Internet Protection  
14 Act (“CIPA”) and the Board’s decision to implement an Internet filter to  
15 facilitate compliance with CIPA. Mr. Marney will discuss NCRL’s current  
16 internet filtering profile, as well as the procedure for requesting that certain  
17 internet content be unblocked by the filter. Mr. Marney will discuss the  
18 unblocking requests NCRL has received from patrons and the process that he  
19 and Mr. Howard follow in evaluating the requests. Mr. Marney will also discuss  
20 the other purposes the Internet filters serve, beyond compliance with CIPA, to  
21 include: (1) fulfillment of traditional collection decisions; (2) protection of staff  
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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY’S WITNESS

AND EXHIBIT LIST - 2

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1 and patrons from inadvertent exposure to illegal, pornographic, or other  
2 disruptive and inappropriate material; and (3) compliance with other state and  
3 federal laws.  
4

5 **2. Dan Howard**

6 Dan Howard is the Public Services Director for NCRL. Mr. Howard  
7 administers NCRL's 28 branch libraries and its mail order library. He also  
8 coordinates collection development activities and administer grants. With  
9 respect to the individual branches, Mr. Howard's responsibilities include, among  
10 other things, management of personnel. This includes supervision of all NCRL  
11 branch librarians.  
12  
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14

15 Mr. Howard will testify regarding NCRL's policies, to include: its  
16 mission statement, collection development policy and internet usage policy. He  
17 will discuss the relationship between the filter and collection development. He  
18 will testify regarding his district's need to comply with the Children's Internet  
19 Protection Act ("CIPA"). Mr. Howard will also discuss NCRL's current  
20 internet filtering profile and the procedure for requesting that certain internet  
21 content be unblocked. Mr. Howard will discuss the unblocking requests that  
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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 3

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1 NCRL has received from patrons and the process that he and Mr. Marney use in  
2 evaluating the requests.  
3

4 Mr. Howard will also discuss his experience with certain privacy  
5 measures suggested by Plaintiffs, including: (1) privacy screens; (2) recessed  
6 desks and (3) a "tap and tell" policy. Mr. Howard discuss his concerns with  
7 unfiltered access and the impact on branch staff.  
8

9  
10 **3. Barbara Walters**

11 Barbara Walters is the Information Technology Manager for the North  
12 Central Regional Library District. She has served in this role since 2002.  
13 Ms. Walters will testify regarding the structure of NCRL's computer network, to  
14 include technical information and details regarding the configuration of the  
15 Internet filter.  
16  
17

18 **4. Connie Kuhlman**

19 Connie Kuhlman is the Grant County Regional Manager and head of  
20 Moses Lake Branch. Ms. Kuhlman ran the Grand Coulee Branch before Moses  
21 Lake.  
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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS

AND EXHIBIT LIST - 4

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1 Ms. Kuhlman will discuss her personal experience with the internet filter,  
2 including instances where individuals have circumvented the filter to obtain  
3 illicit material. She will also discuss her concerns with unfiltered access.  
4

5 **5. Sharon Reddick**

6 Sharon Reddick is the Okanogan/Ferry County Regional Manager &  
7 Head of Omak Branch.  
8

9 Ms. Reddick will discuss her personal experience with the internet filter,  
10 including instances where individuals have circumvented the filter to obtain  
11 illicit material. She will also discuss her concerns with unfiltered access.  
12

13 **6. Katy Sessions**

14 Katy Sessions is the Chelan/Douglas County Regional Manager & Head  
15 of Wenatchee Branch.  
16

17 Ms. Sessions will discuss her personal experience with the internet filter,  
18 including instances where individuals have circumvented the filter to obtain  
19 illicit material.  
20

21 **7. Deborah Moore**

22 Deborah Moore is a NCRL Board Trustee from Grant County. She has  
23 served in this capacity since January 2007. Ms. Moore will testify regarding the  
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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 5

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1 current Internet Filtering Policy.

