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June 6, 2018

Via Email

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Herbert Law Firm
206 S. Jefferson, Suite 100
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Re: *People v. Jason Van Dyke*, No. 17 CR 0428601 (formerly 15 CR 2062201)

Dear Joe, Dan, and Colleagues:

Gabe has been in a hearing this week, so I am writing to follow up on a few matters.

By way of background, as you know, your response to our May 29 Supplemental Motion is due on June 7, our reply is due on June 11, and the matter is set for a further hearing on June 14. We considered the possibility of filing an amended motion this week, but we thought it would be more efficient to apprise you of our position by letter.

Thus, we write this letter to clearly set forth our position on two matters: (1) the state of the record in the Clerk's Office, and (2) the sealing mechanism set forth in Judge Gaughan's Order of May 24. We intend to address both of these issues in our June 11 reply and/or other filings next week, and if we do not obtain appropriate relief from Judge Gaughan, we may need to seek additional appellate relief. So you understand our position, we set it forth here:

Joseph H. McMahon, Esq.
Daniel Q. Herbert, Esq.
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1. The Current Status of the Court File

After you left court on May 31, we continued to meet in the Clerk's Office and then with Judge Gaughan and his courtroom clerk. I think it is fair to say that everyone understood – at least as of May 31 – that the court file (hard copy and electronic) in the Clerk's Office was truly in disarray. From the perspective of our clients, who are representatives of the news media, this makes it extremely difficult to properly report on any filings. From the perspective of the special prosecutor, we think a disorganized and/or incomplete court file also should be viewed as a disservice to the community. From the perspective of the defense, we assume you want a clear record of what is in the court file, and that you would therefore join us in attempting to have a file that contains an accurate reflection of the records in this case.

Recognizing that there were serious problems with the status of the court file in the Clerk's Office at least as of May 31, Judge Gaughan asked me to write a letter to the Clerk setting forth our understanding of what is supposed to now be part of the public file. Pursuant to the judge's instructions, I did so on June 1. A copy of my letter is attached.

We ask that this week you join us in a dedicated effort to make sure that two things are done in the Clerk's Office. First, the Clerk's Office should have in place an accurate and complete docket sheet that reflects every single filing and order entered in this case. We assume that you agree with us that that should be done. If you do, please help us and the Clerk's Office ensure that a fair and complete docket sheet is available to everyone.

Second, we ask that you follow up on my letter of June 1, and that you help Angela Robinson ensure that the Clerk's Office has a complete listing of everything that has been filed in the *Van Dyke* cases that should be part of the public record. We will appreciate your agreement to assist the Clerk's Office in this regard.

2. The Sealing Mechanism

In our Supplemental Motion, we set forth our proposal for how motions to seal should be addressed. See Supp. Mot. at 2-3.

As I think you know, when we filed our Supplemental Motion on May 29, we were unaware of the judge's order of May 24 which sets forth the Court's sealing mechanism.

We respectfully disagree with the judge's sealing mechanism and have significant concerns about its impact on Intervenor's continuing efforts to vindicate the First Amendment and common law access presumptions as well as the letter and spirit of the Illinois Supreme Court's Order of May 23. The pre-filing requirement is – in our review of the law – unprecedented, overly broad and a burden on the right of access. We will address this issue more fully when we file our reply on June 11, but we wanted you to know in advance (so you can address it in your filing) the following:

Joseph H. McMahon, Esq.
Daniel Q. Herbert, Esq.
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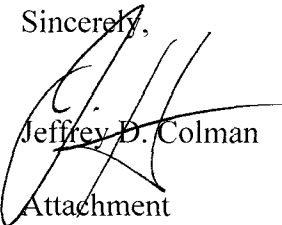
a. The Supreme Court's Order of May 23 states that "[a]ll documents and pleadings shall be filed in the [C]ircuit [C]lerk's [O]ffice" and that "the parties may move to file any document under seal."

