

# Exhibit A

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THE HONORABLE EDWARD F. SHEA

5 Attorneys for Defendant North Central  
Regional Library District  
6  
7

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

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

No.: CV-06-327-EFS

DEFENDANT NORTH CENTRAL  
REGIONAL LIBRARY DISTRICT'S  
INITIAL DISCLOSURES

13 Plaintiffs,

14 v.

15 NORTH CENTRAL REGIONAL LIBRARY  
16 DISTRICT,

Defendant.  
17

18  
19 Defendant North Central Regional Library District ("NCRL") pursuant to the Federal  
20 Rules of Civil Procedure 26(a) state as follows:

21 A. **Disclosure of Individuals Pursuant to FRCP 26(a)(1)(A)**

- 22 1. **Dean Marney, Director of NCRL**  
23 c/o Bullivant Houser Bailey, PC  
1601 5<sup>th</sup> Ave, Suite 2300  
24 Seattle, WA 98101  
(206) 292-8930

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25  
26 Mr. Marney is the Director of the NCRL. The Board of Directors appointed  
Mr. Marney to his position in 1990. Mr. Marney played a central role in the development of

1           5.       **Sue DeWitz**  
 2                    NCRL Finance Manager  
 3                    c/o Bullivant Houser Bailey, PC  
 4                    1601 5<sup>th</sup> Ave, Suite 2300  
                    Seattle, WA 98101  
                    (206) 292-8930

5           Ms. DeWitz is the Finance Manager for NCRL. She was hired by Mr. Marney in  
 6           2004. Ms. DeWitz handles all of the finances for the municipal corporation. She is  
 7           knowledgeable with respect to the federal funds, and other grants, that NCRL receives. She  
 8           did not play a role in the development of NCRL's Internet Usage Policy or in the selection of  
              any of the Internet filters. Ms. DeWitz also took minutes at monthly Board of Trustees  
              meetings.

9           6.       **NCRL Board of Directors**

10           At this time, it is not known whether any of members of the board will have  
 11           information necessary for the defense of this case. If, as discovery progresses, NCRL  
 12           believes that it will need to consult with any of these individuals, it will amend this  
              disclosure.

13           7.       **NCRL Branch Librarians**

14           At this time, it is not known whether any of NCRL's 31 branch librarians will have  
 15           information necessary for the defense of this case. If, as discovery progresses, NCRL  
 16           believes that it will need to consult with any of these individuals, it will amend this  
              disclosure.

17  
 18           8.       **Jan Walsh**  
 19                    Washington State Librarian  
 20                    Point Plaza East  
                    6880 Capitol Blvd  
                    Tumwater, WA  
                    PO BOX 42460  
                    Olympia, WA 98504-2460  
                    (360) 704-5200

21           Jan Walsh is the Washington State Librarian. Ms. Walsh, and representatives of her  
 22           office, have communicated with NCRL regarding the district's eligibility to receive federal  
 23           and state funding, as well about NCRL's compliance with the Children's Internet Protection  
 24           Act.  
 25

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# Exhibit B

Bradburn v. NCRL  
Deposition of June Pinnell-Stephens

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WASHINGTON  
3 AT SPOKANE

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4 SARAH BRADBURN, PEARL ) No. CV-06-327-EFS  
5 CHERRINGTON, CHARLES )  
6 HEINLEN, and THE SECOND )  
7 AMENDMENT FOUNDATION, )  
8 )  
9 Plaintiffs, )  
10 )  
11 vs. )  
12 )  
13 NORTH CENTRAL REGIONAL )  
14 LIBRARY DISTRICT, )  
15 )  
16 Defendant. )

---

11 DEPOSITION UPON ORAL EXAMINATION OF  
12 JUNE PINNELL-STEPHENS  
13 October 3, 2007  
14 Seattle, Washington

15  
16  
17 Taken Before:  
18 Cheryl L Hendricks, CCR #2274  
19 Certified Court Reporter  
20 of  
21 CAPITOL PACIFIC REPORTING, INC.  
22 2401 Bristol Court SW, Olympia, WA 98502  
23 Tel (360) 352-2054 Fax (360) 705-6539

24 Tacoma Seattle Aberdeen  
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1 the concern happens to be. And I would estimate that  
2 only 10 percent of concerns expressed actually end up in  
3 formal written complaints.

