

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 30 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

COURTHOUSE NEWS SERVICE,

Plaintiff-Appellee,

v.

MICHAEL D. PLANET, in his official
capacity as Court Executive Officer/Clerk of
the Ventura County Superior Court,

Defendant-Appellant.

No. 16-55977
16-56714

D.C. No.
2:11-cv-08083-SJO-FFM
Central District of California,
Los Angeles

ORDER

Before: WARDLAW, N.R. SMITH, and MURGUIA, Circuit Judges.

Because we held that Ventura County’s current “scanning policy” passes constitutional scrutiny, *Courthouse News Serv. v. Planet*, 947 F.3d 581, 598 (9th Cir. 2020), our disposition altered little in the real-world relationship between the parties in this case. Significantly, however, through this litigation, Courthouse News Service (CNS) established that a First Amendment right of access to civil complaints at the time of filing exists, and that this right is reviewed under the *Press Enterprise II* standard. Because CNS succeeded in gaining “some of the benefit [it] sought in bringing suit,” it is the prevailing party. *Farrar v. Hobby*, 506 U.S. 103, 109 (1992) (emphasis added).

Accordingly, we **GRANT** CNS’s Motion for Attorneys’ Fees, Dkt. 100, and

its Supplemental Motion for Attorneys' Fees, Dkt. 104.¹ We **REMAND** to the district court to determine the amount of the fee award, bearing in mind the relative success of the parties.

IT IS SO ORDERED.

¹ The listed numbers are for appeal No. 16-55977.