1	Robert A. Naeye (State Bar No. 106095)					
2	rnaeve@jonesday.com Erica L. Reilley (State Bar No. 211615) elreilley@jonesday.com					
3	JUNES DAY					
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5	Telephone: (949) 851-3939 Facsimile: (949) 553-7539					
6	Attorneys for Defendant MICHAEL PLANET, IN HIS OFFICIA	Ī				
7	CAPACITY AS COURT EXECUTIVE OFFICER/CLERK OF THE VENTURA					
8	COUNTY SUPERIOR COURT					
9	UNITED STATES DISTRICT COURT					
10	CENTRAL DISTRICT OF CALIFORNIA					
11						
12	COURTHOUSE NEWS SERVICE,	Case No. CV11-08083 R (MANx)				
13	Plaintiff,					
14	V.	Assigned for all purposes to Hon. Manuel L. Real				
15	MICHAEL PLANET, IN HIS	JOINT STIPULATION TO CONTINUE HEARING ON				
16 17	OFFICIAL CAPACITY AS COURT EXECUTIVE OFFICER/CLERK OF	PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION				
18	THE VENTURA COUNTY SUPERIOR COURT,	FROM NOVEMBER 7, 2011 TO NOVEMBER 21, 2011				
19	Defendant.	DECLARATION OF ERICA L. REILLEY IN SUPPORT				
20		THEREOF				
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28		Line Grin Latine Grant and Trans				
		Joint Stipulation to Continue Hearing on Plaintiff's Motion for Preliminary Injunction Case No. CV 11-08083 R (MANx)				
		Case INO. C v 11-00003 K (IVIAINX)				

## **STIPULATION**

WHEREAS Plaintiff Courthouse News Service filed on September 29, 2011, a Complaint for Injunctive and Declaratory Relief simultaneous with a Motion for Preliminary Injunction set for hearing on November 7, 2011;

WHEREAS Defendant Michael D. Planet's opposition to Plaintiff's Motion for Preliminary Injunction currently is due on October 17, 2011, before his responsive pleading to the Complaint is due;

WHEREAS Defendant desires additional time to consider and respond to the serious and important issues raised by Plaintiff's Motion for Preliminary Injunction;

WHEREAS, while Plaintiff is prepared to and prefers that the hearing be held as scheduled on November 7, 2011, Plaintiff is willing, solely as a courtesy to Defendant, and as set forth in Plaintiff's Opposition to Defendant's *Ex Parte* Application for a Continuance, to stipulate to a brief extension of the hearing date;

WHEREAS, Defendant agrees that Plaintiff's willingness to enter into this stipulation will not be used as a basis for arguing that Plaintiff will not suffer irreparable harm in the absence of preliminary relief;

WHEREAS the deadlines for these filings have not been the subject of any prior continuances.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, through their respective attorneys of record, that the hearing on Plaintiff's Motion for Preliminary Injunction shall be continued from November 7, 2011, to November 21, 2011, and the following schedule will govern briefing on Plaintiff's Motion for Preliminary Injunction:

1				
2		<b>Event</b>		<b>Due Date</b>
3		Defendant's Opposition to Pl	laintiff's Motion	October 31, 2011
4	Defendant's Opposition to Plaintiff's Motion for Preliminary Injunction		2011	
5	Plaintiff's Reply on Motion for Preliminary Injunction		November 7, 2011	
6	Hearing on Plaintiff's Motion for Preliminary		November 21, 2011	
7		Injunction		
8	Dated:	October 14, 2011	Respectfully subr	nitted,
9			JONES DAY	
10				
11 12			By: /s/ Erica L. R Erica L. Reill	eilley
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14			Attorneys for Def	121,111,1112,01112
15			01111011110	COÚRT EXECUTIVE K OF THE VENTURA RIOR COURT
16	D . 1	0 . 1 . 14 2011	HOLME BORER	ATTO A CHITTIALID
17	Dated:	October 14, 2011	HOLME ROBER	TTS & OWEN LLP
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19	By: /s/ Rachel Matteo-Boehm Rachel Matteo-Boehm		atteo-Boehm	
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20			Jo	int Stipulation to Continue Hearing on

## **DECLARATION OF ERICA L. REILLEY**

I, Erica L. Reilley, declare as follows:

- 1. I am an attorney at law, duly admitted to practice before all Courts of the State of California and before this Court, and am a partner with the law firm of Jones Day, attorneys of record for Defendant Michael Planet, in his official capacity as Court Executive Officer/Clerk of the Ventura County Superior Court. I make this declaration in support of the this Joint Stipulation to Continue Hearing on Plaintiff's Motion for Preliminary Injunction From November 7, 2011, to November 21, 2011.
- 2. A week ago today, I contacted Plaintiff's counsel to see if Plaintiff would stipulate to continue its Motion for Preliminary Injunction to a date that would permit Defendant's anticipated motion to dismiss to be heard first.
- 3. On Monday, October 10, 2011, counsel for the parties communicated by phone and email. I explained that Defendant has serious questions concerning the propriety of the federal court's jurisdiction over Plaintiff's claims and the viability of certain of Plaintiff's claims individually. I further explained that, under those circumstances, it made sense to have those threshold issues decided before dealing with the underlying merits of Plaintiff's claims.
- 4. Plaintiff would not stipulate to those terms, but did offer a two-week extension of the hearing and briefing on the Motion for Preliminary Injunction. I explained that the offered extension would not address the primary purpose behind Defendant's request for relief, which was to conserve the already stretched resources of the Superior Court of California, County of Ventura.
- 5. Defendant sought *ex parte* relief on the matter through an Application filed on Monday, October 10, 2011.

1	6. In its papers opposing Defendant's ex parte Application, Plaintiff				
2	explained that it had offered to Defendant a two-week extension of the hearing and				
3	the briefing on the Motion for Preliminary Injunction, and that Plaintiff had				
4	declined that offer. The schedule stipulated to here is the same as Plaintiff's original				
5	proposal.				
6	7. Yesterday afternoon, Defendant received notice that the Court had				
7	denied his request for <i>ex parte</i> relief.				
8	8. Shortly thereafter, I contacted David Greene, counsel for Plaintiff, and				
9	asked if Plaintiff was still willing to stipulate to the schedule it proposed. Mr.				
10	Greene advised that Plaintiff was still willing to continue the hearing date on the				
11	Motion for Preliminary Injunction by two weeks as previously indicated, and				
12	requested that this stipulation be drafted.				
13	1				
14	I declare under penalty of perjury under the laws of the United States and the				
15	State of California that the foregoing is true and correct.				
16	Executed on October 14, 2011, at Los Angeles, California.				
17					
18	/s/ Erica L. Reilley Erica L. Reilley				
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- 3	Joint Stipulation to Continue Hearing on				