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13 COURTHOUSE NEWS SERVICE

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

17 Courthouse News Service,

18 Plaintiff,

19 v.

20 Michael Planet, in his official capacity as  
21 Court Executive Officer/Clerk of the  
22 Ventura County Superior Court.

23 Defendant.

CASE NO. CV11-08083 R (MANx)

**SUPPLEMENTAL DECLARATION  
OF JULIANNA KROLAK IN  
SUPPORT OF MOTION OF  
COURTHOUSE NEWS SERVICE  
FOR PRELIMINARY INJUNCTION**

Date: Nov. 21, 2011

Time: 10:00 am

Courtroom: G-8 (2<sup>nd</sup> Floor)

Judge: The Hon. Manuel L. Real

24 I, Julianna Krolak, declare and state as follows:

25 1. I am a reporter for Courthouse News Service ("Courthouse News"), the  
26 plaintiff in the above-captioned action. I have personal knowledge of the following  
27 facts and could testify to them if called as a witness.  
28

1           2.     I have reviewed the October 31, 2011, Declaration of Julie Camacho In  
2 Support of Defendant's Opposition to Plaintiff's Motion for Preliminary Injunction.  
3 Based on that review, it is my understanding that Ms. Camacho has reached different  
4 conclusions regarding the delay between the date that a complaint is filed and the date  
5 that it is made available for review than were set forth in my September 28, 2011,  
6 Declaration In Support of Courthouse News Service's Motion for Preliminary  
7 Injunction.

8           3.     After reviewing Ms. Camacho's October 31 declaration, I stand by the  
9 delays in access I observed as part of my August 8 through September 2, 2011,  
10 tracking exercise and as set forth in my September 28 declaration. Based on my  
11 personal experience visiting the Ventura County Superior Court ("Ventura Superior")  
12 on a daily basis, and my practice of requesting complaints from media bin on a daily  
13 basis, I can say definitively that Ms. Camacho's assertion that the vast majority of  
14 civil unlimited jurisdiction complaints are available for review through the media bin  
15 either on the day of filing or the next day is not accurate.

16           4.     As a preliminary matter, for the purposes of the tracking exercise  
17 described in my September 28 declaration, I tracked the 152 complaints that I was  
18 able to access and review during the August 8-September 2 time period (the "Tracking  
19 Period"). In contrast, Ms. Camacho's assessment appears to be based on the 147  
20 complaints that were filed during that period.

21           5.     During the Tracking Period, as to each civil unlimited jurisdiction  
22 complaint that I reviewed, I took note of the first date that each complaint was  
23 available from the media bin, or, if the complaint was never given to me from the  
24 media bin, the first date that I could access a complaint that had apparently bypassed  
25 the media bin and had been placed the shelves of the clerk's office. I based my  
26 conclusions on what I actually experienced during my daily visits to Ventura Superior,  
27 including my personal observations as to which complaints were retrieved by the  
28 clerk's staff and then given to me from the media bin.

1           6.     In paragraphs 11-12 of Ms. Camacho's declaration, she indicates that the  
2 complaint in *City National Bank v. Star Marketing & Media Inc.*, Case No. 56-2011-  
3 00401805, was available for review from the media bin on the same day it was filed,  
4 and the complaint in *Power Gomez v. LaCouture*, Case No. 56-2011-00401826, was  
5 available for review from the media bin one calendar day after it was filed. Contrary  
6 to what Ms. Camacho's records purport to show, those two complaints were not made  
7 available for my review from the media bin or otherwise until two calendar days after  
8 they were filed.

