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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16 WESTERN DIVISION

17 ALEX ROSAS *and* JONATHAN
18 GOODWIN, *on behalf of themselves*
19 *and those similarly situated,*

20 Plaintiffs,

21 v.

22 ROBERT LUNA, *in his official capacity*
23 *as Sheriff of Los Angeles County,*

24 Defendant.

Case No. 12-cv-00428 DDP (MRW)

**NOTICE OF MOTION AND
MOTION OF NON-PARTY LOS
ANGELES TIMES
COMMUNICATIONS LLC TO
INTERVENE AND UNSEAL**

[Memorandum of Points and Authorities
and [Proposed] Order Filed
Concurrently Herewith]

Date: September 11, 2023

Time: 10:00AM

Judge: Hon. Dean D. Pregerson

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on September 11, 2023, or as soon as this
3 matter may be heard before the Honorable Dean D. Pregerson, United States District
4 Court Judge of the United States District Court for the Central District of California,
5 Western Division, non-party Los Angeles Times Communications LLC (the “*Los*
6 *Angeles Times*”), will and hereby does move to intervene in the above-captioned
7
8 action for the limited purpose of seeking an order unsealing the use-of-force packets
9 and videos filed with the Court as exhibits in support of Plaintiffs’ Motion to Modify
10 Implementation Plan, as well as the redacted portions of Plaintiffs’ Memorandum of
11 Points and Authorities (“Memorandum”) and supporting declarations that reference
12 those exhibits (together, the “Use-of-Force Materials”). *See* ECF No. 253 (redacted
13 copies of the Memorandum and supporting declarations); ECF No. 255 (sealed
14 copies of the Memorandum and supporting declarations); ECF No. 256 (notice of
15 lodging of sealed exhibits). The *Los Angeles Times* will and hereby does
16 respectfully move the Court for an order granting its motion to intervene and
17 directing the Clerk of the Court to unseal the Use-of-Force Materials.
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22 This Motion is made on the grounds that:

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24 (1) Like other members of the press and public, the *Los Angeles Times* is
25 entitled to intervene in the above-captioned action for the limited purpose of asserting
26 its common law right to inspect judicial records filed with the Court in this matter;
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1 (2) The common law right of public access attaches to the Use-of-Force
2 Materials, which were filed with the Court in connection with a dispositive motion,
3 and said right cannot be overcome by mere reliance on a stipulated protective order.
4 The parties can rebut that “strong” presumption of access only by demonstrating
5 “compelling reasons . . . that outweigh the general history of access and the public
6 policies favoring disclosure,” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172,
7 1178–79 (9th Cir. 2006) (citations omitted), a showing that cannot be made here in
8 light of the powerful public interest in understanding allegations of official
9 misconduct.
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13 (3) Even if sealing and redaction of the Use-of-Force Materials could be
14 justified on a showing of good cause, *see* Fed. R. Civ. P. 26, that standard cannot be
15 satisfied here either. The parties cannot make a particularized showing in support of
16 continued sealing or redaction of the Use-of-Force Materials, which document
17 possible official misconduct in which the public has a powerful interest.
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20 This Notice of Motion and Motion are based on the concurrently filed
21 Memorandum of Points and Authorities, all pleadings, records, and files in the
22 above-captioned case, all matters of which the Court shall take judicial notice, and
23 on such argument as may be presented by counsel at any hearing on this Motion.
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25 This Motion is made following conferences of counsel, pursuant to L.R. 7-3,
26 on July 24, 2023. Plaintiffs do not oppose this motion; Defendant opposes this
27 motion.
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1 Dated: August 7, 2023

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s/ Katie Townsend

Katie Townsend
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS

Counsel for Non-Party Intervenor
LOS ANGELES TIMES
COMMUNICATIONS LLC