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 CLERK OF DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.

FILED

9 Attorneys for Plaintiff
 10 COURTHOUSE NEWS SERVICE

11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA

13 **CV11-08083P(MANX)**

14 Courthouse News Service,
 15
 16 Plaintiff,

17 v.

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

21 Defendant.

CASE NO. _____

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

Date: Nov. 7, 2011
 Time: 10:00 am
 Courtroom: _____
 Judge: _____

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

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

1 2. I hold Bachelor of Arts degrees in Spanish and Italian from the
2 University of California at Santa Barbara, both of which I received in 1981. I
3 received a Master of Arts degree in Hispanic Civilization from the University of
4 California at Santa Barbara in 1984. I have worked as a writer and reporter since
5 2001.

6 3. I am the primary Courthouse News reporter assigned to provide daily
7 coverage of new civil unlimited jurisdiction complaints filed at the Ventura County
8 Superior Court. I do not cover limited jurisdiction civil complaints, nor do I cover
9 other case types such as criminal or small claims cases. I have been covering the
10 Ventura County Superior Court for Courthouse News since 2001. I am responsible
11 for preparing the Central Coast Report, which is emailed to subscribers each Monday
12 through Friday evenings and contains coverage of newsworthy new civil unlimited
13 jurisdiction complaints filed in the Monterey County, San Benito County, Santa
14 Barbara County, Santa Cruz County, San Luis Obispo County and Ventura County
15 superior courts. I prepare this report by reviewing, or attempting to review, all of the
16 potentially newsworthy new civil unlimited complaints filed since my last visit, and
17 preparing original summaries of the complaints I believe would be of interest to our
18 subscribers for inclusion in the report. These summaries are sometimes, but not
19 always, accompanied by copies of the actual complaints.

20 4. When I first began covering the Ventura County Superior Court in 2001,
21 I visited the clerk's office once each week. At that time, both new limited and
22 unlimited jurisdiction cases were numbered sequentially, so the clerk's office staff
23 would provide me with all cases falling within a specified number range. In other
24 words, I would request all complaints filed to date beginning with the first complaint
25 that was assigned a case number following the last case that I had reviewed during the
26 previous week's visit. It was my understanding that other case types, for example,
27 divorce, small claims and probate, were assigned case numbers under a separate
28 numbering system, so the range of case numbers that I requested each week only

1 included limited and unlimited civil jurisdiction cases. Since these limited and
2 unlimited complaints were typically physically grouped together in sequential order,
3 rather than search for each complaint individually, the clerk's office staff simply
4 pulled all cases within a specific number range, put all of the limited and unlimited
5 complaints filed since my previous visit in a cart, and then provided the entire cart full
6 of cases to me for review. I would review all of the complaints, selecting and
7 reporting only on those unlimited jurisdiction complaints that were newsworthy,
8 before returning the cart of complaints to court staff. I also reviewed complaints that
9 were placed in the court's designated "media bin," which I understood to contain
10 filings that the clerk's office considered to be of likely press interest. Under these
11 procedures, I generally was able to review the large majority of the new civil
12 unlimited jurisdiction complaints that had been filed since the previous week's visit.

13 5. Beginning in early 2008, media access at Ventura County Superior began
14 to deteriorate on a number of fronts. First, the clerk's office limited the number of
15 files I could review per visit to 200, even though the cases I was requesting were
16 sequentially numbered and grouped together and could be retrieved from a single
17 location. In many instances, I was not provided with many of the sequentially
18 numbered cases I had requested, which meant I had to stand in a new line to request
19 the missing cases. I was also not permitted to review both the cases I had requested
20 and the media bin cases at the same time, which made it necessary to stand in another
21 line to obtain the media bin cases. Because the lines can often be long, these
22 procedures made it significantly more difficult to conduct my news reporting
23 activities. It is my understanding that my editor and Courthouse News' Northern
24 California Bureau Chief, Christopher Marshall, attempted to work with various
25 officials in the clerk's office to resolve these access difficulties on my behalf.
26 However, those efforts did not result in any lasting improvements, and my difficulties
27 in reporting on new civil unlimited complaints continued.