4 Q And these percentages are based on your personal  
5 experience?

6 A Yes. I have no research to back it up. It's just my  
7 feeling.

8 Q And when you say 10 percent of concerns expressed end up  
9 in formal complaints, in your experience are most of  
10 these 10 percents regarding written texts or books,  
11 materials, or any portion of that being electronic?

12 A Any time there was a new format introduced there seemed  
13 to be a flurry of complaints because it was a new  
14 format, people weren't used to it and there was always  
15 something they were concerned about. But after they'd  
16 been around for a while, the new formats, the complaints  
17 would calm down because people were used to them. And  
18 I'm sure the thing -- we expected the same thing about  
19 the Internet.

20 Q Okay. With respect to the Fairbanks Public Library, the  
21 area that you were working, there's a main library --

22 A Mm-hmm.

23 Q -- which is Fairbanks and then there's another branch  
24 that services which is the North Pole --

25 A Mm-hmm.

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1 Q -- or North Pole, probably not "The" North Pole. Is  
2 that the extent of the actual physical branches?

3 A Those are the physical buildings. But as I said, we  
4 took this van --

5 Q Right.

6 A -- which is, oh, maybe the length of this room, not a  
7 big one, like sort of a large RV or about that size.  
8 And there is -- there are some items that are actually  
9 shelved on that van. And then they do take orders for  
10 books from the collection because everybody can see our  
11 catalogue online, of course, so they can order books  
12 they want to be brought to either the drop site or in  
13 the case of services to the senior centers, that's  
14 another scheduled stop.

15 Q Okay. What can you tell me about the demographic of the  
16 Fairbanks branch, the patrons that you serve?

17 A Oh, boy. Well, the community is about 25 percent  
18 military and dependants. It is also the location of the  
19 largest university in the state and it's the flagship  
20 for the university. We have a large mining community.  
21 And it's a transportation hub for all the communities  
22 out in the interior. It's also the last city before the  
23 Haul Road starts up to Prudhoe Bay. Its minorities, the  
24 largest minority is -- consisted of Alaskan natives,  
25 primarily Athabascan, some Inuit or Yup'ik Eskimos

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1 coming in.

2 (Interruption by the reporter.)

3 A Yup'ik, Y-u-p apostrophe i-k, I believe, and Inuit is  
4 I-n-u-i-t. The Inuit Eskimos are from the top coastal  
5 area and the Yup'ik are from the sort of southwestern  
6 area.

7 It's a -- it's mostly a very conservative area.

8 Q (By Ms. Monroe) Meaning politically conservative?

9 A Yes.

10 And very, very independent. They are lots of  
11 people who live off the grid, that is, they have no  
12 electricity, they have to haul water, and either they  
13 try to grow or hunt or live on subsistence, subsistence  
14 life-style. So -- pardon me?

15 Q No. Go ahead.

16 A Okay. So it's a very, very different mix. You could  
17 never tell just sort of watching somebody walking down  
18 the street what -- what group that person might belong  
19 to and what their philosophies might be. But there's a  
20 lot of libertarian philosophy, I think.

21 Q What is the physical size, to the best of your  
22 recollection, of the Fairbanks branch?

23 A The size of the branch?

24 Q Mm-hmm.

25 A In terms of volumes?

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1 Q In terms of square footage.

2 A Oh, boy. I'm really bad at that. I don't know how big  
3 it is. I know we have about 300,000 volumes.

4 Q Is it two stories? One story?

5 A One.

6 Q Bigger than. . . I'm trying to come up with a good  
7 example. Can I ask, how big is your home? Do you know  
8 the square footage size?

