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11 SEP 29 PM 12:00
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 CLERK OF COURT
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9 Attorneys for Plaintiff
 10 COURTHOUSE NEWS SERVICE

11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA

13 Courthouse News Service,
 14

15 Plaintiff,

16 v.

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

20 Defendant.
 21
 22
 23

CASE NO. **CV 11-08083 R(MANX)**

**DECLARATION OF WILLIAM
 GIRDNER IN SUPPORT OF
 MOTION OF COURTHOUSE NEWS
 SERVICE FOR PRELIMINARY
 INJUNCTION**

Date: Nov. 7, 2011

Time: 10:00 am

Courtroom: _____

Judge: _____

24 I, William Girdner, declare and state as follows:

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

1 2. Courthouse News employs a nationwide network of reporters to provide
2 reports on appellate rulings, legislation, and new civil cases from federal and state
3 courts around the country. Courthouse News is similar to other news wire services,
4 such as the Associated Press, except that Courthouse News specializes in news
5 reporting about civil lawsuits, from the date of filing through the appellate level.

6 3. I began the news service in 1990 out of a belief that the traditional news
7 media did not cover civil litigation as well as it could, and that significant news from
8 courthouses was being left unreported. Courthouse News' coverage of rulings,
9 ongoing trials, and new civil complaints initially focused on the United States District
10 Court for the Central District of California. In 1993, Courthouse News expanded its
11 coverage to include the Los Angeles County Superior Court. Within a few years,
12 Courthouse News had expanded its regional coverage in California to include the
13 Orange and San Francisco county superior courts. Courthouse News moved into
14 Texas in 1999 with coverage of the United States District Court for the Southern
15 District of Texas and the Harris County Civil District Court in Houston. By 2001,
16 Courthouse News was also covering state and federal courts in New York, Chicago,
17 and Boston. Courthouse News has continued expanding its coverage of trial courts
18 over the years, first in major metropolitan areas and gradually extending into less
19 populous areas.

20 4. Courthouse News began covering appellate rulings on a comprehensive
21 basis in California in the late 1990s, slowly adding courts as the years went by.
22 Today, Courthouse News covers almost all the appellate courts in the United States.
23 Courthouse News also reports on newly proposed and passed federal laws and
24 regulations. Earlier this year, Courthouse News also started covering Ninth Circuit
25 oral arguments. As of September 2011, Courthouse News covers approximately
26 2,300 courts around the nation, spanning all 50 states.

27 5. The media Courthouse News has used to deliver news has evolved over
28 the years. Beginning as a print publication, Courthouse News introduced delivery of

1 court news via facsimile within its first six months of publication. Courthouse News
2 began delivering news reports via e-mail in approximately 1996. In 2000, Courthouse
3 News began publishing news reports and commentary about civil cases and appeals on
4 its web site at www.courthousenews.com.

5 6. Courthouse News' web site has become an increasingly important
6 component of its reporting. Readership of the web site has grown steadily. Just two
7 years ago, in mid-2009, the web site was receiving an average of 300,000 unique
8 visitors each month. Since then, readership has spiked almost threefold. In July 2011,
9 the site had 938,000 unique visitors; in August 2011, it had 800,000 unique visitors;
10 and we are on pace to top 1 million visitors for September 2011. Taking one recent
11 news day as an example, on September 1, 2011, Courthouse News' web site featured
12 articles on the confirmation of Justice Goodwin Liu to the California Supreme Court;
13 a ruling by the International Court of Justice finding that Ecuador owes Chevron \$96
14 million over delays in rulings on commercial disputes; funding for the San Francisco
15 Superior Court; U.S. District Court Judge Edward Davila's dismissal of a class action
16 against Google over the connectivity of its Android phones; Arizona's challenge to the
17 "preclearance" sections of the Voting Rights Act requiring federal approval for any
18 changes in its voting law; and an action in Los Angeles Superior Court by the writer
19 of the comedy "Napoleon Dynamite" over studio accounting. A true and correct copy
20 of a screen shot of Courthouse News' September 1, 2011 home page is attached as
21 Exhibit 1.

22 7. Reports from Courthouse News' web site are frequently picked up by
23 news outlets and other Internet content providers, and in this way are disseminated to
24 a much broader audience. Attached hereto as Exhibit 2 are true and correct copies of
25 recent examples of reports from other media outlets and content providers, including
26 *The New York Times*, *Chicago Tribune*, *The Globe and Mail*, *New York Post*, PBS,
27 CNN, the *New York Daily News*, Gawker, SCOTUSblog, *Financial Times*, *SF Weekly*,
28 Associated Press, Foreign Policy, and *ABA Journal*, in which Courthouse News is

1 credited as the source of the information on which those news reports are based.

2 8. Although the web site is growing in popularity, Courthouse News' core
3 news publications are its new litigation reports, which are e-mailed to subscribers and
4 contain a summary of all significant new civil complaints filed in a particular court.
5 For major courts, reports are e-mailed to subscribers each evening, and where the
6 court provides same-day access, those reports cover new civil complaints filed earlier
7 that same day. The new litigation reports do not cover criminal or family law matters,
8 and in California superior courts, they only cover unlimited jurisdiction cases, i.e.,
9 cases in which the amount in controversy is usually more than \$25,000. Although not
10 all complaints are significant enough to merit coverage – decisions as to which ones
11 receive coverage are made by the individual reporters and editors after reviewing all
12 of the new civil complaints – the new litigation reports cover many more civil actions
13 than would normally be found in a daily newspaper. Subscribers tell us it is the
14 comprehensive and at the same time *timely* nature of this coverage that makes it so
15 useful.

16 9. In all, Courthouse News publishes sixteen new litigation reports for its
17 California subscribers, which include daily coverage of new litigation filed in all four
18 federal district courts as well as the California Superior Courts for the counties of
19 Alameda, Contra Costa, Fresno, Kern, Los Angeles (downtown and Santa Monica
20 courthouses), Orange, Riverside, Sacramento, San Bernardino, San Diego, San
21 Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma,
22 Stanislaus, and Ventura. In addition, Courthouse News offers its subscribers alerts
23 about new civil filings, which are delivered by e-mail. For example, a subscriber can
24 sign up to receive an alert anytime a particular company is sued, and in a court with
25 timely access, we are able to notify them by the end of the same day.

26 10. In addition, Courthouse News offers four print publications. These
27 include the Four Districts Almanac (reporting on all four of California's federal
28 district courts), the Environmental Law Report, the Securities Law Report, and the

1 Entertainment Law Digest.

2 11. Courthouse News' comprehensive and timely coverage of civil litigation
3 has made it a go-to source of information about the nation's civil courts, with nearly
4 3,000 subscribers nationwide. The majority of these subscribers are lawyers and law
5 firms, including approximately 740 in California. In addition, it has many media
6 organization subscribers, including but not limited to the *Los Angeles Times*, the *Los*
7 *Angeles Business Journal*, the *Pacific Coast Business Times*, the *San Jose Mercury*
8 *News*, *Forbes*, the *Boston Globe*, the *Dallas Morning News*, the *Detroit Free Press*,
9 the *Atlanta Journal-Constitution*, and FOX, all of whom rely on Courthouse News to
10 provide them with timely information about new civil cases so they can provide
11 further information about those cases to their own subscribers. A number of academic
12 institutions and law libraries – including California institutions such as UCLA,
13 Stanford Law School and the L.A. Law Library – also subscribe to Courthouse News'
14 reports.

15 12. To provide the timely and comprehensive coverage contained in its new
16 litigation reports, Courthouse News employs more than one hundred reporters across
17 the country who are assigned to cover one or more individual courts. At most major
18 courts, Courthouse News' reporters visit their assigned court every day, typically near
19 the end of each court day, to review new civil complaints filed earlier in the day. The
20 reporter prepares an original summary of each complaint or other case-initiating
21 document that is considered of likely interest to Courthouse News' subscribers for
22 inclusion in the report. Given the nature of this publication, any delay in the ability of
23 a reporter to obtain and review a newly filed complaint necessarily creates a delay in
24 Courthouse News' ability to inform interested persons of the factual and legal
25 allegations in those complaints. These delays are especially problematic when there is
26 an intervening weekend and/or holiday, which creates a situation in which a delay of
27 even one court day results in actual delays of three or even four calendar days.

28

1 13. Through my experience covering civil litigation during the past twenty-
2 one years, including but not limited to my own in-person visits to many state and
3 federal courts, discussions with court officials, and my activities in supervising
4 Courthouse News' reporters and editors around the country, I have developed
5 extensive personal knowledge of the procedures that courts throughout the country
6 currently use, and have used in the past, to provide access to new complaints. I have
7 observed that when a reporter visits a court every day, it has been traditional for courts
8 to provide that reporter with access to the large majority of the complaints filed earlier
9 that same day. Attached hereto as Exhibit 3 is a true and correct copy of a summary
10 of media access procedures used in state and federal courts across the nation, which
11 was prepared by Courthouse News Service under my direction (the "Access
12 Summary").

13 14. As is reflected in the Access Summary, in many courts, this same-day
14 access is provided before the clerk's office has completed the full range of tasks
15 associated with the processing of a new case. This is true regardless of whether the
16 document in question is electronically filed ("e-filed") or submitted to the court in
17 paper form.

18 15. For example, at the Los Angeles Division of the United States District
19 Court for the Central District of California, a room is set up directly off the docketing
20 department with a set of pass-through boxes. Between 4:30 p.m. and 5:00 p.m. each
21 day, a staffer places all of the civil complaints filed that day in the pass-through boxes
22 so that the media can review them. Through this method, the great majority of new
23 civil complaints are made available for review on a same-day basis, before they have
24 been fully processed. Reporters that cover the courthouse on a daily basis have a key
25 to the room, which is otherwise locked, and they can stay as long as they want to look
26 over the complaints and put the documents back in the pass-through boxes. At the
27 San Francisco Division of the United States District Court for the Northern District of
28 California, reporters go behind the counter and review actions filed that same day,

1 regardless of whether the complaints have been fully processed or posted on PACER.
2 They are also permitted access to the so-called “transfer boxes” of new actions being
3 sent to different divisions of the court, and are provided with a copy of the intake log.
4 Same-day access to new civil complaints is also provided at the Southern and Eastern
5 Districts of California.

6 16. Similarly, at major state superior courts in California, reporters are also
7 provided with same-day access to new civil filings, a practice that is consistent with
8 other major state trial courts across the country. For example, at the San Francisco
9 Superior Court, reporters review new civil complaints at the end of the day on which
10 they are filed, before they have been fully processed, after providing a driver’s license
11 and filling out a temporary name tag. At the Santa Clara County Superior Court, new
12 civil complaints are made available for same-day review by Courthouse News’
13 reporter upon the receipt of a filing fee, the assignment of a case number, and the
14 assignment of a first status conference date, even though processing is far from over.
15 At the Los Angeles County Superior Court, the clerk’s office scans new complaints on
16 intake, links the complaints to a case number, and makes those complaints available
17 for immediate electronic review in the press room at the courthouse. The following
18 day, the clerk’s office docket the complaints and makes them available for online
19 viewing. The Superior Courts in Alameda and Contra Costa also provide same-day
20 access to the press. Those courts provide access after a certain amount of additional
21 processing has been completed but they still provide the traditional same-day access.
22 The procedures through which these and other state and federal courts make new
23 filings available on a timely basis are described in more detail in the attached Access
24 Summary.

25 17. Attached as Exhibit 4 are true and correct copies of recent editions of
26 Courthouse News new litigation reports for both the United States District Court for
27 the Central District of California and the Superior Court for the County of Los
28 Angeles. As reflected in both of these reports, the large majority of new complaints

1 filed in these courts were made available to Courthouse News' reporter on the same
2 day of filing.

3 18. The variety and effectiveness of the procedures for providing same-day
4 access that have been implemented in so many state and federal courts has convinced
5 me that access is largely a matter of will, and any individual clerk's office can provide
6 prompt access to newly filed complaints if those running the clerk's office have the
7 will to do so.

8 19. Traditionally, and as demonstrated by the examples above, courts have
9 provided same-day access after initial intake tasks, for example accepting the filing
10 fee, assigning a case number, and/or noting the first-named plaintiffs and defendants
11 on an intake log, but well before full processing. In most instances where we
12 encounter resistance by clerk's offices to providing same-day access, the reason given
13 is as follows: First, we are told that the court will not allow anyone to see the
14 complaint until *after* staffers in the clerks' office have completed an array of
15 administrative procedures associated with the clerk's office processing of a new
16 complaint, which over the years has encompassed an ever-growing list of tasks. Next,
17 we are told that due to budget constraints and accompanying staffing shortages, these
18 tasks cannot always be completed quickly, with the end result that, as is the case in
19 Ventura County, the press is not permitted to see new complaints until days or even
20 weeks after they have been filed.

21 20. The tasks associated with the processing of a new complaint vary from
22 court to court, but can include, for example, imputing information about the new
23 complaint into the new California Case Management System or another electronic
24 case management system, checking the complaint to make sure it complies with
25 applicable court rules, "quality control," and/or putting new complaints into file
26 folders.

27 21. Based on my experience covering civil litigation during the past twenty-
28 one years, including but not limited to my own in-person visits to many state and

1 federal courts, telephone discussions with officials from state and federal courts, and
2 my activities in supervising Courthouse News' reporters and editors, I have observed
3 that it is entirely possible, where the clerk's office has the will to do so, to provide
4 prompt media access while still attending to processing in a similarly prompt manner.
5 New complaints are not being actively worked on all the time. Reporters can review
6 the new complaints not being actively worked on, return them, and then review any
7 remaining complaints that were being worked on at the time of their initial request.
8 As reflected elsewhere in this declaration and in the Access Summary, it is both
9 common and traditional for courts to provide credentialed reporters with access in this
10 manner, before the clerk's office has completed all of the administrative tasks
11 associated with the processing of new complaints. To make sure that new complaints
12 are accounted for, clerk's offices often couple such review with procedures such as
13 requiring reporters to provide collateral such as a driver's license or setting aside a
14 secure area for the media to review the day's new complaints. In a few instances,
15 courts have asked our reporters to obtain a Live Scan background check, which they
16 have done.

