



IN THE CIRCUIT COURT OF JEFFERSON COUNTY

BURT W. NEWSOME, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CASE NO. CV-15-900190
	)	
BALCH & BINGHAM, et al.,	)	
	)	
Defendants.	)	
	)	

**OBJECTION BY DEFENDANTS CLARK ANDREW COOPER AND BALCH & BINGHAM LLP TO PLAINTIFFS’ MOTION TO TEMPORARILY SEAL COURT RECORD**

Clark Andrew Cooper (“Cooper”) and Balch & Bingham LLP (“B&B”) respectfully object to the January 14, 2015 Motion to Temporarily Seal Court Record filed by Plaintiffs Burt W. Newsome and Newsome Law, LLC (“Plaintiffs”). As grounds for this objection, Cooper and B&B state as follows:

1. Contrary to Plaintiffs’ assertion in ¶2 of their motion, neither Cooper nor B&B are engaged in any settlement discussions or negotiations whatsoever with Plaintiffs.
2. As addressed in detail in *Holland v. Eads*, 614 So. 2d 1012, 1015 (Ala. 1993), the common law presumption permitting public inspection of judicial records, as well as the right provided under statute pursuant to Alabama Code §36-12-40, has narrow limitations. Court records are *not* to be sealed except upon a written finding that the moving party has proved by clear and convincing evidence that the records fall under certain limited exceptions, none of which have been articulated in Plaintiffs’ motion. *Holland*, 614 So. 2d at 1016.
3. All of Plaintiffs’ claims arise from one event: Plaintiff Newsome’s arrest and deferred prosecution for the crime of menacing—specifically threatening Defendant Bullock with a gun. The Court records relating to this crime are available on Alacourt, and Newsome’s “mug shot” is readily available to the public on websites not affiliated with the court system and

beyond the parties' control, including, but not limited to, <http://alabama.arrests.org>.<sup>1</sup> Despite Plaintiff Newsome's desire to conceal or otherwise minimize his criminal history, the proverbial cat is out of the bag through publicly available sources.

4. While Plaintiffs couch their motion as a prophylactic measure to "protect" the reputations of the attorneys involved in this lawsuit, neither Cooper nor B&B request such protection, and desire that this action remain unsealed as is clearly favored by Alabama law.

Respectfully submitted,

*s/ Amelia K. Steindorff*  
One of the Attorneys for Defendants,  
Balch & Bingham LLP and Clark Andrew Cooper

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon all parties to this action via electronic service by the Alafile system on this the 13th day of February, 2015.

*/s Amelia K. Steindorff*  
Of Counsel

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<sup>1</sup> See [http://alabama.arrests.org/Arrests/Burton\\_Newsome\\_12291239/](http://alabama.arrests.org/Arrests/Burton_Newsome_12291239/).



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA,  
 BIRMINGHAM DIVISION**

<b>BURT W. NEWSOME; and</b>	)	
<b>NEWSOME LAW, LLC,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>CV-2015-900190.00</b>
	)	
<b>CLARK ANDREW COOPER;</b>	)	
<b>BALCH &amp; BINGHAM, LLP;</b>	)	
<b>JOHN W. BULLOCK, JR.;</b>	)	
<b>CLAIBORNE PORTER SEIER,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT CLAIBORE P. SEIER, ESQ.'S JOINDER IN  
 CO-DEFENDANT'S MOTION TO UNSEAL**

COMES NOW one of the Defendants, Claiborne P. Seier, Esq., and hereby joins the recently-filed Motion of co-Defendants Clark Cooper and Balch & Bingham's to Unseal the Record. Attorney Seier adopts and incorporates the arguments raised by those Defendants as if set forth in full herein. In additional support of the relief requested therein, Attorney Seier would show the Court the following:

1. There are not, nor there ever have been any settlement negotiations between Plaintiff and Attorney Seier.
2. While Attorney Seier is both angered and offended by the frivolous allegations asserted against him in this lawsuit, he believes that the most effective vehicle of exposing that frivolity and vindicating his reputation is open and public Court proceedings.
3. Plaintiff should not be able to levy outrageous allegations of the kind found in his Complaint, have those naked allegations disseminated in widely-distributed

publications such as the Courthouse News Service, and then have the defenses to these claims presented and adjudicated in secret.

WHEREFORE, THE PREMISES CONSIDERED, Attorney Seier joins co-Defendants' Motion and requests that record in this matter be unsealed.

Respectfully submitted this the 13<sup>th</sup> day of February 2015,

*/s/ Robert M. Ronnlund*

Robert M. Ronnlund (RON006)

ASB-5137-E63R

Attorney for Defendant Claiborne P. Seier

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**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

NEWSOME BURT W,	)	
NEWSOME LAW LLC,	)	
Plaintiffs,	)	
	)	
V.	)	<b>Case No.:</b> CV-2015-900190.00
	)	
COOPER CLARK ANDREW,	)	
BALCH & BINGHAM LLP,	)	
SEIER CLAIBORNE P,	)	
BULLOCK JOHN FRANKLIN JR.,	)	
Defendants.	)	

**ORDER UNSEALING THE RECORD**

Concurrent with the filing of their January 14, 2015 Complaint, Plaintiffs Burt W. Newsome and Newsome Law, LLC filed a Motion to Temporarily Seal Court Record. This Court sealed the record pursuant to the Motion, and set a hearing to determine whether to keep the record sealed pursuant to *Holland v. Eads*, 614 So. 2d 1012, 1016 (Ala. 2012). Defendants Clark Andrew Cooper, Balch & Bingham LLP, and Claiborne Porter Seier all opposed the sealing of the record, and at the March 6, 2015 hearing to consider same, counsel for Plaintiffs did not oppose an Order unsealing the record.

Because this case does not fit within one of the exceptions to the general rule of Alabama allowing public inspection of judicial records, as outlined in the *Holland* case, and because the parties have agreed that the record should be unsealed, **IT IS HEREBY ORDERED** and **ADJUDGED** that the record of this case be unsealed.

DONE this [To be filled by the Judge].

/s/ [To be filled by the Judge]

CIRCUIT JUDGE