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15 Attorneys for Plaintiff  
16 COURTHOUSE NEWS SERVICE

17 IN THE UNITED STATES DISTRICT COURT  
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
19 SOUTHERN DIVISION

20 Courthouse News Service,

21 Plaintiff,

22 vs.

23 David Yamasaki, in his official capacity  
24 as Court Executive Officer/Clerk of the  
25 Orange County Superior Court,

26 Defendant.  
27

Case No. 8:17-CV-126-JVS-KES

**SUPPLEMENTAL COMPLAINT  
FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

1 Plaintiff Courthouse News Service (“CNS”) alleges the following as its  
2 Supplemental Complaint for Injunctive and Declaratory Relief:

3 **PRELIMINARY STATEMENT**

4 1. CNS initiated this action on January 24, 2017, asserting a single count  
5 under 42 U.S.C. § 1983 against defendant David Yamasaki, in his official capacity as  
6 Court Executive Officer / Clerk of the Orange County Superior Court (“OCSC”),  
7 based on his violation of CNS’ First Amendment right of access to new civil  
8 unlimited complaints filed at OCSC. CNS alleged OCSC’s policy and practice of  
9 withholding newly filed civil unlimited complaints from press and public view until  
10 after administrative processing, and the resulting denial of timely access to new civil  
11 unlimited complaints upon receipt for filing, deprive CNS, and by extension its  
12 subscribers, of their right of access to public court records secured by the First  
13 Amendment. (ECF 1, ¶ 48).

14 2. CNS files this supplemental complaint following the February 24, 2020,  
15 order in this case, published as *CNS v. Yamasaki*, 950 F.3d 640 (9th Cir. 2020). In  
16 that order, the Ninth Circuit vacated this Court’s preliminary injunction order (ECF  
17 56), summary judgment order (ECF 149) and order entering final judgment (ECF 183,  
18 186), and remanded this case for further proceedings consistent with *Courthouse*  
19 *News Service v. Planet*, 947 F.3d 581 (9th Cir. 2020) (“*Planet III*”). *Id.*

20 3. The analysis of a claim alleging a violation of the First Amendment right  
21 of access typically involves a two-step process. The first step is to determine whether,  
22 as a general matter, there is a First Amendment right of access to civil complaints. If  
23 the answer to that question is “yes,” the Court proceeds to the second step, which is to  
24 determine if the restrictions on access – in this case, OCSC’s policies, customs and  
25 practices that lead to delays in access – are justified by applying the requisite level of  
26 scrutiny. *See Planet III*, 947 F.3d at 589-596 (discussing and applying two-step  
27 process established by *Press-Enterprise Co. v. Superior Court* (“*Press-Enterprise II*”),  
28 478 U.S. 1 (1986)).

1           4.     In *Planet III*, the Ninth Circuit applied this two-step process to the  
2 Ventura Superior Court clerk’s policy and practice of withholding access to new civil  
3 complaints until after administrative processing. Applying the “experience” and  
4 “logic” test of *Press-Enterprise II*, the Ninth Circuit conclusively addressed and  
5 resolved the first step by holding that the press has a qualified right of timely access to  
6 newly filed civil complaints that attaches when the complaint is filed, *i.e.*, when the  
7 complaint is received by the court. *Id.* at 585, 588, 591.

8           5.     The Ninth Circuit observed that “the public interest in obtaining news is  
9 an interest in obtaining contemporaneous news,” and, applying the second step under  
10 the *Press-Enterprise II* process, it held that limitations on access to newly filed civil  
11 complaints are subject to “rigorous” scrutiny under *Press-Enterprise II*’s two-prong  
12 balancing test. *Id.* at 594, 596-597.

13           6.     As explained in *Planet III*, “[o]nce we have determined that a qualified  
14 First Amendment right of access to newly filed nonconfidential civil complaints  
15 exists, a presumption of access arises under *Press-Enterprise II* that may be restricted  
16 only if ‘closure is essential to preserve higher values and is narrowly tailored to serve  
17 those interests.’” *Id.* at 594-595 (citations and quotations omitted). While “[s]ome  
18 reasonable restrictions resembling time, place, and manner regulations that result in  
19 incidental delays in access are constitutionally permitted,” even such “incidental  
20 delays” must meet the *Press-Enterprise II* test: they must be “content-neutral,  
21 narrowly tailored and necessary to preserve the court’s [asserted] interest.” *Planet III*,  
22 947 F.3d at 585.

