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12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA
 14 SOUTHERN DIVISION

16 **COURTHOUSE NEWS
 SERVICE,**

17 Plaintiff,

18 v.

19 **DAVID YAMASAKI, IN HIS
 20 OFFICIAL CAPACITY AS COURT
 EXECUTIVE OFFICER/CLERK
 21 OF THE ORANGE COUNTY
 SUPERIOR COURT,**

22 Defendant.

Case No.: 8:17-CV-126 AG (KESx)

**[PROPOSED] BRIEF OF AMICI
 CURIAE THE REPORTERS
 COMMITTEE FOR FREEDOM OF
 THE PRESS AND 13 OTHER
 MEDIA ORGANIZATIONS IN
 SUPPORT OF PLAINTIFF**

[Application for Leave to File Brief as
Amici Curiae in Support of Plaintiff
 Filed Concurrently Herewith]

Courtroom: 10D
 Judge: Hon. Andrew J. Guilford

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STATEMENT OF INTEREST OF *AMICI CURIAE*

As representatives and members of the media, *amici*¹ frequently seek access to civil proceedings and related court records to gather and report news of public concern. *Amici* therefore have a strong interest in ensuring that such access is, as compelled by the First Amendment, timely afforded. This interest is particularly strong in the context of complaints—judicial records that serve as the foundation for civil suits and, among other things, identify the parties involved, the claims asserted, and the alleged factual basis for those claims.

Amici agree with Plaintiff that Defendant violates the public’s First Amendment right of access to judicial records when it fails to afford prompt access to newly filed unlimited civil complaints before processing by the clerk’s office. *Amici* write to emphasize the importance of such timely access to all members of the press and the public.

Amici are: American Society of News Editors, The Associated Press, Association of Alternative Newsmedia, Californians Aware, First Amendment Coalition, Gannett Co., Inc., Los Angeles Times Communications LLC, The McClatchy Company, MediaNews Group Inc., dba Digital First Media, LLC, News Media Alliance, Online News Association, Radio Television Digital News Association, The Reporters Committee for Freedom of the Press, and Society of

¹ *Amici* declare that they authored this brief in total with no assistance from the parties, and that no individuals or organizations other than *amici* made any monetary contribution to the preparation and submission of this brief.

1 Professional Journalists.

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Appendix A provides a description of all *amici*.

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1 **DISCLOSURE STATEMENTS**

2 The Reporters Committee for Freedom of the Press is an unincorporated
3 association of reporters and editors with no parent corporation and no stock.
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5 American Society of News Editors is a private, non-stock corporation that
6 has no parent.
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8 The Associated Press is a global news agency organized as a mutual news
9 cooperative under the New York Not-For-Profit Corporation law. It is not publicly
10 traded.
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12 Association of Alternative Newsmedia has no parent corporation and does
13 not issue any stock.
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15 Californians Aware is a nonprofit organization with no parent corporation
16 and no stock.
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18 First Amendment Coalition is a nonprofit organization with no parent
19 company. It issues no stock and does not own any of the party's or amicus' stock.
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21 Gannett Co., Inc. is a publicly traded company and has no affiliates or
22 subsidiaries that are publicly owned. No publicly held company holds 10% or more
23 of its stock.
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25 Los Angeles Times Communications LLC and The San Diego Union-
26 Tribune, LLC are subsidiaries of tronc, Inc., which is publicly held. Merrick Media,
27 LLC, Nant Capital, LLC, Oaktree Capital Management, L.P., and HG Vora Capital
28 Management, LLC each own 10 percent or more of tronc, Inc.'s stock.

1 The McClatchy Company is publicly traded on the New York Stock
2 Exchange under the ticker symbol MNI. Contrarius Investment Management
3 Limited and Royce & Associates, LLC both own 10% or more of the common
4 stock of The McClatchy Company.
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6 Digital First Media, LLC. is a privately held company. No publicly-held
7 company owns ten percent or more of its equity interests.
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9 News Media Alliance is a nonprofit, non-stock corporation organized under
10 the laws of the commonwealth of Virginia. It has no parent company.
11

12 Online News Association is a not-for-profit organization. It has no parent
13 corporation, and no publicly traded corporation owns 10% or more of its stock.
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15 Radio Television Digital News Association is a nonprofit organization that
16 has no parent company and issues no stock.

