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FILED
 CLERK U.S. DISTRICT COURT
SEP 29 2011
 CENTRAL DISTRICT OF CALIFORNIA
 BY DEPUTY

12 Attorneys for Plaintiff
 13 COURTHOUSE NEWS SERVICE

14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA

16 Courthouse News Service,

17 Plaintiff,

18 v.

19 Michael Planet, in his official capacity as
 20 Court Executive Officer/Clerk of the
 21 Ventura County Superior Court.

22 Defendant.

CASE NO. **CV11-08083** (MMX)

**COMPLAINT FOR INJUNCTIVE
 AND DECLARATORY RELIEF**

23 Plaintiff Courthouse News Service ("Courthouse News"), by and through its
 24 undersigned attorneys, hereby alleges the following facts in support of its Complaint
 25 for Injunctive and Declaratory Relief:

26 **JURISDICTION AND VENUE**

27 1. Courthouse News' claims arise under the First and Fourteenth
 28 Amendments to the United States Constitution, the federal common law and the Civil
 Rights Act, Title 42 U.S.C. § 1983 *et seq.* This Court has subject matter jurisdiction

1 under 28 U.S.C. §§ 1331 (federal question), 1343 (civil rights), and 2201 (declaratory
2 relief). This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over the
3 state law claims brought pursuant to California Rule of Court 2.550. Defendant is
4 subject to personal jurisdiction in this judicial district at the time this action is
5 commenced.

6 2. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)
7 because, on information and belief, Defendant resides in California, and in this
8 district, and because a substantial part of the events or omissions giving rise to
9 Courthouse News' claims occurred in this district.

10 PRELIMINARY STATEMENT

11 3. Plaintiff Courthouse News Service brings this action seeking injunctive
12 and declaratory relief against Defendant Michael Planet, in his official capacity as
13 Court Executive Officer/Clerk of the Superior Court of the State of California, County
14 of Ventura ("Ventura Superior"), to restrain the deprivation under color of state law of
15 Courthouse News' rights, privileges and immunities under 42 U.S.C. § 1983 *et seq.*,
16 the United States Constitution, federal common law, and the California Rules of
17 Court.

18 4. Courthouse News, a widely-read legal news wire service with thousands
19 of subscribers across the nation, seeks timely access to new civil unlimited jurisdiction
20 complaints filed with Ventura Superior. In recognition of the crucial role played by
21 the media to inform interested persons about new court cases, it has been a
22 longstanding tradition for both state and federal courts to provide reporters who visit
23 the court every day with access to new complaints at the end of the day on which they
24 are filed. This same-day access ensures that interested members of the public learn
25 about new civil litigation while the initiation of that litigation is still newsworthy.

26 5. In contrast, at Ventura Superior, same-day access is a rarity and delays in
27 access are rampant. During a four-week period between August 8 and September 2,
28 2011, Courthouse News was given same-day access to only small minority of new

1 civil unlimited complaints, with the vast majority of complaints delayed for days or
2 even weeks.

3 6. By denying Courthouse News timely access to newly-filed civil
4 unlimited jurisdiction complaints, these records are as good as sealed for an
5 appreciable amount of time after filing, in violation of the rights secured to
6 Courthouse News by the First and Fourteenth Amendments to the U.S. Constitution,
7 federal common law, and the California Rules of Court. Having failed in its efforts to
8 work cooperatively with Defendant to reach an amicable resolution to these delays,
9 Courthouse News thus brings this action challenging the legality of Defendant's
10 actions and seeking injunctive and declaratory relief.

11 **PARTIES**

12 7. Courthouse News Service is a California corporation with its principal
13 place of business located in Pasadena, California. Courthouse News is similar to other
14 news wire services, such as the Associated Press, except that Courthouse News
15 specializes in news reporting about civil lawsuits, from the date of filing through the
16 appellate level. Courthouse News' comprehensive and timely coverage of civil
17 litigation through its print, web site, and e-mailed publications has made it a go-to
18 source of information about the nation's civil courts. Courthouse News has
19 approximately 3,000 institutional and individual subscribers across the nation, and
20 many more readers of its freely available web site, www.courthousenews.com.