23           7.     The Ninth Circuit went on to define the “rigorous” scrutiny two-prong  
24 test as follows: “[t]o survive *Press-Enterprise II*’s two-prong balancing test, Ventura  
25 County must demonstrate first that there is a ‘substantial probability’ that its [asserted]  
26 interest[s]... would be impaired by immediate access, and second, that no reasonable  
27 alternatives exist to ‘adequately protect’ that government interest.” *Id.* at 596 (citing  
28 and quoting *Press-Enterprise II*, 478 U.S. at 14).

1           8.     Applying this test, *Planet III* held that the Ventura Superior Court clerk’s  
2 policy of withholding access to new, nonconfidential civil complaints until after  
3 administrative processing failed both prongs of the *Press-Enterprise II* test, and  
4 violated CNS’s First Amendment right of timely access to new civil complaints. *See*  
5 *id.* at 596-600.

6           9.     This action simply seeks the same relief affirmed by the Ninth Circuit in  
7 *Planet III* – a declaration that OCSC’s policy and practice of withholding access to  
8 new, nonconfidential civil complaints until after processing violates CNS’s First  
9 Amendment right of timely access, and an injunction prohibiting that policy and  
10 practice.

11           10.    Shortly after the Ninth Circuit issued *Planet III*, the Eastern District of  
12 Virginia ruled, following a bench trial, that under the First Amendment the public and  
13 press generally have a “contemporaneous right of access” to newly-filed civil  
14 complaints, and it went on to define “contemporaneous” as access “on the same day as  
15 filing, insofar as practicable.” *Courthouse News Serv. v. Schaefer*, No. 2:18-CV-391,  
16 2020 WL 863516 at 17 (E.D. Va. Feb. 21, 2020).

17           11.    CNS supplements its pleading both to take account of this new law and to  
18 include new facts arising in the more than three years since the filing of its January  
19 2017 complaint, including while this case was on appeal. The new facts include: (a)  
20 more recent, and worse, delays in access experienced by CNS after entry of the now-  
21 vacated judgment; (b) numerous other courts providing pre-processing access to new  
22 e-filed civil complaints, including the largest trial court in the nation – Los Angeles  
23 Superior Court (“LASC”); and (c) ongoing changes made by OCSC to its case  
24 management and e-filing systems.

25           12.    Regarding recent delays, from March 1, 2019 to February 29, 2020, CNS  
26 is informed and believes based on its tracking of access delays that OCSC made less  
27 than **10%** of new unlimited civil complaints available the day of filing, withholding  
28

1 roughly **40%** of them one court day, and withholding roughly **50%** of them two or  
2 more court days.

3 13. The delays in access experienced at OCSC are unnecessary and easily  
4 avoidable. Courts throughout California and across the nation provide timely access  
5 to new e-filed complaints in various ways and without denying access until after  
6 administrative processing. For instance, the vast majority of federal courts, and a  
7 growing number of state courts, provide on-receipt public access to new civil  
8 complaints. The e-filing and case management systems at these courts automatically  
9 publish non-confidential, e-filed complaints at the moment they are filed, regardless of  
10 whether they have been processed, making them available to the public through the  
11 courts' websites and/or via courthouse computer terminals (or through PACER, for  
12 the federal courts).

13 14. A growing number of state courts take a slightly different approach –  
14 they set up or configured their e-filing and case management systems to allow press  
15 access to new e-filed complaints, regardless of whether they have been processed. By  
16 doing so, these courts continue the tradition of providing press access to paper filings,  
17 to which the press historically has had access after the complaints crossed the clerk's  
18 intake counter and by end of the day on which they were filed.

19 15. The past three years have seen an increasing number of courts across the  
20 nation provide the press with pre-processing access to new civil complaints through  
21 review queues, including, in California alone, the Superior Courts of Fresno, Kern,  
22 Monterey, Los Angeles, Santa Barbara and Santa Clara.

23 16. OCSC, on the other hand, continues to insist that it must first process  
24 new, non-confidential complaints before making them available to the press or public.  
25 OCSC claims to have a "state of the art" e-filing system, and it is currently  
26 reconfiguring its case management and e-filing systems. OCSC nevertheless refuses  
27 to provide timely access to new civil unlimited complaints despite the ability to do so.  
28



**PARTIES**

1  
2 21. Plaintiff CNS is a California corporation with its principal place of  
3 business in Pasadena, California. CNS is a nationwide news service that reports on  
4 civil litigation from beginning to end—new filings, appellate rulings, litigations from  
5 federal and state courts around the country. CNS is similar to other news services,  
6 such as the Associated Press, except that CNS specializes in reporting about civil  
7 lawsuits.