17 22. Based on my experience on working with other courts, it is apparent to
18 me that providing same-day media access to newly filed civil complaints –
19 fundamentally, the simple act of letting reporters *see* the new complaints that, because
20 they are newly-filed, are already centrally located in the intake area – is as simple as
21 opening a door. It need not involve any extra expense or staff time beyond the *de*
22 *minimis* effort of handing a stack of complaints to a reporter, and even that *de minimis*
23 effort is eliminated if the reporter is simply allowed to go behind the counter to pick
24 up a stack of complaints to review, as reporters do at the San Francisco Division of the
25 U.S. District Court for the Northern District of California and in several other courts.

26 23. Despite this traditional practice of providing reporters who visit the court
27 every day with same-day access to new complaints, and despite Courthouse News'
28 efforts to work cooperatively with the clerk's office of the Ventura County Superior

1 Court to come up with mutually-agreeable procedures to allow its reporter to obtain
2 the same timely access to new complaints at Ventura Superior, the clerk's office of the
3 Ventura County Superior Court has refused to do so.

4 24. Courthouse News' access problems at the Ventura County Superior
5 Court began in 2008 and are detailed more fully in the declarations of Julianna Krolak
6 and Christopher Marshall. At the outset of these problems, I instructed Christopher
7 Marshall, the editor at Courthouse News who supervises our coverage of the Ventura
8 County Superior Court, to see if he could resolve those issues directly with the clerk's
9 office. These efforts proved unsuccessful. Accordingly, at my direction, by letter
10 dated April 29, 2009, Courthouse News' counsel wrote to Court Executive Officer
11 Michael Planet to bring to his attention Courthouse News' concerns about access to
12 new complaints at the Ventura County Superior Court, including problems with the
13 timeliness of that access, and to suggest an in-person meeting to discuss the matter
14 further. A true and correct copy of that letter is attached as Exhibit 5. This letter led
15 to procedures being implemented by the clerk's office that, at least temporarily,
16 provided Courthouse News with reasonably timely access to that court's new civil
17 unlimited complaints. However, the situation soon deteriorated and the access delays
18 resumed.

19 25. In November 2010, Courthouse News moved from twice a week to daily
20 coverage of the Ventura County Superior Court. At about the same time, I instructed
21 Mr. Marshall to once again try to work with the court to resolve the access delays.
22 After those efforts proved unsuccessful, at my direction, Courthouse News' counsel
23 once again wrote to Mr. Planet to request that its reporter have same-day access to
24 new civil complaints as is common and traditional in other courts where a reporter
25 visits on a daily basis, and provide information as to the procedures used by other
26 courts to provide such access. A true and correct copy of that letter is attached as
27 Exhibit 6.

28

1 26. Mr. Planet responded by letter dated July 11, 2011, a true and correct
2 copy of which is attached as Exhibit 7. In that response, Mr. Planet cited the court's
3 budget difficulties and then went on to state, "While I appreciate the Courthouse News
4 Service's interest in same-day access, the Court cannot prioritize that access above
5 other priorities and mandates. Further, the Court must ensure the integrity of all
6 filings, including new filings, and cannot make any filings available until the requisite
7 processing is completed."

8 27. At my direction, Courthouse News' counsel responded by letter to Mr.
9 Planet dated August 2, 2011, a true and correct copy of which is attached as Exhibit 8.
10 That letter noted that other courts provide same-day access to new complaints before
11 those complaints have been fully processed, and that press access only results in
12 increased costs where the court imposes the requirement of complete processing
13 before providing access. As of this date, Courthouse News has not received a
14 response to its counsel's August 2 letter.

15 28. In the course of running Courthouse News for the last twenty-one years, I
16 have observed that delays in access to new civil complaints present a range of
17 problems. Delay means that the public does not know and cannot know who and why
18 a person or entity is being hailed into the courts, a powerful institution of government,
19 because the action is hidden from view. In purely practical terms, delay makes it
20 extremely difficult for journalists to cover new civil complaints because with each
21 passing day, those complaints begin to move from the intake area to different parts of
22 the courthouse and a reporter must chase down complaints one by one just to find out
23 what is alleged in those complaints. Delay also means that information about new
24 complaints comes out only in bits and pieces, through a court posting limited docket
25 information, messengers who recognize an important action, or plaintiffs who,
26 because of the delay, are given the power to manipulate the news because a public
27 filing has not been made public. And delay causes subscribers to question why we are
28 reporting on stale events, thus damaging the worth of our publications.

1 29. More fundamentally, news about what is happening in our courts is
2 central to an informed public and our open way of government. It is at the same time
3 highly perishable. When I started out in journalism, I was taught to write a “second
4 day lead” on stories that were not from that day, generally by emphasizing reaction to
5 the original news. More than anything, it was a device to cover the fact that we were a
6 day late. In Ventura, we are currently reporting new civil actions with such delays
7 that there is no way to disguise their lack of timeliness, with the result that their
8 importance as news is greatly diminished.

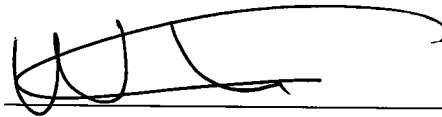
9 30. Articulating to state court officials what it is that makes timely access so
10 important is difficult because it seems to me so obvious, so innate, that information is
11 interesting and grabs the public's attention while it is fresh. The power and personal
12 impact of information is at its highest point in the actual moment that it is happening.
13 Every day, every week that passes, events fade further into the shades of the past.
14 Time takes away the vibrancy and immediacy of events as they move, hour by hour,
15 day by day, into the realm of what was, soon to be recent history and then history.

16 31. To illustrate, a reader of news looks for the most recent football scores,
17 the latest swing in the stock market, or, on the political front, the fate of the most
18 recent dictator to be toppled. Even a day's delay diminishes the power and relevance
19 of the news. In the case of a new civil legal action, I call it the gong of war. Recent
20 actions such as Apple's battle against Samsung over iPhones, or the U.S. Justice
21 Department's challenge to the merger of AT&T and T-Mobile signal enormous legal
22 contests. While not all new civil cases have such broad significance, they are often of
23 great importance to the parties and their lawyers, as well as to other businesses and
24 individuals who business operations or matters of a personal nature may be affected
25 by the lawsuit. Delay of the kind we are seeing in Ventura County is contrary to basic
26 principles of open government and contrary to the interest of the public, in all its
27 variations and subsets, in knowing that a legal battle has begun.

28

1 32. Working as a journalist, I have observed courts where newspapers sent
2 reporters to review and report on new civil complaints but then abandoned the
3 coverage when new filings were no longer available on a same-day basis. In other
4 words, where access to a new complaint is delayed, it is far less likely that the
5 existence of that lawsuit will ever come to the attention of interested members of the
6 public. The converse is also true. Where a court provides prompt and open access to
7 new actions, at the Los Angeles Superior Court, for example, reporters flock to the
8 source of news.

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct. Executed at Pasadena, California on this 27th day of
11 September 2011.

12 

13 _____
14 William Girdner
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EXHIBIT 1



Courthouse News Service

Thursday, September 01, 2011 Last Update: 4:31 PM PT

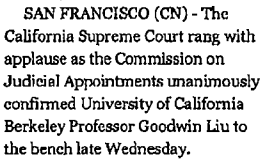


Bob Marley's Family to Stir It Up on Witness Stand

By ADAM KLASFELD
MANHATTAN (CN) - Bob Marley's widow and children can testify against the UMG record label in an upcoming trial over the copyrights to the reggae legend's master recordings, a federal judge ruled.

Goodwin Liu Confirmed to California Supreme Court

By MARIA DINZEO
SAN FRANCISCO (CN) - The California Supreme Court rang with applause as the Commission on Judicial Appointments unanimously confirmed University of California Berkeley Professor Goodwin Liu to the bench late Wednesday.



Wham

By ROBERT KAHN
BRATTLEBORO, Vt. - It's been a rough year for Brattleboro, even before Hurricane Irene took out a block of businesses.

Last winter a big old apartment building burned and water from the fire hoses ruined six stores on its ground floor on Main Street. An Italian restaurant and a bookstore are gone for good, I imagine. The lady who runs Firefly giftshop is going to try to make it as an online store, so that's gone too. All those jobs.

Down Main Street, Baker's stationery-drug-toy store, which has been there forever, closed and moved into its branch outlet in a strip mall on the outskirts of town.

The Home Depot that anchored that mall closed during the recession. Across the street, a chain restaurant just closed too - gave its employees about an hour's notice and boom.

Three law offices that have been here for more than a generation closed up. Our favorite Indian restaurant shut down. The Mole's Eye Tavern closed. A restaurant that was ruined by the fire, water and smoke moved even farther away. And Brattleboro Books, the best used bookstore in a 30-mile radius, just cut itself in half to save rent.

Sterling Balks at Prosecutor's 'Fishing Expedition' Allegations

By RYAN ABBOTT
ALEXANDRIA, Va. (CN) - Former CIA agent Jeffrey Sterling told a federal judge that that the four subpoenas he wants to serve the U.S. Senate Select Committee on Intelligence call "a fishing expedition."



No Trial on Google's 3G Smartphone Promises

By CHRIS MARSHALL
SAN JOSE, Calif. (CN) - A federal judge tossed two class actions that claimed Google misled smartphone owners about consistent 3G connectivity, finding that the plaintiffs could not pinpoint any such promises.

Fuel Runs Out for Premium Gas Class Action

By TIM HULL
CN - California consumers cannot sue gasoline retailers over pump nozzles that allegedly dispense a small amount of lower-grade gas during high-grade fuel purchases, the 9th Circuit ruled Thursday.

Hague Orders Ecuador to Pay Chevron \$96 M

By ADAM KLASFELD
CN - An arbitration tribunal at The International Court of Justice at The Hague ordered the government of Ecuador to pay Chevron and its current subsidiary Texaco \$96 million for "undue delays" of 15 years in ruling on seven commercial disputes in the early 1990s.



Teen Says Sheriff's Deputy Made Her Strip

By JONNY BONNER
SALT LAKE CITY (CN) - A sheriff's deputy made a 17-year-old girl strip for him in his squad car so he could "check for a vaginal piercing" after falsely telling her she was wanted on an out-of-state warrant on a heroin charge, the teen says in Federal Court.

Science Gives Birth to Odd Maternity Lawsuit

By JULIA FILIP
BOSTON (CN) - A mother of twins sued her employer for refusing to grant her maternity leave because she did not physically give birth but used a "gestational carrier."



SF Court Strikes Deal to Save 100 Jobs

By MARIA DINZEO
SAN FRANCISCO (CN) - After four days of negotiations, financially desperate San Francisco Superior Court struck a deal with the judiciary's central administrators that will save 100 jobs and keep 11 courtrooms open. The deal comes days after Presiding Judge Katherine Feinstein said the Administrative Office of the Courts had offered only a

Pot-Based Religion Blew Smoke at Probation

By TIM HULL
CN - A convicted meth dealer who claims to be a celebrant of a cannabis-based religion in Montana cannot smoke marijuana during his probation, the 9th Circuit ruled Thursday.

Hunters Can't Bring Elephant Corpses to U.S.

By RYAN ABBOTT
WASHINGTON (CN) - Americans who hunted and killed endangered African elephants in Zambia cannot bring trophies of their prey back home, a federal judge ruled.

No Shortcuts in Retrial for Egypt Bid-Rigging

By DAN MCCUE
WASHINGTON (CN) - The U.S. government cannot stipulate that it lost \$30 million because of a bid-rigging conspiracy for Egyptian development contracts in a retrial of some purported conspirators, a federal judge ruled.

Truckers Rebuff Call for Electronic Hour Gauges

By JOE CELENTINO
CHICAGO (CN) - The 7th Circuit struck down a regulation requiring long-haul trucks operated by companies with consistent safety violations to monitor their drivers' hours electronically.

EU Report Hails Reduce, Reuse, Recycle Ethos

By SONYA ANGELICA DIEHN
BONN, Germany (CN) - Better solid-waste management in the European Union could cut 86 million tons of carbon dioxide equivalent, according to a new report from the European Environment Agency.

Texas Strip Club Fees Upheld by High Court

By CAMERON LANGFORD
CN - The Texas Supreme Court upheld a law that forces strip clubs serving alcohol to pay the state \$5 for every patron they serve, a fee that one state judge said amounted to an unconstitutional tax of protected expression.

Court Won't Revisit Decision to OK Jail Mail

By TIM HULL

Arizona Challenges Parts of Voting Rights Act

By JAMIE ROSS
PHOENIX (CN) - Arizona challenged the constitutionality of "preclearance" sections of the Voting Rights Act, which require it to seek approval from the federal government to change its election laws and regulations.



'Napoleon Dynamite' Creator Sues Fox

By LIZ POTOCNSNAK
SANTA MONICA, Calif. (CN) - The company that made the comedy hit "Napoleon Dynamite" on a \$400,000 budget says Fox Searchlight Pictures used Hollywood accounting to cheat it of \$10 million in royalties for home video sales and TV licensing of the oddball cult hit.



Habitat for Salamander Omits Developed Areas

By TRAVIS SANFORD
WASHINGTON (CN) - The U.S. Fish and Wildlife Service has designated 47,383 acres in Sonoma County as critical habitat for the endangered California tiger salamander.



In Brief

Throw Away the Key
BOSTON - A former inmate who was coerced into sex with a prison guard up to 100 times while serving time can collect over \$113,000 in attorneys' fees, a federal judge ruled, on the heels of upholding the jury's \$73,000 verdict.