21 8. Defendant Michael Planet is the Court Executive Officer/Clerk of the
22 Superior Court of the State of California, County of Ventura ("Ventura Superior"),
23 and is sued in that official capacity. The Court Executive Officer/Clerk is responsible
24 for, among other things, the administration of court records. Acting in his official
25 capacity, Defendant, as well as those acting under his direction and supervision, is
26 directly involved with and/or responsible for the delays in access to newly-filed
27 complaints experienced by Courthouse News, which acts reflect the official policy of
28 the clerk's office as a whole. Defendant's actions, as alleged in this Complaint, are

1 under the color of California law and constitute state action within the meaning of the
2 Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983. On
3 information and belief, Defendant resides in Ventura County, California and his
4 primary place of employment is located in Ventura County, California.

5 9. Defendant is sued in his official capacity only. Courthouse News seeks
6 relief against Defendant as well as his agents, assistants, successors, employees, and
7 all persons acting in concert or cooperation with him or at his direction or under his
8 control.

9 **FACTUAL ALLEGATIONS**

10 **A. A Tradition Of Same-Day Access To New Civil Complaints**

11 10. In recognition of the crucial role played by the media to inform interested
12 persons about new court cases, it has been a longstanding tradition for courts to
13 provide reporters who visit the court every day with access to that day's new civil
14 complaints at the end of the day on which they are filed. This same-day access
15 ensures that interested members of the public learn about new cases while they are
16 still newsworthy. Courts have traditionally and still do provide this same-day access,
17 in many instances before the complaints have been fully processed.

18 11. For example, at the Los Angeles Division of the United States District
19 Court for the Central District of California, a room is set up directly off the docketing
20 department with a set of pass-through boxes. At the end of each day, a staffer places
21 all of the civil complaints filed that day in the pass-through boxes so the media can
22 review them. These complaints are made available for review before they have been
23 processed. Reporters that cover the courthouse on a daily basis have a key to the
24 room where they review the complaints and then put them back in the pass-through
25 boxes. At the San Francisco Division of the U.S. District Court for the Northern
26 District of California, reporters go behind the counter and review new complaints filed
27 that same day, before they have been fully processed or posted on PACER. They are
28 also permitted access to the "transfer boxes" of new actions being sent to different

1 divisions of the court, and are provided with a copy of the intake log. Same-day
2 access to new civil complaints is also provided at the Southern and Eastern Districts of
3 California.

4 12. Similarly, at many of the state superior courts in California, reporters are
5 provided with same-day access to new civil complaints, a practice that is consistent
6 with other major state trial courts across the country. For example, at the San
7 Francisco, Los Angeles, and Santa Clara County superior courts, new filings are
8 available to news reporters after initial intake tasks, but well before full processing.
9 The Superior Courts in Alameda, Contra Costa, and Riverside counties also provide
10 same day access to the press, and while it is Courthouse News' understanding that
11 such access is provided after a certain amount of additional processing has been
12 completed, access is nevertheless provided on a same-day basis.

13 13. Courthouse News' experience at the Eighth Judicial District Court in Las
14 Vegas, Nevada, demonstrates that same-day access to new complaints can be provided
15 in both the traditional paper and e-filing environments. Prior to that court's transition
16 to mandatory e-filing in February 2010, court officials provided Courthouse News'
17 reporter with paper-filed complaints filed earlier that day, regardless of whether they
18 had been fully processed. Following the switch to mandatory e-filing, which included
19 e-filing of complaints, the court began requiring news reporters to review new
20 complaints at a computer terminal in the clerk's office, but this system resulted in
21 complaints not being available for viewing until the day *after* they were filed. The
22 reason for these delays was that new complaints did not appear on the computer
23 terminals until after they had been "accepted" by the clerk's office, and only after the
24 terminals had been updated to reflect the new filings. After Courthouse News brought
25 these delays to the attention of the court, the court adopted a new system: an electronic
26 in-box (or, more precisely, a feature called "Daily Documents") through which
27 reporters essentially see exactly what staffers in the clerk's office see as new
28 complaints flow in throughout the day. Complaints can be viewed on a computer

1 terminal as soon as they cross the electronic equivalent of the intake counter at the
2 clerk's office, even if court staff has not yet had a chance to review the complaint,
3 process it, and/or manually upload it for electronic viewing. Thus, in both the
4 traditional paper and new e-filing environments, the Eighth Judicial District Court has
5 provided Courthouse News' reporter with same-day access to new civil complaints
6 whether or not those complaints have been fully processed.