8 22. CNS’s timely and comprehensive coverage of civil litigation through its  
9 print, web and e-mailed publications has made it a go-to source of information about  
10 the nation’s civil courts. CNS has more than 2,000 institutional and individual  
11 subscribers across the nation, including more than 500 in California, and its freely  
12 available website, [www.courthousenews.com](http://www.courthousenews.com), is read by hundreds of thousands of  
13 people each month.

14 23. Defendant Yamasaki is the Court Executive Officer/Clerk of the OCSC,  
15 and is sued in that official capacity. The Court Executive Officer/Clerk is responsible  
16 for, among other things, the administration of court records. Acting in his official  
17 capacity, Defendant, and those acting under his direction and supervision, is directly  
18 involved with and/or responsible for the delays in access to new complaints  
19 experienced by CNS, which acts reflect the official policy of the clerk’s office as a  
20 whole. Defendant’s actions, as alleged in this Complaint, are under the color of  
21 California law and constitute state action within the meaning of the Fourteenth  
22 Amendment to the United States Constitution and 42 U.S.C. § 1983. On information  
23 and belief, Defendant’s primary place of employment is in Orange County, California.

24 24. Defendant is sued in his official capacity only. CNS seeks relief against  
25 Defendant as well as his agents, assistants, successors, employees, and all persons  
26 acting in concert or cooperation with him or at his direction or under his control.

## **FACTUAL ALLEGATIONS**

1  
2           25. CNS has covered OCSC since 1995. Both before and after entry of the  
3 district court Judgment in *Planet*, which was affirmed in relevant part by *Planet III*,  
4 CNS notified Defendant and his predecessor that their policies denied timely access to  
5 many new unlimited complaints, sometimes for several days. But they refused to  
6 change their policies, and the denial of timely access continues to this day.

### **A. News Reporting Activities of CNS**

7  
8           26. CNS is a nationwide news service, founded in 1990 and employing more  
9 than 240 people, most of them reporters, covering courts in all 50 states in the nation.  
10 In California, CNS currently employs 78 people, including 52 reporters and editors  
11 who cover the state and federal trial and appellate courts of California.

12           27. CNS offers a number of publications, including a freely available  
13 website, and has been credited as the original source of reporting on civil litigation  
14 matters and topics by a wide range of publications, including ABC News, *The*  
15 *Atlantic*, CBS News, Fox News, *Los Angeles Times*, NBC News, *The New York*  
16 *Times*, NPR, *The Orange County Register*, *The Wall Street Journal*, and *The*  
17 *Washington Post*. CNS's subscribers include many news and entertainment outlets  
18 (*e.g.*, *Los Angeles Times*, *The Wall Street Journal*, and many TV stations), academic  
19 institutions (*e.g.*, Boston University, Harvard Law School, MIT School of  
20 Management and UCLA School of Law), several government subscribers (*e.g.*, the  
21 Los Angeles City Attorney's office and the City of Santa Monica), all but a few of the  
22 nation's large and mid-sized law firms, and many smaller law firms in California.

23           28. CNS's core publications are its New Litigation Reports, which contain  
24 original, staff-written summaries of significant new civil complaints. In California,  
25 the New Litigation Reports only cover "unlimited jurisdiction" civil complaints – that  
26 is, complaints where the amount in controversy usually exceeds \$25,000 – and focus  
27 on those against business institutions, public entities, prominent individuals or other  
28 civil actions of interest to CNS's subscribers. They do not cover family law matters,

1 name changes, probate filings, most mortgage foreclosures, or collection actions  
2 against individuals unless the individual is famous or notorious. For larger courts,  
3 such as OCSC, reports are emailed to subscribers each evening and provide coverage  
4 of new complaints filed that day.

5 29. CNS does not request or report on new civil complaints that are  
6 statutorily confidential or accompanied by a motion to seal for a judicial determination  
7 of whether the complaint should be confidential. Such complaints make up less than  
8 one-tenth of one percent (<0.1%) of the approximately 14,000 unlimited civil  
9 complaints e-filed annually at OCSC. OCSC can automatically segregate confidential  
10 e-filings at intake so they are not publicly available.

