

Case: 11-57187 12/15/2011 ID: 8002070 DktEntry: 1-3 Page: 1 of 2

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	11-57187		
District Court/Agency Case Number(s):	2:11-cv-08083-R-MAN		
District Court/Agency Location:	Central District of California, Los Angeles, CA		
Case Name:	Courthouse News Service	v.	Planet
If District Court, docket entry number(s) of order(s) appealed from:	Dkt. No. 38		
Name of party/parties submitting this form:	Courthouse News Service		

Please briefly describe the dispute that gave rise to this lawsuit.

Courthouse News Service ("Plaintiff" or "Appellant") alleged in its complaint filed on September 29, 2011, that Michael Planet, in his official capacity as Court Executive Officer/Clerk of the Ventura County Superior Court ("Defendant" or "Appellee"), is violating Appellant's rights under the First and Fourteenth Amendments to the United States Constitution, the federal common law, and the Civil Rights Act, 42 U.S.C. § 1983, by delaying access to new civil unlimited jurisdiction complaints filed in the Ventura County Superior Court.

Briefly describe the result below and the main issues on appeal.

Appellee's motion to dismiss and abstain was granted by the district court on the basis of two separate abstention doctrines as set forth in *O'Shea v. Littleton*, 414 U.S. 488 (1974) and *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496 (1941). Courthouse News now appeals the district court's order and disputes that either of those two abstention doctrines are applicable to this case.

(Please continue to next page)

Describe any proceedings remaining below or any related proceedings in other tribunals.

None.

Provide any other thoughts you would like to bring to the attention of the mediator.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

- ☒ a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).
- ☒ I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.