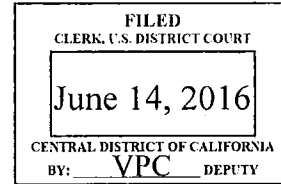


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JS-6



10 Attorneys for Plaintiff
 11 COURTHOUSE NEWS SERVICE

12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 14 **WESTERN DIVISION**

15 Courthouse News Service,
 16 Plaintiff,
 17 vs.
 18 Michael Planet, in his official capacity
 19 as Court Executive Officer/Clerk of the
 20 Ventura County Superior Court,
 21 Defendant.

Case No. CV11-08083 SJO (FFMx)

**JUDGMENT FOR
 DECLARATORY RELIEF AND
 PERMANENT INJUNCTION
 IN FAVOR OF PLAINTIFF
 COURTHOUSE NEWS SERVICE
 AND AGAINST DEFENDANT
 MICHAEL PLANET**

24 This action came before the Court on the Amended Complaint of Plaintiff
 25 Courthouse News Service (“CNS”) for Injunctive and Declaratory Relief under 42
 26 U.S.C. § 1983 and the First and Fourteenth Amendments to the U.S. Constitution
 27 against Defendant Michael Planet, in his official capacity as Court Executive Officer
 28 and Clerk of the Superior Court in and for the County of Ventura, California.

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1 The Court having entered an Order on May 26, 2016, Granting in Part and
2 Denying in Part CNS's Motion for Summary Judgment, and Denying Defendant's
3 Motion for Summary Judgment, it is hereby ORDERED, ADJUDGED and
4 DECREED that, pursuant to Federal Rule of Civil Procedure 58, Judgment be
5 entered in this action for Plaintiff CNS and against Defendant Planet as follows:

6 1. On CNS's Prayer for Declaratory Relief, it is ORDERED,
7 ADJUDGED and DECREED that:

8 a. There is a qualified First Amendment right of timely access to
9 newly filed civil complaints, including their associated exhibits.

10 b. This qualified right of timely access attaches when new
11 complaints are received by a court, rather than after they are "processed" -- i.e.,
12 rather than after the performance of administrative tasks that follow the court's
13 receipt of a new complaint.

14 c. This qualified right of timely access attaches on receipt
15 regardless of whether courts use paper filing or e-filing systems.

16 d. Planet's policy prior to June 18, 2014 of requiring that newly
17 filed complaints and their associated exhibits be "processed" prior to providing the
18 press and public with access to those complaints violates CNS's qualified First
19 Amendment right of timely access to newly filed complaints and their associated
20 exhibits because, for the reasons stated in this Court's May 26 Order, Planet has not
21 met his burden of proving that this policy is essential to preserve higher values and
22 narrowly tailored to serve that interest, as required to overcome CNS's qualified
23 First Amendment right of access, or that this policy constitutes a reasonable time,
24 place and manner restriction.

25 e. Planet's June 18, 2014 scanning policy also violates CNS's
26 qualified First Amendment right of timely access to newly filed complaints and their
27 associated exhibits because, for the reasons stated in this Court's May 26 Order,
28 Planet has not met his burden of proving that this policy is essential to preserve

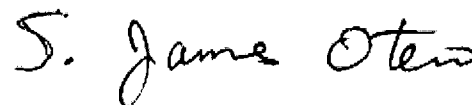
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higher values and narrowly tailored to serve that interest, or that this policy constitutes a reasonable time, place and manner restriction.

2. On CNS’s Prayer for Injunctive Relief, it is ORDERED, ADJUDGED and DECREED that Planet is hereby permanently enjoined from refusing to make newly filed unlimited civil complaints and their associated exhibits available to the public and press until after such complaints and associated exhibits are “processed,” regardless of whether such complaints are filed in paper form or e-filed, and is further directed to make such complaints and exhibits accessible to the public and press in a timely manner from the moment they are received by the court, regardless of whether such complaints are scanned, e-filed, or made available in any other format, except in those instances where the filing party has properly moved to place the complaint under seal.

3. On CNS’s Prayer for Costs and Attorneys’ Fees, it is ORDERED, ADJUDGED and DECREED that CNS is the prevailing party in this action. Pursuant to Federal Rule of Civil Procedure 54(d), CNS is awarded its costs in an amount to be determined pursuant to the procedures specified in Local Rules 54-1 *et seq.* Pursuant to 42 U.S.C. § 1988, CNS is further awarded its costs and attorneys’ fees in an amount to be determined on noticed motion pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Rules 54-10 and 54-11, which shall be filed within 60 days of the date of entry of this judgment.



Dated: 6/14/16

S. James Otero
Judge of the U.S. District Court
Central District of California

Burnett, Nancy

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UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF CALIFORNIA

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Case Name: Courthouse News Service v. Michael Planet

Case Number: 2:11-cv-08083-SJO-FFM

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Document Number: 199

Docket Text:

JUDGMENT FOR DECLARATORY RELIEF AND PERMANENT INJUNCTION IN FAVOR OF PLAINTIFFCOURTHOUSE NEWS SERVICE AND AGAINST DEFENDANT MICHAEL PLANET AND AWARD COSTS AND ATTORNEY FEES (SEE DOCUMENT FOR OTHER SPECIFICS) by Judge S. James Otero. (MD JS-6, Case Terminated).(lc)

2:11-cv-08083-SJO-FFM Notice has been electronically mailed to:

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