11 30. CNS publishes 16 New Litigation Reports on California courts, which  
12 cover civil actions filed in all four federal district courts as well as superior courts in  
13 Alameda, Contra Costa, Fresno, Kern, Los Angeles (downtown and Santa Monica  
14 courthouses), Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San  
15 Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara,  
16 Solano, Sonoma, Stanislaus and Ventura Counties. CNS covers OCSC in its *Orange*  
17 *County Report*, which has about 275 subscribers.

18 31. To prepare the New Litigation Reports and identify new cases that may  
19 warrant a website article, CNS's reporters visit their assigned court each workday so  
20 they can review all the complaints filed by the court for filing that day to determine  
21 which are of interest to CNS's readers. Given the nature of the coverage in the New  
22 Litigation Reports and its other news publications, including its website, any delay in  
23 the ability of a reporter to obtain and review new complaints necessarily delays CNS's  
24 ability to inform subscribers and other readers of the factual and legal allegations that  
25 the reporter has identified to be of interest to CNS's readers.

1 **B. A First Amendment Right of Access Attaches To Non-Confidential Civil**  
2 **Complaints When the Court Receives Them**

3 32. In *Planet III*, the Ninth Circuit held there is a qualified First Amendment  
4 right of timely access to newly-filed civil complaints that arises when the complaints  
5 are “filed with the court.” 947 F.3d at 594.

6 33. In reaching this holding, the Ninth Circuit observed that it had “long  
7 presumed a First Amendment ‘right of access to court proceedings and documents’”  
8 and that this right:

9 exists...to enable free and informed discuss about important issues of the  
10 day and governmental affairs. Thus, ‘[t]he news media’s right of access  
11 to judicial proceedings is essential not only to its own free expression,  
12 but also to the public’s.’ ... The free press is the guardian of the public  
13 interest, and the independent judiciary is the guardian of the free press.  
14 These values hold especially true where, as here, the impetus for CNS’s  
efforts to obtain newly filed complaints is its interest in timely reporting  
on their contents.

15 *Planet III*, 947 F.3d at 589-590 (internal citation and quotations omitted).

16 34. In rejecting *Planet*’s argument that the First Amendment right of access  
17 does not attach until after judicial action, the Ninth Circuit recognized:

18 CNS’s reporting on complaints must be timely to be newsworthy and to  
19 allow for ample and meaningful public discussion regarding the  
20 functioning of our nation’s court systems. ... [A] ban on reporting news  
21 just at the time [the] audience would be most receptive would be  
22 effectively equivalent to a deliberate statutory scheme of censorship. In  
23 other words, the public interest in obtaining news is an interest in  
24 obtaining contemporaneous news. ... The newsworthiness of a particular  
25 story is often fleeting. To delay or postpone disclosure undermines the  
26 benefit of public scrutiny and may have the same result as complete  
suppression. ... [T]hat ‘old’ news is not worthy of, and does not receive,  
much public attention has been widely recognized....[T]he need for  
immediacy of reporting news is even more vital in the digital age, where  
timeliness is measured in terms of minutes or seconds.

27 *Id.* at 594 (citations and quotations omitted).  
28

1           35. As *Planet III* also recognized, limitations on access to newly-filed civil  
2 complaint are subject to rigorous scrutiny. *Id.* at 595-596. That is, access “may be  
3 restricted only if closure is essential to preserve higher values and is narrowly tailored  
4 to serve those interests.” *Id.* at 595 (quotations omitted). While “[s]ome reasonable  
5 restrictions resembling time, place, and manner regulations that result in incidental  
6 delays in access are constitutionally permitted,” such delay-causing restrictions are  
7 only permitted “where they are content-neutral, narrowly tailored and necessary to  
8 preserve the court’s important interests in the fair and orderly administration of  
9 justice.” *Id.* at 585 (emphasis added).

10 **C. Delays in Access to New Civil Complaints at OCSC**

11           36. When CNS began covering OCSC in 1995, the court provided reporters  
12 with a “media box” into which court staff placed complaints on the day the court  
13 received them, prior to the completion of administrative processing, which reporters  
14 could review at the end of each day. In this way, new complaints were consistently  
15 and reliably available for review by reporters in a timely fashion.

16           37. Prior to 2002, reporters for CNS and other media traditionally reviewed  
17 paper copies of newly filed complaints at OCSC towards the end of the day on which  
18 they were filed, regardless of whether court staff had completed administrative  
19 processing. This was (and is) the practice in many other counties in California and in  
20 cities and counties across America.