2  
3 **II. EXPERT WITNESS**

4 **1. Paul Resnick**

5 Paul Resnick is a professor at the University of Michigan School of  
6 Information. Mr. Resnick was retained by NCRL to serve as an expert in the  
7 current litigation.  
8

9 Mr. Resnick was asked to explain how the NCRL filtering software  
10 works. He was also asked to assess the methods used in studying the error rates  
11 in the filtering software NCRL uses as reported by Plaintiffs' expert,  
12 Mr. Bennett Haselton. Mr. Resnick will testify regarding all of these topics. In  
13 addition, Mr. Resnick will testify regarding his own study of NCRL's filter.  
14  
15

16 **III. EXHIBITS**

NO.	AUTHOR/MAKER	DESCRIPTION
500	NCRL	Branch Library Map
501 - 528	NCRL	Branch Photos
529	NCRL	Resolution adopting Internet Usage Policy
530	NCRL	Board Minutes adopting Internet Usage Policy
531	NCRL	Internet Usage Policy
532	NCRL	Current Fortiguard Filtering Profile
533 - 536	NCRL	Incident Reports

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28 **DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 6**

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537	NCRL	Internal memo discussing decision to unblock "Plagerism"
538	NCRL	Internal memo discussing decision to unblock " Personal Relationships"
539	NCRL	Internal memo discussing decision to unblock YouTube, with accompanying Terms of Use
540	NCRL	Internal memo discussing decision to unblock Myspace, with accompanying Terms of Use
541	NCRL	Internal memo discussing decision to unblock Craigslist, excepting personals
542-645	NCRL/Patrons	Patron requests to unblock specific internet content and NCRL response
646	NCRL	Collection Development Policy
647	NCRL	Mission Statement
648	Paul Resnick	Paul Resnick's Expert Report/Data
649	FortiGuard	Diagrams re: how FortiGuard filter work (simply demonstrative?)
650	NCRL	March 11, 1999 Director's Report
651	NCRL	March 11, 1999 Board Meeting Minutes
652	NCRL	April 15, 1999 Board Meeting Minutes
653	NCRL	June 10, 1999 Board Meeting Minutes
654	NCRL	July 15, 1999 Board Meeting Minutes
655	NCRL	September 16, 1999 Board Meeting Minutes
656	NCRL	August 12, 1999 Director's Report
657	NCRL	October 14, 1999 Director's Report
658	NCRL	December 16, 1999 Director's Report
659	NCRL	February 10, 2000 Director's Report
660	NCRL	January 13, 2000 Director's Report
661	NCRL	November 17, 1999 Director's Report
662	NCRL	December 16, 1999 Board Meeting Minutes

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 7

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664	NCRL	February 10, 2000 Board Meeting Minutes
663	NCRL	March 16, 2000 Board Meeting Minutes
664	NCRL	May 11, 2000 Board Meeting Minutes
665	NCRL	June 15, 2000 Board Meeting Minutes
666	NCRL	August 10, 2000 Board Meeting Minutes
667	NCRL	September 14, 2000 Board Meeting Minutes
668	NCRL	August 10, 2000 Director's Report
669	NCRL	October 12, 2000 Director's Report
670	NCRL	October 12, 2000 Board Meeting Minutes
671	NCRL	December 14, 2000 Board Meeting Minutes
672	NCRL	December 14, 2000 Director's Report
673	NCRL	January 11, 2001 Board Meeting Minutes
674	NCRL	January 11, 2001 Director's Report
675	NCRL	February 15, 2001 Director's Report
676	NCRL	February 15, 2001 Board Meeting Minutes
677	NCRL	March 15, 2001 Board Meeting Minutes
678	NCRL	June 14, 2001 Director's Report
679	NCRL	October 11, 2001 Board Meeting Minutes
680	NCRL	October 11, 2001 Director's Report
681	NCRL	November 15, 2001 Board Meeting Minutes
682	NCRL	January 17, 2002 Board Meeting Minutes
683	NCRL	February 14, 2002 Board Meeting Minutes
684	NCRL	February 14, 2002 Director's Report
685	NCRL	May 16, 2002 Director's Report

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 8

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686	NCRL	May 16, 2002 Board Meeting Minutes
687	NCRL	October 10, 2002 Board Meeting Minutes
688	NCRL	December 12, 2002 Director's Report
689	NCRL	January 15, 2004 Board Meeting Minutes
690	NCRL	April 15, 2004 Director's Report
691	NCRL	May 13, 2004 Board Meeting Minutes
692	NCRL	May 13, 2004 Director's Report
693	NCRL	April 14, 2005 Board Meeting Minutes
694	NCRL	December 15, 2005 Board Meeting Minutes
695	NCRL	March 16, 2006 Board Meeting Minutes
696	NCRL	July 20, 2006 Board Meeting Minutes
697	NCRL	November 16, 2006 Director's Report
698	NCRL	January 18, 2007 Director's Report
699	ACLU	Correspondence from ACLU to NCRL patrons soliciting a lawsuit
700 - 703	NCRL/Heinlen	Correspondence between NCRL and Charles Heinlen
704	NCRL	NCRL Bylaws

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DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 9

CV-06-327-EFS  
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1  
2 NCRL reserves the right to amend its exhibit list, both to withdraw or  
3  
4 add certain exhibits, based on Plaintiff's disclosure. NCRL reserves the right  
5  
6 to use any exhibit proposed by Plaintiffs and admitted into evidence.

