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10 Attorneys for Plaintiff  
 COURTHOUSE NEWS SERVICE

11  
 12 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
 13 **WESTERN DIVISION**

BRYAN CAVE LLP  
 560 MISSION STREET, 25TH FLOOR  
 SAN FRANCISCO, CA 94105-2994

15 Courthouse News Service,  
 16 Plaintiff,  
 17 vs.  
 18 Michael Planet, in his official capacity as  
 Court Executive Officer/Clerk of the  
 19 Ventura County Superior Court,  
 20 Defendant.

Case No. CV11-08083 R (MANx)

**JOINT REPORT OF EARLY  
 MEETING OF COUNSEL**

**[Fed. R. Civ. Proc. 26(f)]**

**Hon. Manuel L. Real**

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On June 5, 2014, the conference of counsel took place in accordance with Federal Rule of Civil Procedure 26(f), Local Rule 26, and this Court’s Order Re: Notice to Counsel. The following counsel participated in the conference: Rachel Matteo-Boehm, and Jonathan Fetterly of Bryan Cave LLP, counsel for Plaintiff Courthouse News Service (“Plaintiff” or “Courthouse News”); and Robert Naeve of Jones Day, counsel for Defendant Michael Planet (“Defendant” or “Planet”).

**I. Nature of Claims and Defenses:**

Courthouse News commenced this 42 U.S.C. § 1983 action on September 29, 2011, alleging that Defendant’s policy of delays in granting media access to civil unlimited jurisdiction complaints filed with the Ventura County Superior Court are the substantive equivalent of access denials and violated the First Amendment right of access to court records, as well as the common law right of access and California Rule of Court 2.550. Plaintiff’s complaint included three counts: (1) violation of U.S. Const. Amend. I and 42 U.S.C. §1983; (2) violation of federal common law and 42 U.S.C. § 1983; and (3) violation of California Rule of Court 2.550. Plaintiff filed its First Amended Complaint on June 3, 2014, which eliminated the second and third counts

Defendant is preparing a motion to dismiss the First Amended Complaint for failure to state a claim. Defendant denies all of the allegations in Plaintiff’s amended complaint, and particularly denies that it has a “policy” of delaying access to newly filed complaints, or that Plaintiff has been denied access to these complaints.

**II. Initial Disclosures:** The parties shall exchange initial disclosures on or before June 19, 2014, by serving them pursuant to means authorized by the Federal Rules of Civil Procedure.

1 **III. Preservation of Discoverable Information:**

2 The parties have discussed preservation of discoverable information. Neither  
3 party currently anticipates any issues about preserving discoverable information.

4 **IV. Discovery Plan:**

5 The parties agree to the following discovery plan:

6 (a) Discovery subjects – Discovery will be needed in the following subject  
7 areas:

- 8 1. The allegations in Plaintiff’s complaint.  
9 2. The denials and defenses asserted in Defendant’s answer.

10 (c) Discovery completion – The parties propose fact discovery should be  
11 completed by April 6, 2015.

12 (d) Phased discovery – The parties do not believe discovery should be  
13 conducted in phases or otherwise focused or limited.

14 (e) Electronically stored information – Where electronically stored  
15 information is requested, the parties will comply with the rules for electronic  
16 production consistent with the Federal Rules of Civil Procedure and applicable case  
17 law.

18 (f) Issues relating to privilege – The Parties are not currently aware of any  
19 unique issues relating to privilege. Plaintiff proposes the Parties stipulate that any  
20 attorney-client communications after the date of commencement of this litigation do  
21 not need to be included in any privilege logs.

22 (g) Changes to limitations on discovery – None sought at this time.

23 (h) Other orders requested from court – None requested.

24 **IV. Local Rule 26-1 Requirements:**

25 (a) Complex Cases – The parties do not believe that this is a complex case  
26 or that this case warrants reference to the procedures set forth in the Manual on  
27 Complex Litigation.  
28

1 (b) Motion schedule – Defendant anticipates filing a motion to dismiss  
2 pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and possibly  
3 additional motions in response to the Amended Complaint, the response to which is  
4 due on June 24, 2014. The parties discussed the need for a briefing schedule and  
5 hearing date that takes into account previously-planned summer vacations and the  
6 resulting unavailability of Plaintiff and its counsel. Specifically, Plaintiff’s CEO  
7 and owner, Bill Girdner, is currently out of the country on vacation until July 1,  
8 2014, and Plaintiff’s lead counsel, Rachel Matteo-Boehm, will be out of state on a  
9 pre-paid family vacation July 5-13, 2014.

10 The parties propose the cut-off for hearing any dispositive motion be May 18,  
11 2015. This deadline contemplates any such motions be filed and served prior to the  
12 hearing date to allow for sufficient notice pursuant to local and federal rules.

13 (c) ADR – This requirement is waived per the Court’s Order re Notice to  
14 Counsel.

15 (d) Trial estimate – The parties estimate trial will last approximately 14  
16 days.

17 (e) Additional parties – The parties do not currently anticipate that any  
18 additional parties will be added to this lawsuit.

19 (f) Expert witnesses –

20 Plaintiff’s Proposal: Plaintiff proposes the discovery cut-off for expert  
21 witnesses shall be April 6, 2015, and that the parties shall disclose expert witnesses  
22 they intend to use at trial pursuant Fed. R. Civ. P. 26(a)(2) at least 90 days before  
23 that date.

24 Defendant’s Proposal: Defendant proposes the parties shall disclose the  
25 expert witnesses they intend to use at trial according to the time established by Fed.  
26 R. Civ. P. 26(a)(2)(D), and that the discovery cut-off for expert witnesses shall be 45  
27 days before the date set for trial.

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**V. Proposed Trial Date**

The parties propose the following dates:

- Trial: July 21, 2015
- Final Pre-Trial Conference: July 13, 2015

Dated: June 19, 2014

BRYAN CAVE LLP  
Rachel E. Matteo-Boehm  
Jonathan G. Fetterly  
Leila C. Knox

By: /s/ Jonathan G. Fetterly  
Jonathan G. Fetterly  
Attorneys for Plaintiff  
COURTHOUSE NEWS SERVICE

Dated: June 19, 2014

JONES DAY  
Robert Naeve

By: /s/ Robert Naeve  
Robert Naeve  
Attorneys for Defendant  
MICHAEL PLANET, in his official  
capacity as Court Executive  
Officer/Clerk of the Ventura County  
Superior Court

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer, Jonathan G. Fetterly, attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.