

No. F086308

COURT OF APPEAL, STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

THE BAKERSFIELD CALIFORNIAN,
Petitioner,

v.

THE SUPERIOR COURT OF KERN COUNTY,
Respondent,

ROBERT ROBERTS et al.,
Real Parties in Interest.

WRIT PETITION FOR IMMEDIATE STAY OR ALTERNATIVE
EMERGENCY RELIEF
SUPERIOR COURT FOR
THE COUNTY OF KERN
Hon. Elizabet Rodriguez
Superior Court No. BF191473A

**APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF
AND PROPOSED AMICI CURIAE BRIEF OF THE REPORTERS
COMMITTEE FOR FREEDOM OF THE PRESS AND 22 MEDIA
ORGANIZATIONS IN SUPPORT OF PETITIONER THE
BAKERSFIELD CALIFORNIAN**

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APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF
TO THE HONORABLE PRESIDING JUSTICE AND ASSOCIATE
JUSTICES OF THE FIFTH APPELLATE DISTRICT:

Pursuant to California Rule of Court 8.487(e), the Reporters Committee for Freedom of the Press (“Reporters Committee”), Californians Aware, California News Publishers Association, CalMatters, Center for Investigative Reporting d/b/a Reveal, Cityside Journalism Initiative, E.W. Scripps Company, Embarcadero Media, First Amendment Coalition, Gannett, Hearst Corporation, KPPC/LAist, Los Angeles Times Communications LLC, The McClatchy Company, Media Guild of the West, NewsGuild-CWA Local 39213, MediaNews Group, Mother Jones, Informed California Foundation d/b/a Open Vallejo, Pacific Media News Workers Guild, San Diego Union Tribune LLC, Sinclair Broadcast Group, Society of Professional Journalists of Northern California, and Tribune Publishing Company (collectively, “amici”) respectfully request leave to file the attached brief as amici curiae in support of *The Bakersfield Californian*. Amici are news media organizations and other organizations dedicated to defending the First Amendment and newsgathering rights of the press. Lead amicus the Reporters Committee was founded by journalists and media lawyers in 1970, when the nation’s press faced an unprecedented wave of government subpoenas forcing reporters to disclose

information about confidential sources. The Reporters Committee has appeared as amicus curiae in courts around the country, including California, to oppose the compelled testimony of journalists and production of journalistic work product. *See, e.g.*, Br. of Amicus Curiae the Reporters Committee in Supp. of Pet’r, *Shriner v. Superior Court*, No. E076320 (Cal. Ct. App. Dec. 23, 2020); Br. of Amicus Curiae the Reporters Committee, *Subpoena Duces Tecum to KIRO TV, Inc.*, No. 20-0-616926 (Wash. Super. Ct. June 29, 2020); Br. of Amici Curiae the Reporters Committee and 19 Media Orgs. in Supp. of Reporter Jamie Kalven’s Mot. to Quash Subpoena, *People v. March*, No. 2017-CR-9700 (Ill. Cir. Ct. Nov. 26, 2018); Br. for Amici Curiae the Reporters Committee and 48 Media Orgs. in Supp. of Non-Party Resp’t, *People v. Juarez*, APL-2017-00057 (N.Y. Oct. 6, 2017); Br. of Amicus Curiae the Reporters Committee in Supp. of Non-Party Witness John Sepulvado, *United States v. Patrick*, No. 3:16-cr-00051-BR (D. Or. Feb. 22, 2017).

INTEREST OF AMICI CURIAE

As members and representatives of the news media, amici necessarily rely on information obtained from sources to keep the public informed. Compelled disclosure of journalist-source communications chills the vital flow of information to reporters and thereby deprives the public of crucial reporting. Accordingly, amici have a strong interest in ensuring that the provisions of article I, section 2(b) of the California Constitution and

section 1070 of the Evidence Code (collectively, the “Shield Law”) are interpreted and applied in a manner that safeguards the work of the news media, consistent with their purpose and the will of the California electorate.