9 A No. Let's see. I don't. How embarrassing. Let's see.  
10 I can try and estimate it for you.

11 Q Well, with comparison coming into this office today, is  
12 it about -- from what you have seen from this office, is  
13 it a large -- is it about the same size of what you have  
14 seen --

15 A I would say it's smaller than the floor. I can't --  
16 with all the cubbies --

17 Q Yeah.

18 A -- and breakups, it's hard to estimate space. I would  
19 guess -- let's see. The Bothell library is no longer  
20 the way it was when I was there. I'm sorry. I'm trying  
21 to remember. . . Hmm. You know, it's just really  
22 difficult to judge.

23 Q How many rooms were there?

24 A Well, there was the main library stacks area. There  
25 were four very small group study areas that would fit no

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1 more than -- the largest one would hold no more than  
2 eight people. There was a quiet use room that held no  
3 more than three. And this is all sort of tacked onto  
4 this main -- main room. There was an area around a  
5 fireplace that was a quiet reading area and then more  
6 stacks and then the children's room.

7 And then that was the end of the library section  
8 and then there was -- there were the security gates.  
9 Oh, the reference desk was about the first thing you saw  
10 straight ahead, the circ desk on the left. After the  
11 security gates there were public bathrooms and there was  
12 an auditorium that would hold about 250.

13 Q Okay. So it sounds fairly sizable.

14 A Mm-hmm.

15 Q Was the children's room separated from -- by a wall?

16 A Yeah, there was a wall and most of it was glass.

17 Q Any estimate of the number of patrons that the Fairbanks  
18 branch served, for example, at the time that you  
19 retired?

20 A I would have to say this in terms of the entire -- of  
21 the branch and here because so many people came in to  
22 use the main library because the branch was so small.

23 Q Okay. So you're estimating both North Pole and  
24 Fairbanks with this number?

25 A The whole -- the whole borough --

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1 Q Okay.

2 A -- which used -- we were primarily tasked with serving  
3 the North Star Borough. And the latest population was  
4 about 86,000 and the size of the bureau -- of the  
5 borough was about that of New Jersey.

6 Q In physical size?

7 A Yes.

8 Q Specifically then with respect to the North -- with the  
9 North Pole branch, what did that look like, much  
10 smaller?

11 A Yes, it was much smaller and more cramped. They had --  
12 oh, and -- well, in the -- let me go back. The -- the  
13 areas I described were public areas. There were, of  
14 course, pretty much a warren of staff areas.

15 Q In Fairbanks?

16 A Yeah.

17 Q Okay.

18 A In North Pole, the staff area is shrunk to a room  
19 smaller than this, I would think. And they had a  
20 children's area and then stacks and reference all sort  
21 of mashed together. They were very crowded.

22 Q So no walls separating? It was an open room just  
23 separated by aisles of books?

24 A Well, and then the children room which was also then the  
25 story room -- story time area was open but partially cut

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1 off by a wall.

2 Q Okay. We will likely get into this in more detail  
3 later. But from reading your report, it sounds like at  
4 one point the Internet terminals at the Fairbanks branch  
5 and possibly the North Pole branch were not filtered.

6 A That's right.

7 Q Can you tell me from what period of time -- at what  
8 point were Internet computers installed?

9 A Oh, maybe '95. I can't remember exactly. Seems to me  
10 it was almost eight years, between six and eight years,  
11 that we did not have filters on our Internet stations.

12 Q So assuming approximately 1995, then seven or eight  
13 years later --

14 A Mm-hmm.

15 Q -- a filter was employed at both branches --

16 A Mm-hmm.

17 Q -- on their Internet computers?

18 A Mm-hmm.

19 Q What was the reason for the decision to install a  
20 filter?

21 A The Mayor --

22 Q Of Fairbanks.

23 A -- of Fairbanks at the North Star Borough decided that  
24 it would be good public policy as well as a good  
25 campaign issue to install filters and the assembly voted

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1 to do so.

2 We had decided previously -- the library staff,  
3 we had looked at the cost benefit for putting them on.  
4 We'd had no complaints from anybody about Internet use  
5 at that point. And we received approximately \$2,500 a  
6 year from E-Rate money, if that makes sense to you.