28

1 6. Then, in March 2009, the court instituted a new rule that limited the
2 number of files that reporters were permitted to review each day to twenty-five.
3 Around this time, I learned that the court had begun using a new electronic docketing
4 system, which I now understand to be part of the California Case Management
5 System, often referred to as "CCMS." Therefore, instead of simply looking at all the
6 complaints filed since my prior visit, I determined that I would need to request to see
7 specific complaints in order to report on the most newsworthy new filings. Thus, I
8 began my news reporting by viewing online docket information, from which I did my
9 best to determine which twenty-five recently filed complaints would be most
10 newsworthy. I would then fill out a separate request form for each complaint I wished
11 to see, but was limited to requesting only five complaints at a time, which I submitted
12 to the clerk's staff after waiting in line in the Records Department. No matter how
13 many of the five requested complaints were available for review, I was required to
14 wait in line again, usually for thirty minutes, and sometimes for an hour or more, to
15 request the next batch of five cases. In other words, even if none of the five requested
16 complaints were available, I was not permitted to submit another five requests while
17 still standing at the counter, but rather, was required to return to the end of the line and
18 request the next five complaints. Also, even if a case was not made available for
19 review – typically because either it had not yet been processed, or it had been sent to
20 the assigned judge's chambers – it still counted toward the twenty-five-file limit.
21 Since there were often more than fifty potentially newsworthy civil unlimited cases
22 filed in any given week, I could no longer monitor all of the newsworthy new
23 complaints by simply visiting the clerk's office once a week. Additionally, many of
24 the complaints I requested were not available for review for days or even weeks after
25 they were filed.

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1 7. Following the implementation of these new access procedures, I
2 informed Mr. Marshall of the difficulties and delays that resulted from these
3 procedures. Mr. Marshall told me that he would discuss the issue with Courthouse
4 News' Editor Bill Girdner, as well as Courthouse News' counsel. About a month
5 later, Courthouse News, through its counsel, sent a letter to Court Executive Officer
6 Michael Planet regarding the problems related to access.

7 8. In June 2009, Mr. Marshall informed me that, following discussions with
8 court officials regarding the delays, the court had implemented a new procedure that it
9 believed would provide me and other members of the media with more timely access
10 to newly filed civil unlimited jurisdiction complaints. My understanding of these
11 procedures was that the court would place all newly filed civil unlimited jurisdiction
12 complaints directly into the media bin, and I would be permitted to access all
13 complaints located in that bin, as well as up to twenty-five additional complaints, per
14 visit, from the shelves.

15 9. Around this same time, I began visiting the clerk's office twice each
16 week. The new procedures, together with my twice-a-week visits, initially worked
17 reasonably well to provide me with access to most civil unlimited jurisdiction
18 complaints that had been filed since my previous visit to the court. However, within
19 months after the new procedures were put in place, this access deteriorated. It
20 appeared to me that newly filed complaints were being fully processed before they
21 were placed in the bin, and in many instances, were completely bypassing the bin and
22 being placed on the shelves, also after they had been fully processed. I therefore had
23 to request the complaints directly from the shelves, which counted against the twenty-
24 five-file-per-day limit that I was permitted. Some of the files that I requested directly
25 from the shelves were not available for review either, because, as I was told by court
26 staffers, they had not yet been processed. Therefore, on each visit, I had a backlog of
27 complaints that I was waiting to see. Additionally, even if a requested complaint was
28 not available for review, it counted against the twenty-five-file quota. As before, I

1 was only permitted to request five complaints at a time, and had to stand in a new and
2 lengthy line for each group of five complaints that I wished to review. The
3 unavailability of complaints in the media bin or from the shelves again led to delays in
4 access, ranging for the most part from one to three calendar days, but sometimes
5 significantly longer.