21           38. Beginning in 2002, OCSC began slowing press access to new civil  
22 complaints, first by withholding them until the morning after they were filed, and then  
23 by withholding them until after they were docketed and scanned.

24           39. As a result of this change in policy and practice, access to new  
25 complaints was often delayed by four or five days. After several meetings and  
26 discussions with CNS and other media, access improved slightly but was still delayed  
27 by at least one and often two or three days.

28

1           40. In 2009, OCSC stopped providing the media box of paper complaints  
2 altogether, making electronic terminals housed in the Records and Exhibits  
3 Management Unit (“Records Area”) the only way to view civil court records at the  
4 courthouse.

5           41. OCSC implemented optional e-filing in civil cases in 2010 and  
6 mandatory e-filing in 2013. E-filing has not solved the access delays, however,  
7 because unlike most federal district courts and many other e-filing state courts, OCSC  
8 does not make newly filed complaints available upon electronic filing with the court  
9 and instead withholds them until court staff have completed administrative processing.  
10 As a result, there continue to be significant delays between the filing of a complaint  
11 and its being made available to the press and the public.

12           42. Pursuant to Code of Civil Procedure Section 1010.6(b), a trial court may  
13 adopt local rules permitting electronic filing of documents subject to certain  
14 conditions, including that any document received electronically by the court between  
15 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day.  
16 By local rule, OSC provides that “[e]lectronically filed documents filed prior to  
17 midnight on a court day will be deemed filed as of that day.” OSC Local Rule 352.  
18 However, OSC provides no way for the press and public to see complaints filed after  
19 close of business until at least the next court day, at the earliest, depending on when  
20 they are processed.

21           43. CNS has attempted several times to work cooperatively with Defendant  
22 and his predecessor to resolve its concerns over OCSC’s denial of timely access, but  
23 has been unsuccessful. OCSC has at all relevant times taken the position that it must  
24 withhold access to new nonconfidential civil unlimited complaints until after  
25 administrative processing by court staff.

26           44. OCSC’s policy and practice of withholding complaints until after  
27 processing prevent CNS from being able to access, and thus report on, a substantial  
28 percentage of newly filed civil complaints in a timely fashion. This policy remains in

1 effect to this day, and OCSC continues to enforce its practice and policy of  
2 withholding newly-filed complaints until after processing.

3 45. Prior to commencing this action, CNS tracked and compiled access data  
4 for all civil unlimited complaints filed in OCSC in October, November and December  
5 2016, noting delays between when each complaint was received by the court for filing  
6 and when the court first made it available. CNS continued tracking and compiling  
7 access data after it commenced this lawsuit in January 2017, and throughout the initial  
8 round of district court litigation. Through discovery, CNS also obtained OCSC's  
9 records reflecting filing and processing times for new civil complaints during the  
10 period October 2016 through March 2018.

11 46. During this period, as reflected in the existing district court record,  
12 OCSC's practice of withholding access to new civil complaints until after  
13 administrative processing consistently resulted in delays in access beyond one day.

14 47. CNS continued to track and compile access data for all civil unlimited  
15 complaints filed at OCSC after this Court entered the now-vacated judgment. The  
16 delays in access became significantly worse than they had been prior to the entry of  
17 judgment.

18 48. As noted above, for the twelve-month period from March 1, 2019 to  
19 February 29, 2020, CNS is informed and believes based on its tracking of access  
20 delays that OCSC made less than **10%** of new unlimited civil complaints available the  
21 day of filing, withholding roughly **40%** of them one court day, and withholding  
22 roughly **50%** of them two or more court days.

23 **D. OCSC's Policies and Practices Resulting in Delays Are Not Narrowly**  
24 **Tailored**

25 49. CNS's experience at OCSC stands in stark contrast to its experiences at  
26 other state and federal courts across the nation that provide timely access to new e-  
27 filed civil complaints.

28

1           50. Historically, before e-filing, reporters covering the courts could review  
2 and report on newly filed, paper civil complaints on the day of filing by looking at  
3 them at the courthouse, typically at the end of each court day. This access generally  
4 occurred via a media bin or box or pile where new complaints were placed right after  
5 they crossed the intake counter (often called “intake”) and before the clerk’s office  
6 performed the additional administrative tasks that follow the receipt of a new  
7 complaint (traditionally called “docketing” and now often called “processing”).