7 Q Mm-hmm.

8 A Okay. I thought it might. And ended up costing --  
9 well, we figured it would cost us \$26,000 to install an  
10 adequate filtering system.

11 Q What do you mean by adequate?

12 A Well, one that had among the best ratings of those that  
13 were available at the time. I mean, some we -- that  
14 were tested were clearly inappropriate. And I can't  
15 tell you the names of those. The automated services  
16 folks did most of the testing. But there were reviews  
17 written by a number of different organizations about the  
18 various systems.

19 Q And by best ratings, you mean performance ratings?

20 A Mm-hmm.

21 Q With respect to error rates? Is that what you're  
22 referring to?

23 A Yes.

24 Q Okay. So before filters were installed what, if  
25 anything, were you doing with respect to your Internet

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1 stations to prevent children or other people from seeing  
2 what was on someone's screen?

3 A Well, as time went by we started putting -- installing  
4 privacy. . .

5 Q Screens?

6 A Screens and stations. We went through an expansion of  
7 the library not long after the Internets went into  
8 place. And when we reopened after -- when that  
9 expansion was done, we planned for stations with  
10 recessed screens, so they are down underneath a table  
11 and it's a glass tabletop and you look down through it.  
12 And for those stations that had to be on the desktop,  
13 some people with trifocals or other reading problems  
14 needed a screen on the desktop, we provided privacy  
15 screens that actually fit over the screen.

16 We directed the locations of these stations so  
17 they would not be right in the largest line of traffic  
18 and tried our best to minimize incidental viewing of  
19 anything. And one of the reasons we did that is that  
20 our nonfiction collection was fully integrated, that is,  
21 children's material, adult material, nonprint material  
22 were all interfiled on the same shelves and to -- you  
23 had to walk past the main groupings of Internet stations  
24 to get to the nonfiction collection of the library.

25 Q Okay. Was the mayor's decision to ask you to install

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1 filters or the assembly's decision based in any part on  
2 the Children's Internet Protection Act?

3 A No.

4 Q No?

5 A Hmm-mm.

6 Q What was the timing of the mayor's decision?

7 A Oh, what was the -- the date of CIPA was '93; is that  
8 right?

9 Q I can't answer.

10 A Oh, I'm sorry. I can't remember the actual date of  
11 CIPA. Let me see if I can find it here.

12 Q And just to make a record, you're looking at the report  
13 that you prepared and disclosed to us?

14 A Yes.

15 Q Okay. Well, maybe this will help. To my question of  
16 when the mayor --

17 A Oh.

18 Q -- asked you to install filters, that would have been  
19 roughly maybe 2002?

20 A It was after CIPA was adopted, I'm quite sure, because  
21 we tried -- in our cost benefit analysis that I just  
22 mentioned we would have received \$2,500 or something  
23 from E-Rate, which is the CIPA money.

24 Q So you were having conversations at that time, roughly  
25 1995, when the computers were installed about how to

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1 A Correct.

2 Q What is your understanding of the size and extent of  
3 NCRL's territory?

4 A I did a little -- little checking on libraries served  
5 and did a little calculation as well. And they -- by  
6 percentage, we serve an area that has fewer people per  
7 square mile than they do, it's a smaller area, but  
8 certainly no less remote.

9 Q Okay. But do you have an understanding of specifically  
10 what territory NCRL serves?

11 A Yes, I do.

12 Q Okay. Can you explain that to me?

13 A It's east of the Cascades going I think from the  
14 Canadian border down to at least Wenatchee where the  
15 headquarters are housed.

16 Q Okay. And you just said that you had done some research  
17 and calculations.

18 A Yeah.

19 Q Did you do that in advance of this deposition?

20 A Yeah. I just checked to see what the comparison sizes  
21 and populations were.

22 Q When was the last time that you were in NCRL territory?

23 A Let me see. I think it would be a few years ago I gave  
24 a workshop for the Pacific Northwest Library Association  
25 and Washington Library Association. And it may be. .

