



Jenny Gassman-Pines

September 25, 2015

**VIA ODYSSEY**

The Honorable Laurie J. Miller  
District Court Judge  
Hennepin County District Court  
300 South Sixth Street  
Minneapolis, MN 55487

Re: *Webster v. City of Bloomington*  
Court File No. 27-CV-15-10552

Dear Judge Miller:

I write on behalf of the City of Bloomington (the "City") to object to the request of Public Record Media, the Minnesota Coalition on Government Information, and Mr. William Bushey (the "Prospective Amici") to participate as Amici Curiae in support of Plaintiff Tony Webster ("Webster") in the above-referenced matter. While the City believes that the interests that the Potential Amici seek to represent will be adequately represented by Webster, the City's objection focuses on the timing of the briefing proposed by the Potential Amici and its request to participate at oral argument.

The Potential Amici seek an order allowing them to file a brief on the pending Motion to Compel (Dkt. #9) within seven days of a court order allowing them to participate as amici. Even if the Court granted the Potential Amici's request to participate on Monday, September 28, the earliest their submission would be due would be Monday, October 5, just two days before the scheduled October 7, 2015 9:00 a.m. hearing. The City would thus have insufficient time—one business day—to review and respond to the submission. In contrast, the Minnesota Rules of Civil Appellate procedure require that amicus briefs be served and filed no later than seven days after the time allowed for the filing of a brief of the party supported (in this case, Webster). See Minn. R. App. P. 129.02. Here, Webster's brief was due and submitted on September 9, 2015, over sixteen days ago (and nine days *before* the Potential Amici filed their request to participate). The Potential Amici's proposed briefing would not, therefore, afford the City with appropriate time to respond.

Additionally, the Potential Amici seek to participate in oral argument. Amici are not permitted to participate in oral argument before Minnesota's appellate courts. See Minn. R. App. P. 129.04. There is no reason for this Court to deviate from the standard appellate procedure related to amici participation in oral argument.

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The City therefore respectfully requests that this Court deny the Potential Amici's request to appear and participate in support of Webster in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jenny Gassman-Pines".

Jenny Gassman-Pines

JGP/smh

c: All counsel of record (via Odyssey)  
Mahesha P. Subbaraman (via email and U.S. Mail)