17 Society of Professional Journalists is a non-stock corporation with no parent
18 company.
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1 **SUMMARY OF ARGUMENT**

2 The First Amendment affords all members of the public a right of access to
 3 civil complaints—a right that attaches immediately upon filing. *See Courthouse*
 4 *News Serv. v. Planet*, 750 F.3d 776, 786 (9th Cir. 2014) (“*Planet I*”). This
 5 constitutional right of access is essential to all members of the news media, and its
 6 benefits redound to the public, which has a strong interest in observing the conduct
 7 of civil litigants and courts. Prompt access to civil complaints before processing by
 8 the clerk’s office² allows the news media to inform the public of lawsuits as they
 9 are filed—often when they are most newsworthy. And prompt access to civil
 10 complaints promotes accuracy, fairness, and completeness in reporting. Timely
 11 media coverage of the filing of civil lawsuits also permits the public to engage in
 12 meaningful discussion and debate about use of the judicial system, and the
 13 allegations and claims made in complaints. The failure to afford prompt access to
 14 civil complaints not only denies the public access to judicial records contrary to the
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 21 ² Processing of civil complaints can require several steps by a member of staff
 22 within the clerk’s office, including “review[ing] the documents to determine that
 23 the complaint is being filed in the correct court and the documents necessary to
 24 initiate the case are presented with the correct filing fee or fee waiver[,]”
 25 “enter[ing] all the required case information to ‘create’ a new case in [the Court
 26 Case Management System] CCMS” and entering “all accompanying instruments,
 27 for example checks,” generating receipts, issuing summons, stamping the
 28 documents as “Filed[,]” placing “the labels generated from CCMS . . . on the
 physical case file, along with the filing date, courtroom assignment, and case
 destruction stamp[,]” and placing the documents “in a physical case file.”
Courthouse News Serv. v. Planet, No. 2:11-cv-08083-SJO (FFMX), 2016 WL
 4157210, at *4 n.6 (C.D. Cal. May 26, 2016) (“*Planet III*”).

1 First Amendment, it undercuts these important values.

2 The First Amendment right of access to judicial proceedings and records is
3 not conditioned upon the motivation of the entity or individual seeking access,
4 whether it is the news media or any other member of the public. The fact that
5 reporters and news organizations may seek access to court records with a goal of
6 earning revenue from their reporting is irrelevant to whether the constitutional right
7 of access applies. Considering the commercial interest of a news organization
8 when analyzing the scope of the First Amendment right of access would effectively
9 strip an essential source of public information about the judicial system—the
10 press—of that right. Because the First Amendment right of access applies to the
11 civil complaints at issue, the commercial or noncommercial motive of the party
12 seeking access to them is irrelevant to the issues before this Court.

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17 **ARGUMENT**

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19 **I. Prompt access to civil complaints before processing benefits the public.**

20 The public’s First Amendment right of access to judicial records “extends to
21 civil proceedings and associated records and documents” and affords “timely access
22 to newly filed complaints.” *Planet I*, 750 F.3d at 786, 788; see also *Courthouse
23 News Serv. v. Planet*, 614 F. App’x 912, 914 (9th Cir. 2015) (“*Planet II*”). The
24 constitutional right of access is a contemporaneous one; it attaches when the court
25 receives new complaints. See *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24
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1 F.3d 893, 895, 897 (7th Cir. 1994); *Planet III*, 2016 WL 4157210, at *12. As the
2 U.S. Supreme Court has stated, “[t]he loss of First Amendment freedoms, even for
3 minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v.*
4 *Burns*, 427 U.S. 347, 373 (1976) (citation omitted). The Ninth Circuit recognized
5 as much in holding that even a 48-hour delay in unsealing judicial records
6 amounted to a “total restraint on the public’s first amendment right of access”
7 during that time. *Associated Press v. U.S. Dist. Ct.*, 705 F.2d 1143, 1147 (9th Cir.
8 1983).