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1 THE WITNESS: Do you have the CV handy?

2 MR. MANVILLE: Mm-hmm. What are you looking  
3 for?

4 THE WITNESS: I'm looking for presentations and  
5 papers.

6 A Okay. Hmm. I could have sworn. . . (Inaudible.)

7 (Interruption by the reporter.)

8 THE WITNESS: Oh, I'm just babbling here. I'm  
9 sorry.

10 A I thought -- well, I went to Wenatchee for the joint  
11 PNLA, WLA conference.

12 (Interruption by the reporter.)

13 A Pacific Northwest Library Association and Washington  
14 Library Association, they had a joint conference.

15 Q (By Ms. Monroe) And what year was that?

16 A I'm trying to remember. Now, I thought it was. . .  
17 Hmm. Is that '01?

18 MR. MANVILLE: Keep in mind that when you're  
19 thinking aloud the court reporter is writing down  
20 everything you're saying.

21 A I cannot remember exactly what -- what year it was. But  
22 I'm fairly sure it was Wenatchee --

23 Q (By Ms. Monroe) Okay.

24 A -- because it was a joint WLA conference and since I had  
25 worked in the Puget Sound area for ten years I knew a

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1 number of the people who were there.

2 Q Okay. So you believe that the last time you were in  
3 NCRL territory would be in Wenatchee for a conference --

4 A For -- it was after 2000, I'm quite sure.

5 Q Okay.

6 A And it may have been just one of the things I missed --  
7 I know why I missed it. Because it was a poster session  
8 and it was a poster session about preserving oral  
9 history of the native communities that was made on tape  
10 in the 1970's and was falling apart and so I did a  
11 poster session to show how easy it was to preserve the  
12 material by putting it on digital tape and CD.

13 Q Okay.

14 A So that would have been 2000 -- I bet that was 2005.

15 Q All right. When you were in Wenatchee, did you go in an  
16 NCRL library?

17 A No.

18 Q And you're not a regular patron of NCRL libraries,  
19 correct?

20 A Correct.

21 Q Do you know how many branches NCRL services or has?

22 A No, I don't.

23 Q When was the last time you were in an NCRL branch?

24 A It was probably when I was still working in Washington  
25 state doing children's workshops or a conference many

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1 years ago. No. That was Yakima. I'm sorry.

2 Q So in the early '80s?

3 A No. It would have been before that. It would have been  
4 in the '70s.

5 Q Late '70s. Okay.

6 A Mm-hmm.

7 Q What is your understanding of the demographic of the  
8 territory that NCRL serves?

9 A Well, I would assume like most rural communities, based  
10 on farming and agriculture, it's probably fairly  
11 conservative but, at least in my experience, fair  
12 minded.

13 Q What is your experience based on?

14 A Just working in -- around -- around rural communities  
15 somewhat. When I was in Bellingham I saw some of the  
16 smaller communities outside the city in Whatcom County  
17 and when I lived in Seattle went to some of the smaller  
18 communities both on the western side and the eastern  
19 side. So I've seen and been around people just in  
20 informal personal situations.

21 Q Okay. Are you personally aware of the particular needs  
22 of the community that NCRL services with respect to its  
23 public library collection?

24 A I would assume there are some general basic public  
25 library materials that are common to just about any

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1 as the collections services manager.

2 A The short answer is I bought books for the library using  
3 other people's money.

4 Q Okay.

5 A But the real answer to that question is using a staff of  
6 13 I developed policies for collection, acquisition,  
7 processing, and management of all materials in the  
8 library, all formats, all types, all placements.

9 To do that we -- let's see. We spent -- I think  
10 the last stats I remember anyway, we spent something  
11 over \$200 a day for each individual title at the  
12 discount and processed, as I said, that's entering them  
13 in the computer databases, putting all the -- the call  
14 numbers, property stamps, things like that on them and  
15 getting them out ready for circulation. And then  
16 management of the collection was involved with where it  
17 went on the shelves, when, if ever, the item was ready  
18 for discard.