7 14. Through its experience covering civil litigation during the past twenty-
8 one years, Courthouse News has developed extensive personal knowledge of the
9 procedures that courts throughout the country currently use, and have used in the past,
10 to provide press access to new civil complaints. Attached as Exhibit 1 is a true and
11 correct copy of a summary of media access procedures used in state and federal courts
12 across the nation, which was prepared by Courthouse News Service (the "Access
13 Summary"). As demonstrated in the Access Summary, to make sure that new
14 complaints are accounted for, clerk's offices often couple same-day access procedures
15 with security procedures such as requiring reporters to provide collateral such as a
16 driver's license, instituting a check-out procedure, or setting aside a secure area for the
17 media to review the newly filed complaints.

18 **B. News Reporting Activities of Courthouse News**

19 15. Courthouse News' core news publications are its new litigation reports,
20 which are e-mailed to its subscribers and contain staff-written summaries of all
21 significant new civil complaints filed in a particular court. Decisions as to which new
22 civil complaints will receive coverage are made by the reporters after reviewing all of
23 the new filings. Although not all complaints are significant enough to merit coverage,
24 these reports provide coverage of many more civil actions than is typically found in a
25 daily newspaper. For larger courts, reports are e-mailed to subscribers each evening
26 and provide coverage of new complaints filed earlier that same day.

27 16. In all, Courthouse News publishes sixteen new litigation reports for its
28 California subscribers, which include daily coverage of new litigation filed in all four

1 federal district courts as well as the California Superior Courts for the counties of
2 Alameda, Contra Costa, Fresno, Kern, Los Angeles (downtown and Santa Monica
3 courthouses), Orange, Riverside, Sacramento, San Bernardino, San Diego, San
4 Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma,
5 Stanislaus, and Ventura. Courthouse News covers Ventura Superior as part of its
6 *Central Coast Report*. In addition, Courthouse News offers its subscribers alerts
7 about new civil filings, which are delivered by e-mail. For example, a subscriber can
8 sign up to receive an alert anytime a particular company is sued.

9 17. Nationwide, there are nearly 3,000 subscribers to Courthouse News' new
10 litigation reports, with approximately 740 in California alone. Courthouse News'
11 subscribers include lawyers and law firms, well-known media outlets such as the *Los*
12 *Angeles Times*, the *Los Angeles Business Journal*, the *Pacific Coast Business Times*,
13 the *San Jose Mercury News*, *Forbes*, and the *Boston Globe*, as well as several
14 universities and law libraries.

15 18. To produce this level of coverage, Courthouse News employs a
16 nationwide network of more than one hundred reporters who are assigned to cover one
17 or more individual courts. At most of the larger courts, Courthouse News' reporters
18 visit their assigned court near the end of each court day. The reporter reviews civil
19 complaints filed earlier that day and prepares an original summary of each complaint
20 or other case-initiating document that is of likely interest to Courthouse News'
21 subscribers for inclusion in the report. In California, Courthouse News only reviews
22 "unlimited jurisdiction" civil complaints – that is, complaints where the amount in
23 controversy usually exceeds \$25,000. Given the nature of this publication, any delay
24 in the reporter's ability to review a newly filed complaint necessarily creates a delay
25 in Courthouse News' ability to inform interested persons of the factual and legal
26 allegations in those complaints, and is especially problematic when there is an
27 intervening weekend and/or holiday, in which case a delay of even one court day
28 results in actual delays of three or even four calendar days.

1 19. In addition to its new litigation reports and alerts, Courthouse News
2 publishes a web site, www.courthousenews.com, which features news reports and
3 commentary about civil cases and appeals, and is updated throughout the day.
4 Readership of the web site has grown steadily. Just two years ago, in mid-2009, the
5 web site was receiving an average of 300,000 unique visitors each month. Since then,
6 readership has spiked almost threefold. In July 2011, the site had 938,000 unique
7 visitors; in August 2011, it had 800,000 unique visitors; and as of the date of this
8 filing, the site had 1.14 million unique visitors for September 2011. Reports from
9 www.courthousenews.com are frequently picked up by other news outlets and other
10 Internet content providers, and as a result, disseminated to a much broader audience.

11 20. Rounding out its coverage of civil litigation, Courthouse News also
12 offers four print publications. These include the *Four District Almanac* (which
13 includes reports on all four of California's federal district courts), the *Entertainment*
14 *Law Digest*; the *Environmental Law Report*, and the *Securities Law Report*.