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12 Prompt access to newsworthy civil complaints is not only constitutionally
13 required, it also serves the public interest. When news media organizations like
14 Courthouse News Service (“CNS”) and others have contemporaneous access to
15 civil complaints, it is the public that benefits. Timeliness is a hallmark of
16 newsworthiness, and prompt access to civil complaints provides the news media,
17 and therefore the public, contemporaneous information about newsworthy events.
18 Timely access to civil complaints also makes reporting more accurate, fair, and
19 complete by allowing journalists to look to primary documents when reporting on
20 newly filed civil lawsuits. Finally, such access allows the public to observe and
21 thus better understand judicial affairs. These benefits of timely access to civil
22 complaints accrue to all news media organizations—not just CNS and its
23 subscribers—and, ultimately, to the public at large.
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1 **A. Timeliness affects newsworthiness.**

2 Timeliness is often a critical component of the editorial decision to publish or
3 not publish a news story. As one journalism scholar explained, “if a man is shot at
4 a drugstore in the morning and police are searching for a suspect, then that’s news
5 in the morning. But if by late afternoon, police have arrested a woman suspected in
6 the shooting, then the arrest is more timely than the shooting in the 6:00 p.m.
7 newscast.” Janet Kolodzy, *Convergence Journalism: Writing and Reporting*
8 *Across the News Media* 59 (2006) (“It is, after all, called the ‘news’ business and
9 not the ‘olds’ business”); *see also* Fred Fedler et al., *Reporting for the Media* 123
10 (8th ed. 2005) (describing timeliness as one of the key characteristics of news).

11 The U.S. Supreme Court and federal courts of appeals have repeatedly
12 recognized timeliness to be a fundamental feature of news. *See Neb. Press Ass’n v.*
13 *Stuart*, 427 U.S. 539, 561 (1976) (“As a practical matter . . . the element of time is
14 not unimportant if press coverage is to fulfill its traditional function of bringing
15 news to the public promptly.”). As the Seventh Circuit wrote of the right of access
16 to judicial records, “[t]he newsworthiness of a particular story is often fleeting. To
17 delay or postpone disclosure undermines the benefit of public scrutiny and may
18 have the same result as complete suppression.” *Grove Fresh*, 24 F.3d at 897; *see*
19 *also Elrod*, 427 U.S. at 373–74.

20 Immediacy has always been an essential component of newsworthiness, but
21 it is even more vital in the digital era. “The peculiar value of news is in the
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1 spreading of it while it is fresh” *Int’l News Serv. v. Associated Press*, 248 U.S.
2 215, 235 (1918). As technology advances, the definition of “fresh” continues to
3 contract. Websites for the *Los Angeles Times* and *The New York Times*, for
4 example, measure the timeliness of news updates in minutes. Other news services,
5 such as Dow Jones Newswires, and social media platforms like Twitter, mark new
6 posts by the second. In short, “[i]n the Internet age, a deadline passes every
7 second.” See Toni Locy, *Covering America’s Courts* 13 (2013).

10 In the modern news environment, court policies that delay access to judicial
11 records can amount to a complete denial of meaningful access, because “old news”
12 does not receive the same level of public attention as timely news, and thus may not
13 be published at all. In contrast, prompt access to civil complaints before processing
14 allows the news media to learn of new civil lawsuits as they are filed and to report
15 them to the public when their newsworthiness is at its height.