19 So it's controlling all 300,000 volumes plus in  
20 the main library and the branch library in North Pole  
21 and supervising the staff. I had one professional  
22 librarian and the rest were all assistants.

23 THE REPORTER: I'd like to clarify. You didn't  
24 say North Pole, did you?

25 THE WITNESS: Yes. It's a city about 13 miles

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C E R T I F I C A T E

I, CHERYL L. HENDRICKS, a duly authorized Court Reporter and Notary Public in and for the State of Washington, residing at Olympia, do hereby certify;

That the foregoing deposition of June Pinnell-Stephens was taken before me on October 3, 2007, and thereafter transcribed to the best of my ability by means of computer-aided transcription; that the deposition is a full, true, and complete transcript of the testimony of said witness;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and the witness reserved signature;

That I am not a relative, employee, attorney, or counsel of any party to this action, or relative or employee of any such attorney or counsel, and I am not financially interested in said action or outcome thereof;

That upon completion of signature, if required, I shall herewith securely seal the original transcript and serve same upon Tom Adams, counsel for the Defendant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 15th day of October, 2007.

\_\_\_\_\_  
Cheryl L. Hendricks,  
CCR NO. 2274

# Exhibit C

Sally Beesley 1/18/08

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WASHINGTON  
3 AT SPOKANE

4 SARAH BRADBURN, PEARL  
5 CHERRINGTON, CHARLES  
6 HEINLEN and the SECOND  
7 AMENDMENT FOUNDATION,

8 Plaintiffs,

9 vs.

No. CV-06-327-EFS

10 NORTH CENTRAL REGIONAL  
11 LIBRARY DISTRICT,  
12 Defendant.

13 /

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DEPOSITION OF SALLY W. BEESLEY

18

Taken on behalf of Defendant

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Taken before LISA I. KROON

23

CSR No. 95-0311

24

January 18, 2008

25

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1 A. Okay. It has the same boundaries as the school  
2 district. It includes most of Jefferson County with  
3 the exception of Crooked River Ranch, and it does  
4 include most of Warm Springs Reservation and also  
5 includes a small section of Wasco County, and we  
6 service, you know, a little town just right over the  
7 border into Wasco County, so that kind of -- and it's  
8 also part of our school district.

9 Q. Okay. So when you say just over the border,  
10 the Washington/Oregon border?

11 A. No, the county border.

12 Q. The county border. Okay.

13 A. Between Wasco County and Jefferson County.

14 Q. How many branches in the district?

15 A. There's just this one.

16 Q. Do you know what the mile radius is of your  
17 territory?

18 A. Not off the top of my head, no, uh-uh.

19 There's one other part that you probably  
20 wouldn't think to ask that would be important is that  
21 we're in a regional library with Deschutes County as  
22 well.

23 Q. Okay.

24 A. So everybody in Deschutes County or in  
25 Jefferson County, we all use our libraries as if it's

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1 that a library does need to address is that, you know,  
2 would filtering or not filtering be appropriate for the  
3 library.

4 Q. Okay. Do you have a copy of your speech?

5 A. No.

6 Q. With respect to the current litigation for  
7 which we're taking your deposition today, what is your  
8 understanding of the issues in the current litigation?

9 A. That there was a library in the state of  
10 Washington that does have filtered access and there was  
11 an adult who objected to that because it blocked them  
12 from some site that they were wanting to get on that  
13 they apparently felt that they had a right to access in  
14 the library.

15 Q. Okay. So as I said in the beginning, I  
16 represent North Central Regional Library District, and  
17 that is presumably the library district that you're  
18 talking about.

19 Have you read the North Central Regional  
20 Library's Internet policy?

21 A. I don't think so.

22 Q. Are you able to, as you sit here today,  
23 articulate their mission or vision?

24 A. No.

25 Q. Do you know specifically where the district --

Sally Beesley 1/18/08

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1 the subject library district is located?