In this case, Petitioner The Bakersfield Californian was served with Real Party in Interest Mr. Robert Roberts’ subpoena for the unpublished journalistic work product of Ms. Ishani Desai, a reporter with The Bakersfield Californian. Mr. Roberts seeks information about a jailhouse interview Ms. Desai conducted with her source, Mr. Sebastian Parra, who faces charges alongside Mr. Roberts in the killing of Mr. Benny Alcala, Jr. Petitioner moved to quash the subpoena, arguing that Mr. Roberts has not met his burden under the Shield Law to compel disclosure of Petitioner’s unpublished journalistic material. The Superior Court denied Petitioner’s motion and ordered the material to be released. On May 24, 2023, the Respondent Superior Court issued an order holding The Bakersfield Californian in contempt after it did not produce the material.

Amici write to emphasize that—in addition to the compelling legal arguments advanced by Petitioner—the purpose of the Shield Law counsels against enforcement of the subpoena. The statutory and constitutional provisions that make up the Shield Law provide robust protection against the compelled disclosure of journalistic work product, reflecting the will of the California legislature and electorate. Furthermore, compelled

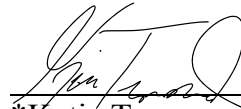
disclosure here would chill newsgathering and thereby deprive the public of vital information about the criminal justice system.

As members and representatives of the news media, amici have a unique perspective on the chilling effect of compelled process like the subpoena duces tecum at issue here. For these reasons, discussed in more detail in the attached brief, amici urge the Court to vacate the orders issued by the Superior Court, and issue a peremptory writ granting Petitioner's motion to quash.

Amici respectfully request that the Court accept and file the attached amici curiae brief. No party or counsel for any party, other than counsel for amici, authored this brief in whole or in part or funded its preparation.

Dated: July 12, 2023

Respectfully submitted,



*Katie Townsend (SBN 254321)

**Counsel for Amici Curiae*

Reporters Committee for
Freedom of the Press

Bruce D. Brown**

Lisa Zycherman**

Tyler Takemoto**

***Of counsel*

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**AMICI CURIAE BRIEF OF THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS AND 22 MEDIA ORGANIZATIONS IN
SUPPORT OF PETITIONER THE BAKERSFIELD CALIFORNIAN**

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to California Rule of Court 8.208(e)(1) and (2), amici the Reporters Committee for Freedom of the Press, Californians Aware, California News Publishers Association, CalMatters, Center for Investigative Reporting d/b/a Reveal, Cityside Journalism Initiative, E.W. Scripps Company, Embarcadero Media, First Amendment Coalition, Gannett, Hearst Corporation, KPPC/LAist, Los Angeles Times Communications LLC, The McClatchy Company, Media Guild of the West, NewsGuild-CWA Local 39213, MediaNews Group, Mother Jones, Informed California Foundation d/b/a Open Vallejo, Pacific Media News Workers Guild, San Diego Union Tribune LLC, Sinclair Broadcast Group, Society of Professional Journalists of Northern California, and Tribune Publishing Company, by and through their undersigned counsel, certify that the following entities or persons have either (1) an ownership interest of 10 percent or more in the party or parties filing this certificate or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves:

The Reporters Committee for Freedom of the Press is an unincorporated association of reporters and editors with no parent corporation or stock.

Californians Aware is a nonprofit organization with no parent corporation and no stock.

California News Publishers Association (“CNPA”) is a mutual benefit corporation organized under state law for the purpose of promoting and preserving the newspaper industry in California. No entity or person has an ownership interest of ten percent or more in CNPA.

CalMatters is a nonprofit California public benefit corporation recognized under Section 501(c)(3) of the Internal Revenue Code. No entity or person has an ownership interest of 10 percent or more of CalMatters.

The Center for Investigative Reporting (d/b/a Reveal) is a California non-profit public benefit corporation that is tax-exempt under Section 501(c)(3) of the Internal Revenue Code. It has no statutory members and no stock.

Cityside is a 501(c)(3) nonprofit organization.

The E.W. Scripps Company is a publicly traded company with no parent company. No individual stockholder owns more than 10% of its stock.

Embarcadero Media is an independent and locally-owned media company. No entity or person has an ownership interest of 10 percent or more of Embarcadero Media other than founder William Johnson.

First Amendment Coalition is a nonprofit organization with no parent company. It issues no stock and does not own any of the party's or amicus' stock.

Gannett Co., Inc. is a publicly traded company and has no affiliates or subsidiaries that are publicly owned. BlackRock, Inc. and the Vanguard Group, Inc. each own ten percent or more of the stock of Gannett Co., Inc.