b. But the May 24 Order restricts the parties from filing documents and pleadings in the Clerk's Office until the other party or parties receive notice of the impending filing and reply to the filing party. The May 24 Order in essence re-imposes the "secret" process that existed before the Supreme Court acted. Under the May 24 Order, the media and the public apparently receive (1) no notice of a filing (if one or both of the parties want the pleading to be under seal), (2) no copy of any sealing motion, and (3) no copy of the underlying document in either a full or a redacted manner. We received Joe's email to Gabe of today and are continuing to evaluate it, but we appreciate Joe's confirming the fact that the State already has filed at least one motion to seal in this case (and has at least one additional motion planned), and that the State has not served this document upon Intervenors and apparently believes it is under no obligation to do so. We will seek clarity on the procedure but are concerned that it violates the First Amendment and the Supreme Court's Order of May 23.

c. We ask that you agree – in your June 7 filings – to a sealing mechanism that comports with the First Amendment and the Supreme Court's supervisory writ. In addition to what we set forth at pages 2 to 3 of our Supplemental Motion: With respect to any future motions to seal, the parties should employ the commonly used protocol for motions to seal in Illinois courts (*i.e.*, publicly file in the Clerk's Office a motion to seal along with a redacted version of the applicable document and file under seal with the Clerk's Office an unredacted version that will be unsealed only if the Court denies the motion to seal). Thus, any motions to seal all or any portion of a court filing must be made publicly and with notice to Intervenors' counsel. Intervenors are properly concerned that otherwise, the parties might file motions to seal or take steps to cause documents or portions of them to be redacted or withheld from the public, all without the public knowing or having an opportunity to object. We ask that you agree to that process or propose other alternatives that are in accordance with the Constitution.

We will be happy to discuss any of these issues with you. Please feel free to let us know convenient times to do that.

Sincerely,



Jeffrey D. Colman

Attachment

cc: Natalie J. Spears, Esq.
Damon E. Dunn, Esq.
Brendan J. Healey, Esq.
Gabriel A. Fuentes, Esq.
Patrick E. Cordova, Esq.

June 1, 2018

Jeffrey D. Colman
312.923.2940
JColman@jenner.com

VIA EMAIL

Angela Robinson
Chief Deputy Clerk
Leighton Criminal Court
2650 S. California Ave., Rm. 526
Chicago, Illinois 60608

Re: *People v. Jason Van Dyke*, No. 17 CR 0428601 (formerly 15 CR 2062201)

Dear Ms. Robinson:

As you know, on May 31, 2018 the Honorable Vincent M. Gaughan requested that we provide you a list of documents in the above referenced matter that the Court ordered be available to the public via the Office of the Clerk of the Circuit Court of Cook County (the "Clerk's Office"). As we explain below, because we do not have access to a complete list of documents filed in this matter, we cannot with confidence submit a complete list, but attached as Exhibit A is a list of documents that we believe have been ordered released (or otherwise are to be released) to the public as of May 31, 2018 and should be available to the public via the Clerk's Office. Please note the following five things:

First, and most important, Exhibit A is not based on a comprehensive list of documents that have been filed in this matter. We believe there are other documents that should be released to the public through your Office. Exhibit A is limited to those documents that have been released to the public in the following ways: (a) by the Court's Order entered April 26, 2018 (attached as Exhibit B); (b) by the Court's Order entered May 4, 2018 (attached as Exhibit C); (c) by identification in open court on May 31, 2018 as available to the public (these documents include the State's Motion in Limine filed April 26, 2018 and the Defendant's Combined Response to State's Motion in Limine filed May 11, 2018); and (d) by public filing in the Clerk's Office on May 31, 2018 (Defendant's Motion to Reconsider Defendant's Prosecutorial Misconduct Motions).

Second, we (the Intervenors in this matter) cannot, at this time, identify any other documents that may have been filed that should be accessible to the public because the current docket sheet available in the Clerk's Office is not comprehensive as of the date of this letter, and we have not been granted access to the entirety of the court file. Furthermore, and of considerable importance, we do not have a complete list of documents that have been filed or entered, and are currently being withheld from the public.

