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December 26, 2013

VIA CM / ECF FILING

Ms. Molly C. Dwyer, Clerk of the Court
United States Court of Appeals for the Ninth Circuit
The James R. Browning Courthouse
95 7th Street
San Francisco, California 94103

Re: *Courthouse News Service v. Planet*
Case No. 11-57187
Argued May 8, 2013
Circuit Judges Noonan, Wardlaw and Murguia

Dear Ms. Dwyer:

Appellee Michael Planet provides notice of the following additional authorities pursuant to Federal Rule of Appellate Procedure 28(j).

1. *Access To Court Records Is An Important State Interest.* Appellees' Answering Brief explains that *Pullman's* "sensitive social policy" prong protects state sovereignty over matters of local concern, including administration of California's judicial system, and access to court documents.

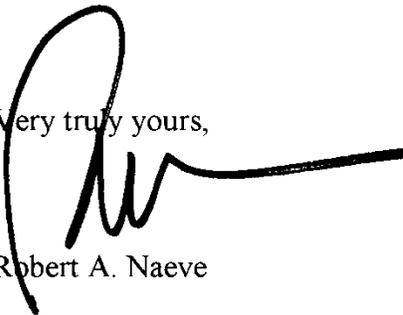
The California Supreme Court's opinion in *Sander v. State Bar of California*, 2013 Cal. LEXIS 10183 (Dec. 19, 2013) confirms this approach. *Sander* explains that California's Legislature has been regulating access to public records since 1872, *id.* at *25-39, and that the right of access to judicial records is an important state interest, *id.* at *39-40. *Sander* also explains that state access laws must be interpreted "in light of article I section 3 subdivision (b) of the California Constitution," *id.* at *24-25; and that state courts must balance competing interests in ruling on certain public record access claims, *id.* at *53-60.

2. *The "Mirror Image" Rule Does Not Apply.* Appellant argues that *Pullman* abstention is unnecessary in part because a "mirror image" rule requires that Article I, section 3(b) of the California Constitution and California Rules of Court 2.500 and 2.503 be interpreted consistently with the First Amendment.

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However, California's rules regarding access to judicial documents must also be interpreted consistently with free speech rights contained in Article I section 2(a) of California's Constitution. In *Beeman v. Anthem Prescription Management, LLC*, 2013 Cal. LEXIS 10182 (Dec. 19, 2013), the California Supreme Court confirmed that state law does *not* mirror federal law. It explained that "[t]he state Constitution's free speech provision is at least as broad as and in some ways is broader than" its federal counterpart, and that "federal decisions interpreting the First Amendment are not controlling" in California, *id.* at *19 (citations and internal quotations omitted).

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Naeve', with a long horizontal flourish extending to the right.

Robert A. Naeve

9th Circuit Case Number(s) 11-57187

NOTE: To secure your input, you should print the filled-in form to PDF (File > Print > PDF Printer/Creator).

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