Hearst Corporation is privately held and no publicly held corporation owns 10% or more of Hearst Corporation.

KPCC/LAist is operated by Southern California Public Radio, a nonprofit organization wholly owned by its nonprofit parent support organization, American Public Media Group, the largest station-based public radio organization in the U.S.

Los Angeles Times Communications LLC is wholly owned by NantMedia Holdings, LLC.

The McClatchy Company, LLC is privately owned by certain funds affiliated with Chatham Asset Management, LLC and does not have publicly traded stocks.

Media Guild of the West, NewsGuild-CWA Local 39213, is a labor union for journalists and media workers and is an unincorporated nonprofit association with no parent corporation and no stock.

MediaNews Group Inc. is a privately held company. No publicly-held company owns ten percent or more of its equity interests.

The Foundation for National Progress, d/b/a Mother Jones, is a nonprofit, public benefit corporation. It has no publicly-held shares.

Informed California Foundation, d/b/a Open Vallejo, is a California nonprofit corporation and an educational public charity organized pursuant to Section 501(c)(3) of the U.S. Code. It has no parent corporation and issues no stock.

No entity has an ownership interest of 10 percent or more in Pacific Media Workers Guild (The NewsGuild-CWA Local 39521).

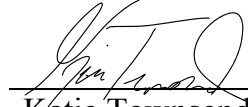
The San Diego Union-Tribune, LLC is wholly owned by NantMedia Holdings, LLC.

Sinclair Broadcast Group, Inc. is a Maryland corporation which is publicly traded on NASDAQ under the symbol SBGI.

Society of Professional Journalists is a non-stock corporation with no parent company.

Tribune Publishing Company is a publicly held corporation. Alden Global Capital and affiliates own over 10% of Tribune Publishing Company's common stock. Nant Capital LLC, Dr. Patrick Soon-Shiong and California Capital Equity, LLC together own over 10% of Tribune Publishing Company's stock.

Dated: July 12, 2023



Katie Townsend
Counsel for Amici Curiae

Document received by the CA 5th District Court of Appeal.

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INTRODUCTION AND SUMMARY OF THE ARGUMENT

News organizations play an essential role in informing public discussion about matters of public concern. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980). Compelling reporters to turn over information obtained in the course of newsgathering harms the reporting process, to the ultimate detriment of the public. It embroils reporters in time-consuming litigation and diverts news organizations' already scarce resources away from newsgathering and reporting.

Real Party in Interest Mr. Robert Roberts, a defendant facing homicide charges in the killing of Mr. Benny Alcala, Jr., seeks to compel the disclosure of unpublished journalistic work product from The Bakersfield Californian. On February 23, 2022, Ms. Ishani Desai, a reporter with The Bakersfield Californian, interviewed Mr. Sebastian Parra, who also has been charged in Mr. Alcala's killing. The Bakersfield Californian published a February 27, 2023 article based in part on that jailhouse interview. Mr. Roberts' subpoena seeks a recording of the interview, Ms. Desai's notes from the interview, and the "list of questions" Ms. Desai asked Mr. Parra: information all parties and the Superior Court agree falls within the scope of article I, section 2(b) of the California Constitution and section 1070 of the Evidence Code (collectively, the "Shield Law"). The Superior Court denied The Bakersfield Californian's motion to quash Mr. Roberts' subpoena, determining that Mr. Roberts had

met his burden to overcome the Shield Law’s protections. On May 24, 2023, the Respondent Superior Court issued an order holding The Bakersfield Californian in contempt after it did not produce the material. The instant petition followed.

The Superior Court erred in denying Petitioner’s motion to quash and holding The Bakersfield Californian in contempt. Enforcing the subpoena at issue runs counter to the purpose of the Shield Law’s robust protections. Furthermore, compelled disclosure here would chill newsgathering and thereby deprive the public of vital information about the criminal justice system.

For the reasons herein and those advanced in Petitioner’s brief, amici urge the Court to vacate the orders issued by the Superior Court, and issue a peremptory writ granting Petitioner’s motion to quash.