Taser Death
SAN BERNARDINO - A widow claims three San Bernardino County sheriff's deputies Tasered her husband

Then Irene blew through town. Whetstone Brook jumped its banks and filled all the basements on Flat Street with water and their ground floors with mud: New England Youth Theater, a machine shop, a brew pub and restaurant, an Indian import shop, the Latchis Hotel, Movie Theater and restaurant, and the ground floor of Sam's, the biggest outdoor outfitter in town, all soaked and muddy.

Their workers will be laid off, some of them for a long time. Some of the owners have said they wonder if they'll be able to reopen at all.

Brattleboro is a small town and losing all those jobs, and all those empty storefronts on Main Street, really hurt.

And the destruction in the towns on the way to ski country, 15 minutes away, is *undescribable*. They look like Tibet after an earthquake in the Himalayas.

It's hard to say how many people in Vermont are still cut off from everything: roads out, no power, no food unless they hike out of the mountains for it.

Just in that one stretch of mountains where I take my bicycle rides as many as 5,000 to 10,000 people have suffered loss of everything, from their power to their roads to their jobs to their homes.

I saw one house fallen into the river, and another one dumped into the middle of the road.

It's situations like this that show why we need government. A government that functions, that has reserves to call upon, be it money, workers, equipment.

One of the little towns in the mountains here, Wardsboro, population 854, was totally out off by floods Sunday; its people received no help until government agencies airlifted supplies to them on Wednesday.

Airlifted supplies. To people in Vermont.

In how many countries in the world are people truly grateful to see the government come to their door? Fewer than half of them, I bet.

While all this has been going on, politicians of all stripes, but particularly of one stripe, have continued to holler that our country is broke, that we cannot afford to "feed government" anymore by paying taxes, that we have to starve government, to make it worse, and even weaker, than it already is.

That's nonsense. The United States is not broke. Our gross domestic product is around \$15 trillion a year. We have plenty of money. But we have even more personal greed and political cowardice.

Countries facing true sovereign

"token" deal she had no intention of accepting.

Ex-Mayor Gunned Down in Pot-Grow Search

By TISH KRAFT



FT. BRAGG, Calif. (CN) - Former Mayor and City Councilman Jere Melo was gunned down investigating reports of a marijuana grow on private timber land, the Eureka Times-Standard reported. Melo's co-worker at Hawthorne Timber Company told the Times-Standard that a man "opened fire on the pair with a high-powered rifle,

hitting Melo multiple times."

'This Lawsuit May Pinch a Bit'

By PHILIP A. JANQUART

NAMPA, Idaho (CN) - A Native American hunting and fishing guide claims a dentist used his daughters as pawns in a scheme to get free trips in return for unnecessary dental work.



He claims the dentist said: "As long as the girls are in braces, I have an Indian in my back pocket."

Wisconsin Teachers Staggered by New Rules

By LISA BUCHMEIER

(CN) - Teachers this week saw how one school district will implement Gov. Scott Walker's "Budget Repair Bill," which prohibits collective bargaining for anything but salary - and they don't like it. The New Berlin School District's new Employee Handbook takes effect today (Thursday); teachers call it the most "punitive" in the state.

Unsolved Killing Creates \$1 Million Problem

By REUBEN KRAMER

PHILADELPHIA (CN) - A man was shot to death in his driveway 18 days after his wife became the beneficiary of a \$1 million policy on his life, and the insurer wants to deposit the \$1 million with a federal court.

'Hangover II' Stuntman Hurt in Car Trick

By MATT REYNOLDS



LOS ANGELES (CN) - An Australian stuntman who suffered serious brain injuries when a set-piece went awry on the set of "The Hangover Part II" in Bangkok has sued Warner Bros. He claims the stunt coordinator changed the trick while it was occurring.

Bar Tussles With A.G. Over Records

By CAMERON LANGFORD

AUSTIN (CN) - The State Bar of Texas claims the state's attorney general "failed to apply the proper legal standard" when he decided "certain sensitive State Bar personnel memorandums must be released to the public" under Texas open records laws.

Judge Freezes Funds of Quant Start-Up

CHICAGO (CN) - A federal judge has frozen the assets of a

(CN) - The 9th Circuit said Thursday that it will not revisit a February ruling that allowed a California publisher to distribute a free magazine in state prisons and jails.

Cops May Be Liable for Activist's Death in Jail

By JOE CELENTINO

CHICAGO (CN) - The 7th Circuit revived claims that Chicago police officers caused the death of a prominent civil rights activist by refusing to provide her with medication when she was under arrest.

Jamaican Drug Lord Pleads Guilty in NYC

MANHATTAN (CN) -

Jamaican drug dealer Christopher Coke pleaded guilty Wednesday to racketeering conspiracy and conspiring to commit assault with a deadly weapon, stemming from a 20-year drug ring he allegedly ran out of the Caribbean nation.

No Trademark for the Patsy's of New York

By MATT REYNOLDS

(CN) - Neither of the Italian eateries in a long-running trademark dispute can lay claim to the "Patsy's" name, the 2nd Circuit ruled.

Obama Goes Tit-for-Tat With Boehner on Regs

By TRAVIS SANFORD

WASHINGTON (CN) - President Obama responded to Speaker of the House John Boehner's request for a list of all proposed regulations that would cost more than \$1 billion annually with a list of seven such programs.

In Brief Tempest in a Teapot

COLUMBUS, Ohio - Liberty Counsel, a litigator for conservative causes, claims the Ohio Liberty Council, a tea party coalition, violates its trademark.

Inside Trading Ring

MANHATTAN - Anthony Scolaro Jr. and Diamondback Capital Management, where he was a portfolio manager, are the latest to be charged with involvement in the inside trading ring that used information attorneys Arthur Cuttillo and Brien Santarlas misappropriated from their firm in exchange for kickbacks; Scolaro allegedly made \$1.1 million from it.

Illegal Deportation

BROWNSVILLE, Texas - U.S. citizen brothers say the United States and Jim Wells

to death because he honked when a deputy turned in front of him at an intersection, and that other deputies laughed as the three Tasered the dying man five times.

Medical Marijuana

EL CAJON, Calif. - A man with a prescription for medical marijuana claims Entertainment Works fired him for refusing to supply his boss and other employees "marijuana for their recreational purposes."

Old Meat



WEST PALM BEACH - A man claims Wal-Mart dba Sam's Club fired him for complaining about being ordered "to alter the expiration dates on meat that had already expired" and "to grind up expired meat to sell to the unsuspecting public as 'fresh' ground beef."

Boss of the Day

FORT WORTH - A woman claims her boss at Sprint U.S.A. forced "everyone in his group" to watch pornographic videos, and discuss them, on pain of firing if they refused.

Inside Trading

NEWARK - James F. Turner II and his company, Clay Capital Management, reaped \$3.9 million in "illicit gains" from inside trading for Turner and his cohorts, including Scott A. Vollmar, Scott A. Robarge and Mark A. Durbin, the SEC says.

TV Station Bankruptcy



WILMINGTON, Del. - MTB Bridgeport-NY Operating LLC dba Television Station WSAH (DTV Channel 42) filed for bankruptcy, listing less than \$50 million in assets and more than \$100 million in debts.

Suing the Wobblers

MANHATTAN - Pur Pac claims the Industrial Workers of the World breached a confidential settlement agreement by leaking its terms to (nonparty) Crain's New York Business, which ran an Aug. 18 story under the headline,

debt crises today - Iceland, Ireland, Portugal and Greece - may actually not have the money to pay off their government debt.

The United States has the money, we just don't want to do it. Because we are selfish, short-sighted and greedy, and we elect leaders who are even worse than we are.

But some things only governments can do. To run for government office by claiming that government is evil, that it must be starved, weakened and debilitated, is perverse at best. And to vote for people who say they will do that is stupid.

Should Radiation Exposure to Workers' Eyes Be Reduced?

WASHINGTON (CN) - The U.S. Nuclear Regulatory Commission requests comment on whether to create regulations based on new recommendations regarding limiting the annual dose of radiation to workers' eyes.

Entire Communities Stranded in Vermont

WILLIAMSVILLE, Vt. (CN) - Entire communities in Southern Vermont remain cut off by flooding that washed out roads and bridges, took out houses, and dumped one in the middle of the road to ski country.

money manager and his hedge fund advisory firm, whom the SEC accused of lying to potential investors about the startup quantitative hedge fund, the SEC said Wednesday in announcing the unsealing of its federal complaint.

Laurence Maroney Beats Pot Charge

ST. LOUIS (CN) - NFL running back Laurence Maroney was found not guilty of misdemeanor marijuana possession in a bench trial before a city judge.

Los Angeles Sees Shrinking Court, Does Not Expect Legislative Bailout

LOS ANGELES (CN) -

As the biggest trial court in California fights for a way to deal with enormous layoffs of 1,000 people in the next three years, Presiding Judge Lee Edmon said the leaders of California's judiciary should stop hoping the Legislature will bail them out and make hard decisions on priorities that will keep courts open.



Walt Girdner Photos: Night Street 2



'Remarkable Corporate Arrogance' at a Hilton

DALLAS (CN) - A doctor sued a Hilton Hotel, claiming that in a show of "remarkable corporate arrogance," after an employee secretly

videotaped her undressing, other staff members interrogated her for more than an hour, then showed the video repeatedly to a roomful of men "while the plaintiff wept."

Mother of Driver Whose Truck Killed 8 Sues Organizers of California 200 Race

SAN DIEGO (CN) - A mother sued organizers of The California 200 off-road race for the distress she suffered when she saw her son's truck "veer off the racetrack ... flip over, and kill eight people and injure dozens who were permitted to stand on or near" the track.

County illegally detained them, and illegally deported one of them to Mexico, even though they had valid documents.

"Queens biz settles wage-theft suit for \$470K."

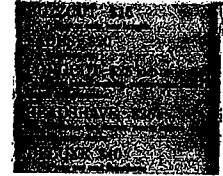
Retaliation in L.A.

LOS ANGELES - An "older Hispanic couple" claim Los Angeles County sheriff's deputies harassed and violently retaliated against their family for their peaceful protest of a deputy's shooting to death their son, Ezequiel Jacobo, on Aug. 8, 2009.

Publishing

MANHATTAN - Midpoint Trade Books claims Eric Kampmann damaged it by "self-dealing, impropriety and malfeasance" for 6 years, including transferring \$400,000 of Midpoint's money to (nonparty) Beaufort, of which Kampmann is president, for "costs associated with the O.J. Simpson book, 'If I Did It.'"

Illegal Haircut



WOODLAND, Calif. - A father claims Woodland Joint Unified District employees took his son out of school and drove him to a barber shop where his hair was cut against his will, and to his distress.

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EXHIBIT 2

The New York Times

Goal

The New York Times Soccer Blog

SEPTEMBER 9, 2008, 12:21 PM

Mexican League on Univision: Check Your Local Listings

By JACK BELL

A dispute between two Spanish-language television giants, Univision and Grupo Televisa, could result in the games of three top Mexican league teams being pulled from Univision, which shows the games in the United States.

Televisa — which owns Club América, Necaxa and San Luis — has filed a suit in Superior Court in Los Angeles in which it says Univision must stop its broadcasts of games involving the three teams by Sept. 28, according to a report by the Courthouse News Service. Televisa is asking the court to invalidate a contract, which Univision asserts runs through 2017. Televisa said it is prepared to begin broadcasting the games of the three teams it owns.

Univision's broadcast of Mexican league games in the United States draw impressive numbers of viewers who generally fall under the radar. Univision claims that more Hispanic viewers between the ages of 18 and 49 watched the 2007 league tournament finals than watched that year's Super Bowl.

Club América, based in Mexico City, is one of the country's most popular teams. San Luis made it to the semifinals of the 2008 Clausura tournament. Necaxa was the subject of an offer from the state of Aguascalientes, which reportedly offered Televisa \$30 million for the club.

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Exhibit 2
Page 17

The New York Times

Arts Beat

The Culture at Large

JANUARY 21, 2011, 12:14 PM

Gallery Challenges Jeff Koons's Balloon Dog Claim

By *PATRICIA COHEN*

You may not have realized that the balloon dog you bought for a buck from a street clown might be a collector's item. But the artist Jeff Koons, who constructed a 10-foot tall "Balloon Dog" that has been exhibited in the Metropolitan Museum of Art and elsewhere, sent a cease-and-desist letter to a Canadian manufacturer and San Francisco gallery for producing and selling "Balloon Dog" bookends. Now the gallery, Park Life, has asked a federal court for a declaratory judgment that states the canine shape cannot be copyrighted, according to Courthouse News Service. "As virtually any clown can attest, no one owns the idea of making a balloon dog, and the shape created by twisting a balloon into a dog-like form is part of the public domain," the gallery says in its federal complaint. "Any similarities between the Balloon Dog Bookend compared with the Balloon Dog Structure are driven by the wholly unprotectable idea of depicting the shape of a balloon dog in a solid form."

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Exhibit 2

Page 18

Chicago Tribune

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Chicagoland pictures from the 9/11 anniversary



Gallery: Photos from Bears' opener against the Falcons



NBC 5 to replace Ginger Zee with 2 weathercasters

Home > Business > Chicago Breaking Business

United Airlines, Huntleigh may have burden of proof in last Sept. 11 suit



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From the Courthouse News Service
8:41 a.m. CDT, September 9, 2011

United Airlines and its security consultant Huntleigh USA may assume the burden of proof in the only remaining wrongful death lawsuit stemming from the Sept. 11 attacks, a federal judge ruled.

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STORY: 'No credible threat to Chicago'

Mary Bavis, whose 31-year-old son, Mark, died on United Airlines Flight 175, has not accepted a settlement, months away from her November trial date.