15 **C. Delays In Access At The Ventura County Superior Court**

16 21. Courthouse News began covering new civil case filings at Ventura
17 Superior on a regular basis in 2001. As is the case with other California superior
18 courts it covers, Courthouse News currently visits Ventura Superior toward the end of
19 each court day and only reviews unlimited jurisdiction complaints. In Courthouse
20 News' estimation, an average of 15 new unlimited jurisdiction civil complaints are
21 filed each day. Since 2001, Courthouse News' Ventura Superior reporter has been
22 Julianna Krolak.

23 22. Initially, Ms. Krolak visited Ventura Superior only once and later twice
24 each week. During this time, and continuing through the present, the clerk's office
25 has maintained a "media bin" which contained the new civil complaints that clerk's
26 office staff anticipated would be of likely press interest. Other filings had to be
27 specifically requested from the clerk's office staff. Initially, and up until a few years
28 ago, Courthouse News' reporter did this by requesting a range of sequentially

1 numbered case files. Through these procedures, Ms. Krolak was able to see the large
2 majority of the new civil unlimited complaints filed since her prior visit.

3 23. Beginning in early 2008, however, the clerk's office made a series of
4 small and large changes that made Courthouse News' review of new civil complaints
5 less timely and more difficult. Most notably, March 2009, the clerk's office instituted
6 a new rule that limited Ms. Krolak to viewing only twenty-five complaints per day,
7 which meant that Courthouse News could no longer request to see a sequential range
8 of cases but was instead compelled to request individual complaints based on docket
9 information. Not only was this more cumbersome for both Courthouse News and
10 clerk's office staff alike, but not all of the complaints Ms. Krolak requested to see
11 were always made available for review. And even if the complaints were not
12 available for review, they still counted toward her per-day limit. The result was
13 delayed and incomplete access to new civil complaints.

14 24. As is its normal practice, Courthouse News brought these problems to the
15 attention of Defendant and his staff in an attempt to work them out cooperatively.
16 Through correspondence, discussions, and an in-person meeting, an arrangement was
17 worked out in June 2009 by which newly filed complaints were to be made available
18 to Courthouse News' reporter after some processing but before the complaints had
19 been fully processed, the result of which was that access became much more timely.
20 Unfortunately, staffers in the clerk's office soon began waiting until new complaints
21 had been fully processed before providing them to the press, the result of which was
22 delays in access.

23 25. In an effort to improve the quality of the Central Coast Report through
24 more timely reporting on new civil unlimited jurisdiction complaints, in November
25 2010, Courthouse News began covering Ventura Superior a daily basis. Prompted by
26 its change to daily coverage and the access problems it continued to experience,
27 Courthouse News once again initiated discussions with the clerk's office about the
28 possibility of adjusting its procedures so that Ms. Krolak could have same-day access

1 to newly filed unlimited jurisdiction civil complaints, as news reporters do in other
2 courts they visit on a daily basis.

3 26. Unfortunately, these discussions did not lead to any improvements in
4 access, and the delays got even worse. Accordingly, on June 20, 2011, Courthouse
5 News' counsel wrote to Defendant to request that Courthouse News' reporter be given
6 timely access to new unlimited civil filings and suggesting possible ways in which this
7 could be accomplished. A true and correct copy of that letter is attached as Exhibit 2.

8 27. By letter dated July 11, 2011, Defendant replied that his office "cannot
9 make any new filings available until the requisite processing is completed."
10 Defendant further stated that "While I appreciate the Courthouse News Services'
11 interest in same-day access, the Court cannot prioritize that access above other
12 priorities and mandates." A true and correct copy of Defendant's July 11, 2011, letter
13 is attached as Exhibit 3.

14 28. Courthouse News' counsel responded by letter dated August 2, 2011,
15 disputing Defendant's assertion that access could not be provided until after
16 "processing" and again providing examples of how other courts were able to provide
17 same-day access. A true and correct copy of that letter is attached as Exhibit 4.
18 Courthouse News has received no response to that letter.