Angela Robinson
June 1, 2018
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Third, we are copying the Special Prosecutor and counsel for Mr. Van Dyke. We trust they will promptly confirm for you the accuracy of Exhibit A and that they will supplement it to add additional documents that should be made available to the public.

Fourth, we appreciate that you provided us with the name of counsel to the Clerk of the Court and we are copying her (Kelly Smeltzer) on this letter with the hope that she, you, and others in your Office will get the court file in proper order for public review by sometime early next week.

Fifth, while it was not mentioned by Judge Gaughan, as noted above, the docket sheet in this matter is far from complete. We would be happy to work with your Office, and the parties, in the effort to make sure the docket sheet contains a complete listing of all items filed and entered in this matter.

Thank you again for your courtesies.

Very truly yours,


Jeffrey D. Colman

Enclosures

cc: The Honorable Vincent M. Gaughan (via hand delivery)
Kelly Smeltzer (via email)
Gabriel A. Fuentes (via email)
Joseph H. McMahon (via email)
Daniel Q. Herbert (via email)
Natalie J. Spears (via email)
Damon E. Dunn (via email)
Brendan J. Healey (via email)

Exhibit A

Known Documents That Should be Available in the
Clerk's Office of the Circuit Court of Cook County

Filing Number**	Case Number	Name of Item	Date Filed	Redactions/Portions Not To Be Released
1	15CR2062201	People's Factual Proffer in Support of Setting Bond	7/24/2015	
2	15CR2062201	Motion for Pre-Trial Discovery	12/29/2015	
3	15CR2062201	Agreed memorandum Summarizing 1/29/2016		
5	15CR2062201	Agreed Memorandum Summarizing 3/23/2016		
6	15CR2062201	Defendant's Motion to Waive Appearance	3/23/2016	
7	15CR2062201	People's Response to Defendant's Motion to Waive Appearance	4/13/2016	
8	15CR2062201	Defendant's Reply to Motion to Waive Appearance	4/27/2016	
9	15CR2062201	Agreed Memorandum Summarizing 5/5/2016		
10	15CR2062201	People's Response in Opposition to Petitions to Appt. Special Pros.	6/1/2016	
11	15CR2062201	Agreed Memorandum Summarizing 6/30/2016		
12	15CR2062201	Agreed Memorandum Summarizing 8/18/2016		
13	15CR2062201	Motion for Bill of Particulars	8/18/2016	
14	15CR2062201	Motion to Clarify Decorum Order (Oppenheimer)	8/30/2016	
15	15CR2062201	Reply to Petitioner Holmes Motion to Clarify Decorum Order	9/23/2016	
16	15CR2062201	AG Motion to Quash Subpoena to DCFS	9/27/2016	
18	15CR2062201	Agreed Memorandum Summarizing 11/2/2016		
20	15CR2062201	Agreed Memorandum Summarizing 12/8/2016		
21	15CR2062201	Motion by City for Protective Order & Clawback	12/8/2016	
23	15CR2062201	MTD Garrity	1/10/2017	
24	15CR2062201	State Response for Motion for Bill of Particulars	1/10/2017	
25	15CR2062201	Memo in Support MTS	1/10/2017	
27	15CR2062201	Response to MTD Pursuant to Garrity	2/3/2017	
30	15CR2062201	CCSAO MTD Subpoena	2/3/2017	
31	15CR2062201	People's Response to MTD (Garrity)	2/7/2017	
32	15CR2062201	Memo of law in Support MTD Indictment	2/7/2017	
33	17CR0428601	People Response to City Clawback Motion	2/23/2017	
34	17CR0428601	People's Response to MTD Misconduct GJ	3/23/2017	
38	17CR0428601	2nd Motion for Bill of Particulars	4/20/2017	
39	17CR0428601	Defendant's Supplemental Motion to Waive Appear.	4/20/2017	The police reports attached as exhibits.
40	17CR0428601	Will Limit Scope of Kastigar Hearing	4/20/2017	
41	17CR0428601	Will Bar Claim of Prejudice Failure to Stay PB Proceedings	4/20/2017	
42	17CR0428601	Reply M to Waive Appearance	4/27/2017	
43	17CR0428601	Def. Resp. to Will Bar Claim of Prejudice PB	5/11/2017	
45	17CR0428601	Response to 2nd Bill of Particulars	5/11/2017	
46	17CR0428601	Response to Supplemental Motion to Waive Appearance	5/11/2017	
48	17CR0428601	Reply Motion to Limit Scope of Kastigar Hearing	5/25/2017	
49	17CR0428601	Reply Will Bar Claim of Prejudice Failure to Stay PB Proceeding	5/25/2017	
50	17CR0428601	Motion to Grant Immunity McNaughton	6/28/2017	