Ninety-five other wrongful death suits stemming from the attacks have been settled for a reported \$500 million.

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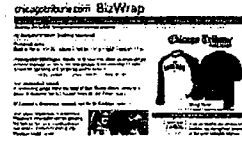
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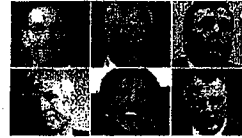
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WayneBradley at 5:28 PM September 09, 2011
Good luck to Mrs. Bavis. I hope she prevails.

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Courthouse News Service



Friday, September 09, 2011 Last Update 10:00 AM PT

United Airlines May Get the Burden of Proof in Sept. 11 Negligence Trial

By ADAM KLASFELD

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MANHATTAN (CN) - United Airlines and its security consultant Huntleigh USA may assume the burden of proof in the only remaining wrongful death lawsuit stemming from the Sept. 11 attacks, a federal judge ruled.

Mary Bavis, whose 31-year-old son, Mark, died on United Airlines Flight 175, has not accepted a settlement, months away from her November trial date.

Ninety-five other wrongful death suits stemming from the attacks have been settled for a reported \$500 million.

"Defendants acknowledge that the events of September 11, 2001, were tragic, but deny that they were negligent," U.S. District Judge Alvin Hellerstein wrote in his Sept. 7 Order and Opinion Regulating Burdens of Proof and Issues for Jury Instructions.

As the parties wrap up their pre-trial motions, Hellerstein ruled on whether Bavis may pursue state law claims, and where the burden of proof should fall at trial.

The order states that the Supremacy Clause of the Constitution settled the first question, booting state claims in favor of federal law.

Hellerstein did not decide where the burden of proof would fall at trial, but he indicated that it may not rest - as conventionally expected - with the plaintiff.

"Where a defendant has superior access to knowledge of relevant facts, courts may shift a burden to the defendant, by permitting the plaintiff to make an initial showing and obtain the benefit of a presumption," the order states. "Courts should not do so lightly, but should consider whether particular circumstances warrant such burden-shifting."

The judge appears to believe this is such a case.

"Defendants are in the best position to show what they did and why they did it," the order states. "It is appropriate to require defendants to assume the burden to come forward with this evidence. If defendants succeed, plaintiff will have the ultimate burden of proving some overall failure of due care, if due care is shown to be the standard. If defendants' substantial compliance with regulations and procedures is shown to be a defense, defendants will have that ultimate burden of persuasion, as well as of coming forward with sufficient evidence."

Nevertheless, Judge Hellerstein continued: "I defer this question to later proceedings."

He said he would decide what categories of damages Bavis can recover in a separate order.

The New York Times reported that Hellerstein indicated in a recent hearing that he would grant damages for the "21 minutes of terror" Mark Bavis suffered before the flight crashed.

"My thinking is tending toward allowing terror damages," Hellerstein said, according to the Times.

He also said the case would revolve around how the attackers boarded the airplane, according to the Times.

"I don't know how the terrorists got through," he said, the Times reported. "I don't know how the weapons got through. And I don't know if negligence is the only explanation."

The next court date is Sept. 19; trial is slated for Nov. 7.

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THE GLOBE AND MAIL

September 5, 2011

Grieving mother told to remove pictures from cubicle

By Madeleine White
Globe and Mail Blog

A court rules there was nothing wrong with employer telling woman to stop talking about deceased daughter

The death of a child is devastating to any parent, but being told to suck it up at work? Talk about rubbing salt in a wound.

Cecelia Ingraham, a former employee of big pharma giant Ortho-McNeil Pharmaceutical [<http://www.janssen-ortho.com/joi/en/about/history.asp>] (now Janssen Pharmaceuticals, Inc.), lost her teenaged daughter in 2005 to leukemia. As a tribute, the grieving mother put up pictures of her daughter and hung her ballet shoes in her cubicle at work.

But after a year and a half, her boss, Carl DeStefanis, ordered her to take them down and to "no longer speak of her daughter because she is dead," according to a new report from Courthouse News Service [<http://www.courthousenews.com/2011/09/02/39527.htm>].

He was also accused of telling Ms. Ingraham to act as if her daughter "did not exist."

Ms. Ingraham's behaviour was off-putting and distracting to her colleagues, making them feel uncomfortable at work, Mr. DeStefanis explained. But that's not how the anguished mother saw things. She felt that her workplace had become inhospitable and sued for discrimination, constructive discharge and infliction of emotional distress.

"I was still in shock. Nothing was coming out of my mouth at the time because I was still in shock and I was in disbelief," Ms. Ingraham testified, according to a report by ABC News [<http://abcnews.go.com/blogs/health/2011/09/05/mourning-mother-forced-to-remove-photos-from-cubicle>]. "And I said to him, I cannot believe that. I says, I don't see anybody avoiding me. They always come over, they give me my work."

A county court judge ruled against Ms. Ingraham, prompting her to file an appeal, which she also lost.

The presiding appellate judge pointed out that it is difficult for a plaintiff to prove intentional infliction of emotional distress, citing that it has to be outrageous and beyond what would be tolerated in civilized society.

"We have previously said that conduct in the workplace will rarely be so egregious as to give rise to a claim of intentional infliction of emotional distress," Judge Victor Ashrafi wrote.

He also said that while many would view telling a parent who is mourning to forget about their dead child as insensitive, it's not the employer's fault if the parent overreacts and quits his or her job.

Would you stay at a job where your boss told you to stop mourning?

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Updated: Sat, Apr 3, 2010, 6:49 AM

Lawsuit a fine wine

Last Updated: 6:49 AM, April 3, 2010
Posted: 2:59 AM, April 3, 2010

A Norwegian wine collector is suing Christie's for \$5 million for allegedly botching the sale of his world-class collection of rare wines, Courthouse News reported yesterday.

The 2007 Los Angeles auction was "a severe failure," Christen Sveaas said after many of his vintage bottles failed to sell or did so below market value.

A dozen bottles of his Chateau Mouton-Rothschild 1945 drew \$100,000, \$70,000 less than Christie's got for the same lot in New York, the suit says.

And his 1999 Domaine de la Romanée-Conti Richebourg, "one of the most sought-after wines in the world," sold for \$1,250 a bottle in LA -- but \$8,867 a bottle in London just three days later.

The suit charges Christie's with failing to promote the sale properly, twice delaying it unnecessarily and then holding it at "the tail end of an overcrowded auction season."

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LAW -- November 17, 2010 at 7:03 PM EDT

Guantanamo Detainee Ghailani Convicted on Just 1 Charge by N.Y. Jury

BY: NEWS DESK

Like

The first suspect transferred from Guantanamo military prison to stand a civilian trial was acquitted late Wednesday of nearly every charge that he helped with terrorist attacks on two American embassies in Kenya and Tanzania that killed 224 people in 1998.

After a week of deliberation, a federal jury convicted Ahmed Ghailani, 36, a Tanzanian from Zanzibar of one count of conspiracy and acquitted him of all more than 280 other counts, including murder and murder conspiracy.

The verdict deals a setback to President Obama's plans for trying terrorism suspects on U.S. soil and marks a rare defeat for the U.S. Attorney's Office in New York, which has a near perfect record in prosecuting terrorism cases.

Prosecutors branded Ghailani a cold-blooded terrorist, but the defense portrayed him as a clueless errand boy, exploited by senior al-Qaida operatives and framed by evidence from contaminated crime scenes.

Ghailani was convicted of one count of conspiracy to destroy U.S. property. He faces a minimum of 20 years and a maximum of life in prison at sentencing on Jan. 25.

Adam Klasfeld*, a reporter for **Courthouse News Service**, was in the courtroom and spoke with The Rundown shortly after the verdict was read.

"At first, everyone was tense," Klasfeld said. "People were not expecting this."

The jurors only looked at the judge and did not make eye contact with Ghailani or those gathered in the room, Klasfeld said. "A hushed silence fell on the reading of the verdict. A string of 'not guilty's' were read until count five, which was conspiracy to destroy government buildings and property."

Despite the charge he was convicted on still carrying the potential for life in prison, Klasfeld said the defense team seemed very positive after the rest of the charges were read as not guilty. Ghailani hugged his lawyer before guards handcuffed him and took him out of the room.

The judge told the jurors, "you have the right to be proud of your service in this case," and added, "your nation is better for people like you," according to Klasfeld. The jurors were also not immediately talking to the press and were cautioned to be careful about giving out personal information.

When Ghailani was transferred to New York last year to stand trial, Jim Lehrer spoke with Benjamin Weiser of The New York Times for some background on the case and the controversial venue for prosecution:

You'll need Flash 9 or better to view this content. [Download it now](#)

George Griffin, Mike Melia, Dave Gustafson, The Associated Press and Reuters contributed to this report.

■ An earlier version of this post had the incorrect first name.

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Valedictorian sues school: Was she snubbed because of race?

July 26th, 2011
04:56 PM ET

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A recent high school graduate from Arkansas is suing her school district, claiming it refused to recognize her as the school's sole valedictorian because she is black.

Kymerly Wimberly, 18, earned the highest grade point average in McGehee Secondary School's 2011 graduating class. She did so as a young mother, according to the complaint she submitted to the U.S. District Court for Arkansas' Eastern District. She was named the school's valedictorian and then later given co-valedictorian status with a white student who had lower grades, her complaint says.

Exhibit 2

Page 32



Kimberly Wimberly

No legal response has been filed by lawyers for the school district or any other school or district representatives, according to court officials. Superintendent Thomas Gathen said he has yet to be served with any sort of court documents. Because of this, Gathen said he was unable to comment on several individual issues brought up in Wimberly's complaint.

"The issue that someone's trying to paint is that this was a racially motivated," Gathen told CNN. "That wasn't an issue with (the co-valedictorians). This is strictly an academic issue and a policy issue, not a racial issue."

Wimberly is seeking punitive damages of \$75,000 and recognition as the sole valedictorian of her class. Wimberly's complaint also argues the McGehee school district, in southeastern Arkansas not too far from the Mississippi River, habitually withheld access to challenging classes from black students.

Wimberly said students were told at a schoolwide assembly that advance placement classes were very rigorous and that only those who really thought they would thrive with intense workloads should elect to take them. Then, individual students were taken aside and told that the classes really weren't all that bad, she told CNN. The overwhelming majority of those students were white, she said, adding that she was the only black student in her AP literature class and one of two in calculus.

"Black students are meant to stay in regular course levels and mostly play sports," Wimberly said. "That's what were good at that that's what we should stick to - that's the mentality of McGehee."

Wimberly said she had one teacher, for AP biology, who encouraged all students to take the class. Its racial makeup was half black, half white, and was more reflective of McGehee's student population, which is 46% black.

The case has been gaining increasing attention since Courthouse News Service reported on it Monday.

According to the complaint, Wimberly's mother, Molly Bratton, works as the McGehee district's media specialist. On May 10, Bratton learned from the school's counselor that her daughter had earned the top grade point average in her class. After sharing the exciting news with her daughter, she overheard someone in the school's copy room saying the accolade would cause "a big mess," according to the complaint.

Later that day, the complaint says, Bratton confirmed her daughter's status with Superintendent Gathen.

Then things began to unravel, according to Wimberly.

The next day, the school's principal, Darrell Thompson, told Bratton that he had decided to appoint another student, who was white, as a co-valedictorian. CNN was unable to reach Thompson for comment.

The complaint says Thompson attributed the decision to something in the student handbook, though the complaint says he did not list a specific policy.

In regards to recognition of a valedictorian, the McGehee handbook says that "students must be continuously enrolled at McGehee High School the last two semesters without transferring during this time to be considered in class ranking or eligible for valedictorian or salutatorian status."

The handbook says students will be given the same class rank only if their grades are the same, but in deciding class rank, students with lower GPAs who are taking more or harder classes will not be penalized. Gathen said the Wimberly's co-valedictorian had half a credit more than Wimberly and the difference in the students' GPAs was .03 or .05. Gathen said the outcome would have been the same were the situations reversed.

"I would have made the same decision," he said. "I was the one who made the ultimate decision."

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M T W T F S S

1 2 3

4 5 6 7 8 9 10

11 12 13 14 15 16 17

18 19 20 21 22 23 24

25 26 27 28 29 30 31

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Wimberly said she knew of students sharing the valedictorian position in the past, but only if their GPAs were the same, "down to the very last decimal point."

When she found out that her daughter would have a co-valedictorian, Bratton called Gathen, who told her he had OK'd Thompson's decision, court documents state. The school's counselor had already sent out a news release to the local community about Wimberly's achievement, but the school then sent out an additional one about the co-valedictorian.

Bratton sought to bring up the issue at a school board meeting but was told by Gathen that it would have to wait for a meeting after the school's graduation ceremony because of an error in the form she filled out, according to the documents.

In addition to these details of the case, the complaint also claims that the district places more emphasis on challenging its white students than its black ones.

"African-American students were not encouraged to take Honors or Advanced Placement classes," the complaint says. "Caucasian students had to almost opt out (of advanced classes)."

Wimberly said she was lucky in that she had parents who would support her academic pursuits, even if many of her teachers would not.

"(Other students') parents aren't as active as mine," Wimberly said. "Think about children who don't have parents who are active in the school."

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soundoff (2,059 Responses)

1. Carol Snyder

Do you think they would have thought this hard about it had they originally named the white student valedictorian?

August 16, 2011 at 9:44 pm || [Reply](#)

2. Carol Snyder

I think she is suing for too little. The lawyer gets 1/3 of it, and that barely leaves enough for four years of college at a good school. Hopefully she will get a full scholarship somewhere and she can put this money aside for her next step in life. I wish her the best! The school needs to learn a lesson and this may be the only way they can learn it – via their pocketbook! Without the suit, they would probably just continue on their merry way – and unwilling to have a valedictorian who is an African-American.

