

**FILED**  
CR-526-2  
MAR 06 2018  
DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
OF COOK COUNTY, IL

**IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, CRIMINAL DIVISION**

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JASON VAN DYKE, )  
 )  
 Defendant. )

~~XXXXXXXXXXXXXXXXXXXX~~

No. 17 CR 0428601

Hon. Vincent M. Gaughan

**INTERVENORS' MOTION FOR INTERVENTION  
AND FOR ACCESS TO COURT DOCUMENTS**

Intervenors, the Chicago Tribune Company, LLC; Sun-Times Media, LLC; the Associated Press; WLS Television, Inc.; WGN Continental Broadcasting Company, LLC; WFLD Fox 32 Chicago; Chicago Public Media, Inc.; and the Reporters Committee for Freedom of the Press (collectively, "Intervenors"), by their undersigned attorneys, file this Motion for Intervention and for Access to Court Documents. In support of this Motion, Intervenors state as follows:

1. Intervenors are seven news organizations which have provided the public with news coverage of this important criminal matter, and the Reporters Committee for Freedom of the Press, a non-profit organization dedicated to safeguarding the First Amendment rights and freedom-of-information interests of the news media and the public. Intervenors have a well-established legal right to access to the court file in this matter, in order to provide the public with ongoing news coverage of this matter.

2. Under orders dated January 20, 2016 and February 3, 2017 (collectively "the Decorum Order"), the Court has required the parties to file all court documents in this case in courtroom 500. As a result, Intervenors have been unable to obtain access to a substantial part of

the court file, including but not limited to motions and exhibits argued publicly or mentioned in open court at hearings including December 6 and 13, 2017, and January 18, 2018.

3. Intervention is a proper vehicle for the media to accomplish the limited purpose of asking the Court to allow Intervenors and the public access to the court file.

4. The documents in the court file are accessible to the public under the First Amendment to the U.S. Constitution, the Illinois Constitution and the common-law right of access to public documents. *See Press-Enter. Co. v. Superior Court of California for Riverside Cty.*, 478 U.S. 1, 13 (1986) (“*Press-Enterprise II*”); *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 505-13 (1984) (“*Press-Enterprise I*”); Ill. Const. art. I, § 4 (1970); *Skolnick v. Altheimer & Gray*, 191 Ill. 2d 214, 232 (2000). These documents cannot be shielded from public view absent specific findings that closure is essential to serve a higher value and narrowly tailored to achieve that end, and that in a criminal case such as this one, reasonable alternatives to closure are inadequate to protect the defendant’s fair trial rights. The Decorum Order contains no such specific, required, and narrowly tailored findings, and Intervenors are not aware of the Court having made such required findings. The court file may not be withheld from public access without such findings.

5. In this Motion, Intervenors therefore seek:

- a. Leave to intervene in this matter for the purpose of asking the Court to grant them access to the court file, and to comment upon any other issues implicating the rights of the public and the media to open access to these proceedings;
- b. Access to the court file, and, as to any document the Court is inclined to withhold or redact in whole or in part, an opportunity to be heard as to such findings; and
- c. Relief from the Court’s February 3, 2017 order requiring all materials to be filed in chambers, as Intervenors know of no basis for denying the public

access to their intervention motion papers and request that the motion papers be available in the Clerk's Office and open for public dissemination.<sup>1</sup>

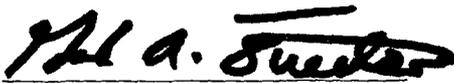
6. Intervenor's contacted counsel for the State and for the Defendant in advance of the filing of this Motion and provided them with draft copies of this Motion and its supporting Memorandum of Law, but Intervenor's were unable to determine the respective positions of the State and the Defendant in advance of filing.

WHEREFORE, for the foregoing reasons, and for the reasons stated in Intervenor's Memorandum of Law in Support of Their Motion for Intervention and Access to the Court File, Intervenor's respectfully request that the Motion be GRANTED.

Dated: March 6, 2018

Respectfully submitted,

CHICAGO TRIBUNE COMPANY, LLC  
SUN-TIMES MEDIA, LLC  
THE ASSOCIATED PRESS  
WLS TELEVISION, INC.  
WGN CONTINENTAL BROADCASTING CO.  
INC.  
WFLD FOX 32 CHICAGO  
CHICAGO PUBLIC MEDIA, INC.  
REPORTERS COMMITTEE  
FOR FREEDOM OF THE PRESS

By:   
*Attorney for Chicago Public Media, Inc.*

By:   
*Attorney for Reporters Committee for Freedom of the Press*

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<sup>1</sup> Intervenor's, who object to the Decorum Order for reasons stated in their Motion and supporting Memorandum of Law, have filed these documents in chambers and have affixed the above header or legend in order to ensure full compliance with the Decorum Order. Nothing about Intervenor's efforts to comply with the Decorum Order in connection with the filing of the Motion or Memorandum of Law is intended to suggest that any part of those documents should not be made public.

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