18 **B. Prompt access to civil complaints facilitates accurate news reporting.**

19 Court documents are the most reliable source of information for reporting on
20 lawsuits. In the current news environment where stories build upon each other and
21 are updated by the minute online, it is important that the first news stories about a
22 lawsuit be accurate and complete, with as much information as possible derived
23 from primary sources. Reporting on newly filed cases will be more authoritative
24 and accurate if the complaints themselves are available for inspection, copying, and
25 reference by members of the news media.
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1 Reporters and their readers benefit tremendously when news reports can
2 reference, quote from, and even hyperlink to court documents. In a textbook on
3 legal news reporting, professor and veteran journalist Toni Locy stresses this point.
4 *See generally* Toni Locy, *Covering America’s Courts* (2013) (focusing on the
5 theme that “reading is fundamental”). Locy advises reporters not to rely solely on
6 press releases and statements given by attorneys and to be aware of the potential for
7 ulterior motives that lawyer-advocates may have when speaking with the press. *Id.*
8 at 3–4. Locy instructs reporters to instead “review[] court filings or other public
9 records,” among other things, to determine whether and how a fact or allegation
10 should be reported. *Id.* at 9. Thus, immediate access to primary source documents
11 is important for reporters writing the first news stories about a lawsuit to make their
12 reporting more accurate, fair, and complete.

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17 **C. Prompt access to civil complaints promotes public understanding and**
18 **meaningful debate about matters occupying the courts’ dockets.**

19 The American people rely on the news media for information about the
20 workings of government, including the judicial system. As the U.S. Supreme Court
21 has stated: “[An] untrammelled press [is] a vital source of public information,’ . . .
22 and an informed public is the essence of working democracy.” *Minneapolis Star &*
23 *Tribune Co. v. Minnesota Comm’r of Revenue*, 460 U.S. 575, 585 (1983) (quoting
24 *Grosjean v. Am. Press Co.*, 297 U.S. 233, 250 (1936)); *see also N.Y. Times Co. v.*
25 *United States*, 403 U.S. 713, 717 (1971) (Black, J., concurring) (writing that “the
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1 Founding Fathers gave the free press the protection . . . so that it could bare the
2 secrets of government and inform the people”). Thus, in seeking access to civil
3 complaints, the press functions as a “surrogate[] for the public[.]” *Planet I*, 750
4 F.3d at 786 (quoting *Leigh v. Salazar*, 677 F.3d 892, 900 (9th Cir. 2012); *see also*
5 *Saxbe v. Washington Post Co.*, 417 U.S. 843, 863 (1974) (Powell, J., dissenting)
6 (stating that, “[i]n seeking out the news the press . . . acts as an agent of the public
7 at large”).

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10 The public has a right to be informed about matters that are now pending
11 before state courts and that may demand court resources for years to come. *See In*
12 *re NVIDIA Corp. Derivative Litig.*, No. 4:06-cv-06110-SBA (JCPX), 2008 WL
13 1859067, at * 3 (N.D. Cal. Apr. 23, 2008) (“[W]hen a plaintiff invokes the Court’s
14 authority by filing a complaint, the public has a right to know who is invoking it,
15 and towards what purpose, and in what manner.”). Indeed, the public can engage in
16 meaningful discussion and debate about pending lawsuits, and can observe the
17 operation of the judicial system, only when it has such information. For that
18 reason, as the Ninth Circuit has recognized, the right of access to judicial records is
19 “an essential part of the First Amendment’s purpose to ‘ensure that the individual
20 citizen can effectively participate in and contribute to our republican system of self-
21 government.’” *See Planet I*, 750 F.3d at 785 (quoting *Globe Newspaper Co. v.*
22 *Superior Court*, 457 U.S. 596, 604 (1982)).

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28 Independent public scrutiny, made possible by the press, plays a vital role in

1 ensuring the proper functioning of the judicial system. Timely reporting on newly
2 filed complaints—whether by CNS or other news organizations—permits
3 individuals to learn about pending suits and, in some cases, their own legal rights.
4 By reading or hearing timely news reports about newly filed civil suits, citizens
5 may realize that they too have been victimized, learn that they may pursue civil
6 remedies, or discover that they may be able to join an existing civil lawsuit to
7 vindicate their rights. *See, e.g.,* Jesse Paul, *Planned Parenthood Victims’ Lawsuit*
8 *Could Be in Limbo as Holding Pattern in Criminal Case Drags On*, Denver Post
9 (Nov. 21, 2016), *available at* <https://perma.cc/57B4-UHHT> (noting that two
10 plaintiffs in a civil case against a health care provider joined the filing after reading
11 news reports of the civil case). Thus, timely reporting on new civil complaints
12 promotes public knowledge of legal rights and existing cases, and could facilitate
13 joinder or interpleader situations, which conserve judicial resources. In other cases,
14 a member of the public may discover that he or she has personal knowledge about a
15 pending lawsuit, enabling him or her to come forward as a witness.