August 16, 2011 at 9:53 pm || [Reply](#)

3. Megan

I need more information on their GPA's and how many credit hours they took. If the white student took more hours, they would have a lower GPA due to how AP classes work; even if they got an "A" in the class. Having more credit hours actually dilutes your GPA. Many schools will account for that and take the extra credit off one student to make it comparable to the other student. It is very possible and very likely that these two students actually have the

same exact GPA when you hold credit hours constant. People should take that into account before they start speculating discrimination. It could be that the counselor wasn't taking this extra credit issue into consideration when she told her she had the highest GPA. I was co-valedictorian with two other students in my class. We made sure we took the same amount of credit hours so we wouldn't have this issue.

August 18, 2011 at 4:38 pm || [Reply](#)
• *pattic*

Taking more credit hours does not dilute your GPA. The "A" stands for "average." If you take 4 classes and get an A in each (A=4 points) you earn 16 points. 16 divided by 4 = 4; your GPA is 4.0 or A. If you take 5 classes and earn an A in each, your GPA is still 4.0 (4 x 5 = 20 / 5 = 4.0). The inequality comes in when a person who is taking EASIER classes earns an equal or higher grade than one taking harder classes and therefore ends up with a higher GPA.

August 19, 2011 at 7:45 pm ||
• *george*

Many school districts give extra points for advanced placement or honors classes, to reduce any penalty for the harder classes. I don't know about this school district in particular, but my school district assigns 6 points (on a 4-point scale) for an "A" in an advanced placement class, 5 points for an "A" in an honors class, and the usual 4 points for an "A" in a regular class – because of that, someone with mostly A's and a few of these advanced or honors classes can have a GPA greater than 4.0 (My valedictorian had something crazy like a 5.1).

August 23, 2011 at 10:22 pm ||
4. *Claire*

You're probably correct, that it was about morals and not race, but if they didn't have any policy in place that stated anything other than GPA was considered, she still has a case. I doubt she'll get \$750K—she's obviously viewing this as a golden opportunity.

July 26, 2011 at 5:09 pm || [Reply](#)
5. *George*

I don't understand how having an unwed mom would make her have the highest GPA in the entire school, which made the white school principal so uncomfortable that he chose a white student with a lower GPA to be a "co-valedictorian". Can you please explain?

July 26, 2011 at 5:24 pm || [Reply](#)
6. *CO.SENS*

DISLIKE!!!

July 26, 2011 at 5:29 pm || [Reply](#)
7. *CO.SENS*

OBVIOUSLY YOUR MOTHER DID NOT DO A GOOD JOB. YOU ARE JUDGING HER AND YOU DON'T EVEN KNOW HER.....

July 26, 2011 at 5:31 pm || [Reply](#)
8. *LOL*

I know you are trolling, maybe, but your comment cracked me up! Thanks for the laugh ! ☺

July 26, 2011 at 6:08 pm || [Reply](#)
9. *justice*

Either way... Morality based or racially based. It's flat out wrong.

July 26, 2011 at 6:16 pm || [Reply](#)
10. *lisa*

So you're assuming she's trying to cash in and not making a very valid point? Really? You're right, she must be a lazy deadbeat to be at the top of her class as a mother. Think about that just for a minute. Lawsuits SHOULD be about social justice, and this one is, IMHO.

July 26, 2011 at 6:27 pm || [Reply](#)
11. *lisa*

That's right, a golden opportunity- for WHAT? An attempt to make a lot of money without having to work for it? I'm sure that's how she got to be valedictorian, by being a lazy opportunist and whining.

AP classes are weighted into the GPA so I think this whole argument is nonsense. Either her GPA was tied for first or it wasn't. She deserves every single thing she has worked her butt off for.

If she said she should get special treatment because she's black or because she's a single mother then she'd be way off base. She earned her status as the number one student in her class. Why is it OK to dilute that?

July 26, 2011 at 6:36 pm | [Reply](#)
12. *mypoint2012*

Obviously you're not too smart. It's 75k, not 750k. Maybe you should take an AP class in math.

July 26, 2011 at 6:43 pm | [Reply](#)
13. *LastDinosaur*

Well, it says she sued in federal court. Her lawyer may have been desperate for a jurisdictional basis that would stick, so s/he threw in the kitchen sink of "qualifiers." You need \$75k + parties from different states to bring a diversity suit in federal court; and although there may not be diversity of citizenship, the case promotes educational diversity (see the second allegation, regarding the racial composition of AP classes), which is close enough, right?

But seriously, it's probably a good idea to shoot for a federal forum rather than let the Arkansas state court system decide what to do with a black plaintiff novel race-based claim.

July 26, 2011 at 8:44 pm | [Reply](#)
14. *Rodney*

Read the story. She's asking for \$75,000...not \$750,000. Probably just enough to pay for her college degree now that a scholarship is out of the question because she went from Valedictorian to Co-Valedictorian.

July 26, 2011 at 9:42 pm | [Reply](#)
15. *debillo*

note that she is asking only \$75,000, not \$750,000. Does anyone realize how important valedictorian status is to a college bound person? I'm thrilled she's taking them on. Arkansas has always been a racially stunted state, and this proves to me that things haven't changed much since Brown vs the Board of Education. This white grandma says "You go, Girl!"

July 26, 2011 at 9:47 pm | [Reply](#)

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1
2
3
4
5
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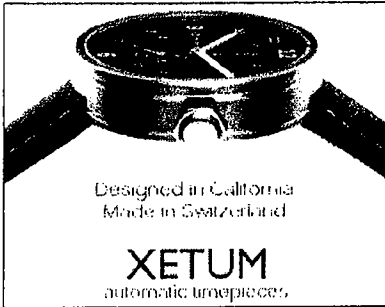
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Black high school student says school wouldn't let her be sole valedictorian because of race

BY LARRY MCSHANE
DAILY NEWS STAFF WRITER
Tuesday, July 26, 2011

A black teen-age mom with the highest GPA in her class was forced to share valedictorian honors with a white classmate by a racist Arkansas school district, a lawsuit charges.

The federal suit was filed last week on behalf of Kymberly Wimberly, 18, against the McGehee school district, its superintendent and her high school principal.

"Defendants did not support African-American students and did not want to see Wimberly, an African-American young mother, as valedictorian," the nine-page suit charges.

"But for Wimberly's race, defendants would not have selected a student with a lower GPA than Wimberly to also be a valedictorian."

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The lawsuit was first reported on Monday by the Courthouse News Service. Both Wimberly and the white student spoke at the McGehee Secondary School graduation in May, the lawsuit said.

A message left with the school superintendent for comment was not returned on Monday, according to MSNBC.com.

According to the lawsuit, Wimberly - who missed three weeks of her junior year after delivering a baby - earned all A's except for a single B during her four years at the school.

Her grade point average was the highest of any student in the Class of '11 - but school officials opted to name a second valedictorian, a white student with a lower GPA, the suit said.

Wimberly's mother Molly Bratton said she was blocked from addressing the school board about the flap until after the graduation ceremony.

The lawsuit seeks punitive damages of \$75,000 or more, as well as a declaration that Wimberly is the sole valedictorian of her class.

lmcshane@nydailynews.com

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A student says she was denied the honor of being the sole valedictorian because... (Getty)

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RACISM 188
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CRIME 184
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FAST FOOD 174
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RACISM

Black Student Barred from Being Valedictorian, Says Lawsuit

18-year-old Kymberly Wimberly is suing her McGehee, Arkansas public high school for barring her from being valedictorian because of her race. (As opposed to the equally unfair but way less depressing "funny name issue.") Kym's federal lawsuit claims she had the highest GPA in her class and was told she would be valedictorian, but got pushed out last minute for white students.

Wimberly's mother, who works at the school, says she overheard an official calling Kym's valedictorian status a "big mess." Courthouse News reports:

McGehee Secondary School is predominantly white, and 46 percent African-American, according to the complaint. [Wimberly's mother] Bratton says that the day after she heard the "big mess" comment, McGehee Principal Darrell Thompson, a defendant, told her "that he decided to name a white student as co-valedictorian," although the white student had a lower G.P.A.

Bratton says she tried to protest the decision to the school board, but defendant Superintendent Thomas Gathen would not let her speak, because she allegedly had "filled out the wrong form. Instead of 'public comments,' Gather [sic] said Bratton should have asked for 'public participation.'" The superintendent told her she could not appeal his decision until the June 28 school board meeting; graduation was May 13.

BY MAUREEN O'CONNOR JUL 25, 2011 4:53 PM

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McGehee High School faced a similar lawsuit in 1983, when a black homecoming queen candidate challenged an election. Apparently the tiny town of 4500 has been trapped in a time warp of conflicts from 1960 for multiple decades, now. [Courthouse News, Justia, *image via McGehee High School*]


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 DRUGS 128
Reggae Star Caught With Stereotypically Huge Quantity of Weed

 HEALTH 115
Study Proves Gulf War Syndrome is Nerve Gas-Induced Brain Damage

 SAD 114
The Loneliest Baby Seal in the World

 MODERN LIFE 112
Reliving a Romance, from Beginning To End, via Gmail

 ADVICE 100
How to Poop at Work


 THE GAYS 88
The Best Gay President Rumors of All Time

DISCUSSION THREADS


FEATURED ALL START A NEW THREAD

 mlle.penelope 25 Jul 2011 5:22 PM


Maybe this is just me, but if a school is 46% African American, does that really make it "predominately white"?

 Proofer3 @mlle.penelope


Yes. The school is over half white. That's called the "percentages" part of mathematics.

 mlle.penelope @Proofer3


Sigh. Back again?

 Hey_Blinkon @mlle.penelope

Meh, technically. I mean, it could be 1001 whites and 999 blacks and people who care about that shit would scream it from the rooftops.


 EasttoMidwest @Proofer3

"Predominately" has a more complex meaning than "mostly." It implies a skewed balance of power and influence. It was poorly used in the context, mostly because it overstates proportion.

 Proofer3 @Hey_Blinkon

3% is regarded as a usual margin of error in polling. They would have got the numbers from the school roll, so, there is no margin of error.

Why is everyone so mad that the article used an exact percentage?
Kymberly Wimberly is getting fucked-y-wuckedy out of her vali-wali-dictorianship.
Isn't that the most important thing?

 xyzpdq @Proofer3

pre-dominant adj \-nənt: **Most common or conspicuous; main or prevalent: the predominant color in a design.**


A school that is 54 percent white and 46 percent black is NOT predominantly white.

AMessageToRudy @EasttoMidwest

What you said. Thanks for saving me the trouble.

Also, the city has a slight Hispanic population, which means this "predominance" of whites could be even less.

[www.city-data.com]

 Proofer3 @AMessageToRudy

Nobody cares about the other loser students!
What about the SMARTEST ONE?
She's BLACK! and she has a SILLY NAME!
Aren't there LAWS?

rachel723 @mille.penelope


I agree - and that figure is only assuming that there are no other ethnicities in the school other than white. If there were 10% Asian American and 5% Native American, for instance then no, the school would not be predominately white.

Probably a better term would be "dominatingly white". Look at at apartheid - you don't need to have a majority to be dominant


promoted by Proofer3

AMessageToRudy @Proofer3

OK, you lost me...


 HappyThoughts @mille.penelope

agreed


 Proofer3 @rachel723

Hey isn't there a real word for "dominatingly"? Wait, there is - it's **predominantly** .

Edited by Proofer3 at 07/25/11 5:58 PM

 mlle.penelope @rachel723

I think "mostly" would suffice. If it was indeed "mostly". I have a feeling the school is at least 10% Hispanic, which would make this statement completely incorrect. Not to mention this story has no legs, and has been brought to us by someone who named their kid Kymberly Wimberly.

 Proofer3 @mille.penelope

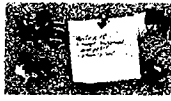
The Kymberly Wimberly part IS the legs.

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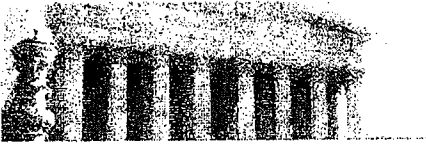
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Tuesday round-up

Coverage of yesterday's decisions in *Plata* and *General Dynamics*

Yesterday the Court issued two opinions: in *Brown v. Plata*, it affirmed a decision by a three-judge district court panel ordering California officials to release state prisoners; and in *General Dynamics Corp. v. United States* it vacated a Federal Circuit decision and held that when, to protect state secrets, a court dismisses a contractor's prima facie valid affirmative defense to the government's allegations of breach of contract, a proper remedy is to leave the parties where they were on the day they filed suit.

The decision in *Plata* dominated the news coverage and commentary. In yesterday's evening round-up, Kali collected many of the early news stories on the decision. Additional coverage comes from Michael Doyle of McClatchy Newspapers (via the Miami Herald), Daniel Wood of the Christian Science Monitor, Debra Cassens Weiss of the ABA Journal, JURIST, and Courthouse News Service. In the New York Times, Jennifer Medina reports that the *Plata* decision is "sure to set off a fresh round of budget battling in the financially distressed state [of California]," while the editorial board of the New York Times urges the state to use its "limited prison space . . . for people who truly pose a threat to society," rather than those convicted of "technical parole violations" or "minor, nonviolent crimes."

Discussion of the case continued in the blogosphere as well. Writing for ACSBlog, Giovanna Shay argues that although the *Plata* remedy was necessary, "the type of over-crowding described . . . requires, not just conditions litigation, but a criminal punishment overhaul. Simply put, California needs to lock up fewer people, as does our nation." In another ACSBlog post, Inimai Chettier takes issue with the dissenters' "alarmist language" and argues that "[i]mproving prison conditions makes us all safer." At Cato @ Liberty, Tim Lynch describes California prison conditions in some detail and concludes that the opinion "make[s] a persuasive case that California's elected officials have had ample opportunity to address the systemic problems, but have let them fester year after year"; Ben Kerschberg of Forbes similarly contends that the state "has failed at a systemic level."