7 DATED this 24<sup>th</sup> day of March, 2008.

8 KARR TUTTLE CAMPBELL

9  
10 By: /s/ Thomas D. Adams  
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13 Celeste Mountain Monroe, WSBA #35843  
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15 Attorneys for Defendant North Central  
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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 10

CV-06-327-EFS  
#663 448 v1 / 42703-001

CERTIFICATE OF SERVICE


I hereby certify that on March 24, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

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1629 2nd Ave. W  
Seattle, WA 98119

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ACLU of Washington  
705 Second Ave., Ste. 300  
Seattle, WA 98103

Catherine Crump  
American Civil Liberties Union  
Foundation  
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By:   
Heather L. White  
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DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S WITNESS  
AND EXHIBIT LIST - 11

CV-06-327-EFS  
#663 448 v1 / 42703-001

# EXHIBIT B

**Celeste M. Monroe**

---

**From:** Duncan Manville [duncan.manville@yahoo.com]  
**Sent:** Friday, March 28, 2008 10:26 AM  
**To:** Celeste M. Monroe  
**Cc:** Aaron Caplan; Catherine Crump  
**Subject:** Re: NCRL Witness/Exhibit List

Thanks for the clarification, Celeste.

Duncan

----- Original Message -----

**From:** Celeste M. Monroe <cmonroe@karrtuttle.com>  
**To:** Duncan Manville <duncan.manville@yahoo.com>  
**Cc:** Thomas D. Adams <tadams@karrtuttle.com>; Catherine Crump <ccrump@aclu.org>; Aaron Caplan <caplan@aclu-wa.org>  
**Sent:** Friday, March 28, 2008 9:47:58 AM  
**Subject:** NCRL Witness/Exhibit List

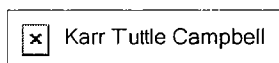
Duncan -

In response to your message this morning, I went and looked at the Witness and Exhibit List that we filed and it did not match what was on our electronic system. Heather believes that she accidentally filed a draft version of the pleading that was sitting on her desk - which did not include anything after Ex. 704. I had added 705 (the Reserved Exhibit to match up with your Ex. 66) as well as all of the newspaper articles, and interrogatories/RFPs for Plaintiffs and NCRL to the document that should have been filed.

All of the documents that we intend to offer at trial were included in the chart that I sent you on the 25th - except the rogs/RFPS, which I didn't believe you needed citations for.

We apologize for this confusion and are in the process of filing the amended version of our Witness and Exhibit List right now.

Thank you,

 Karr Tuttle Campbell

**Celeste Mountain Monroe**

Attorney  
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Seattle, Washington 98101  
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A Law Firm for the Pacific Northwest

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# EXHIBIT C

The Honorable Edward F. Shea

Thomas D. Adams  
Celeste Mountain Monroe  
KARR TUTTLE CAMPBELL  
1201 Third Avenue, Suite 2900  
Seattle, Washington 98101-3028  
(206) 223-1313  
Attorneys for North Central Regional Library District

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

SARAH BRADBURN, PEARL )  
CHERRINGTON, CHARLES )  
HEINLEN, and THE SECOND ) NO. CV-06-327-EFS  
AMENDMENT FOUNDATION, )  
 ) DEFENDANT NORTH CENTRAL  
Plaintiffs, ) REGIONAL LIBRARY'S AMENDED  
 ) WITNESS AND EXHIBIT LIST  
v. )  
 )  
NORTH CENTRAL REGIONAL )  
LIBRARY DISTRICT, )  
 )  
Defendant. )

Defendant North Central Regional Library identifies the following  
witnesses and exhibits:

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 1

CV-06-327-EFS  
#664851 v1 / 42703-001

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I. FACT WITNESSES

1. **Dean Marney**

Dean Marney is the Director of the North Central Regional Library ("NCRL") District. Mr. Marney was appointed to his position by the NCRL Board of Trustees in 1990. As Director, Mr. Marney serves as the liaison between the Board and library staff.