8           51. E-filing makes it even easier for courts to provide timely access to new  
9 complaints. Instead of basic intake work being done by clerks at an intake window,  
10 that work is done by e-filing software, which checks for whatever minimum  
11 submission requirements the court specifies, processes filing fees, and automatically  
12 transfers the case information submitted by the e-filer into the court’s case  
13 management system. Instead of sitting in a bin or box next to the intake window, new  
14 e-filed complaints sit in a virtual stack (or electronic “review queue”), and – as long as  
15 the court doesn’t withhold them – the press can review them before or even at the  
16 same time as court staff completes clerical processing. The end result is that the press  
17 can report on new complaints shortly after they are filed, with busy clerks attending to  
18 processing as their schedules allow.

19           52. Federal district courts were among the first to move to e-filing, and the  
20 vast majority have carried the tradition of timely access that existed in paper into the  
21 electronic world by making new e-filed complaints available for review right after  
22 they cross the electronic equivalent of the intake counter. Complaints are  
23 automatically accepted, assigned a case number, and stamped with the filing date on  
24 intake by the e-filing system, and they are available contemporaneously on the  
25 PACER public access system without a clerk first reviewing them or completing other  
26 post-filing clerical tasks.

27           53. Many state courts have also moved to e-filing, using a variety of  
28 electronic filing and case management platforms – some developed in-house, and

1 others supplied by vendors. Some (including courts in Alabama, Connecticut, Hawaii,  
2 New York, and Utah) have set up their e-filing and public access systems following  
3 the federal district court model. That is, new e-filed complaints flow automatically  
4 onto public access terminals or remotely online as they are filed with the courts.

5 54. Other state courts provide pre-processing access to the court's review  
6 queue of new complaints – the electronic equivalent of the traditional press box of  
7 new paper filings. This allows credentialed members of the press or public to access  
8 new complaints after they are received by the court, and without the delays otherwise  
9 caused by withholding them until after administrative processing by court staff. An  
10 increasing number of courts provide pre-processing review queue access, including  
11 state courts in Georgia and Nevada, and the California Superior Courts of Fresno,  
12 Kern, Los Angeles, Monterey, Santa Barbara and Santa Clara. Pursuant to Rule of  
13 Court 2.259(a)(1), California courts automatically log the date and time each new civil  
14 complaint is received, and new complaints are made available for viewing in the  
15 review queues after this initial receipt and intake.

16 55. Unlike the many state and federal courts across the nation mentioned  
17 above that provide timely access to new e-filed complaints after intake but before  
18 processing, OCSC insists that its court clerks must first process all new civil  
19 complaints before making them available for viewing by the press or public. And  
20 unlike the many state and federal courts that have set up or configured their e-filing  
21 and case management systems to provide timely access to non-confidential civil  
22 complaints before processing, OCSC continues to withhold access to all civil  
23 unlimited complaints despite having the ability to provide timely access.

24 56. OCSC has a Court Technology Services department comprised of  
25 approximately 100 employees that is responsible for supporting OCSC's technology  
26 and computer systems, including case management and e-filing systems. OCSC  
27 administers its own e-filing system with its in-house Technology Services department.  
28





1 policies and practices that deny CNS timely access to new, nonconfidential civil  
2 unlimited jurisdiction complaints, including, *inter alia*, his policy and practice of  
3 denying access to nonconfidential complaints until after administrative processing.

4 2. For a declaratory judgment pursuant to 28 U.S.C. § 2201 declaring  
5 Defendant’s policies and practices that knowingly affect delays in access to newly  
6 filed nonconfidential civil unlimited complaints, including, *inter alia*, his policy and  
7 practice of denying access to nonconfidential complaints until after administrative  
8 processing, are unconstitutional under the First and Fourteenth Amendments to the  
9 United States Constitution because these policies and practices constitute an effective  
10 denial of timely public access to new, nonconfidential civil complaints, which are  
11 public court records to which the First Amendment right of access applies.

12 3. For an award of costs and reasonable attorneys’ fees pursuant to 42  
13 U.S.C. § 1988; and

14 4. For all other relief the Court deems just and proper.

15 Dated: July 31, 2020

BRYAN CAVE LEIGHTON PAISNER LLP

17 By: /s/ Jonathan G. Fetterly  
18 Jonathan G. Fetterly  
19 Attorneys for Plaintiff  
20 COURTHOUSE NEWS SERVICE  
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