The majority's use of three photographs to illustrate prison conditions was the focus of additional commentary. At Balkinization, Jason Mazzone suggests that although the Court included the photographs so that "readers will see for themselves what the conditions within the prisons are like -- and thereby understand better the reason for the Court's endorsement of the extraordinary remedy of a mass release," the use of the photos might not always have the intended effect: "Some people who look at the two photographs will see not crowded prisons demanding a judicial remedy but scary criminals who are going to be released into the community before they have served their sentences." At his Sentencing Law and Policy blog, Doug Berman considers whether the Court should use visual aids; in another post, he comments on the abundance of rhetoric in all of the *Plata* opinions.

Yesterday's decision in *General Dynamics* garnered comparatively less coverage. Writing for the New York Times, Adam Liptak both summarizes the decision and links it to last week's denial of certiorari in *Mohamed v. Jeppesen Dataplan, Inc.*; he also interviews an expert on "state secrets" who suggests that the two cases collectively "amount[] to 'an unmistakable and loud signal that all nine of the justices are not about to change the rules of the game in cases in which the government claims that military, intelligence or diplomatic secrets may be revealed.'" At the Constitutional Law Prof Blog, Steven D. Schwinn echoes this sentiment: he notes that although the Court's holding is narrow, the decision may nonetheless "shed some light on the Court's view of the [state-secrets] privilege outside the narrow facts of this case." Additional coverage of the *General Dynamics* decision is also available at the Wall Street Journal, Fox News, ABA Journal, and JURIST.

Finally, yesterday's order list also prompted several stories. In the ABA Journal, Debra Cassens Weiss covers the grant in *Kawashima v. Holder*, in which the Court will decide whether a false statement on

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a corporate tax return is an aggravated felony involving fraud or deceit, which would justify the deportation of a Japanese couple. [Courthouse News Service](#) and [JURIST](#) also provide coverage. And several sources reported on the Court's denial of cert. in [Khadr v. Obama](#), a detainee case, including Lyle Denniston of this blog, [Postmedia News](#) (via the Vancouver Sun), [Parliamentary Bureau](#) (via the Toronto Sun), and [Courthouse News Service](#).

Briefly:

- The editorial board of the [Los Angeles Times](#) criticizes the Court's recent decision in [Kentucky v. King](#).
- At [The Conglomerate](#), Gordon Smith responds to the Chief Justice's recent criticism of legal scholarship.

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FINANCIAL TIMES

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JP Morgan, I put a spell on you

Posted by **Tracy Alloway** on Apr 07 08:20.

There's nothing like hard times to bring out the bank-bashing craziness.

And JP Morgan is no stranger to recession-induced weirdness. For instance, in 1933, in the midst of the Great Depression, John Pierpont Morgan Jr. had a midget sit on his lap during the Pecora Commission — a series of hearings delving into the causes of the Wall Street Crash. Pecora eventually ended in some new regulation including Glass-Steagall, the act which separated commercial and investment banking.

Anyway, the absurdity is back. And as the very funny LOLFed notes, we are no longer talking about using regulation to curb the banks. No — we are talking using good ol' fashioned pseudo-religion.

From the Courthouse News Service:

MANHATTAN (CN) – The self-ordained Rev. Billy Talen was arrested on Easter Sunday after putting a “holy hex” on JPMorgan Chase bank, which he calls the nation’s largest financier of coal-mining mountaintop removal. The former New York City mayoral candidate and his green-robed chorus put the hex on two bank branches, saying Morgan Chase has helped destroy more than 450 Appalachian mountains, deforested 800 square miles and polluted more than 1,200 miles of streams.

At this point you may be asking; since when is cursing a company an arrestable offense?

To which we (via the Court News Service) answer:

Rev. Billy led his Life After Shopping Gospel Choir to two East Village Chase branches, where the singers “deposited” mounds of “sacred dirt from Coal River Mountain, West Virginia” on the floors of ATM lobbies . . . As Talen concluded his sermon, NYPD Officer William Svenstrup ordered him to withdraw his deposit of dirt from the bank floor. The Rev. Billy refused. “Then you are coming with me,” Svenstrup said, while another officer took out the cuffs, and used them, and the choir chanted, “Free speech! Free press! Free people! Repressed!” Then the choir sang the text of the First Amendment.

Deposit of dirt. You can't make this stuff up (though arguably Rev. Billy did).

Anyway, FT Alphaville sees a business opportunity here.

Jamie Dimon voodoo dolls will now be sold in the first-floor gift shop:

Exhibit 2

Page 50



Related links:

Dimon takes a stand on finance overhaul – WSJ
Reverend Billy and the Church of Stop Shopping – Wikipedia

This entry was posted by Tracy Alloway on Wednesday, April 7th, 2010 at 8:20 and is filed under Capital markets, People. Tagged with God, JP morgan.

Comments

I am inclined to agree with the "coffin dodger" posting, particularly the following
"The mainstream media - newspapers, TV and journalists (I don't believe there are too many 'investigative' journalist left) have failed cataclysmically to address the blame for this crisis and calling those responsible to account."
Especially when there was "dirt" to deposit regarding JP Morgan Chase's affairs in the metals markets in the otherwise unreported (in the mainstream media only) story and intrigue of the CFTC meeting dated March 25th, 2010.
A pity, we get a midget instead .

Greek sprayers at work in Athens.
"Thieves" is sprayed on the left side of the entrance, "Liars" on the right".

<http://www.faz.net...~Ecommon~SMed.html>

wally - indeed. Thank you, fixed.

John Pierpont Morgan was in his grave well before the Pecora hearings. I think you mean John Pierpont Morgan, Jr.

I fully endorse the Rev.Billy, he's been pulling mildly amusing art pranks in NY for years.

These sort of 'crazies' get exposure at times when all other legitimate means of questioning the behaviour of criminal and fraudulent acts (vis-a-vis banking cartels) have been ignored by those who ought to be discussing them.

<http://ftalphaville.ft.com/blog/2010/04/07/196626/jp-morgan-i-put-a-spell-on-you/>

Exhibit 2

Page 51

9/16/2011

The mainstream media - newspapers, TV and journalists (I don't believe there are too many 'investigative' journalist left) have failed cataclysmically to address the blame for this crisis and calling those responsible to account.

It's left to those brave enough to face the wrath of the State to voice their protests whilst the oligarch-controlled media ridicules these protestors as 'crazy'. And guess what? - it works - this poor deluded man was arrested for dropping some dirt on the floor (and this in the Land of the Free) - coming to a police state near you soon!

Ah... the natives are restless here Tracy... it's just early spring...

From the New York Times a story about Carl P. Paladino. He is a man in NY worth \$150 million running for governor (and he plans to spend \$10 million on his campaign)...

"...He has always had a knack for being provocative, and shows no signs of toning down his language during the governor's race.

He calls his campaign — his first run for public office — a "crusade." He has excoriated state political leaders as "a parasitical ruling class" and pledged to send corrupt legislators to the state prison at Attica."

Expect much more...

Another excellent Alphaville graphic. Becoming quite sophisticated.

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Stimulus Wreckage

Despite having been accused of deceptive business practices by the attorney general, former students, and ex-employees, Corinthian Colleges are getting millions in federal stimulus dollars.

By Matt Smith Wednesday, Sep 30 2009

Comments (4) A A A

Martine Leveque moved to the U.S. from Haiti in 1983 and eventually established a Hollywood career writing subtitles in Italian and French for English-language movies. When that business recently moved overseas, she decided to pursue a nursing career, but found that it would take her at least two years to complete all the necessary courses.

"You can't be waiting to start living," the 47-year-old said. So she signed up for nursing classes at a vocational school where she could finish everything in only one year. The school was run by the private, for-profit educational chain Corinthian Colleges, Inc., which operates 106 vocational schools with 86,000 students in the U.S. and Canada.



Paul Trapp

Rather than improving her life, Leveque says she entered a personal hell of incompetent teachers and insurmountable debt. She's now earning \$300 per week as a home care provider, and has no idea how she'll pay off the \$40,000 in student loans she took out to cover tuition and other expenses at a one-year licensed vocational nurse program at Corinthian's school in Alhambra.

"Every day, the phone's been ringing at five in the morning, and ringing at 10 at night," she says of the constant calls she gets from bill collectors. "It was a horrible, horrible experience. Every time I think about it, I get bad dreams. I was saying to these people, 'What is going on? What is going on?' How can you take \$30,000 from a student for a year of that crappy education?"



Tyrl Soell

Martine Leveque says she paid \$30,000 for a "crappy education" at a Corinthian school in Southern California.

Sabyne Francis, one of Leveque's classmates, said she's resigned herself to struggling to pay off

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her loans. They have consulted with an attorney about filing a class action lawsuit claiming Corinthian misled them into taking on debt to pay for substandard education. "As a student, you've already signed your name on the dotted line," Francis said. "You really have no choice but to just deal with it."

A Corinthian spokesman said that faculty at Leveque's licensed vocational nurse program "met at least the minimum qualifications set by the California Board of Vocational Nursing," which meant they had either a bachelor's degree or a valid teaching credential, and two years of recent experience as a vocational nurse.

For years, Corinthian has been accused of employing aggressive recruiting techniques promising more than its schools can deliver, and then leaving students impossibly deep in debt.

In 2007, Attorney General Jerry Brown filed an unfair business practices lawsuit against Corinthian, alleging that the Orange County-based company placed "intense pressure" on recruiters to meet quotas for incoming students, and that it inflated the number of its graduates who were able to find work in their fields. (The company later paid a \$6.5 million settlement without admitting wrongdoing.)

Meanwhile, two employees of Everest College, Corinthian's San Francisco campus, have claimed in a pending whistleblower lawsuit that the company broke federal financial aid rules by giving incentive pay to recruiters based on how many recruits they brought in. Corinthian says the suit has no merit and has asked that it be dismissed.

In August, 13 Corinthian students in Texas filed a lawsuit alleging their teachers "were either unqualified to teach in their ... fields, or simply uninterested in teaching." These were just the latest in a nationwide flood: According to Courthouse News Service, more than 80 such lawsuits have been filed against Corinthian since 2005.

Given all these complaints, I was surprised to discover that Corinthian Colleges, Inc. is a prime beneficiary of the Obama administration's stimulus package.

The \$787 billion package — supposedly a paragon of accountability and transparency — included \$17 billion to increase by \$500 the amount of money each student may receive to pay for college classes under the Pell Grant program, which provides money to low-income undergraduates. Nearly 70 percent of Corinthian students receive such grants, the company reports.

According to data from the Federal Assistance Award Data System compiled on USASpending.gov, \$23 million from that stimulus boost has gone to Corinthian schools in California from some \$49 million given to the chain nationwide. This is in keeping with a bonanza received by the whole for-profit school industry. The biggest player, the University of Phoenix, has received \$400 million in stimulus-linked money so far this year. In San Francisco, Academy of Art College — famous for using an art school to fund a real-estate investment operation, — has received \$684,264. And the California Culinary Academy, the subject of a 2007 SF Weekly exposé alleging the school misled students into assuming massive debt, has gotten \$65,357.

But the Pell Grant boost has made San Francisco's Everest College — a fifth-floor suite of converted offices where students take classes to become pharmacy technicians, massage therapists, and medical and dental assistants — a local stimulus champion. In fact, Everest has so

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Exhibit 2

Page 55

9/16/2011

far received more stimulus-linked Pell Grant money than any other educational institution in San Francisco: more than \$1 million. That's more than the University of California San Francisco medical school, San Francisco State University, or City College of San Francisco.

More than merely pouring cash into the economy, the American Recovery and Reinvestment Act was supposed to help people recover financially. As President Obama said during a March speech, "We're already taking steps to make college or technical training affordable. All in all, we are making college affordable for seven million more students, with a sweeping investment in our children's futures and America's success."

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NEWS

White Teachers Sue Philadelphia School, Charge Race Bias

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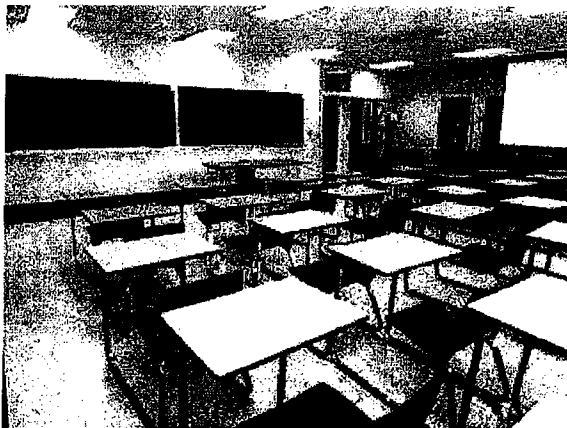
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PHILADELPHIA (AP) — Four white Philadelphia teachers filed federal race-bias lawsuits that accuse a black principal of creating a hostile work environment and suggesting they were unfit to teach black children.

The teachers work at a predominantly black elementary school that has a recent history of racial tension. Their lawsuits say that a former principal had them read an article that said "white teachers do not have the ability to teach

Filed Under

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African-American students."

Related Tags

East Falls, Lawsuit, Philadelphia, Students, teachers, Thomas Mifflin Elementary

The teachers also allege that the principal, Charles Ray III, and others undermined their work by reprimanding them, randomly changing their room assignments and letting black teachers ignore rules that their white counterparts had to follow. Ray also retaliated when they filed union grievances, they said.

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Exhibit 2

Page 59

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Charles Ray III consistently stated that he had a relationship with top school officials indicating that his conduct was part of an approved policy or was part of a pattern of practices sanctioned and supported by 'higher authority,' the suits allege.