ARGUMENT

I. California’s Shield Law protects journalistic work product from compelled disclosure.

California has enacted statutory and constitutional safeguards to protect journalists from efforts to force the disclosure of their work product. Article I, section 2(b) of the California Constitution and section 1070 of the Evidence Code, together, “safeguard the free flow of information from the news media to the public, one of the most fundamental cornerstones

assuring freedom in America.” *In re Willon*, 47 Cal. App. 4th 1080, 1091 (1996) (citation and internal quotation marks omitted).

Journalism relies on candid communication between reporters and their sources. Courts have long recognized the potential for subpoenas directed at members of the news media to stifle reporting by chilling these reporter-source communications. *See Zerilli v. Smith*, 656 F.2d 705, 711 (D.C. Cir. 1981) (“[J]ournalists frequently depend on informants to gather news, and confidentiality is often essential to establishing a relationship with an informant.”); *Cusumano v. Microsoft Corp.*, 162 F.3d 708, 714 (1st Cir. 1998) (“Courts afford journalists a measure of protection from discovery initiatives in order not to undermine their ability to gather and disseminate information.”); *Gonzales v. NBC, Inc.*, 194 F.3d 29, 35 (2d Cir. 1998), *as amended* (Sept. 29, 1999) (noting that the threat of compelled disclosure may cause sources to be “deterred from speaking to the press, or insist[] on remaining anonymous, because of the likelihood that they w[ill] be sucked into litigation”); *Shoen v. Shoen*, 5 F.3d 1289, 1295 (9th Cir. 1993) (noting “a lurking and subtle threat to the vitality of a free press if disclosure of non-confidential information becomes routine and casually, if not cavalierly, compelled” (citation and internal quotation marks omitted)).

Likewise, compelled disclosure of journalistic work product undermines public trust in the media because, in effect, it deputizes journalists as investigative arms of the government. To effectively play its

constitutionally recognized role in a democratic society, the press must not only be independent, but also be perceived as independent. *See Richmond Newspapers*, 448 U.S. at 571–72 (“To work effectively, it is important that society’s criminal process satisfy the appearance of justice[.]” (citation and internal quotation marks omitted)); *Gonzales*, 194 F.3d at 35 (acknowledging “the symbolic harm of making journalists appear to be an investigative arm of . . . the government” and emphasizing the “paramount public interest in the maintenance of a vigorous, aggressive and independent press capable of participating in robust, unfettered debate over controversial matters” (citation omitted)). The more closely journalists and news organizations are associated with the compelled disclosure of their work product and communications with sources at the behest of the government or third-party litigants, the less access journalists will have to people, places, and events that urgently call for press coverage. Similarly, when the fruits of newsgathering are coopted for government or third-party litigants’ agendas, public trust in the news media’s independence suffers.

California’s legislature recognized these considerations when it enacted section 1070 of the Evidence Code, which protects a journalist from contempt for refusing to disclose “(1) unpublished information, or (2) the source of information, whether published or unpublished.” *Delaney v. Superior Court*, 50 Cal. 3d 785, 797 (1990). The California electorate enshrined this protection in the state constitution in 1980. This broad

protection ensures that an independent press can engage in the free, unfettered newsgathering necessary in a democratic society.

It is undisputed that California’s constitutional and statutory Shield Law applies to the information Mr. Roberts seeks from The Bakersfield Californian. In a civil case, the inquiry ends there: the shield law provides absolute protection from compelled disclosure. *N.Y. Times Co. v. Superior Court*, 51 Cal. 3d 453, 457 (1990). In a criminal case, courts must balance the protections of the Shield Law against a criminal defendant’s right to a fair trial. *Delaney*, 50 Cal. 3d at 807. To overcome the Shield Law’s protections, a criminal defendant must make a threshold showing, resting “on more than mere speculation,” that there is a reasonable possibility that the information sought would materially assist the defense. *Id.* at 809. Even if a defendant meets that bar, a court must then consider whether countervailing factors, including the sensitivity of the information and the rationales underlying the Shield Law, counsel against disclosure. *Id.* at 809–10.

This is not a low hurdle. To illustrate, in *People v. Sanchez*, a criminal defendant charged with three counts of first-degree murder sought unpublished information from a journalist who had written two articles based on several jailhouse interviews with him: one in which he was quoted appearing to profess his innocence and another in which he was quoted appearing to profess culpability. 12 Cal. 4th 1, 49–50 (1995), *disapproved*

on other grounds, People v. Doolin, 45 Cal. 4th 390 (2009). Even though the defendant argued that the materials could be used to impeach the journalist—who testified about the quoted statements—and provide mitigating circumstances around the defendant’s state of mind, the California Supreme Court held that the defendant had failed to meet his burden to overcome the Shield Law’s protection. *Id.* at 57–58.