2 A. No. I may have been told at one time, but I  
3 don't remember.

4 Q. Okay. So you don't know what -- the size of  
5 the territory or the cities that may be within its  
6 region?

7 A. Not that I remember.

8 Q. Do you know if you've ever been to a North  
9 Central Regional Library branch?

10 A. No, I haven't.

11 Q. So I take it you haven't sat down at a computer  
12 and tried to access the Internet --

13 A. That's correct.

14 Q. -- in their territory?

15 A. I have not.

16 Q. To your knowledge, have you ever spoken with a  
17 North Central Regional Library patron about the  
18 Internet filter?

19 A. No.

20 Q. Do you know Dean Marney?

21 A. No.

22 Q. I'll represent to you he's the director of the  
23 North Central Regional Library District.

24 What about Dan Howard?

25 A. No.

1 STATE OF OREGON )

2 )

3 COUNTY OF DESCHUTES )

4

5 I, LISA I. KROON, do hereby certify:

6 That SALLY W. BEESLEY, in the foregoing deposition  
7 named, was present and by me sworn as a witness in the  
8 above-entitled action at the time and place therein  
9 specified;

10 That said deposition was taken before me at said  
11 time and place, and was taken down in shorthand by me,  
12 a Certified Shorthand Reporter of the State of Oregon  
13 and a Registered Professional Reporter, and was  
14 thereafter transcribed into typewriting, and that the  
15 foregoing transcript constitutes a full, true and  
16 correct report of said deposition and of the  
17 proceedings that took place;

18 IN WITNESS WHEREOF, I have hereunder subscribed my  
19 hand this 23rd day of January 2008.

20

21

22

23

24

25



/s/ LISA I. KROON

\_\_\_\_\_  
LISA I. KROON, CSR No. 95-0311  
Registered Professional Reporter

# Exhibit D



***Digital Court Reporting & Video***

Transcript of the Testimony of  
**Kenton Oliver**

**Date:** November 14, 2007

**Caption:** Sarah Bradburn, et al v. North Central Regional Library District

COPY

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**Job Number: 2761**

1 A I'd have to double-check. Bess is, if I'm correct,  
2 Bess is also been known as N2-H2. It's actually a  
3 company that's in the Pacific Northwest, I believe,  
4 and it's gone through several alliterations.

5 Q Has that filter product changed since you've been  
6 here for six years? Besides upgrades.

7 A No.

8 Q Which may happen. So it's always been Bess?

9 A To my knowledge.

10 Q Who was involved in selecting that product?

11 A Our computer services staff. And their manager. And  
12 myself. But what they did, they did a -- they did an  
13 analysis of the marketplace, and as I recall, it was  
14 based on quality of the product and pricing as well.

15 Q Are you aware of whether there's been any concerns  
16 from patrons who are minors who feel that they're  
17 being denied access to appropriate content because of  
18 Bess?

19 A I'm not directly aware of that.

20 Q When I asked you about your responsibilities as  
21 executive director and about the library, you  
22 provided some background about the district itself,  
23 including the number of branches, the number of  
24 people in the staff and the operating budget. You  
25 said there are eleven branches plus a main branch, so

1 twelve?

2 A Yes.

3 Q Total branches. Okay. What is the physical area

4 that this serves, that your district serves? What is

5 the size of the district?

6 A Oh, gosh. It's hard to give you that in size and

7 square miles because we serve about, our population

8 that we serve is about 250,000.

9 Q Okay.

10 A And the reason it's hard to explain it to you is that

11 we are a composite of quite a few different school

12 districts, which is how public library districts in

13 the state of Ohio are defined. And in our particular

14 case in this county it's actually kind of an odd

15 geographical configuration.

16 Q Because, as you pointed out, you are one of seven --

17 A Correct.

18 Q -- library districts in the county?

19 A Correct.

20 Q Okay. You serve 250,000 patrons?

21 A Uh-huh.

22 Q How many people are in the county, do you know?

23 A I believe there are about 450,000.

24 Q Okay. So you serve a good --

25 A Yeah.

Decl. of Celeste Monroe  
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1 Q -- number of those people?