6 10. In November 2010, at the instruction of Mr. Marshall, I began visiting
7 the clerk's office on a daily basis. Since that time, the procedures I use to obtain
8 access to new complaints have remained essentially the same, and the delays have
9 significantly worsened. Based on what I have observed, it appears that, on average,
10 about fifteen new unlimited complaints are filed each day. However, of those,
11 approximately two-thirds, or around ten complaints, appear to be potentially
12 newsworthy based on the online docket information. Many complaints are never
13 placed in the media bin, so I continue to request individual complaints directly from
14 the shelves, which are placed on the shelves only after they have been fully processed.
15 I continue to use the online docketing system to identify potentially newsworthy
16 complaints so that I can request to see them. Information about new complaints is
17 normally delayed by at least one court day, but some complaints are not entered into
18 the online docketing system for up to a month, so I must continually check the docket
19 as far back as thirty calendar days to make sure that I am not missing any complaints
20 that were not entered into the docketing system at the time they were filed. Even one
21 court day after filing, the vast majority of complaints are not available for review.
22 And when these delays occur around a weekend and/or a holiday, a delay of even one
23 court day means actual delays of three or even four days.

24 11. Since November 2010, as I have done before, I have kept Mr. Marshall
25 apprised of the delay problems at the court. He instructed that I should not attempt to
26 resolve the delays with court staff, but rather should focus on my reporting activities,
27 and that Courthouse News' editors and its counsel would attempt to work with
28 officials from the clerk's office to resolve the delays. As such, I understand that from

1 February 2011 until the present time, both Mr. Marshall and Courthouse News'
2 counsel have made several attempts to resolve the access delays. Mr. Marshall
3 informed me that he wrote to Deputy Executive Officer Cheryl Kanatzar in February
4 2011, and spoke with Ms. Kanatzar following this correspondence regarding potential
5 solutions to the access delays. In March 2011, Mr. Marshall told me that Ms.
6 Kanatzar informed him that the clerk's office would reprioritize how cases are
7 processed, and that I should begin seeing complaints within two days of filing. Over
8 the next few months, I monitored the availability of new unlimited jurisdiction civil
9 complaints to determine whether the court's new procedures would have any effect in
10 terms of delays in access. Rather than seeing any improvement in access, the delays
11 got worse, with same-day access a rare occurrence, and typical delays between one
12 day and several weeks after filing.

13 12. Per Mr. Marshall's instruction, I have continued tracking delays in
14 access. I have monitored the delays in access related to complaints that are made
15 available in the media bin, as well as delays to those complaints that I request directly
16 from the shelves, over a four-week period from August 8 to September 2, 2011. For
17 each complaint that I reviewed during this time period, I noted the case number
18 assigned to the complaint, the date the complaint was filed and the date the complaint
19 was made available for my review, and then calculated the delays in access for all
20 cases reviewed, as well as those that I reported in the Central Coast Report. For at
21 least two of the complaints that I reviewed, I noticed that the file-stamped date on the
22 physical complaint was different than the "filed date" on the court's online docket; in
23 these instances, the file-stamped date was at least one court day earlier than the online
24 "filed date." The reason for this discrepancy is unclear. Therefore, I used the online
25 "filed date" – *i.e.*, the later date – in calculating the delays during this four-week time
26 period.

1 13. Of the 152 new unlimited civil complaints that I reviewed during this
2 four-week period, only 6%, or nine complaints, were available on a same-day basis.
3 The delays were as follows:
4

5 **COMPLAINTS REVIEWED**
6 **Delays Reported in Calendar Days**

Case availability	Number of cases	Percentage
Same-day	9	6%
Next-day	21	14%
2-6 days	94	62%
7-14 days	23	15%
15-34 days	5	3%

11 **COMPLAINTS REVIEWED**
12 **Delays Reported in Court Days**

Case availability	Number of cases	Percentage
Same-day	9	6%
Next-day	28	18%
2-6 days	100	66%
7-14 days	12	8%
15-24 days	3	2%

1 **COMPLAINTS REPORTED**
2 **Delays Reported in Calendar Days**

Case availability	Number of cases	Percentage
Same-day	4	4%
Next-day	14	14%
2-6 days	60	60%
7-14 days	17	17%
15-34 days	5	5%

7 **COMPLAINTS REPORTED**
8 **Delays Reported in Court Days**

Case availability	Number of cases	Percentage
Same-day	4	4%
Next-day	18	18%
2-6 days	66	66%
7-14 days	9	9%
15-24 days	3	3%

14
15 I declare under penalty of perjury under the laws of the United States that the
16 foregoing is true and correct. Executed at Ventura, California on this
17 28th day of September 2011.

18
19 
20 Julianna Krolak