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21 As the U.S. Supreme Court has recognized, public access to judicial
22 proceedings ensures that they are conducted fairly and discourages perjury and
23 misconduct of participants. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555,
24 569 (1980). Similarly, prompt public access to civil complaints—and timely
25 reporting on lawsuits—ensures that allegations are publicly made and plaintiffs
26 openly identified, serving as a deterrent to frivolous, wasteful, or otherwise
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1 improper civil litigation.

2 Even a brief delay in access to newly filed civil complaints undermines these
3 values and undercuts the public’s powerful interest in timely information about
4 cases pending before the courts. *See Co. Doe v. Pub. Citizen*, 749 F.3d 246, 272
5 (4th Cir. 2014) (recognizing that “the public benefits attendant with open
6 proceedings are compromised by delayed disclosure”).
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9 **II. That a news organization is a for-profit entity has no bearing on its**
10 **right of timely access to civil complaints.**

11 The First Amendment right of timely access to civil complaints is not
12 conditioned on the motivation of the entity or individual seeking access. Rather, in
13 determining whether the First Amendment right of access applies, courts look to the
14 nature of the proceeding or document itself, asking “whether the place and process
15 have historically been open to the press and general public” and “whether public
16 access plays a significant positive role in the functioning of the particular process in
17 question.” *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 8–10 (1986). When
18 the First Amendment right of access applies, it “may be overcome only by an
19 overriding interest based on findings that closure is essential to preserve higher
20 values.” *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 510 (1984)
21 (internal quotations omitted).
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25 Thus, information about CNS’s business model, including its subscribers and
26 profits, is irrelevant to application of the First Amendment right of prompt access to
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1 newly filed civil complaints. All members of the public, and not just CNS’s paid
2 subscribers, would benefit from such access. Moreover, all members of the public,
3 which include for-profit news media organizations, possess a First Amendment
4 right of timely access to the civil complaints at issue. *See Richmond Newspapers*,
5 448 U.S. at 586 n.2 (stating that “the media’s right of access is at least equal to that
6 of the general public . . .”). Simply put, no court has ever conditioned a news
7 organization’s exercise of the public’s First Amendment right of access on its
8 nonprofit status.
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12 To the contrary, in a variety of contexts, courts have made expressly clear
13 that for-profit status is entirely irrelevant in the scope of First Amendment rights.
14 The U.S. Supreme Court has repeatedly made clear that First Amendment rights
15 apply in full force even where a news organization has a profit motive, and speech
16 is not transformed into commercial speech on the basis of the speaker’s economic
17 interests. *See Pittsburgh Press Co. v. Pittsburgh Com. on Human Relations*, 413
18 U.S. 376, 385 (1973) (“If a newspaper [or website]’s profit motive were
19 determinative, all aspects of its operations . . . would be subject to regulation if it
20 could be established that they were conducted with a view toward increased sales,”
21 and “[s]uch a basis for regulation clearly would be incompatible with the First
22 Amendment”); *Harte-Hanks Commc’ns v. Connaughton*, 491 U.S. 657, 667 (1989)
23 (“If a profit motive could somehow strip communications of the otherwise available
24 constitutional protection, our cases from *New York Times* to *Hustler Magazine*
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1 would be little more than empty vessels.”); *see also Doe No. 1 v. Burke*, 91 A.3d
2 1031, 1043 n.16 (D.C. 2014) (noting that “[a]mici emphasize—and both parties
3 agree—that the fact that a speaker receives compensation for his speech, *e.g.* he is a
4 paid journalist, does not mean that his statements are ‘directed primarily toward
5 protecting the speaker’s commercial interests’” under the D.C. Anti-SLAPP
6 statute). Moreover, in addressing regulation of commercial speech, the Court has
7 found it “beyond serious dispute” that the First Amendment protects speech even if
8 “it is carried in a form that is ‘sold’ for profit” or “involve[s] a solicitation to
9 purchase or otherwise pay or contribute money.” *Virginia State Bd. of Pharmacy v.*
10 *Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748, 761 (1976) (quoting *Smith*
11 *v. California*, 361 U.S. 147, 150 (1959), and collecting cases).