Mr. Marney will testify regarding NCRL and its policies, including: its mission, collection development policy and internet usage policy. He will testify regarding NCRL's need to comply with the Children's Internet Protection Act ("CIPA") and the Board's decision to implement an Internet filter to facilitate compliance with CIPA. Mr. Marney will discuss NCRL's current internet filtering profile, as well as the procedure for requesting that certain internet content be unblocked by the filter. Mr. Marney will discuss the unblocking requests NCRL has received from patrons and the process that he and Mr. Howard follow in evaluating the requests. Mr. Marney will also discuss the other purposes the Internet filters serve, beyond compliance with CIPA, to include: (1) fulfillment of traditional collection decisions; (2) protection of staff

DEFENDANT NORTH CENTRAL  
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WITNESS AND EXHIBIT LIST - 2

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1 and patrons from inadvertent exposure to illegal, pornographic, or other  
2 disruptive and inappropriate material; and (3) compliance with other state and  
3 federal laws.  
4

5 **2. Dan Howard**

6 Dan Howard is the Public Services Director for NCRL. Mr. Howard  
7 administers NCRL's 28 branch libraries and its mail order library. He also  
8 coordinates collection development activities and administer grants. With  
9 respect to the individual branches, Mr. Howard's responsibilities include, among  
10 other things, management of personnel. This includes supervision of all NCRL  
11 branch librarians.  
12  
13  
14

15 Mr. Howard will testify regarding NCRL's policies, to include: its  
16 mission statement, collection development policy and internet usage policy. He  
17 will discuss the relationship between the filter and collection development. He  
18 will testify regarding his district's need to comply with the Children's Internet  
19 Protection Act ("CIPA"). Mr. Howard will also discuss NCRL's current  
20 internet filtering profile and the procedure for requesting that certain internet  
21 content be unblocked. Mr. Howard will discuss the unblocking requests that  
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28 DEFENDANT NORTH CENTRAL  
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WITNESS AND EXHIBIT LIST - 3  
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1 NCRL has received from patrons and the process that he and Mr. Marney use in  
2 evaluating the requests.  
3

4 Mr. Howard will also discuss his experience with certain privacy  
5 measures suggested by Plaintiffs, including: (1) privacy screens; (2) recessed  
6 desks and (3) a "tap and tell" policy. Mr. Howard discuss his concerns with  
7 unfiltered access and the impact on branch staff.  
8

9  
10 **3. Barbara Walters**

11 Barbara Walters is the Information Technology Manager for the North  
12 Central Regional Library District. She has served in this role since 2002.  
13 Ms. Walters will testify regarding the structure of NCRL's computer network, to  
14 include technical information and details regarding the configuration of the  
15 Internet filter.  
16  
17

18 **4. Connie Kuhlman**

19 Connie Kuhlman is the Grant County Regional Manager and head of  
20 Moses Lake Branch. Ms. Kuhlman ran the Grand Coulee Branch before Moses  
21 Lake.  
22  
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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 4

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1 Ms. Kuhlman will discuss her personal experience with the internet filter,  
2 including instances where individuals have circumvented the filter to obtain  
3 illicit material. She will also discuss her concerns with unfiltered access.  
4

5 **5. Sharon Reddick**

6 Sharon Reddick is the Okanogan/Ferry County Regional Manager &  
7 Head of Omak Branch.  
8

9 Ms. Reddick will discuss her personal experience with the internet filter,  
10 including instances where individuals have circumvented the filter to obtain  
11 illicit material. She will also discuss her concerns with unfiltered access.  
12  
13

14 **6. Katy Sessions**

15 Katy Sessions is the Chelan/Douglas County Regional Manager & Head  
16 of Wenatchee Branch.  
17

18 Ms. Sessions will discuss her personal experience with the internet filter,  
19 including instances where individuals have circumvented the filter to obtain  
20 illicit material.  
21

22 **7. Deborah Moore**

23 Deborah Moore is a NCRL Board Trustee from Grant County. She has  
24 served in this capacity since January 2007. Ms. Moore will testify regarding the  
25  
26

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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 5

CY-06-327-EFS  
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1 current Internet Filtering Policy.

