

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

**IN RE PETITION FOR WRIT OF
MANDAMUS OF LOS ANGELES
TIMES COMMUNICATIONS LLC**

Civ. Action No. 21-cv-1508

Related Cases:

No. 1:21-SW-00028

No. 1:21-MJ-00009

**PETITION OF LOS ANGELES TIMES COMMUNICATIONS, INC. FOR
WRIT OF MANDAMUS COMPELLING UNSEALING OF JUDICIAL
RECORDS IN CASE NO. 1:21-SW-00028 OR, IN THE ALTERNATIVE,
MOTION TO INTERVENE AND UNSEAL**

Los Angeles Times Communications LLC (the “Los Angeles Times”) respectfully petitions this Court for writ of mandamus pursuant to 28 U.S.C § 1361 directing the Clerk of the Court to unseal the docket and other sealed judicial records in Case No. 1:21-SW-00028. Alternatively, the Los Angeles Times moves to intervene for the limited purpose of seeking an order unsealing the docket sheet and other sealed judicial records in Case No. 1:21-SW-00028.

Specifically, by this Petition, the Los Angeles Times seeks an order unsealing the search warrant, search warrant application, any supporting affidavits, return, docket sheet, and any other judicial records connected to the search warrant

served on Klete Derik Keller at his residence in Colorado Springs, Colorado on or about January 14, 2021 (collectively the “Search Warrant Materials”).

On June 2, 2021, counsel for the Los Angeles Times contacted counsel for the prosecution, the United States Attorney’s Office for the District of Colorado, and the defendant, Klete Derik Keller, in related cases 1:21-SW-00028 and 1:21-MJ-00009 for their positions on the relief sought by the Los Angeles Times in the above-captioned Petition. Counsel for the prosecution indicated they would oppose the Petition; counsel for the defendant indicated that defendant objects to the Petition.

This Petition is made on the grounds that:

1. The Los Angeles Times may petition this Court for a writ of mandamus pursuant to 28 U.S.C § 1361 directing the Clerk of the Court to unseal the Search Warrant Materials.
2. In the alternative, as a news organization, the Los Angeles Times may intervene in this matter for the limited purpose of seeking an order unsealing the Search Warrant Materials.
3. The Los Angeles Times has a qualified common law right to access judicial records filed with the Court, including the sealed Search Warrant Materials, and said common law right of access is not overcome here.

4. To the extent countervailing interests overcome the Los Angeles Times' qualified common law right of access to certain information in the Search Warrant Materials, any sealing must be no broader than necessary to serve those interests; only redaction of specific judicial records—not wholesale sealing of the entirety of all judicial records in Case No. 1:21-SW-00028—would be appropriate.

This Petition is based on the concurrently filed Memorandum of Law, supporting Declaration of Nathan Fenno, and on such argument as may be presented by counsel at any hearing on this Petition.

Dated: June 4, 2021

Respectfully submitted,

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