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THE HONORABLE EDWARD F. SHEA

5 Attorneys for Defendant North
6 Central Regional Library District

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON
10 AT SPOKANE

11 SARAH BRADBURN, PEARL
12 CHERRINGTON, CHARLES
13 HEINLEN, and the SECOND
14 AMENDMENT FOUNDATION,

Plaintiffs,

v.

15 NORTH CENTRAL REGIONAL
16 LIBRARY DISTRICT,

Defendant.

No.: CV-06-327-EFS

ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANT
NORTH CENTRAL REGIONAL
LIBRARY DISTRICT

18
19 Defendant North Central Regional Library District (“NCRL”) responds to
20 Plaintiffs’ Complaint for Declaratory and Injunctive Relief as follows:

- 21 1. Plaintiffs’ “Preliminary Statement” is factually and legally groundless
22 and reflects the frivolous nature of their action. NCRL believes the allegations ¶ 1
23 require no response. To the extent a response is required, the allegations are denied.
- 24 2. NCRL agrees this Court has jurisdiction over the parties and the subject
25 matter of the action.
26

1 3. NCRL agrees this Court may exercise supplemental jurisdiction over
2 Plaintiffs' claim under the Constitution of the State of Washington but denies that
3 this Court should exercise its discretion in this respect.

4 4. NCRL agrees venue is proper in this Court.

5 5. NCRL lacks knowledge or information sufficient to form a belief of
6 the allegations ¶ 5 and therefore denies.

7 6. NCRL lacks knowledge or information sufficient to form a belief of
8 the allegations ¶ 6 and therefore denies.

9 7. NCRL lacks knowledge or information sufficient to form a belief of
10 the allegations ¶ 7 and therefore denies.

11 8. NCRL lacks knowledge or information sufficient to form a belief of
12 the allegations ¶ 8 and therefore denies.

13 9. NCRL agrees it was formed in 1960 to provide library services for
14 municipalities within Chelan, Douglas, Ferry, Grant, and Okanogan Counties.
15 NCRL is dedicated to increasing the quality of life throughout North Central
16 Washington by expanding the benefits offered to and provided by a reading public.
17 NCRL provides the tools, programs, and books to inspire citizens of North Central
18 Washington to read and to continue learning. NCRL is strongly committed to
19 children's literacy. Its mission it to promote reading and lifelong learning.

20 10. NCRL agrees that internet connectivity is increasingly common in all
21 geographic locations and that, generally speaking, such connectivity serves a
22 valuable societal function. Otherwise, the allegations of ¶ 10 are merely part of
23 Plaintiffs' polemic and require no response from NCRL.

24 11. NCRL agrees that the internet offers access to a vast amount of
25 information. NCRL also understands that the internet may offer access to
26 misinformation, illegal content, and content not properly accessible to all. NCRL has

1 legal responsibilities concerning internet access established by law, including without
2 limitation the Children’s Internet Protection Act (“CIPA”). NCRL has no way to
3 know whether “sexually-oriented material ... constitutes a very small fraction of total
4 Web content” as Plaintiffs contend. Otherwise, the allegations of ¶ 11 are merely
5 part of Plaintiffs’ polemic and require no response from NCRL.

6 12. NCRL agrees that internet access can enrich and enhance the learning
7 process for the citizens it serves.

8 13. NCRL does not presently utilize the internet filter system described by
9 Plaintiffs. Consequently NCRL lacks knowledge sufficient to form a belief as to
10 the truth or falsity of the allegations of ¶ 13 and therefore denies them.

11 14. NCRL does not presently utilize services offered by Secure Computing.
12 Consequently NCRL lacks knowledge sufficient to form a belief as to the truth or
13 falsity of the allegations of ¶ 14 and therefore denies them.

14 15. NCRL does not presently utilize services offered by Secure Computing.
15 Consequently NCRL lacks knowledge sufficient to form a belief as to the truth or
16 falsity of the allegations of ¶ 15 and therefore denies them. NCRL denies it has
17 ever operated an internet filtering system in contravention of the standards
18 established by the Constitutions of the United States or the State of Washington.

19 16. NCRL denies the allegations of ¶ 16.

20 17. NCRL does not know what topics Plaintiff Bradburn researched or
21 attempted to research through internet resources it provided or when or where
22 Plaintiff Bradburn attempted such research. NCRL denies all other allegations of
23 ¶17.

24 18. NCRL does not know what topics Plaintiff Cherrington researched or
25 attempted to research through internet resources it provided or when or where
26 Plaintiff Bradburn attempted such research. NCRL denies all other allegations of

1 ¶18.

2 19. NCRL does not know what topics Plaintiff Heinlen researched or
3 attempted to research through internet resources it provided or when or where
4 Plaintiff Heinlen attempted such research. Upon information and belief Plaintiff
5 Heinlen is an avid user of social networking sites and maintains a “blog” under the
6 pseudonym “Cannibal Chuck” accessible through the following link:

7 <http://www.myspace.com/cannibalchuck>. NCRL denies all other allegations of

8 ¶19.

9 20. NCRL lacks knowledge or information about the content or
10 philosophy of the magazine and internet site entitled “Women & Guns” or
11 www.womenandguns.com. All other allegations of ¶20 are denied.

12 21. The allegations of ¶21 are denied.

13 22. NCRL incorporates each of its previous responses to Plaintiffs’
14 allegations.

15 23. The allegations of ¶23 are denied.

16 24. NCRL incorporates each of its previous responses to Plaintiffs’
17 allegations.

18 25. The allegations of ¶25 are denied.

19
20 In further response to Plaintiffs’ Complaint, NCRL alleges the following
21 Affirmative Defenses:

22 26. NCRL incorporates each of its previous responses to Plaintiffs’
23 allegations.

24 27. Plaintiffs allegations fail to state a claim upon which relief can be
25 granted.

26 28. Plaintiffs claims have been rendered moot by NCRL’s recent

1 installation of an internet filtering system known generally as “Fortinet.” Such
2 system went into effect in approximately October 2006 in the normal course of
3 NCRL operations as part of a system wide telecommunications upgrade and for
4 reasons having nothing to do with Plaintiffs’ allegations.

5 29. Plaintiffs have failed to allege facts constituting a present case or
6 controversy.

7 30. Prior to and after the installation of Fortinet, one or more of Plaintiffs
8 failed to seek assistance from NCRL staff in gaining access to internet sites they
9 may have found inaccessible. NCRL has and always has had a procedure in place
10 for dealing with such inquiries. Such policy was made known generally to citizens
11 using NCRL facilities yet Plaintiffs chose not to avail themselves of the process.

12 31. Plaintiffs claims are not well-grounded in fact or law and are frivolous
13 under state and federal law. Had Plaintiffs performed reasonable due diligence
14 prior to filing this action they would have discovered the existence and effect of
15 the current internet filter system utilized by NCRL and may have been provided
16 the very access they claim to have been denied.

17 32. Plaintiffs claims are not actionable under 42 USC 1983 et. seq.

18 WHEREFORE, having answered Plaintiffs’ Complaint and having alleged
19 its presently known Affirmative Defenses, NCRL prays that:

20 (1) Plaintiffs Complaint be dismissed and judgment entered in favor of
21 NCRL;

22 (2) NCRL recover its costs and all attorney fees allowed by law
23 including, without limitation, laws such as 42 USC 1988 and Fed. R. Civ. Pro 11;

24 (3) NCRL recover such other legal or equitable relief as this Court deems
25 appropriate.

1 DATED: January 2, 2007

2 BULLIVANT HOUSER BAILEY PC

3
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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2007, 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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