

MASLON

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October 5, 2015

*Electronically filed and served*Honorable Laurie J. Miller
District Court Judge
Hennepin County Govt. Center
300 South 6th Street
Minneapolis, MN 55401**Re: *Tony Webster v. The City of Bloomington*, No. 27-CV-15-10552**

Dear Judge Miller:

Plaintiff Tony Webster (“Webster”) submits this letter in support of the request to participate as amici curiae made by Public Record Media, Minnesota Coalition on Government Information, and Mr. William Bushey (the “Amici”), filed with the Court on September 18, 2015. This litigation involves legal issues that have broad public application. The Amici are likely to be impacted by the Court’s ruling; are qualified to address the technological, legal, and policy issues in this case; and will inform the issues before the Court with a unique and important perspective that otherwise “might escape the Court’s notice.” *See State v. Finley*, 64 N.W. 2d 769, 773 (Minn. 1954).

On September 25, 2015, Defendant City of Bloomington submitted a letter to the Court opposing the Amici’s request to participate, claiming that the City will not have enough time to respond to the Amici’s brief before the then-scheduled hearing date of October 7, 2015, and arguing that Minnesota’s appellate rules do not permit the participation of amici curiae in oral argument. The parties unsuccessfully attempted to reach an amicable resolution to this matter over the course of the last week. To facilitate the City’s interest in having sufficient time to respond and the Amici’s request to participate, during negotiations, Webster identified an alternative hearing date that worked for all parties and rescheduled the hearing to October 28, 2015, obviating any potential prejudice to the City. Unfortunately, the City and Amici were unable to agree on an appropriate briefing schedule, among other things.

While the City does not dispute the Court’s authority to allow the Amici to participate in this litigation, the City argues that amici curiae are not permitted to participate in oral argument before Minnesota’s appellate Courts. This is not correct. It is well-established that amici curiae may participate before appellate courts, as they may before this court, with leave of court.¹ The

¹ Minn. R. App. P. 129.04 (“An amicus curiae shall not participate in oral argument except *with leave of the appellate court.*”) (emphasis added). Minnesota appellate courts have

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Court would be well within its authority to grant Amici's request for oral argument given the public interests at stake and the Amici's expertise in this area.

Accordingly, Webster submits this statement in support of the Amici's request and respectfully suggests that the parties be ordered to submit their briefs in accordance with Minn. R. Gen. Prac. 115.04.

Thank you for your consideration.

Respectfully submitted,



E. Casey Beckett

cc: All counsel of record (via Odyssey)
Mahesha P. Subbaraman (via email)

allowed amici curiae to participate at oral argument when broad public interests are at stake, including public access to government information and proceedings. *See In re Welfare of R.L.K., Jr.*, 269 N.W.2d 367, 369 (Minn. 1978) (establishing that amicus curiae Star Tribune was permitted to participate at oral argument in a case that concerned state restrictions on media access to juvenile court proceedings); *see also Karon v. Karon*, 435 N.W.2d 501, 504 (Minn. 1989) (establishing that amicus curiae Family Law Section of the Minnesota State Bar Association was permitted to participate at oral argument in a case that concerned state enforcement of marital dissolution agreements in line with certain gender stereotypes).