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16 Over fifty years ago, the U.S. Supreme Court, in striking down an obscenity
17 ordinance that imposed strict liability on booksellers, said of the liberties of press
18 and speech: “[I]t [] requires no elaboration that the free publication and
19 dissemination of books and other forms of the printed word furnish very familiar
20 applications of these constitutionally protected freedoms. It is of course no matter
21 that the dissemination takes place under commercial auspices.” *Smith*, 361 U.S. at
22 150; *see also Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 501 (1952) (“That
23 books, newspapers, and magazines are published and sold for profit does not
24 prevent them from being a form of expression whose liberty is safeguarded by the
25 First Amendment.”).

1 In short, if profit motive were relevant to determining whether the
2 constitutional right of access to judicial records applies, then most news
3 organizations would be stripped of their right of access, to the substantial detriment
4 of the public. Countless newspapers, including *The New York Times* and *The*
5 *Washington Post*, for example, require paid subscriptions to access full online
6 content, and articles in the print editions appear alongside paid advertisements.
7
8 Such for-profit activity helps to sustain the news industry. Any argument “that the
9 constitutional guarantees of freedom of speech and of the press are inapplicable”
10 where speech is commercially motivated would “shackle the First Amendment in
11 its attempt to secure the widest possible dissemination of information from diverse
12 and antagonistic sources.” *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 266 (1964)
13 (internal quotations omitted). That CNS might sell its services to the public after
14 exercising its right of access to civil complaints “is as immaterial in this connection
15 as is the fact that newspapers and books are sold.” *Id.*
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CONCLUSION

For the foregoing reasons, *amici* urge this Court to grant CNS’s motion for a preliminary injunction.

Dated: April 14, 2017

/s/ Katie Townsend
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1 **APPENDIX A**

2 The Reporters Committee for Freedom of the Press is an unincorporated
3 association of reporters and editors that works to defend the First Amendment
4 rights and freedom of information interests of the news media. The Reporters
5 Committee has provided assistance and research in First Amendment and Freedom
6 of Information Act litigation since 1970.
7

8
9 With some 500 members, American Society of News Editors (“ASNE”) is an
10 organization that includes directing editors of daily newspapers throughout the
11 Americas. ASNE changed its name in April 2009 to American Society of News
12 Editors and approved broadening its membership to editors of online news
13 providers and academic leaders. Founded in 1922 as American Society of
14 Newspaper Editors, ASNE is active in a number of areas of interest to top editors
15 with priorities on improving freedom of information, diversity, readership and the
16 credibility of newspapers.
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20 The Associated Press (“AP”) is a news cooperative organized under the Not-
21 for-Profit Corporation Law of New York, and owned by its 1,500 U.S. newspaper
22 members. The AP’s members and subscribers include the nation’s newspapers,
23 magazines, broadcasters, cable news services and Internet content providers. The
24 AP operates from 300 locations in more than 100 countries. On any given day,
25 AP’s content can reach more than half of the world’s population.
26
27

28 Association of Alternative Newsmedia (“AAN”) is a not-for-profit trade

1 association for 130 alternative newspapers in North America, including weekly
2 papers like The Village Voice and Washington City Paper. AAN newspapers and
3 their websites provide an editorial alternative to the mainstream press. AAN
4 members have a total weekly circulation of seven million and a reach of over 25
5 million readers.
6

7
8 Californians Aware is a nonpartisan nonprofit corporation organized under
9 the laws of California and eligible for tax exempt contributions as a 501(c)(3)
10 charity pursuant to the Internal Revenue Code. Its mission is to foster the
11 improvement of, compliance with and public understanding and use of, the
12 California Public Records Act and other guarantees of the public's rights to find out
13 what citizens need to know to be truly self-governing, and to share what they know
14 and believe without fear or loss.
15