9           7.     Likewise, paragraph 22 of Ms. Camacho's declaration states that the  
10 complaints in *Estrada v. Rubio's Restaurant, Inc.*, Case No. 56-2010-00387332, and  
11 *Harrison v. Rite Aid Corp.*, Case No. 56-2010-00387942, were sent to the media bin  
12 on the same day they were filed; and the complaint in *Berber v. Holiday Retirement*,  
13 56-2010-00387945, was available from the media bin seven calendar days after it was  
14 filed. Contrary to what Ms. Camacho's records purport to show, the complaint in the  
15 *Estrada* case was not made available for review from the media bin or otherwise until  
16 thirteen calendar days after it was filed; the complaint in the *Harrison* case was not  
17 made available for review from the media bin or otherwise until nine calendar days  
18 after it was filed; and the complaint in the *Berber* case was not made available for  
19 review from the media bin or otherwise until eight calendar days after it was filed.

20           8.     When a civil unlimited jurisdiction complaint is not available for review,  
21 but there is docket information available online regarding a particular complaint  
22 (usually available one calendar day after the complaint is filed), it is my practice to  
23 include the parties' names and the cause of action based on the online docket  
24 information in the new litigation report that is sent to Courthouse News' subscribers.  
25 Because new civil unlimited jurisdiction complaints typically are not available for  
26 review until several days after they are filed, new reports usually contain several  
27 entries that are reported "from the docket"; I will then provide a full description of the  
28 complaint at a later date when I am finally able to access the complaint itself.

1           9.     On numerous occasions, subscribers have asked for more information  
2 related to a particular complaint reported "from the docket." When this happens, I  
3 will ask the clerk's staff to track down those complaints, which they have informed  
4 me they do by looking up each complaint on the court's online case management  
5 system, which I understand is part of the California Court Case Management System  
6 ("CCMS"). On several occasions, upon looking up the complaint on CCMS, the  
7 clerk's staff has told me that the system indicates that the complaint is in the media  
8 bin. When I inform the clerk's staff that the complaint was not provided to me from  
9 the media bin, they often will check the bin in an effort to locate the complaint. In all  
10 of these instances, the clerk's staff has never been able to find the complaints in the  
11 media bin.

12           10.   Likewise, on several occasions, the clerk's staff has told me that the  
13 computer system indicates that a particular complaint is located on the clerk's shelves,  
14 but upon looking for the complaint on the shelves, the file is not there. For example,  
15 on November 2, 2011, I requested to see the complaint in *Simon v. Lopez*, Case No.  
16 56-2011-00406107, filed November 1, 2011. Upon looking up this complaint on  
17 CCMS, the processing clerk who was assisting me, an individual named Joseph, said  
18 that the system indicated that the complaint was on the clerk's shelves. However,  
19 after looking for the complaint on the shelves, Joseph told me he could not find the  
20 complaint there. I also observed that Joseph and another processing clerk also  
21 checked the media bin for the complaint, but were not able to locate the complaint  
22 there. In the end, I was not able to review this particular complaint until November 3,  
23 2011.

24           11.   Since May of this year, I have observed that Ventura Superior has trained  
25 at least three new processing clerks. From what I have been told by clerk's staff, the  
26 civil unlimited jurisdiction complaints that are processed by new clerks typically must  
27 be double-checked by a supervisor before they can be made available to members of  
28 the press and public. In these situations, it can be as long as one week before a civil

1 unlimited jurisdiction complaint is made available for review. In fact, on several  
2 occasions, I was told that the complaints that I sought to review were on the desk of a  
3 supervisor who was gone for several days, and therefore I could not review those  
4 particular complaints until after she returned.

5 12. Finally, based on personal observation and statements by court staff, I  
6 can say that all new complaints come into the court through a single room called the  
7 "filings room," which is room number 210. The clerks who take in new civil  
8 complaints filed across the counter, as well as the back counter and window 14 used  
9 by messenger services, are all located in that one room. The drop-off box for  
10 complaints is located immediately outside the door into the same filings room.

11 I declare under penalty of perjury under the laws of the United States that the  
12 foregoing is true and correct. Executed at Ventura, California on this 5<sup>th</sup> day of  
13 November 2011.

14  
15   
16 Julianna Krolak