2  
3 **II. EXPERT WITNESS**

4 **1. Paul Resnick**

5 Paul Resnick is a professor at the University of Michigan School of  
6 Information. Mr. Resnick was retained by NCRL to serve as an expert in the  
7 current litigation.  
8

9 Mr. Resnick was asked to explain how the NCRL filtering software  
10 works. He was also asked to assess the methods used in studying the error rates  
11 in the filtering software NCRL uses as reported by Plaintiffs' expert,  
12 Mr. Bennett Haselton. Mr. Resnick will testify regarding all of these topics. In  
13 addition, Mr. Resnick will testify regarding his own study of NCRL's filter.  
14  
15

16 Mr. Resnick will be unavailable after June 6, 2008.  
17

18 **III. EXHIBITS**

19

NO.	AUTHOR/MAKER	DESCRIPTION
20 500	NCRL	Branch Library Map
21 501 - 528	NCRL	Branch Photos
22 529	NCRL	Resolution adopting Internet Usage 23 Policy
24 530	NCRL	Board Minutes adopting Internet Usage 25 Policy
26 531	NCRL	Internet Usage Policy
27 532	NCRL	Current Fortguard Filtering Profile

28 **DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 6**

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1	533 –	NCRL	Incident Reports
2	536		
3	537	NCRL	Internal memo discussing decision to unblock “Plagerism”
4	538	NCRL	Internal memo discussing decision to unblock “ Personal Relationships”
5			
6	539	NCRL	Internal memo discussing decision to unblock YouTube, with accompanying Terms of Use
7			
8	540	NCRL	Internal memo discussing decision to unblock Myspace, with accompanying Terms of Use
9			
10	541	NCRL	Internal memo discussing decision to unblock Craigslist, excepting personals
11			
12	542-645	NCRL/Patrons	Patron requests to unblock specific internet content and NCRL response <i>*The number of these exhibits may increase between now and trial as additional requests are received and additional correspondence is generated*</i>
13			
14			
15			
16	646	NCRL	Collection Development Policy
17	647	NCRL	Mission Statement
18	648	Paul Resnick	Paul Resnick’s Expert Report/Data
19	649	FortiGuard	Diagrams re: how FortiGuard filter work (may be simply demonstrative)
20	650	NCRL	March 11, 1999 Director’s Report
21	651	NCRL	March 11, 1999 Board Meeting Minutes
22	652	NCRL	April 15, 1999 Board Meeting Minutes
23	653	NCRL	June 10, 1999 Board Meeting Minutes
24	654	NCRL	July 15, 1999 Board Meeting Minutes
25	655	NCRL	September 16, 1999 Board Meeting Minutes
26	656	NCRL	August 12, 1999 Director’s Report
27	657	NCRL	October 14, 1999 Director’s Report

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY’S AMENDED  
WITNESS AND EXHIBIT LIST - 7

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1	658	NCRL	December 16, 1999 Director's Report
2	659	NCRL	February 10, 2000 Director's Report
3	660	NCRL	January 13, 2000 Director's Report
4	661	NCRL	November 17, 1999 Director's Report
5	662	NCRL	December 16, 1999 Board Meeting Minutes
6	664	NCRL	February 10, 2000 Board Meeting Minutes
7	663	NCRL	March 16, 2000 Board Meeting Minutes
8	664	NCRL	May 11, 2000 Board Meeting Minutes
9	665	NCRL	June 15, 2000 Board Meeting Minutes
10	666	NCRL	August 10, 2000 Board Meeting Minutes
11	667	NCRL	September 14, 2000 Board Meeting Minutes
12	668	NCRL	August 10, 2000 Director's Report
13	669	NCRL	October 12, 2000 Director's Report
14	670	NCRL	October 12, 2000 Board Meeting Minutes
15	671	NCRL	December 14, 2000 Board Meeting Minutes
16	672	NCRL	December 14, 2000 Director's Report
17	673	NCRL	January 11, 2001 Board Meeting Minutes
18	674	NCRL	January 11, 2001 Director's Report
19	675	NCRL	February 15, 2001 Director's Report
20	676	NCRL	February 15, 2001 Board Meeting Minutes
21	677	NCRL	March 15, 2001 Board Meeting Minutes
22	678	NCRL	June 14, 2001 Director's Report
23	679	NCRL	October 11, 2001 Board Meeting Minutes
24	680	NCRL	October 11, 2001 Director's Report
25	681	NCRL	November 15, 2001 Board Meeting Minutes
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DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 8