II. Enforcing Mr. Roberts’ subpoena would chill newsgathering and thereby deprive the public of vital information.

Enforcing Mr. Roberts’ subpoena would chill newsgathering because it will deter individuals like Mr. Parra from speaking to members of the press in the future, for fear their published statements—and mere speculation about their off-the-record statements—will provoke fishing expeditions for information that goes against their penal interests. Furthermore, the specter of litigation over unpublished materials will deter news organizations and journalists from reporting on criminal proceedings and individuals impacted by the criminal justice system.

Here, Mr. Roberts argues that asserted inconsistencies between Mr. Parra’s statements to Ms. Desai and statements he made in his preliminary hearing could call into question Mr. Parra’s credibility. But the California Supreme Court has held that even where a journalist wrote articles with quoted material that spoke directly to a defendant’s culpability and testified about those quotes, the defendant’s interest in impeachment did not

outweigh the Shield Law’s protection. *Sanchez*, 12 Cal. 4th at 57–58. Mr. Roberts’ interest is even more attenuated here, where Mr. Parra’s published statements do not speak to Mr. Roberts’ culpability, but instead involve inconsistencies about the sequence of events and Mr. Parra’s own motivations: subjects that are already open to cross-examination at trial. This interest is insufficient to overcome the Shield Law, especially considering the impact disclosure would have on newsgathering.

It is not a given that individuals facing criminal jeopardy will speak with the press. Often, journalists can obtain newsworthy information of public interest only by assuring interviewees confidentiality and agreeing to leave certain information unpublished. *See Gonzales*, 194 F.3d at 34–36. Enforcing Mr. Roberts’ subpoena will chill the willingness of individuals like Mr. Parra to speak with the press, for fear their interviews may provoke fishing expeditions for statements against their penal interest.

Furthermore, compelled process also threatens to constrain the editorial discretion of the news media by impacting its “selection and choice of material” for publication. *CBS, Inc. v. Democratic Nat’l Comm.*, 412 U.S. 94, 124 (1973). Journalists may hesitate to investigate newsworthy matters of public interest for fear their work will embroil them in litigation. Likewise, news organizations may be reluctant to publish “any information they fear would excite the interest of current or prospective litigants.” *United States v. Marcos*, No. SSSS 87 CR. 598

(JFK), 1990 WL 74521, at *2 (S.D.N.Y. June 1, 1990). Here, where an interviewee faces charges in a high-profile homicide prosecution, the upshot of enforcing Roberts' subpoena would be less fulsome reporting on criminal proceedings and individuals impacted by the criminal justice system.

In enacting the Shield Law, the California legislature and electorate recognized the importance of safeguarding against these outcomes. Enforcing the instant subpoena would harm newsgathering regarding the criminal process, ultimately to the public's detriment.

CONCLUSION

For the foregoing reasons, and those set forth in The Bakersfield Californian's briefing, amici urge this Court to vacate the orders issued by the Superior Court, and issue a peremptory writ granting Petitioner's motion to quash.

Respectfully submitted,



*Katie Townsend (SBN 254321)

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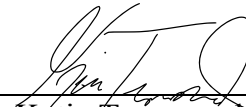
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Document received by the CA 5th District Court of Appeal.

CERTIFICATE OF WORD COUNT

Pursuant to Rule 8.204 of the California Rules of Court, I hereby certify that the attached amici curiae brief was produced using 13-point Roman type, including footnotes, and contains 1690 words. I have relied on the word-count function of the Microsoft Word word-processing program used to prepare this brief.

Dated: July 12, 2023



Katie Townsend
Counsel for Amici Curiae

Document received by the CA 5th District Court of Appeal.

APPENDIX A: DESCRIPTION OF AMICI CURIAE

The Reporters Committee for Freedom of the Press was founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today it provides pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

Californians Aware is a nonpartisan nonprofit corporation organized under the laws of California and eligible for tax exempt contributions as a 501(c)(3) charity pursuant to the Internal Revenue Code. Its mission is to foster the improvement of, compliance with and public understanding and use of, the California Public Records Act and other guarantees of the public's rights to find out what citizens need to know to be truly self-governing, and to share what they know and believe without fear or loss.