Exhibit A

Known Documents That Should be Available in the
Clerk's Office of the Circuit Court of Cook County

51	17CR0428601	Motion to Grant Immunity March	6/28/2017	
52	17CR0428601	Response in Opposition to Admission of Statements to FOP	7/18/2017	
53	17CR0428601	Agreed Memorandum Summarizing 8/11/2017		
54	17CR0428601	Motion to Grant Immunity Kato	8/11/2017	
55	17CR0428601	Motion to Grant Immunity Harvey	8/11/2017	
56	17CR0428601	Motion to Grant Immunity Camden	8/11/2017	
57	17CR0428601	Motion to Reconsider (Statements to FOP)	9/7/2017	
59	17CR0428601	Response to Motion to Determine Actual Conflict	12/7/2017	
60	17CR0428601	Agreed Memorandum Summarizing 9/28/2017		
61	17CR0428601	Motion to Determine Actual Conflict	9/7/2017	The three Grand Jury Transcripts attached as exhibits
62	17CR0428601	Motion to Quash SDT to KCSAO	9/28/2017	
63	17CR0428601	Motion to Dismiss (Speedy Trial)	9/28/2017	
64	17CR0428601	Motion for GJ Minutes	9/28/2017	
65	17CR0428601	Reply Motion to Determine Actual Conflict	9/28/2017	The entire document and exhibits, except for Exhibit A and any case law attached to the document.
67	17CR0428601	People's Joint MTQ & Motion for More Definite Offer of Proof	10/11/2017	
68	17CR0428601	Defendant Reply to MTD	10/16/2017	
69	17CR0428601	Agreed Memorandum Summarizing 10/25/2017		
70	17CR0428601	Response to Motion for GJ Minutes	10/25/2017	
71	17CR0428601	Motion to Quash SDT to CCSAO	10/25/2017	
72	17CR0428601	Motion to Quash SDT to KCSAO 2nd	10/25/2017	
73	17CR0428601	Response to MTD (Speedy Trial)	10/25/2017	
74	17CR0428601	Jamie Kalven MTQ Subpoena	11/3/2017	
75	17CR0428601	Agreed Memorandum Summarizing 11/6/2017		
78	17CR0428601	People's MTQ Subpoena to Jamie Kalven	11/6/2017	
80	17CR0428601	Defendant Response in Opp. To MTQ Subpoena of Kalven	11/20/2017	Exhibit 9.
81	17CR0428601	J. Kalven Reply in Support of his MTQ	12/4/2017	
82	17CR0428601	Motion Reporter's Committee for Freedom of Press for Leave to File Amicus	12/5/2017	
88	17CR0428601	Supplemental Motion for Discovery	12/11/2017	
98	17CR0428601	Agreed Memorandum Summarizing 1/18/2018		
99	17CR0428601	Agreed Memorandum Summarizing 2/1/2018		
100	17CR0428601	Motion for Intervention and Access to Court	3/6/2018	
101	17CR0428601	Memorandum in Support of M for Intervention and Access	3/6/2018	
102	17CR0428601	Defendant's Memo Animation & Simulation	3/8/2018	
103	17CR0428601	People's MLL Concerning Dr. Miller	3/8/2018	
104	17CR0428601	Motions to Adopt CCSAO Subpoenas	3/8/2018	

Exhibit A

Known Documents That Should be Available in the
Clerk's Office of the Circuit Court of Cook County