19 29. From August 8, 2011, through September 2, 2011, Ms. Krolak tracked
20 the availability of newly filed complaints at the Ventura courthouse. During that
21 period, she reviewed 152 new unlimited civil complaints, on average fewer than 8
22 complaints per court day. Yet even with that relatively small number of complaints
23 being reviewed, the delays were significant. The following charts reflect the delays
24 between the date of filing and the date that Courthouse News' reporter was first
25 allowed to see the complaint:
26
27
28

1 **COMPLAINTS REVIEWED**

2 **Delays Reported in Calendar Days**

3 Case availability	Number of cases	Percentage
4 Same-day	9	6%
5 Next-day	21	14%
6 2-6 days	94	62%
7 7-14 days	23	15%
8 15-34 days	5	3%

9 **COMPLAINTS REVIEWED**

10 **Delays Reported in Court Days**

11 Case availability	Number of cases	Percentage
12 Same-day	9	6%
13 Next-day	28	18%
14 2-6 days	100	66%
15 7-14 days	12	8%
16 15-24 days	3	2%

17 **COMPLAINTS REPORTED**

18 **Delays Reported in Calendar Days**

19 Case availability	Number of cases	Percentage
20 Same-day	4	4%
21 Next-day	14	14%
22 2-6 days	60	60%
23 7-14 days	17	17%
24 15-34 days	5	5%

25 **COMPLAINTS REPORTED**

26 **Delays Reported in Court Days**

27 Case availability	Number of cases	Percentage
28 Same-day	4	4%
Next-day	18	18%
2-6 days	66	66%
7-14 days	9	9%
15-24 days	3	3%

30. As reflected in the above charts, 94 percent of new complaints were not available on the day they were filed, with delays stretching up to 34 calendar days.

1 **COUNT ONE**

2 **Violation of U.S. Const. Amend. I and 42 U.S.C. 1983**

3 31. Courthouse News incorporates the allegations of Paragraphs 1-30 herein.

4 32. Defendant's actions under color of state law, including without limitation
5 his policies that have led to delays in access to new civil unlimited complaints and his
6 denial of timely, same-day access to new civil unlimited complaints, deprive
7 Courthouse News, and by extension its subscribers, of their right of access to public
8 court records secured by the First Amendment to the U.S. Constitution.

9 33. The First Amendment requires that for anything more than a *de minimis*
10 denial of access to a court record, that there be an adversarial adjudicative process that
11 considers the propriety of the effective sealing of the record on a case-by-case basis.
12 Neither Defendant nor anyone at the clerk's office has the authority or ability to
13 conduct that process. Such authority lies only in a judge of the court. Defendant's
14 exercise of unguided discretion to effectively seal a court record without providing
15 any of the procedural or substantive protections required by the First Amendment
16 denies Courthouse News and the public of their constitutional rights of access to new
17 civil complaints.

18 34. Moreover, except as deemed permissible following the appropriate case-
19 by-case adjudication, there is no compelling or overriding interest sufficient to
20 overcome Courthouse News' presumptive right of access to new complaints under the
21 First Amendment. And even if an overriding or compelling interest did exist, there
22 are far less restrictive means of achieving any such interest, and Defendant's policies
23 are not narrowly tailored to serve that interest.

24 35. Courthouse News has no adequate and speedy remedy at law to prevent
25 or redress Defendant's unconstitutional actions, and will suffer irreparable harm as a
26 result of Defendant's violation of its First Amendment rights. Courthouse News is
27 therefore entitled to declaratory and both preliminary and permanent injunctive relief
28 to prevent further deprivation of the First Amendment rights guaranteed to it and its

1 subscribers.

2 **COUNT TWO**

3 **Violation of Federal Common Law and 42 U.S.C. § 1983**

4 36. Courthouse News incorporates the allegations of Paragraphs 1-35 herein.

5 37. Defendant's actions under color of state law, including without limitation
6 his policies that have led to delays in access to new civil unlimited complaints and his
7 denial of timely, same-day access to new civil unlimited complaints, deprive
8 Courthouse News and its subscribers of the presumption of access to court records
9 guaranteed by the federal common law.

10 38. There is no legitimate justification for a blanket rule for withholding all
11 new complaints that is sufficient to overcome the common law right of Courthouse
12 News and its subscribers to be able to timely review new case-initiating documents.