The California News Publishers Association ("CNPA") is a nonprofit trade association representing the interests of over 400 daily, weekly and student newspapers and news websites throughout California.

CalMatters is a nonpartisan, nonprofit journalism organization based in Sacramento, California. It covers state policy and politics, helping Californians to better understand how their government works while serving the traditional journalistic mission of bringing accountability and

transparency to the state's Capitol. The work of its veteran journalists is shared, at no cost, with more than 180 media partners throughout the state.

The Center for Investigative Reporting (d/b/a Reveal), founded in 1977, is the nation's oldest nonprofit investigative newsroom. Reveal produces investigative journalism for its website <https://www.revealnews.org/>, the Reveal national public radio show and podcast, and various documentary projects. Reveal often works in collaboration with other newsrooms across the country.

Cityside is a nonpartisan, nonprofit media organization committed to building community through local journalism. Cityside publishes Berkeleyside and The Oaklandside, two of the leading independent, online news sites in the country.

The E.W. Scripps Company is the nation's fourth-largest local TV broadcaster, operating a portfolio of 61 stations in 41 markets. Scripps also owns Scripps Networks, which reaches nearly every American through the national news outlets Court TV and Newsy and popular entertainment brands ION, Bounce, Grit, Laff and Court TV Mystery. The company also runs an award-winning investigative reporting newsroom in Washington, D.C., and is the longtime steward of the Scripps National Spelling Bee.

Embarcadero Media is a Palo Alto-based 40-year-old independent and locally-owned media company that publishes the Palo Alto Weekly, Pleasanton Weekly, Mountain View Voice and Menlo Park Almanac, as

well as associated websites. Its reporters regularly rely on the California Public Records Act to obtain documents from local agencies.

First Amendment Coalition (FAC) is a nonprofit public interest organization dedicated to defending free speech, free press and open government rights in order to make government, at all levels, more accountable to the people. The Coalition’s mission assumes that government transparency and an informed electorate are essential to a self-governing democracy. FAC advances this purpose by working to improve governmental compliance with state and federal open government laws. FAC’s activities include free legal consultations on access to public records and First Amendment issues, educational programs, legislative oversight of California bills affecting access to government records and free speech, and public advocacy, including extensive litigation and appellate work. FAC’s members are news organizations, law firms, libraries, civic organizations, academics, freelance journalists, bloggers, activists, and ordinary citizens.

Gannett is the largest local newspaper company in the United States. Our 260 local daily brands in 46 states — together with the iconic USA TODAY — reach an estimated digital audience of 140 million each month.

Hearst is one of the nation’s largest diversified media, information and services companies with more than 360 businesses. Its major interests

include ownership of 15 daily and more than 30 weekly newspapers, including the San Francisco Chronicle, Houston Chronicle, and Albany Times Union; hundreds of magazines around the world, including Cosmopolitan, Good Housekeeping, ELLE, Harper's BAZAAR and O, The Oprah Magazine; 31 television stations such as KCRA-TV in Sacramento, Calif. and KSBW-TV in Monterey/Salinas, CA, which reach a combined 19 percent of U.S. viewers; ownership in leading cable television networks such as A&E, HISTORY, Lifetime and ESPN; global ratings agency Fitch Group; Hearst Health; significant holdings in automotive, electronic and medical/pharmaceutical business information companies; Internet and marketing services businesses; television production; newspaper features distribution; and real estate.

Southern California Public Radio is a non-profit, public media organization. SCPR operates L.A.'s largest NPR station, KPCC/LAist. Its signal stretches north to Santa Barbara County, south to Orange County and east to the Inland Empire. It operates LAist.com, a local news site. Its mission is to strengthen the civic and cultural bonds that unite Southern California's diverse communities by providing the highest quality news and information service.

Los Angeles Times Communications LLC is one of the largest daily newspapers in the United States. Its popular news and information

website, www.latimes.com, attracts audiences throughout California and across the nation.