105	17CR0428601	Incident Narrative Report (brief narrative)		
112	17CR0428601	State's Response to Intervenor's Motion for Access to Court Documents	4/6/2018	
113	17CR0428601	Defendant Jason Van Dyke's Response in Opposition to Media Intervenor's Motion for access	4/6/2018	Paragraph 98 on page 18
114	17CR0428601	Intervenor's Third Request for Access to Court File Documents and Other Access-Related Relief	4/13/2018	
115	17CR0428601	Intervenor's Consolidated Response to Parties' Objections to Public Disclosure of Court File Documents	4/13/2018	
116	17CR0428601	State's Supplemental Response to Intervenor's motion for Access	4/26/2018	
117	17CR0428601	State's Motion to Close the Public Hearings Scheduled to be Litigated on May 4, 2018	4/28/2018	
118	17CR0428601	State's Motions In Limine	4/26/2018	
119	17CR0428601	Defendant's Combined Response to State's Motions In Limine	5/11/2018	
120	17CR0428601	Defendant's Motion to Reconsider Defendant's Prosecutorial Misconduct Motions	5/31/2018	
X		Court Orders for all dates		

* Documents 1-105 correspond to documents that appear on Exhibit B of the Court's Order entered April 26, 2018, and Exhibit A of the Court's Order entered May 4, 2018. Documents 112-120 were added to the list included on Exhibit A of the Court's May 4, 2018 Order for the purposes of this list attached to the correspondence to Angela Robinson dated June 1, 2018.

EXHIBIT B

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

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.)	No. 17 CR 0428601
)	
JASON VAN DYKE,)	Hon. Vincent M. Gaughan
)	
Defendant.)	

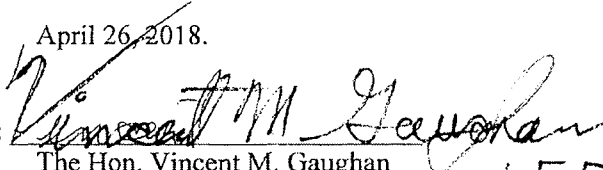
ORDER

This cause coming to be heard on Intervenor's Motion for Access to Court Documents, filed on March 6, 2018, proper notice having been given, and the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. The documents listed in the attached Exhibit B of the State's Supplemental Response to Intervenor's Motion for Access filed (April 26, 2018), except for item 4 on Exhibit B, shall be released to the Clerk of the Court and to the public immediately, subject to the redaction of witness names, for the reasons stated in open court on April 26, 2018.

2. The Court will consider the remaining requests by Intervenor, to the extent they were not ruled upon in this Order, at hearing at 9 a.m. April 28, 2018.

DATED: April 26, 2018.

ENTERED: 
The Hon. Vincent M. Gaughan

1553

Order prepared by:
Gabriel A. Fuentes
Patrick E. Cordova
Jenner & Block LLP
353 N. Clark St.
Chicago, IL 60654
(312) 222-9350
Counsel for Chicago Public Media, Inc.

ENTERED
JUDGE VINCENT GAUGHAN-1553

APR 26 2018

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

1	People's Factual Proffer in Support of Setting Bond	7/24/2015	Presumption
2	Motion for Pre-Trial Discovery	12/29/2015	Presumption
3	Agreed memorandum Summarizing 1/29/2016		Presumption
4	*Motion to Consolidate	3/15/2016	Presumption
5	Agreed Memorandum Summarizing 3/23/2016		Presumption
7	People's Response to Defendant's Motion to Waive Appearance	4/13/2016	Presumption
9	Agreed Memorandum Summarizing 5/5/2016		Presumption
10	People's Response in Opposition to Petitions to Appt. Special Pros.	6/1/2016	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

11	Agreed Memorandum Summarizing 6/30/2016		Presumption
12	Agreed Memorandum Summarizing 8/18/2016		Presumption
13	Motion for Bill of Particulars	8/18/2016	Presumption
14	Motion to Clarify Decorum Order (Oppenheimer)	8/30/2016	Presumption
15	Reply to Petitioner Holmes Motion to Clarify Decorum Order	9/23/2016	Presumption
16	AG Motion to Quash Subpoena to DCFS	9/27/2016	Presumption
18	Agreed Memorandum Summarizing 11/2/2016		Presumption
20	Agreed Memorandum Summarizing 12/8/2016		Presumption
21	*Motion by City for Protective Order & Clawback	12/8/2016	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