2 A Right.

3 Q All right. What is the general demographic of this  
4 county?

5 A Actually I would say that our demographic is a little  
6 bit of everything. We have some very urban  
7 characteristics in the city of Canton. And some very  
8 impoverished areas. We have some very affluent areas  
9 in the surrounding townships. We have manufacturing,  
10 we have a large manufacturer here, Timken, which is a  
11 steel manufacturer. We have a strong labor influence  
12 in the area. We have quite a few small universities  
13 and colleges in the area.

14 Q And you said you have two bookmobiles?

15 A Two bookmobiles and two kidmobiles.

16 Q With respect to how the branches are physically  
17 organized, is there a children's room in every  
18 branch?

19 A There's a children's area. Our branches range in  
20 size from just literally like 1,500 feet to 20,000  
21 square feet.

22 Q Okay. Do all of your library branches have Internet  
23 usage computers?

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24 A Yes.

25 Q Okay. And is the policy the same at every branch?

1 A I don't believe so. Not to my knowledge anyway.

2 Q Okay. Have you ever been to Washington state?

3 A Yes.

4 Q Okay. When was the last time you were in Washington?

5 A American Library Association mid winter meeting.

6 January of this year.

7 Q Okay. Have -- do you know where the NC -- I'm going  
8 to use the word NCLR throughout to stand for the  
9 North Central Regional Library system, but do you  
10 understand where their territory is?

11 A Yes.

12 Q Okay. And what is your understanding of their  
13 territory?

14 A Rural area in north central Washington state.

15 Q Do you know the names of the counties that they  
16 serve?

17 A I could not give them to you.

18 Q Do you have an idea of the size in square miles of  
19 the district that they serve?

20 A No.

21 Q Do you have any concept of the number of employees  
22 that they have?

23 A No.

24 Q Have you ever been to an NCRL branch library?

25 A No.

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1 Q Are you familiar with the scope of NCRL's services  
2 that they provide to their community?

3 A No.

4 Q Are you familiar at all with the demographics of the  
5 community that the NCRL serves?

6 A Not specifically.

7 Q What about an idea of the number of patrons?

8 A No.

9 Q Have you ever met NCRL's director, Dean Marney?

10 A Not to my knowledge.

11 Q Okay. Have you met the director of branch services,  
12 Dan Howard?

13 A I do not believe so.

14 Q Have you ever spoken with anyone at NCRL?

15 A No.

16 Q In your own words, can you describe NCRL's Internet  
17 usage policy?

18 A Based upon what I've read, secondhand knowledge, is  
19 that they provide filtered Internet access and they  
20 have a process set up whereas if an adult wishes to  
21 bypass the filter they have to go through a long,  
22 drawn-out process without any guarantee that they'll  
23 be able to bypass the filter.

24 Q Okay. Let's take that in a couple parts. You said  
25 based on what you read. What do you recall you read?

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1 A Specifically that they provide filtered access and  
2 that there is a request process by which an adult  
3 wishing to access a site that is filtered may apply  
4 for. But there is no guarantee that the library will  
5 agree to do that, nor is there necessarily what I  
6 would consider a timely process or a reasonable  
7 process for that request to take place.

8 Q Okay. And I apologize, my question was poorly  
9 worded. What was the source?

10 A It would be a combination of verbal updates at  
11 Intellectual Freedom Committee meetings and general  
12 written summaries from Intellectual Freedom Committee  
13 documents.

14 Q Who is providing the verbal updates at the  
15 Intellectual Freedom Committee meetings?

16 A Well, Duncan Manville provided one at mid winter, and  
17 then we have had, I've had informal conversations  
18 with various staff at the OIF office.

19 Q Have you ever read NCRL's policy?

20 A I've glanced at it but it's been some time.

21 Q Are you aware of the type of filtering product that  
22 NCRL uses?

23 A No.

24 Q You said that, in your words, that if an adult wanted  
25 to bypass it, it was a long, drawn-out process of