The teachers—Nicole Boyd, Debra McKibben Marenbach, Colleen Yarnell and Marta Ciccimaro—filed the lawsuits last week, demanding more than \$150,000 each. Courthouse News Service first reported on the complaints Tuesday.

The school district had no immediate comment, spokeswoman Shana Kemp told The Associated Press.

Kemp said she was not immediately authorized to say if Ray still works for the district. A message left at a possible home number for him was not immediately returned.

Racial tensions among staff at Thomas Mifflin Elementary School have simmered before.

A white principal left about four years ago amid a chorus of complaints from black parents. One mother testified at a City Council meeting in December 2007 that she had heard the administrator say Muslim students looked like "flying nuns," according to news reports.

In April 2008, vandals defaced a mural on the side of the school with anti-Semitic graffiti.



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Ray arrived that fall, and lasted only for the 2008-09 school year, the lawsuit said.

T:
H

The surrounding East Falls neighborhood is largely white and, in some sections, wealthy. Residents include former Gov. Ed Rendell and former U.S. Sen. Arlen Specter. But many white families in the area send their children to private schools.

L/

Mifflin currently has about 270 students, 86 percent of them black and 85 percent of them poor, according to school district data.

The defendants include the local teachers union and a supervising teacher whom Ray allegedly ordered to go through personnel files and investigate their home and personal lives.

Lawyers for the teachers did not immediately return calls for comment.

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BY ANDREW LEBOVICH | MAY 27, 2011



Patriot Act provisions renewed just before deadline

President Obama signed a four-year extension of three controversial Patriot Act provisions into law just before the midnight deadline last night, after Senate leaders made a deal with Republican Sen. Rand Paul to allow several proposed amendments to be put up for a vote, including one to make it more difficult for authorities to obtain firearms purchase records (**LAT, Washington Post, AFP, Bloomberg, WSJ, CBS/AP**). The provisions, which passed the Senate 72-23 and then the House 250-153, allow for "roving" wiretaps of multiple phone lines, the investigation of non-American "lone wolf" suspects not linked to any extremist organization, and the collection of all "tangible" items linked to a terrorist investigation, including business and other records (**AP**). The extension drew criticism from some Democrats, though amendments tightening restrictions on the provision that cleared the Senate Judiciary Committee were blocked from coming up for a vote (**Politico**).

Two Senate Democrats on the Intelligence Committee, Mark Udall and Ron Wyden, said yesterday that the Obama administration has a "secret" and far-reaching interpretation of the Patriot Act that goes well beyond standard readings of its limits, especially the ability to seize business and other records (**NYT**).

Also yesterday, the House of Representatives passed a \$690 defense spending bill despite a veto threat from the White House due to several bill provisions, including one that would limit President Obama's ability to try Guantánamo Bay detainees in the U.S. or transfer them abroad, and another that updates the post-9/11 Authorization for Use of Military Force (AUMF), and would allow the president to target "associated groups" of al-Qaeda and the Taliban not involved in the 9/11 attacks (**AFP, AP, Politico, LAT, National Journal**). A statement from the White House called the limits on detainee transfers, "a dangerous and unprecedented challenge to critical Executive branch authority" (**Lawfare Blog**).

Rana trial continues in Chicago

David Coleman Headley testified for a third day yesterday in the trial of Tahawwur Hussain Rana, accused of supporting Headley's reconnaissance of targets for the 2008 Mumbai attacks, and faced tough cross-examination from Rana's lawyer about what details Headley actually told Rana about the plot (**WSJ**). Headley also acknowledged that he had no proof that "Major Iqbal," the man Headley calls his handler from the Pakistani Inter Services Intelligence (ISI), actually was a member of the agency.

Headley told the court, however, that he was trained by Pakistan's Inter Services Intelligence Directorate (ISI) in safe houses in the Pakistani city of Lahore (**Express Tribune**). He also provided new detail about a follow-on plot to attack the Jyllands-Posten newspaper in Denmark, which published cartoons depicting the Prophet Muhammad in 2005, and told the jury that he was no longer proud of his role in the Mumbai attacks (**Globe and Mail, AP, AFP**). In testimony the previous two days Headley discussed the role the ISI played in choosing targets for the Mumbai attacks, especially the Chabad House, described scouting trips to Copenhagen as part of the plot against the Jyllands-Posten, and said Rana praised the Mumbai attacks (**WSJ, PBS, AFP, Reuters, Chicago Tribune, ProPublica, NYT, AP**). For more on the Rana trial and the Mumbai attacks, sign up for the *AfPak Daily Brief* (**FP**).

CIA to get access to bin Laden compound

Exhibit 2
Page 63

Under an agreement reached earlier this week between CIA deputy director Michael Morell and Pakistani intelligence chief Lt. Gen. Ahmad Shuja Pasha, a team of forensic specialists from the CIA will be allowed starting today to examine Osama bin Laden's compound in Abbottabad, Pakistan (**Washington Post**, **CNN**, **WSJ**, **Guardian**, **Telegraph**, **AP**). The team will reportedly be looking for hidden documents with special equipment that can peer into walls and under floors.

Kirsten Grieshaber and Kimberly Dozier report that documents captured during the May 2 raid that killed bin Laden reveal that he knew of plans to attack Europe last year, and was in contact with al-Qaeda operative Younis al-Mauretani, who has reportedly been linked to a Moroccan arrested in Germany last month for allegedly planning a terrorist attack in that country (**AP**). And the *New York Times* reports that other documents recovered in the raid show that bin Laden and al-Qaeda operations chief Atiya Abdul Rahman discussed making a truce with Pakistan in exchange for protection for bin Laden, though officials say there is no evidence the deal was ever actually proposed (**NYT**).

NATO this week announced the capture in southern Afghanistan of a German-Moroccan man they say is an al-Qaeda facilitator, as part of a raid in early May in which 10 militants were killed, including a Frenchman, a Saudi and a Pakistani (**NYT**). The man has reportedly told his interrogators that foreign fighters are "converging" on Pakistan in order to fight in Afghanistan (**ABC**).

The leader of Al Qaeda in the Islamic Maghreb (AQIM), Abdelmalek Droukdel, released a tape in commemoration of bin Laden's death on May 26, saying the killing will fuel anger in the Muslim world and adding, "We are all Osama" (**AP**). And the FBI has reportedly been able to pull a fingerprint and forensic evidence off of the bomb used by Omar Farouk Abdulmutallab in his failed attempt in December 2009 to blow up Northwest Flight 253 over Detroit, evidence they say links the bomb to Al Qaeda in the Arabian Peninsula's principal bomb maker Ibrahim al-Asiri (**AP**, **NPR**).

JFK attack plotter convicted

A New York court on May 26 convicted Kareem Ibrahim for his involvement in a plot to blow up fuel arteries at JFK International Airport, the last of four plotters to be found guilty (**FBI**, **BBC**, **Telegraph**, **Bloomberg**, **AP**). The jury found Ibrahim, a former leader of Trinidad's Shi'a Muslim community, guilty on five charges, including providing religious and operational support to the plot, which was infiltrated at an early stage by an informant working for the government, eventually leading to a sting operation (**CNN**).

Five New Jersey men convicted in 2008 of plotting to attack the Fort Dix army base appealed their convictions this week, alleging that the government used illegal wiretaps to gather evidence, and that prosecutors showed prejudicial images -- including jihadist videos of beheadings -- to sway the jury unfairly against them (**Courthouse News**). And James Cromitie, the purported ringleader of a plot to attack synagogues in the Bronx and a New York Air National Guard base (later revealed to be a sting operation), asked a judge to grant him the minimum sentence possible in his case, 25 years in prison (**Bloomberg**). Cromitie and his three co-defendants were refused a new trial earlier this month.

Prosecutor removed in Polish torture investigation

Poland removed one of two prosecutors investigating the alleged torture of detainees at a secret CIA prison in the country from the case May 24, citing an "administrative shuffle" (**AP**). The investigation focuses on two detainees currently held at Guantánamo, Abd al-Rahim al-Nashiri and Abu Zubaydah, who say they were abused at the prison.

The U.S. military tribunal at Guantánamo denied the clemency appeal of Canadian detainee Omar Khadr, who pled guilty last year to killing a U.S. soldier in Afghanistan in 2002 and received eight years in prison in a deal with prosecutors (**National Post**, **AP**). Six years after being released from Guantánamo, the Australian government has finally returned Mamdouh Habib's passport, after he was given a "non-adverse security assessment" (**AP**). And a former U.S. government employee charged in Italy with taking part in the 2003 kidnapping and extraordinary rendition of Muslim cleric Abu Omar, Sabrina de Sousa, has filed a lawsuit to force the U.S. government to grant her diplomatic immunity, shielding her from prosecution if she travels to Europe (**LAT**).

Trials and Tribulations

The U.S. State Department on May 26 added the Caucasus Emirate -- a militant group based in the North Caucasus region -- to its list of banned terrorist groups, and the U.S. government put a \$5 million bounty on the head of its leader, Doku Umarov (**State**, **CNN**, **AFP**, **AP**, **WSJ**).

Radical Indonesian cleric Abu Bakir Bashir on May 25 denied charges that he helped raise funds for the group Al Qaeda in Aceh, accusing the United States and Australia of being behind his arrest and trial (**Sydney Morning Herald**).

An Irishman currently on trial in Lithuania for buying weapons for the Irish Republican Army (IRA) denied the charges this week, accusing British intelligence agencies of setting him up (**AFP**).

Australia's government is reportedly considering trying suspected Indonesian terrorist Umar Patek, captured in Abbottabad in January, for his alleged involvement in the 2002 Bali bombings that killed 202 people, 88 of them Australian (**The Age**).

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Exhibit 2
Page 64

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DEMOFACTOR
11:49 AM ET
May 29, 2011

Firearms as main factor of a stable democracy?...

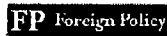
Population equipped with firearms can be strong guarantee of stable democracy and low level of crime if it used properly. But how to avoid abuse of it? Firearms purchase records can be used to track down those who used weapons illegally to commit a crime or an act of terror.

American local newspapers and other American media should better inform people about their rights and obligations regarding firearms purchase and legal usage. But government also has to be on the American people's side and do not abuse such records.

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Privacy Law

Dwarf Couple Who Posed for AP Photo Sues over Its Altered Use in Reality TV Spoof

Posted Mar 31, 2011 8:07 AM CDT
By Debra Cassens Weiss

A dwarf couple is suing E! Entertainment Television for using an altered version of their photograph to spoof reality TV shows.

The suit by Cara and Gibson Reynolds of Collingswood, N.J., seeks more than \$50,000 in damages for defamation, invasion of privacy, infliction of emotional distress and unjust enrichment. The Associated Press and Courthouse News Service have stories.

Cara and Gibson Reynolds had posed for the Associated Press photo in connection with an article on genetic testing of embryos for couples with known genetic conditions. The couple's first child had died soon after childbirth because of a genetic defect. The photo was doctored and used on *The Soup* to illustrate a fake reality show called "Fertile Little Tattooed Pageant Parents Who Enjoy Baking."

The show added tattoos to the couple and a crown and beauty pageant sash to Cara Reynolds, the stories say. AP license terms say its photos are for editorial uses only, and they may not be altered, the suit says.

Besides E! Entertainment, the defendants include parent company Comcast and the comedian who hosted the program, Joel McHale. Courthouse News Service posted the complaint (PDF).

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EXHIBIT 3

Media Access to Courts Around the Nation

**Prepared By Courthouse News Service
September 2011**

Courts around the country have developed a variety of procedures to provide the media with access to new civil case initiating documents (complaints or petitions, depending on the jurisdiction) on the same day they are filed, regardless of whether processing has been completed (or in federal courts that have adopted e-filing, the so-called “quality assurance” process is completed), and regardless of whether the complaint or petition has been made available for electronic viewing. Courthouse News Service has prepared the following summary of some of these same-day access procedures adopted in courts throughout the nation.

Albuquerque

At the Second District Court of New Mexico (Bernalillo County), both paper and electronically filed civil complaints are made available to the media in a “review pile” on the day of filing, before they have been fully processed or made available to the public. Courthouse News’ reporter has been granted behind-the-counter access to the “review pile” and provided with a small work space, where he can review virtually all new cases on a same-day basis and scan any newsworthy complaint using a portable scanner. Any complaint that does not make it to the review pile enters a –three- to four-day docketing process, during which Courthouse News Service’s reporter can typically track down any case that needs to be seen.

Atlanta

At the Fulton County Superior Court in Atlanta, Georgia, new complaints are scanned immediately upon filing and made available at computer terminals at the courthouse, most within minutes of filing. In addition, complete docket information for civil cases is available from a publicly accessible website on the day the complaint is filed.

At the United States District Court for the Northern District of Georgia, where e-filing is voluntary, reporters review new civil actions on the same day they are filed. New complaints that are filed in paper form are scanned into a computerized press box before they go to docketing and are accessible on a computer terminal in the clerk’s office. E-filed complaints are made available to

CNS's reporter, prior to any processing, via PACER by using a shell case number code to access an online press queue of new same-day filings.

Austin

At the Travis County District Courthouse in Austin, where e-filing is mandatory for civil cases, Courthouse News' reporter gets a list of all of the new civil petitions filed earlier that same day upon arriving at the courthouse. She then views newly filed petitions using a public access terminal at the courthouse. Before leaving the court, Courthouse News' reporter gets an updated copy of the list of newly filed petitions to see whether there are any that have been filed since her first review, which she also views using the court's public access terminal.

Beaumont

At the Jefferson County District Court in Beaumont, Texas, reporters are allowed behind the counter to access paper copies of petitions filed that day, before the cases are put through the docketing process. Reporters can make copies of newsworthy cases.

At the Beaumont Division of the United States District Court for the Eastern District of Texas, reporters have same-day access to the vast majority of newly filed actions regardless of whether docketing has been completed. Reporters review scanned copies of new complaints via PACER, and if a new case is not yet scanned and available on the court's computer system, reporters can request and are given a paper copy of the new action based on a listing of new filings in a red log book made available to the press.