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1	682	NCRL	January 17, 2002 Board Meeting Minutes
2	683	NCRL	February 14, 2002 Board Meeting Minutes
3	684	NCRL	February 14, 2002 Director's Report
4	685	NCRL	May 16, 2002 Director's Report
5	686	NCRL	May 16, 2002 Board Meeting Minutes
6	687	NCRL	October 10, 2002 Board Meeting Minutes
7			
8	688	NCRL	December 12, 2002 Director's Report
9	689	NCRL	January 15, 2004 Board Meeting Minutes
10	690	NCRL	April 15, 2004 Director's Report
11	691	NCRL	May 13, 2004 Board Meeting Minutes
12	692	NCRL	May 13, 2004 Director's Report
13	693	NCRL	April 14, 2005 Board Meeting Minutes
14	694	NCRL	December 15, 2005 Board Meeting Minutes
15	695	NCRL	March 16, 2006 Board Meeting Minutes
16	696	NCRL	July 20, 2006 Board Meeting Minutes
17	697	NCRL	November 16, 2006 Director's Report
18	698	NCRL	January 18, 2007 Director's Report
19	699	ACLU	Correspondence from ACLU to NCRL patrons soliciting a lawsuit
20	700 - 703	NCRL/Heinlen	Correspondence between NCRL and Charles Heinlen
21	704	NCRL	NCRL Bylaws
22	705	RESERVED	RESERVED
23	706	Dallas Morning News	1/15/2008 Article "On Dallas Library Computers, Porn is a Regular Sight"
24	707	Brainerd Dispatch	8/16/2003 Article "Librarians Settle Porn Case"
25	708	KTHV Little Rock	10/3/2007 Article "Preventing Internet Predators in Libraries"
26			

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1	709	KTHV Little Rock	10/09/2007 Article "Sex Offender Legislation Targets Libraries"
2	710	Library Journal	2/5/2008 Article "After Attack on Child in Library, Mayor Wants to Bar Sex Offenders"
3	711	Courier-Journal	11/20/2007 Article "Louisville man pleaded guilty to Child Pornography Charges - He Got Files Using Library Computers."
4	712	WSB Atlanta	11/12/2007 Article "Woman Wants Porn-Watching At Library Stopped"
5	713	Library Journal	6/15/2007 Article "Monroe Cty. Adopts Tough Net Policy"
6	714	Winonan	9/20/2007 Article "Library Reassess Public Access After Man Looks at Porn"
7	715	Mercury News	10/21/2007 Article "Councilman wants San Jose Libraries to Block Online Porn"
8	716	Charles Heinlen	Interrogatory/RFP Responses from Charles Heinlen
9	717	Sarah Bradburn	Interrogatory/RFP Responses from Sarah Bradburn
10	718	Pearl Cherrington	Interrogatory/RFP Responses from Pearl Cherrington
11	719	Second Amendment Foundation	Interrogatory/RFP Responses from Second Amendment Foundation
12	720	NCRL	Interrogatory/RFP Responses from NCRL

22 NCRL reserves the right to amend its exhibit list, both to withdraw or  
 23  
 24 add certain exhibits, based on Plaintiff's disclosure or to add exhibits as  
 25  
 26

27  
 28 DEFENDANT NORTH CENTRAL  
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 WITNESS AND EXHIBIT LIST - 10

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1 additional unblocking requests are received. NCRL reserves the right to use  
2 any exhibit proposed by Plaintiffs and admitted into evidence.  
3

4 DATED this 28<sup>th</sup> day of March, 2008.

5 KARR TUTTLE CAMPBELL

6  
7 By: /s/Celeste Mountain Monroe

8 Celeste Mountain Monroe, WSBA #35843

9 E-mail – cmonroe@karrtuttle.com

10 Thomas D. Adams, WSBA #18470

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16 Seattle, WA 98101

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18 Facsimile: 206.682.7100

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28 DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 11

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**CERTIFICATE OF SERVICE**

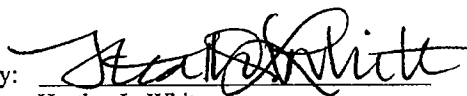
I hereby certify that on March 28, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons listed below:

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1629 2nd Ave. W  
Seattle, WA 98119

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705 Second Ave., Ste. 300  
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Catherine Crump  
American Civil Liberties Union  
Foundation  
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KARR TUTTLE CAMPBELL

By:   
Heather L. White  
hwhite@karrtuttle.com

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY'S AMENDED  
WITNESS AND EXHIBIT LIST - 12

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