



ELECTRONICALLY FILED
1/14/2015 5:13 PM
01-CV-2015-900190.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W. NEWSOME; and)
NEWSOME LAW, LLC,)
Plaintiffs,)

v.)

CASE NO.: CV-2015-900190.00

CLARK ANDREW COOPER;)
BALCH & BINGHAM, LLP;)
JOHN W. BULLOCK, JR.;)
CLAIBORNE PORTER SEIER;)
Fictitious Defendants 1-4 being the true)
and correct names of the named Defendants;)
Fictitious Defendants 5-15 being those)
individuals and/or entities who conspired)
with any of the named Defendants in the)
commission of the wrongs alleged herein)
and whose true and correct identities are)
currently unknown but will be substituted)
upon discovery; Fictitious Defendants)
16-26 being those individuals and/or)
entities who participated in or otherwise)
committed any of the wrongs alleged)
herein and whose true and correct)
identities are currently unknown but will)
be substituted upon discovery;)
Defendants.)

MOTION TO TEMPORARILY SEAL COURT RECORD

The Plaintiffs move this Court for an order temporarily sealing the court record and in support of this motion states as follows:

1. The action involves local attorneys.
2. There are ongoing settlement discussions with some of the Defendants and the action was filed to toll applicable statute of limitations.
3. Sealing the file temporarily and preserving the confidentiality of the parties would materially promote prompt settlement of the matter and protect the good name and reputation of the lawyers involved.

WHEREFORE, premises considered, Plaintiffs request this matter be temporarily sealed by
this Court.

/s/Robert E. Lusk, Jr
ROBERT E. LUSK, JR. (LUS005)
Attorney for the Plaintiffs BURT W. NEWSOME
and NEWSOME LAW, LLC.

LUSK LAW FIRM, LLC
P. O. Box 1315
Fairhope, AL 36533
251-471-8017
251-478-9601 Fax
rlusk@lusklawfirmllc.com

To Clerk of the Court:

Plaintiffs request that this motion be served on the following Defendants along with the summons
and complaint filed contemporaneously herein.

/s/Robert E. Lusk, Jr
ROBERT E. LUSK, JR. (LUS005)
Attorney for the Plaintiffs BURT W. NEWSOME
and NEWSOME LAW, LLC.

CLARK ANDREW COOPER
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203-4642

BALCH & BINGHAM, LLP
C/O ALAN T. ROGERS
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203-4642

CLAIBORNE P. SEIER
3557 Al Seier Drive
Birmingham, AL 35226

JOHN FRANKLIN BULLOCK, JR.
1917 Cogswell Avenue
Pell City, AL 35125



ELECTRONICALLY FILED
2/13/2015 10:30 AM
01-CV-2015-900190.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

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

NEWSOME BURT W,)
NEWSOME LAW LLC,)
Plaintiffs,)

V.) Case No.: CV-2015-900190.00

COOPER CLARK ANDREW,)
BALCH & BINGHAM LLP,)
SEIER CLAIBORNE P,)
BULLOCK JOHN FRANKLIN JR. ET AL,)
Defendants.)

ORDER

MOTION TO TEMP SEAL FILE filed by NEWSOME BURT W and NEWSOME LAW LLC is hereby GRANTED.

DONE this 13th day of February, 2015.

/s/ CAROLE C. SMITHERMAN
CIRCUIT JUDGE



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>.¹ 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:

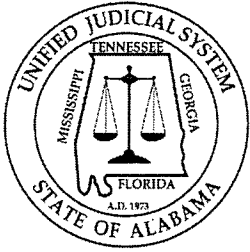
S. Allen Baker, Jr.
Amelia K. Steindorff
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, AL 35201-0306
Telephone: (205) 251-8100
Facsimile: (205) 226-8798

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

¹ See http://alabama.arrests.org/Arrests/Burton_Newsome_12291239/.



AlaFile E-Notice

01-CV-2015-900190.00

Judge: CAROLE C. SMITHERMAN

To: LUSK ROBERT ENTREKIN JR.
rlusk@lusklawfirmllc.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W NEWSOME ET AL V. CLARK ANDREW COOPER ET AL
01-CV-2015-900190.00

The following matter was FILED on 2/13/2015 3:07:47 PM

D003 SEIER CLAIBORNE P

MOTION FOR JOINDER

[Filer: RONNLUND ROBERT MOORE]

Notice Date: 2/13/2015 3:07:47 PM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov

STATE OF ALABAMA

Unified Judicial System

Revised 3/5/08

Cas



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CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

