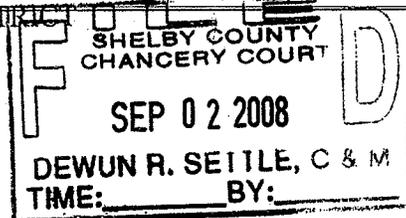


CHANCERY COURT FOR THE THIRTIETH JUDICIAL DISTRICT
AT MEMPHIS, SHELBY COUNTY, TENNESSEE



CITY OF MEMPHIS, TENNESSEE)
and LARRY A. GODWIN,)
)
Plaintiff,)
)
v.)
)
JOHN AND/OR JANE DOES 1-30)
a/k/a "DIRK DIGGLER EX MPD";)
NICO3974; and NICO3974@AIM.COM,)
)
Defendants.)

No. CH-08-0965 Part III

**FILED UNREDACTED UNDER
SEAL AND PUBLICLY IN
REDACTED FORM**

**SUPPLEMENTAL MEMORANDUM OF DEFENDANT NICO3974
CONCERNING MOTION TO UNSEAL PLAINTIFFS' PETITION
FOR PRE-LITIGATION DISCOVERY**

Subsequent to the filing of our response to the motion to unseal, it came to counsel's attention that, despite the Court's orders sealing the Petition for Pre-Litigation Discovery and the Court's order granting the motion for discovery, plaintiffs filed both documents in the Circuit Court for Loudoun County, Virginia. Virginia lawyer Raymond Battocchi, Esquire, was able to examine the Petition and all of the other papers filed by plaintiffs in that Court simply by walking into the Clerk's office and asking for them. Mr. Battocchi was provided with a copy of the papers in response to his request, and was specifically told that nothing in the file was under seal. Mr. Battocchi has provided a copy of the papers he was given to Public Citizen. A copy of the entire file as obtained from the Loudoun County Circuit Court is being attached but only to the sealed version of this memorandum.

In the circumstances, the sealing order has become moot, and should be lifted for that reason. In addition, the reasons why Nico3974 filed her response to the motion in partially redacted form have disappeared. Accordingly, Public Citizen believes that it is entitled to release publicly the

unredacted version of Nico3974's brief (which is not currently the subject of any sealing order), and would oppose any motion to require sealing of that document as an unconstitutional prior restraint on its speech. In this regard, we note that the [REDACTED] of the Memphis Police Department (attached to our brief as Exhibit B) has been removed from the Police Department's web site, along with [REDACTED] which like [REDACTED] also included a [REDACTED]; plaintiffs insist [REDACTED] is what provides the basis for sealing. Despite repeated requests, plaintiffs have refused to provide information disclosing how widely [REDACTED] have been disseminated. Plaintiffs have also refused to respond to repeated requests for detailed information establishing that [REDACTED] [REDACTED] despite the fact that plaintiffs consistently [REDACTED] [REDACTED]. In the circumstances, plaintiffs have not established a proper basis for placing Exhibit B under seal.

CONCLUSION

All filings in the case should be unsealed.

Respectfully submitted,

Paul Alan Levy (St. BSS
w/pan)

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Attorneys for Defendant Nico3974

September 2, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the sealed version of the foregoing was served by hand delivery upon counsel for Plaintiffs, David Bearman, Esq., Baker Donelson, Bearman, Caldwell & Berkowitz, PC, 165 Madison Avenue, Suite 2000, Memphis, Tennessee 38103 and that a true and correct copy of the redacted and publicly-filed version of the foregoing was served by hand delivery upon counsel for Thaddeus Matthews, Bruce S. Kramer, Esq., 80 Monroe Ave., Suite G-1, Memphis, Tennessee 38103 and upon counsel for Plaintiffs, David Bearman, Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, 165 Madison Avenue, Suite 2000, Memphis, Tennessee 38103, this 2d day of September 2008.