23	MTD Garrity	1/10/2017	Presumption
24	State Response for Motion for Bill of Particulars	1/10/2017	Presumption
25	Memo in Support MTS	1/10/2017	Presumption
27	Response to MTD Pursuant to Garrity	2/3/2017	Presumption
30	CCSAO MTQ Subpoena	2/3/2017	Presumption
31	*People's Response to MTD (Garrity)	2/7/2017	Presumption
32	*Memo of law in Support MTD Indictment	2/7/2017	Presumption
33	People Response to City Clawback Motion	2/23/2017	Presumption
34	People's Response to MTD Misconduct GJ	3/23/2017	Presumption
41	MIL Bar Claim of Prejudice Failure to Stay PB Proceedings	4/20/2017	Presumption
42	Reply M to Waive Appearance	4/27/2017	Presumption
45	Response to 2nd Bill of Particulars	5/11/2017	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

46	Response to Supplemental Motion to Waive Appearance	5/11/2017	Presumption
48	Reply Motion to Limit Scope of Kastigar Hearing	5/25/2017	Presumption
49	Reply MIL Bar Claim of Prejudice Failure to Stay PB Proceeding	5/25/2017	Presumption
50	Motion to Grant Immunity McNaughton	6/28/2017	Presumption
51	Motion to Grant Immunity March	6/28/2017	Presumption
52	Response in Opposition to Admission of Statements to FOP	7/18/2017	Presumption
53	Agreed Memorandum Summarizing 8/11/2017		Presumption
54	Motion to Grant Immunity Kato	8/11/2017	Presumption
55	Motion to Grant Immunity Harvey	8/11/2017	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

56	Motion to Grant Immunity Camden	8/11/2017	Presumption
57	Motion to Reconsider (Statements to FOP)	9/7/2017	Presumption
60	Agreed Memorandum Summarizing 9/28/2017		Presumption
62	Motion to Quash SDT to KCSAO	9/28/2017	Presumption
63	Motion to Dismiss (Speedy Trial)	9/28/2017	Presumption
64	**Motion for GJ Minutes	9/28/2017	Presumption
67	People's Joint MTQ & Motion for More Definite Offer of Proof	10/11/2017	Presumption
68	*Defendant Reply to MTD	10/16/2017	Presumption
69	Agreed Memorandum Summarizing 10/25/2017		Presumption
70	Response to Motion for GJ Minutes	10/25/2017	Presumption
71	Motion to Quash SDT to CCSAO	10/25/2017	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

72	Motion to Quash SDT to KCSAO 2nd	10/25/2017	Presumption
73	Response to MTD (Speedy Trial)	10/25/2017	Presumption
75	Agreed Memorandum Summarizing 11/6/2017		Presumption
82	Motion Reporter's Committee for Freedom of Press for Leave to File Amicus	12/5/2017	Presumption
88	Supplemental Motion for Discovery	12/11/2017	Presumption
98	Agreed Memorandum Summarizing 1/18/2018		Presumption
99	Agreed Memorandum Summarizing 2/1/2018		Presumption
100	Motion for Intervention and Access to Court	3/6/2018	Presumption

Exhibit B: List of filings to which the State does not object to a finding that the presumption of public access exists.

101	Memorandum in Support of M for Intervention and Access	3/6/2018	Presumption
102	Defendant's Memo Animation & Simulation	3/8/2018	Presumption
103	People's MIL Concerning Dr. Miller	3/8/2018	Presumption
104	Motions to Adopt CCSAO Subpoenas	3/8/2018	Presumption
105	Incident Narrative Report (brief narrative)		Presumption
X	Court Orders for all dates		Presumption

EXHIBIT C

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

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Plaintiff,)	
)	
vs.)	No. 17 CR 0428601
)	
JASON VAN DYKE,)	Hon. Vincent M. Gaughan
)	
Defendant.)	