01-JEFFERSON

District Court Circuit Court

CV20

BURT W NEWSOME ET AL V. CLARK ANDREW COOPER ET AL

CIVIL MOTION COVER SHEET

Name of Filing Party: D003 - SEIER CLAIBORNE P

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

ROBERT MOORE RONNLUND
2450 VALLEYDALE RD.
BIRMINGHAM, AL 35244

Attorney Bar No.: RON006

Oral Arguments Requested

TYPE OF MOTION

Motions Requiring Fee

Motions Not Requiring Fee

- Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
Judgment on the Pleadings (\$50.00)
Motion to Dismiss, or in the Alternative Summary Judgment(\$50.00)
Renewed Dispositive Motion(Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
Summary Judgment pursuant to Rule 56(\$50.00)
Motion to Intervene (\$297.00)
Other
pursuant to Rule (\$50.00)

- Add Party
Amend
Change of Venue/Transfer
Compel
Consolidation
Continue
Deposition
Designate a Mediator
Judgment as a Matter of Law (during Trial)
Disburse Funds
Extension of Time
In Limine
Joinder
More Definite Statement
Motion to Dismiss pursuant to Rule 12(b)
New Trial
Objection of Exemptions Claimed
Pendente Lite
Plaintiff's Motion to Dismiss
Preliminary Injunction
Protective Order
Quash
Release from Stay of Execution
Sanctions
Sever
Special Practice in Alabama
Stay
Strike
Supplement to Pending Motion
Vacate or Modify
Withdraw
Other
pursuant to Rule (Subject to Filing Fee)

*Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees.

Local Court Costs \$ 0.00

Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship or if you are filing on behalf of an agency or department of the State, county, or municipal government. (Pursuant to §6-5-1 Code of Alabama (1975), governmental entities are exempt from prepayment of filing fees)

Date: 2/13/2015 3:04:44 PM

Signature of Attorney or Party: /s/ ROBERT MOORE RONNLUND

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



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

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

**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 13th day of February 2015,

/s/ Robert M. Ronnlund

Robert M. Ronnlund (RON006)

ASB-5137-E63R

Attorney for Defendant Claiborne P. Seier

OF COUNSEL:

SCOTT, SULLIVAN, STREETMAN & FOX, P.C.

P.O. Box 380548

Birmingham, Alabama 35238

205-967-9675; FAX: 205-967-7563

ronnlund@sssandf.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of February 2015, served a copy of the foregoing on counsel for all parties by electronic mail or by placing same in the United States Mail, properly addressed and first-class postage prepaid, to:

Robert E. Lusk, Jr.
LUSK LAW FIRM, LLC
P. O. Box 1315
Fairhope, AL 36533
251-471-8017
251-478-9601 Fax
rlusk@lusklawfirmllc.com

S. Allen Baker, Jr.
Amelia K. Steindorff
BALCH & BINGHAM LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, AL 35203-4642

Judge James E. Hill, Jr.
HILL, WEISSKOPF & HILL, P.C.
Moody Professional Building
2603 Moody Parkway, Suite 200
Moody, Alabama 35004

/s/ /Robert M. Ronnlund
OF COUNSEL



AlaFile E-Notice

01-CV-2015-900190.00

Judge: CAROLE C. SMITHERMAN

To: LUSK ROBERT ENTREKIN JR.
rlusk@lusklawfirmllc.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W NEWSOME ET AL V. CLARK ANDREW COOPER ET AL
01-CV-2015-900190.00

The following matter was FILED on 3/6/2015 12:45:54 PM

Notice Date: 3/6/2015 12:45:54 PM

ANNE-MARIE ADAMS
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JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov



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

NEWSOME BURT W,)
 NEWSOME LAW LLC,)
 Plaintiffs,)

V.)

Case No.: CV-2015-900190.00

COOPER CLARK ANDREW,)
 BALCH & BINGHAM LLP,)
 SEIER CLAIBORNE P,)
 BULLOCK JOHN FRANKLIN JR. ET AL,)
 Defendants.)

ORDER

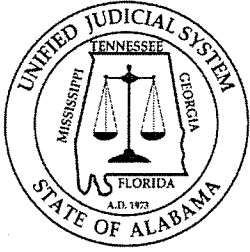
A proposed order on the Objection to Motion to Seal shall be filed on Alacourt within two days.

Attorney Jim Hill is allowed to respond by phone.

The Motion to Dismiss is set for hearing on March 16, 2015, at 9:00 a.m.

DONE this 6th day of March, 2015.

/s/ CAROLE C. SMITHERMAN
CIRCUIT JUDGE



AlaFile E-Notice

01-CV-2015-900190.00

Judge: CAROLE C. SMITHERMAN

To: LUSK ROBERT ENTREKIN JR.
rlusk@lusklawfirmllc.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

BURT W NEWSOME ET AL V. CLARK ANDREW COOPER ET AL
01-CV-2015-900190.00

The following matter was FILED on 3/6/2015 3:38:00 PM

[Filer:]

Notice Date: 3/6/2015 3:38:00 PM

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JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL 35203

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

NEWSOME BURT W,)	
NEWSOME LAW LLC,)	
Plaintiffs,)	
)	
V.)	Case No.: 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