16
17 First Amendment Coalition is a nonprofit public interest organization
18 dedicated to defending free speech, free press and open government rights in order
19 to make government, at all levels, more accountable to the people. The Coalition's
20 mission assumes that government transparency and an informed electorate are
21 essential to a self-governing democracy. To that end, we resist excessive
22 government secrecy (while recognizing the need to protect legitimate state secrets)
23 and censorship of all kinds.
24

25
26 Gannett Co., Inc. is an international news and information company that
27 publishes 109 daily newspapers in the United States and Guam, including USA
28

1 TODAY. Each weekday, Gannett’s newspapers are distributed to an audience of
2 more than 8 million readers and the digital and mobile products associated with the
3 company’s publications serve online content to more than 100 million unique
4 visitors each month.

5
6 Los Angeles Times Communications LLC and The San Diego Union-
7 Tribune, LLC are two of the largest daily newspapers in the United States. Their
8 popular news and information websites, www.latimes.com and
9 www.sandiegouniontribune.com, attract audiences throughout California and across
10 the nation.
11

12
13 The McClatchy Company is a 21st century news and information leader,
14 publisher of iconic brands such as the Miami Herald, The Kansas City Star, The
15 Sacramento Bee, The Charlotte Observer, The (Raleigh) News and Observer, and
16 the (Fort Worth) Star-Telegram. McClatchy operates media companies in 28 U.S.
17 markets in 14 states, providing each of its communities with high-quality news and
18 advertising services in a wide array of digital and print formats. McClatchy is
19 headquartered in Sacramento, Calif., and listed on the New York Stock Exchange
20 under the symbol MNI.
21

22
23
24 MediaNews Group Inc., dba Digital First Media, publishes the San Jose
25 Mercury News, the East Bay Times, St. Paul Pioneer Press, The Denver Post and
26 the Detroit News and other community papers throughout the United States, as well
27 as numerous related online news sites.
28

1 The News Media Alliance is a nonprofit organization representing the
2 interests of online, mobile and print news publishers in the United States and
3 Canada. Alliance members account for nearly 90% of the daily newspaper
4 circulation in the United States, as well as a wide range of online, mobile and non-
5 daily print publications. The Alliance focuses on the major issues that affect today's
6 news publishing industry, including protecting the ability of a free and independent
7 media to provide the public with news and information on matters of public
8 concern.

9
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12 Online News Association (“ONA”) is the world’s largest association of
13 online journalists. ONA’s mission is to inspire innovation and excellence among
14 journalists to better serve the public. ONA’s more than 2,000 members include
15 news writers, producers, designers, editors, bloggers, technologists, photographers,
16 academics, students and others who produce news for the Internet or other digital
17 delivery systems. ONA hosts the annual Online News Association conference and
18 administers the Online Journalism Awards. ONA is dedicated to advancing the
19 interests of digital journalists and the public generally by encouraging editorial
20 integrity and independence, journalistic excellence and freedom of expression and
21 access.

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25 Radio Television Digital News Association (“RTDNA”) is the world’s
26 largest and only professional organization devoted exclusively to electronic
27 journalism. RTDNA is made up of news directors, news associates, educators and
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1 students in radio, television, cable and electronic media in more than 30 countries.

2 RTDNA is committed to encouraging excellence in the electronic journalism

3 industry and upholding First Amendment freedoms.

4
5 Society of Professional Journalists (“SPJ”) is dedicated to improving and
6 protecting journalism. It is the nation’s largest and most broad-based journalism
7 organization, dedicated to encouraging the free practice of journalism and
8 stimulating high standards of ethical behavior. Founded in 1909 as Sigma Delta
9 Chi, SPJ promotes the free flow of information vital to a well-informed citizenry,
10 works to inspire and educate the next generation of journalists and protects First
11 Amendment guarantees of freedom of speech and press.
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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2017, the foregoing document was filed electronically with the Clerk of Court through the Court’s CM/ECF system, which will automatically serve all counsel of record.

Dated: April 14, 2017

/s/ Katie Townsend

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