



IN THE CIRCUIT COURT OF LEE COUNTY, ALABAMA

STATE OF ALABAMA,)	
)	
v.)	Case No.: CC-2014-565
)	
MICHAEL GREGORY HUBBARD,)	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION TO SEAL
 RECORDINGS AND EMAILS PENDING HEARING**

Defendant, Michael Gregory Hubbard (“Defendant”), move this Honorable Court to enter an Order sealing the recordings and emails submitted by the State of Alabama (the “State”), pending a hearing in this matter. As grounds, Defendant states as follows:

1. On November 15, 2021, the State filed its Sur-reply Concerning New Evidence that Hubbard Was Not Truthful with the Court” (the “Sur-reply”).¹
2. In its Sur-reply, the State represents that it possesses 436 pages of emails that Defendant sent or received, as well as recordings of 611 telephone calls Defendant made or received. (Sur-reply at p. 5.)
3. The State provided a flash drive containing the evidentiary materials to counsel for Defendants on November 16, 2021. Upon information and belief, the State intends to submit the evidence to the Circuit Clerk.
4. Due to the volume of materials presented, counsel for Defendant have not yet reviewed all of the emails and recordings. However, after conferring with the State, the undersigned believe that some portion of the information contained therein would “promote

¹ In this filing, Defendant addresses only the evidentiary materials referenced in the Sur-Reply and does not address its merits. However, Defendant specifically reserves the right to raise any and all appropriate legal or evidentiary objections to the Sur-Reply, including renewing his Objection to its filing previously filed with this Court. (See Doc. 881.)

scandal or defamation;” “pertains wholly to private family matters;” “poses a serious threat of harassment, exploitation, physical intrusion, or other particularized harm to the parties to the action;” or “poses the potential for harm for third persons not parties to the litigation.” *Holland v. Eads*, 614 So. 2d 1012, 1016 (Ala. 1993).

5. When a motion to seal is filed, the Court is required to conduct a hearing to determine whether the information sought to be sealed meets the criteria set forth in paragraph four (4) herein. *Holland*, 614 So. 2d at 1016.

6. The undersigned have conferred with the State, and it does not oppose a “blanket” Order sealing these materials, pending further instructions from the Court.

WHEREFORE, premises considered, Defendant prays this Honorable Court will enter an Order sealing the recordings and emails submitted by the State, pending a hearing in this matter, or for any such other, further, or different relief as the Court deems just and proper.

Respectfully submitted this the 18th day of November 2021.

/s/ Jonathan K. Corley

One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this the 18th day of November 2021, I have electronically filed the foregoing document with the Clerk of the Court using the Ala-File system, which will send notification to the following via e-mail:

Steven T. Marshall
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/s/ Jonathan K. Corley _____

Jonathan K. Corley