ORDER

This cause coming to be heard on the Intervenors’¹ Motion for Intervention and Access to Court Documents (the “Motion”), filed on March 6, 2018, requesting relief as set forth specifically in Intervenors’ Third Request for Access to Court File Documents and Other Access-Related Relief, filed on April 13, 2018 (“Third Request”), the Court having reviewed all filings concerning the Motion, listened to the arguments of counsel, and being fully advised in the premises, IT IS HEREBY ORDERED:

1. For the reasons stated on the record, Intervenors’ request for public release of the documents listed on Exhibit A attached hereto is GRANTED as to Document Nos. 6, 8, 38, 39, 40, 43, 59, 61, 65, 74, 78, 80, and 81, with the following redactions:

- a. From Document No. 39, the police reports attached as exhibits.
- b. From Document No. 61, the three grand jury transcripts attached as exhibits.
- c. From Document No. 65, the entire document and exhibits, except for Exhibit A and any case law attached to the document.
- d. From Document No. 80, Exhibit No. 9.

2. For the reasons stated on the record, Intervenors’ request for public release of the documents listed on Exhibit A attached hereto is DENIED as to Document Nos. 17, 19, 22, 26, 28, 29, 35, 36, 37, 44, 47, 58, 66, 76, 77, 79, 83-87, 89-97, 106, and 108-111.

3. For the reasons stated on the record, Intervenors’ request for public release of Document No. 107 (from Exhibit A) is ENTERED AND CONTINUED.

¹ The Intervenors are 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. This Court granted the request for intervention on March 8.

4. Intervenor's request for public release of the following additional documents, not listed on Exhibit A, is GRANTED:

- a. State's Response to Intervenor's Motion for Access to Court Documents, filed on April 6, 2018;
- b. Defendant Jason Van Dyke's Response in Opposition to Media Intervenor's Motion for Access, filed on April 6, 2018, with the redaction of Paragraph 98 on page 18 of this document;
- c. Intervenor's Third Request for Access to Court File Documents and Other Access-Related Relief ("Third Request"), filed on April 13, 2018; and
- d. Intervenor's Consolidated Response to Parties' Objections to Public Disclosure of Court File Documents, filed on April 13, 2018.

5. By agreement of the Parties and Intervenor, the State's Supplemental Response to Intervenor's Motion for Access (filed April 26, 2018) and the State's Motion to Close [] the Public Hearings Scheduled to be Litigated on May 4, 2018 ("State's Motion to Close Hearing," filed April 28, 2018) are released to the public.

6. Intervenor's request to modify or vacate the Court's February 3, 2017 Decorum Order to require the public filing of all documents in this matter in the clerk's office is DENIED for the reasons stated on the record.

7. Intervenor's request to file publicly in the clerk's office their response to the State's Motion to Close Hearing is DENIED. Intervenor shall file their response to this motion before noon on May 2, 2018, and Intervenor's requests concerning other closed proceedings in this matter (subparagraphs (f) and (g) of Intervenor's Third Request) are ENTERED AND CONTINUED to May 4, 2018. This matter is set for further hearing on May 4, 2018, at 9 a.m. concerning the matters discussed in this paragraph.

DATED: May 4, 2018

ENTERED:

Vincent M. Gaughan
The Hon. Vincent M. Gaughan

Order prepared by:
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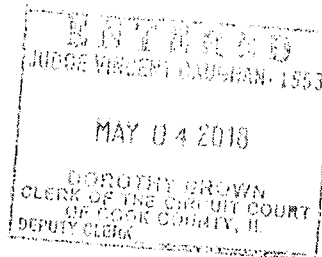


Exhibit A: Filings to which the State objects to their release in part because the presumption of access does not apply