13 39. Courthouse News has no adequate and speedy remedy at law to prevent
14 or redress Defendant's actions, and will suffer irreparable harm as a result of
15 Defendants' violation of its common law right of access. This is so, in part, because
16 prolonged delays in access not only diminish the value of Courthouse News's reports
17 to its subscribers, but are also likely to result in a loss of subscribers or, at the very
18 least, a perception among subscribers that Courthouse News's news reporting
19 products are less useful and valuable than they have been in the past, leading to a loss
20 of goodwill. Courthouse News is therefore entitled to declaratory and both
21 preliminary and permanent injunctive relief to prevent further deprivation of the rights
22 guaranteed to it and its subscribers under the common law.

23 **COUNT THREE**

24 **Violation of California Rule of Court 2.550**

25 40. Courthouse News incorporates the allegations of Paragraphs 1-39 herein.

26 41. Defendant's actions under color of state law, including without limitation
27 his policies that have led to delays in access to new civil unlimited complaints and his
28 denial of timely, same-day access to new civil unlimited complaints, effectively seals

1 those records until the Ventura Superior Court, in its unguided discretion, determines
2 that the complaints may be made public. Such action violates California Rule of
3 Court 2.550, which requires that a court make specific, written findings before sealing
4 a record.

5 42. Even if Defendant had endeavored to comply with Rule of Court 2.550,
6 he would not have been able to make the required showing that: (1) There exists an
7 overriding interest that overcomes the right of public access to the record; (2) The
8 overriding interest supports sealing the record; (3) A substantial probability exists that
9 the overriding interest will be prejudiced if the record is not sealed; (4) The proposed
10 sealing is narrowly tailored; and (5) No less restrictive means exist to achieve the
11 overriding interest.

12 43. Courthouse News has no adequate and speedy remedy at law to prevent
13 or redress Defendant's actions, and will suffer irreparable harm as a result of
14 Defendant's violation of California Rule of Court 2.550. This is so, in part, because
15 prolonged delays in access not only diminish the value of Courthouse News' reports
16 to its subscribers, but are also likely to result in a loss of subscribers or, at the very
17 least, a perception among subscribers that Courthouse News' news reporting products
18 are less useful and valuable than they have been in the past, leading to a loss of
19 goodwill. Courthouse News is therefore entitled to declaratory and both preliminary
20 and permanent injunctive relief to prevent further deprivation of the rights guaranteed
21 to it and its subscribers under Rule of Court 2.550.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff Courthouse News Service prays for judgment against
24 Defendant Michael Planet, in his official capacity is the Court Executive Officer/Clerk
25 of the Superior Court of the State of California, County of Ventura ("Ventura
26 Superior"), as follows:

27 1. For preliminary and permanent injunctions against Defendant, including
28 his agents, assistants, successors, employees, and all persons acting in concert or

1 cooperation with him, or at his direction or under his control, prohibiting him
2 preliminarily, during the pendency of this action, and permanently thereafter, from
3 continuing his policies resulting in delayed access to new unlimited jurisdiction civil
4 complaints and denying Courthouse News timely access to new civil unlimited
5 jurisdiction complaints on the same day they are filed, except as deemed permissible
6 following the appropriate case-by-case adjudication.

7 2. For a declaratory judgment pursuant to 28 U.S.C. § 2201 declaring
8 Defendant's policies that knowingly affect delays in access and a denial of timely,
9 same-day access to new civil unlimited complaints as unconstitutional under the First
10 and Fourteenth Amendments to the United States Constitution and in violation of the
11 federal common law and California Rule of Court 2.550, for the reason that that it
12 constitutes an effective denial of access to court records.

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

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

16
17 Date: September 29, 2011

HOLME ROBERTS & OWEN LLP
RACHEL MATTEO-BOEHM
DAVID GREENE
LEILA KNOX

18
19
20
21 By: 
22 Rachel Matteo-Boehm
23 Attorneys for Plaintiff
24 COURTHOUSE NEWS SERVICE
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EXHIBIT 1

Media Access to Courts Around the Nation

**Prepared By Courthouse News Service
September 2011**

Courts around the country have developed a variety of procedures to provide the media with access to new civil case initiating documents (complaints or petitions, depending on the jurisdiction) on the same day they are filed, regardless of whether processing has been completed (or in federal courts that have adopted e-filing, the so-called “quality assurance” process is completed), and regardless of whether the complaint or petition has been made available for electronic viewing. Courthouse News Service has prepared the following summary of some of these same-day access procedures adopted in courts throughout the nation.

