

STATE OF MAINE
SAGADAHOC, ss.

SUPERIOR COURT
Civil Action
DOCKET NO. CV-2018-0016

ALEXIS NUNES,)
)
Plaintiff,)
)
v.)
)
CITY OF BATH,)
)
Defendant.)

ORDER

Pursuant to a prior order of this court, the City of Bath has produced a privilege log and provided referenced documents that the City believes to be confidential and not subject to a Freedom of Access request to the court for *in camera* review.


After *in camera* review of the documents in question, this court is satisfied that the documents that the City argues are confidential are in fact security plans that are made exempt from public disclosure by 16 M.R.S. § 804. Upon review, it is this court's finding of fact that the documents in question are intelligence and investigative record information as defined by 16 M.R.S. § 803(7) and that the disclosure of said documents would disclose security plans as precluded by 16 M.R.S. § 804(7).

Frankly, after seeing the documents in question, this is not a close call. The documents in question are exactly the type of documents that the Legislature intended to protect from public disclosure by 16 M.R.S. § 804. This court is satisfied that the City of Bath has responded appropriately to the Freedom of Access request at issue in this case and that the City's actions in opposing public release of the documents were in good faith and consistent with Maine law.

The Plaintiff's Request that this court order the release of additional documents is DENIED. This order shall constitute a final judgment in this matter.

The Clerk is requested to enter this Order on the docket for this case by incorporating it by reference. M.R. Civ. P. 79(a).

Dated: November 26, 2018


Daniel I. Billings, Justice
Maine Superior Court