6	Defendant's Motion to Waive Appearance	3/23/2016	No presumption
8	Defendant's Reply to Motion to Waive Appearance	4/27/2016	No presumption
17	People's Initial Garrity Team Disclosure to Defendant	9/29/2016	No presumption
19	People's 1st Supplemental Garrity Team Disclosure	11/2/2016	No presumption
22	People's 2nd Supplemental Garrity Team Disclosure	1/10/2017	No presumption
26	Memo in Support MTS (Exposure to Compelled Statement)	1/18/2017	No presumption
28	MTD Misconduct at GJ	2/3/2017	No presumption
29	Memo of Law in Support MTD GJ	2/3/2017	No presumption
35	Memo of Law MTD Misconduct GJ	4/20/2017	No presumption
36	MTD Indictment & Other Relief GJ	4/20/2017	No presumption
37	MTD Misconduct at GJ	4/20/2017	No presumption
38	2nd Motion for Bill of Particulars	4/20/2017	No presumption
39	Defendant's Supplemental Motion to Waive Appear	4/20/2017	No presumption
40	MIL Limit Scope of Kastigar Hearing	4/20/2017	No presumption
43	Def. Resp. to MIL Bar Claim of Prejudice PB	5/11/2017	No presumption
44	Response to Motion to Limit Scope of Kastigar	5/11/2017	No presumption
47	Combined Response to MTD & MTD & other relief	5/11/2017	No presumption
58	Brief in Support of People's Garrity/Kastigar Hearing Position	9/7/2017	No presumption
59	Response to Motion to Determine Actual Conflict	9/27/2017	No presumption
61	Motion to Determine Actual Conflict	9/28/2017	No presumption
65	**Reply Motion to Determine Actual Conflict	9/28/2017	No presumption

Exhibit A: Filings to which the State objects to their release in part because the presumption of access does not apply

66	Defendant's Offer of Proof Kastigar Witnesses	10/4/2017	No presumption
74	Jamie Kalven MTQ Subpoena	11/3/2017	No presumption
76	MTD (Prosecutorial Misconduct)	11/6/2017	No presumption
77	MIL to Admit Lynch Material	11/6/2017	No presumption
78	People's MTQ Subpoena to Jamie Kalven	11/6/2017	No presumption
79	Answer to Discovery	11/6/2017	No presumption
80	Defendant Response in Opp. To MTQ Subpoena of Kalven	11/20/2017	No presumption
81	J. Kalven Reply in Support of his MTQ	12/4/2017	No presumption
83	People's Supplemental Discovery Response 6	12/6/2017	No presumption
84	Reply MTD (Prosecutorial Misconduct)	12/6/2017	No presumption
85	Defense Offer of Proof Lynch	12/6/2017	No presumption
86	Reply MIL Lynch	12/6/2017	No presumption
87	Response MIL to Admit Lynch Material	12/6/2017	No presumption
89	Amended Offer of Proof Lynch	12/13/2017	No presumption
90	Supplemental MTD Prosecutorial Misconduct	12/15/2017	No presumption
91	People's Supplemental Discovery Response 7	12/20/2017	No presumption
92	2nd Amended Offer of Proof Lynch	12/20/2017	No presumption
93	Response to MTD (Prosecutorial Misconduct)	12/20/2017	No presumption
94	3rd Amended Offer of Proof Lynch	1/5/2018	No presumption
95	Defendant's Initial Expert Witness Disclosure	1/5/2018	No presumption
96	Reply to 3rd Amended Offer of Proof in Support of Lynch	1/12/2018	No presumption
97	*Memorandum in Support of Motion to Suppress Evidence (Def Compelled Statement)	1/17/2018	No presumption

Exhibit A: Filings to which the State objects to their release in part because the presumption of access does not apply

106	Defendant's Reply to the People's Response to Defendant's Motion to Dismiss the Indictment	12/6/2017	no presumption
107	Defendant's Motion to Change Place of Trial	3/28/2018	No presumption
108	Intervenor's Status Report	3/28/2018	no presumption
109	Defendant's Supplemental list of Expert Witnesses	1/5/2018	No presumption
110	Report of a Defense Expert	2/1/2018	No presumption
111	Report of a Second Defense Expert	2/1/2018	No presumption