The McClatchy Company, LLC is a publisher of iconic brands such as the *Miami Herald*, *The Kansas City Star*, *The Sacramento Bee*, *The Charlotte Observer*, *The (Raleigh) News & Observer*, and the *Fort Worth Star-Telegram*. McClatchy operates media companies in 30 U.S. markets in 16 states, providing each of its communities with high-quality news and advertising services in a wide array of digital and print formats. McClatchy is headquartered in Sacramento, California.

Media Guild of the West, The NewsGuild-CWA Local 39213, was founded in 2019 by newly unionized journalists at the Los Angeles Times. The local now represents hundreds of unionized journalists and media workers in newsrooms throughout Southern California, Arizona and Texas. On July 8, 2020, Media Guild of the West members voted 94% to 6% to support advocacy for open-records access, improvements to the California Public Records Act and other transparency laws, and First Amendment issues that affect the work of journalists and serve the public interests of transparency and accountability.

MediaNews Group is a leader in local, multi-platform news and information, distinguished by its award-winning original content and high quality local media. It is one of the largest news organizations in the United States, with print and online publications across the country.

Mother Jones is a nonprofit, reader-supported news organization known for ground-breaking investigative and in-depth journalism on issues of national and global significance.

Open Vallejo is an award-winning, independent, non-partisan, nonprofit newsroom serving the public interest. Open Vallejo seeks to illuminate a small city long burdened by police violence, corruption, and neglect. As the first project of the Informed California Foundation, Open Vallejo is also a permanent design laboratory for open source, high-impact, broadly-accessible frameworks for ensuring local transparency, accountability, and information justice.

The Pacific Media Workers Guild, Local 39521 of The NewsGuild-Communications Workers of America represents journalists and other media workers, union staffs and freelancers. It is committed to quality journalism and language services, fair wages and benefits, secure employment, safe workplaces and freedom of information. The News Guild is a sector of the Communications Workers of America. CWA is America's largest communications and media union, representing over 500,000 members in both private and public sectors.

The San Diego Union-Tribune, LLC is the oldest business in San Diego, dating back to the founding of the Union in 1868. The Union-Tribune is one of the largest newspapers in California, and its website,

www.sandiegouniontribune.com, is a leading news source for Southern California readers and viewers.

Sinclair Broadcast Group, Inc. is a diversified media company and leading provider of local news and sports. The Company owns, operates and/or provides services to 185 television stations in 86 markets; is a leading local news provider in the country; owns multiple national networks; and has TV stations affiliated with all the major broadcast networks and owns and/or operates 21 RSN brands. Sinclair’s content is delivered via multiple-platforms, including over-the-air, multi-channel video program distributors, and digital and streaming platforms. Sinclair, either directly or through its venture subsidiaries, makes equity investments in strategic companies. Sinclair Broadcast Group, Inc. was founded in 1986, went public in 1995 and is traded on the NASDAQ Global Select Market under the ticker symbol SBGI.

Society of Professional Journalists (“SPJ”) is dedicated to improving and protecting journalism. It is the nation’s largest and most broad-based journalism organization, dedicated to encouraging the free practice of journalism and stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta Chi, SPJ promotes the free flow of information vital to a well-informed citizenry, works to inspire and educate the next generation of journalists and protects First Amendment guarantees of freedom of speech and press.

Tribune Publishing Company is one of the country's leading media companies. The company's daily newspapers include the Chicago Tribune, New York Daily News, The Baltimore Sun, Sun Sentinel (South Florida), Orlando Sentinel, Hartford Courant, The Morning Call, the Virginian Pilot and Daily Press. Popular news and information websites, including www.chicagotribune.com, complement Tribune Publishing's publishing properties and extend the company's nationwide audience.

PROOF OF SERVICE

I, Katie Townsend, do hereby affirm that I am, and was at the time of service mentioned hereafter, at least 18 years of age and not a party to the above-captioned action. My business address is 1156 15th St. NW, Suite 1020, Washington, D.C. 20005. I am a citizen of the United States and am employed in Washington, District of Columbia.

On July 12, 2023, I served the foregoing documents: **Application for Leave to File Amici Curiae Brief and Amici Curiae Brief of The Reporters Committee for Freedom of the Press and 22 Media**

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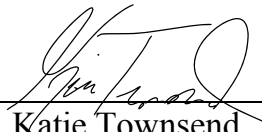
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I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on the 12th of July, 2023, at Washington, D.C.

By: 
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Document received by the CA 5th District Court of Appeal.