Albuquerque

At the Second District Court of New Mexico (Bernalillo County), both paper and electronically filed civil complaints are made available to the media in a “review pile” on the day of filing, before they have been fully processed or made available to the public. Courthouse News’ reporter has been granted behind-the-counter access to the “review pile” and provided with a small work space, where he can review virtually all new cases on a same-day basis and scan any newsworthy complaint using a portable scanner. Any complaint that does not make it to the review pile enters a –three- to four-day docketing process, during which Courthouse News Service’s reporter can typically track down any case that needs to be seen.

Atlanta

At the Fulton County Superior Court in Atlanta, Georgia, new complaints are scanned immediately upon filing and made available at computer terminals at the courthouse, most within minutes of filing. In addition, complete docket information for civil cases is available from a publicly accessible website on the day the complaint is filed.

At the United States District Court for the Northern District of Georgia, where e-filing is voluntary, reporters review new civil actions on the same day they are filed. New complaints that are filed in paper form are scanned into a computerized press box before they go to docketing and are accessible on a computer terminal in the clerk’s office. E-filed complaints are made available to

CNS's reporter, prior to any processing, via PACER by using a shell case number code to access an online press queue of new same-day filings.

Austin

At the Travis County District Courthouse in Austin, where e-filing is mandatory for civil cases, Courthouse News' reporter gets a list of all of the new civil petitions filed earlier that same day upon arriving at the courthouse. She then views newly filed petitions using a public access terminal at the courthouse. Before leaving the court, Courthouse News' reporter gets an updated copy of the list of newly filed petitions to see whether there are any that have been filed since her first review, which she also views using the court's public access terminal.

Beaumont

At the Jefferson County District Court in Beaumont, Texas, reporters are allowed behind the counter to access paper copies of petitions filed that day, before the cases are put through the docketing process. Reporters can make copies of newsworthy cases.

At the Beaumont Division of the United States District Court for the Eastern District of Texas, reporters have same-day access to the vast majority of newly filed actions regardless of whether docketing has been completed. Reporters review scanned copies of new complaints via PACER, and if a new case is not yet scanned and available on the court's computer system, reporters can request and are given a paper copy of the new action based on a listing of new filings in a red log book made available to the press.

Brooklyn

At the Kings County Supreme Court, newly filed cases are typically scanned into electronic form immediately after they are filed, and the paper copies are then placed in a designated media box for same day review. However, in the event that a new complaint is not scanned immediately, the court will provide Courthouse News' reporter with access to the unscanned document. Courthouse News' reporter has been provided with a media pass that allows her to remove the new filings from the media box and review them in a different area behind the counter in the clerk's office on the same day the complaints are filed. Courthouse News' reporter is free to make her own copies for a small fee.

At the United States District Court for the Eastern District of New York, parties file “press copies” of new complaints, which are placed into a press box that is made available to reporters throughout the day, thereby allowing them same-day access to the vast majority of new filings, even if the new filings have not been fully processed or posted to PACER.

Chicago

At the Cook County Circuit Court in Chicago, Courthouse News’ reporter, or any other member of the media who is first to arrive at the courthouse, begins each visit by going behind the counter to pick up the day’s new complaints, and then brings them to a press room located in the same building. The reporter sees the vast majority of new complaints on the same day they are filed, regardless of whether the complaints have been fully processed. Reporters can stay as late as they like to review the new complaints.

At the United States District Court for the Northern District of Illinois, where electronic filing of initiating documents is mandatory, newly filed complaints are made available immediately upon filing through PACER, as well as the court’s own independent website.

Cincinnati

At the Hamilton County Court of Common Pleas in Cincinnati, Ohio, new complaints are placed in the intake area for review by the media on the same day the complaints are filed. Complaints are made available after they have been date-stamped, but before any other processing occurs. Courthouse News’ reporter sees between 30-60 complaints each day. If Courthouse News’ reporter misses a complaint, he may request the file from the paper room staff the next day. Court employees will make copies of newsworthy complaints available upon request for 10 cents per page.

At the United States District Court for the Southern District of Ohio, many of the newly filed complaints are made available on the day of filing via PACER. However, for cases not available electronically, the court places a copy of new cases into a press box at the intake counter, where Courthouse News Service’s reporter may review them until 4:00 p.m. when the court closes to the public. The reporter may request copies of new complaints for 50 cents per page.