

**IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND**

OFFICER JOHN DOE, *et al.*

Plaintiffs

v.

MONTGOMERY COUNTY, MARYLAND

Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Case No. C-15-CV-22-002523

**DEFENDANTS’ REPLY TO THE WASHINGTON POST AND REPORTERS  
COMMITTEE FOR FREEDOM OF THE PRESS’ EMERGENCY MOTION TO  
INTERVENE TO MODIFY PROTECTIVE ORDER AND OBTAIN PUBLIC ACCESS  
TO COURT RECORDS AND PROCEEDINGS**

COMES NOW Defendant, Montgomery County, Maryland (“the County”), by and through undersigned counsel, and files this reply to The Washington Post and Reporters Committee for Freedom of the Press’ Emergency Motion to Intervene to Modify Protective Order, and states:

1. The Reporters Committee for Freedom of the Press and The Washington Post (hereinafter referred to as “Media Intervenors”), filed a Motion to Intervene to Modify Protective Order and Obtain Public Access to Court Records and Proceedings in this action. Specifically, Media Intervenors seek to unseal all previously filed, sealed judicial records as well as modify the August 1, 2022 Protective Order and permit unredacted copies of all future filings and for all future proceedings to be held in open court. In the alternative, Media Intervenors ask for tailored redactions to filings.

2. Media Intervenors support their request by referring to the Maryland Rules, specifically Rule 16-903(b), and supporting jurisprudence, which provide in relevant part the common law right of access and the presumption that judicial records are open to the public for inspection.

3. The County consents to the Intervention of the Media Intervenors to Modify the Protective Order in this case.

4. The County further consents to an amended Protective Order, with tailored redactions as appropriate, and for the public filing of all legal arguments.

For the reasons stated above, Defendant, Montgomery County, Maryland respectfully requests that this Honorable Court grant Media Intervenors Motion to Intervene and Modify the Protective Order, allowing for public filing of all legal arguments and permitting tailored redactions where the Court deems such to be appropriate.

Respectfully submitted,

JOHN P. MARKOV'S  
ACTING COUNTY ATTORNEY

/s/ Haley M. Roberts  
Haley M. Roberts  
Associate County Attorney  
CPF No. 1106150215  
[Haley.Roberts@montgomerycountymd.gov](mailto:Haley.Roberts@montgomerycountymd.gov)

/s/Edward B. Lattner  
Edward B. Lattner, Chief  
Division of Government Operations  
[edward.lattner@montgomerycountymd.gov](mailto:edward.lattner@montgomerycountymd.gov)  
CPF ID No. 8612300002

*Attorneys for Defendant*  
101 Monroe Street, Third Floor  
Rockville, Maryland 20850  
(240) 777-6700

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of October 2022, a copy of the foregoing was served through MDEC to:

Anthony M. Conti, Esquire  
Daniel J. McCartin, Esquire  
Ryan J. Carter, Esquire  
Conti Fenn LLC  
36 S. Charles Street, Suite 2501  
Baltimore, MD 21201  
[toni@contifenn.com](mailto:toni@contifenn.com)  
[dan@contifenn.com](mailto:dan@contifenn.com)  
[ryan@contifenn.com](mailto:ryan@contifenn.com)  
*Attorneys for Plaintiff*

Matthew Chapin Zernhelt, Esquire  
1601 Guilford Avenue, 2 South  
Baltimore, MD 21202  
*Attorney for Alexa Renahan*

Lisa Beth Zycherman, Esquire  
Davis, Wright & Tremaine, LLP  
1919 Pennsylvania Avenue, NW, Suite 200  
Washington, DC 20006  
*Attorney for The Washington Post &  
Reporters Committee for Freedom of the  
Press*

Ashley-Anne L. Criss, Esquire  
WILEY REIN LLP  
2050 M Street NW  
Washington, DC 20036  
*Attorney for Coalition for Justice & Police  
Accountability*

/s/ Haley M. Roberts  
Haley M. Roberts  
Associate County Attorney