Brooklyn

At the Kings County Supreme Court, newly filed cases are typically scanned into electronic form immediately after they are filed, and the paper copies are then placed in a designated media box for same day review. However, in the event that a new complaint is not scanned immediately, the court will provide Courthouse News' reporter with access to the unscanned document. Courthouse News' reporter has been provided with a media pass that allows her to remove the new filings from the media box and review them in a different area behind the counter in the clerk's office on the same day the complaints are filed. Courthouse News' reporter is free to make her own copies for a small fee.

At the United States District Court for the Eastern District of New York, parties file “press copies” of new complaints, which are placed into a press box that is made available to reporters throughout the day, thereby allowing them same-day access to the vast majority of new filings, even if the new filings have not been fully processed or posted to PACER.

Chicago

At the Cook County Circuit Court in Chicago, Courthouse News’ reporter, or any other member of the media who is first to arrive at the courthouse, begins each visit by going behind the counter to pick up the day’s new complaints, and then brings them to a press room located in the same building. The reporter sees the vast majority of new complaints on the same day they are filed, regardless of whether the complaints have been fully processed. Reporters can stay as late as they like to review the new complaints.

At the United States District Court for the Northern District of Illinois, where electronic filing of initiating documents is mandatory, newly filed complaints are made available immediately upon filing through PACER, as well as the court’s own independent website.

Cincinnati

At the Hamilton County Court of Common Pleas in Cincinnati, Ohio, new complaints are placed in the intake area for review by the media on the same day the complaints are filed. Complaints are made available after they have been date-stamped, but before any other processing occurs. Courthouse News’ reporter sees between 30-60 complaints each day. If Courthouse News’ reporter misses a complaint, he may request the file from the paper room staff the next day. Court employees will make copies of newsworthy complaints available upon request for 10 cents per page.

At the United States District Court for the Southern District of Ohio, many of the newly filed complaints are made available on the day of filing via PACER. However, for cases not available electronically, the court places a copy of new cases into a press box at the intake counter, where Courthouse News Service’s reporter may review them until 4:00 p.m. when the court closes to the public. The reporter may request copies of new complaints for 50 cents per page.

Cleveland

At the Cuyahoga County Court of Common Pleas in Cleveland, Ohio, Courthouse News' reporter has behind-the-counter access to new filings on the same day they are filed, regardless of whether they have been fully processed. Complaints are available as soon as they have been date-stamped. Court officials provide Courthouse News' reporter with desk space to set up a laptop and scanner, and allow him to disassemble the case file and scan the original filings. Use of the office copy machines is also permitted when necessary.

At the United States District Court for the Northern District of Ohio, new civil cases can be filed either in person or electronically. Both cases filed electronically and in person are made available on PACER on the same day they are filed. However, to view cases that are restricted from access via PACER or cases that have not yet been posted to PACER, Courthouse News' reporter visits the courthouse, where the court staff will print out a copy of any case he requests, even if docketing has not been completed and regardless of how those complaints were filed.

Columbus

At the United States District Court for the Southern District of Ohio in Columbus, the vast majority of new complaints are made available on PACER promptly upon filing. The court will also provide hard copies of any civil filings not available on PACER on a same-day basis, but the speed with which cases are posted to PACER generally makes this unnecessary.

Dallas

At the Dallas County District Court in Dallas, Texas, Courthouse News' reporter is provided with behind-the-counter access to new petitions as soon as they are filed and before any docketing has taken place. The court provides the reporter with a place to work, where staffers in the clerk's office provide him with access to the new petitions filed in paper form. As for e-filed petitions, Courthouse News Service's reporter views some on a computer terminal in the clerk's office. In many instances, however, petitions are not available on the terminal on a same-day basis, and the clerk's office provides him with paper printouts of those petitions so that he can see them same-day.

The United States District Court for the Northern District of Texas has developed a process that ensures reporters have same-day access to all new complaints, regardless of how far those complaints have progressed through the intake process. On his daily afternoon visits to the court, Courthouse News' reporter goes through a three-step process, described below. Leigh Lyon, Assistant Chief Deputy of Operations, Dallas Division of the Northern District of Texas, has informed us that she would be happy to speak with court officials in other jurisdictions about this system.

- First, Courthouse News' reporter checks a computer terminal in the clerk's office to view summaries of the day's new complaints that have already been made available on PACER. Courthouse News' reporter then uses his own internet connection to immediately download documents he needs to his laptop computer at the courthouse.
- Second, Courthouse News' reporter checks for complaints that have been scanned by the clerk's office, but are not yet available on PACER. These complaints have been assigned a bar code and case number, and are made available for electronic viewing at a public computer kiosk located in the clerk's office, where the media can then review the new complaints on the same day they are filed.
- Finally, for complaints that are so new they have not yet been scanned, Courthouse News' reporter views the paper versions of those new cases in their case folder and makes copies of newsworthy complaints.

Detroit

At the Wayne County Circuit Court, complaints are placed in a drawer in the intake area of the clerk's office immediately after they are filed. Upon arriving at the clerk's office at approximately 3:00 p.m., Courthouse News' reporter goes behind the counter and first double-checks the previous day's complaints, which are located in bundled folders behind the intake drawer, for any missed or last-minute filings from the day before. Then he turns to the intake drawer, where he is permitted to review the newly filed complaints while standing behind the counter. Most new complaints are in the drawer, but some are with the intake clerks, who will share the complaints with the reporter for review. The reporter is permitted to make his own copies of complaints using a copier located also behind the counter, as well as an alternate copier on the other side of the cashier station near the death certificates/marriage license area.

At the United States District Court for the Eastern District of Michigan, the court provides access to newly filed complaints electronically via PACER, both online and at computer terminals set up in the clerk's office.

Fort Worth

At the Tarrant County District Court in Fort Worth, most petitions appear on the court's online system the day they are filed, except those cases that are mailed in or filed by fax after the court closes at 5:00 p.m., which are then made available the following day. If any petition that was filed during court business hours is not available online the day it is filed, Courthouse News' reporter arranges for the petition to be immediately scanned and posted to the online access system. The end result is that Courthouse News' reporter is able to access almost all petitions filed during court hours on the same day they are filed.

Houston

The Harris County Civil District Courts in Houston provided same-day access for many years by permitting reporters to go behind the intake counters and review newly filed petitions. In 2008, the clerk began requiring reporters to wait until new petitions had been processed and posted on the clerk's website before they could be reviewed, which delayed their availability by a day or more – sometimes several days. After repeated attempts by Courthouse News to negotiate a solution with the clerk's office failed to lead to a resolution, Courthouse News reluctantly filed suit under 42 U.S.C. § 1983. In July 2009, the U.S. District Court for the Southern District of Texas issued a preliminary injunction ordering the clerk to provide same-day access to civil petitions, and finding that “the 24 to 72 hour delay in access is effectively a denial of access and is, therefore, unconstitutional.” *Courthouse News Service v. Jackson, et al.*, 2009 WL 2163609, at *4 (S.D. Tex. July 20, 2009). In accordance with that injunction order, the clerk's office began scanning new petitions and posting them to the clerk's website the same day they are filed. Pursuant to a stipulated permanent injunction entered by the court in March 2010, the clerk's office became obligated not only to continue to provide same-day access to new civil filings, but to pay more than \$250,000 to Courthouse News to compensate it for the attorneys fees it incurred in litigating the case. The stipulated permanent injunction did not specify the particular manner in which same-day access must be provided, and the clerk's office has chosen to comply with the order by continuing its practice of posting new petitions on the clerk's website. Those petitions can be viewed, and

printouts can be made, free of charge by the media and other interested parties on the day of filing. After that, petitions can still be viewed without charge, but printouts can be made only if they have not been certified. Once they are certified – which usually occurs the day after filing – there is a fee to print out copies of the petitions. Details about this program can be found on the Harris County District Clerk’s website, at <http://www.hcdistrictclerk.com/Edocs/Public/search.aspx> (see button: “Search Today’s Filings”).

At the United States District Court for the Southern District of Texas, where electronic filing is required for new cases, Courthouse News’ reporter can view electronic versions of complaints that are already docketed and posted to PACER on the same day they are filed. For any new complaint that has not yet been fully docketed, the court will usually provide a hard copy regardless of how far along the complaint is in the docketing process, also on the same day they are filed.

Indianapolis

At the Marion County Circuit and Superior courts in Indianapolis, Indiana, reporters view the vast majority of new filings on a same-day basis in the clerk’s office. Reporters are given stacks of the new filings, after they have been filed and date stamped but before they are fully processed or sent to the proper court division, and are allowed to go through them at tables in the public viewing area from 4:00 p.m. to 4:30 p.m. Reporters can then make copies themselves on court copy machines, which are then billed to Courthouse News Service monthly.

At the United States District Court for the Southern District of Indiana, reporters are provided with access to virtually all complaints filed on a same-day basis, even if docketing has not been completed. When Courthouse News’ reporter arrives at the end of the day, the court staff gathers all of the civil cases filed throughout the day and allows the reporter to review the complaints. The court staff will then make copies at a rate of 50 cents per page.

Las Vegas

At the Eighth Judicial District Court in Las Vegas, Nevada, reporters saw the majority of new civil complaints on a same-day basis until the court switched to mandatory e-filing in February 2010. Following that switch, the court began requiring news reporters to review new complaints at a computer terminal in the clerk’s office, but this system resulted in complaints not being available for

viewing until the day after they were filed. The reason for these delays was that new complaints did not appear on the computer terminals until after they had been "accepted" by the clerk's office, and only after the terminals had been updated to reflect the new filings. After Courthouse News brought these delays to the attention of the court, the court adopted a new system: an electronic in-box, through which complaints can be viewed on a computer terminal as soon as they cross the electronic version of the intake counter at the clerk's office, even if they have not yet been fully processed. Through this system, which is similar to the electronic in-box access procedures in place at numerous federal district courts (many of which are described in this survey), Courthouse News is now seeing new e-filed complaints on a same-day basis.

At the United States District Court for the District of Nevada, Courthouse News' reporter can view electronic versions of the majority of new complaints on a same-day basis on PACER. Complaints that are not made available on the day they are filed are usually made available on the following day.

Los Angeles

At the Downtown (Stanley Mosk Courthouse) branch of the Superior Court of California in Los Angeles, court staff upload the full text of newly filed complaints to the court's computer system after initial intake tasks, which include scanning and assigning a case number, have been completed. Reporters can then review the vast majority of new actions that are filed on a particular day at terminals located at the courthouse that are available to the general public, or on additional terminals located in a designated press room. Both the filing room – including the intake and processing areas – and the area in which the general public view cases close at 4:30 p.m., but the press room remains open later and even the latest filings of the day are available and can be reviewed by 7:00 p.m. About 110 new civil, general jurisdiction cases are filed each day.

At the Santa Monica Courthouse of the same court, face pages of each day's newly filed complaints are made available for review at 3:30 p.m. on the same day the complaints are filed. Courthouse News' reporter then requests copies of those complaints for which she wants to see the full-text versions. The full text of late-filed complaints is made available at 4:30 p.m., when the filing room court closes its doors to the public but where the courthouse employees continue to work until 5:00 p.m. Courthouse News' reporter can then request copies of any of those late-filed complaints, and they are generally provided right away.

At the United States District Court for the Central District of California, a room is set up directly off the docketing department with a set of pass-through boxes. Sometime between 4:30 and 5:00 p.m., a court staffer places a large majority of the civil complaints filed that day in the pass-through boxes so that the media can review them. Reporters that cover the courthouse on a daily basis have a key to the room, which is otherwise locked, and they can stay as long as they want to look over the complaints and rulings, copy those of interest, and put the documents back in the pass-through boxes.

Louisville

At the Jefferson County Circuit Court in Louisville, Kentucky, the clerk's staff makes a copy of the front page of all complaints filed throughout the day and places the coversheets on a table in the public area of the office. Courthouse News' reporter then reviews the stack of coversheets and requests any complaints he determines to be newsworthy on the same day they are filed. The clerk's office will make copies for him at a rate of 25 cents per page.

The United States District Court for the Western District of Kentucky in Louisville has adopted an e-filing system requiring initiating documents to be filed electronically. Courthouse News' reporter is able to review newly filed complaints in exactly the same format as they are received in the clerk's office, prior to being docketed and before they are available to the public on PACER, by using a shell case number code to access an electronic press queue of new filings on PACER, both online and at public computer terminals at the courthouse.

Manhattan

At the New York County Supreme Court, where certain case types are required to be e-filed, new complaints are made available to reporters on the same day they are filed, whether they are filed in paper or electronic form. E-filed cases are posted online to a court website by the end of the day they are filed, while new complaints filed in paper form are indexed and scanned shortly after being filed, and made available electronically via an internal computer system on terminals set up throughout the courthouse. At 3:30 p.m., and then at regular intervals until 4:45 p.m., the paper versions of the new complaints are then placed by court officials in a secure area behind the counter where reporters are free to review them on a same-day basis.

At the United States District Court for the Southern District of New York, reporters are permitted to view new civil complaints three times a day – between 9:00 a.m. and 9:45 a.m., between 11:30 a.m. and 12:15 p.m., and between 3:45 p.m. and 4:30 p.m. – on the same day the complaints are filed.

Martinez

At the Contra Costa County Superior Court in Martinez, California, the court closes its doors to the public at 3:00 p.m. each day. However, those still in line at that time are allowed to remain in the clerk's office to complete their filings, and the clerk's staff continue their work at the court until at least 5:00 p.m. Although Courthouse News had previously experienced delays in access at this court, court staff recently implemented new access procedures after Courthouse News brought the issue of delays to the attention of both the court's head clerk and its presiding judge. Under those procedures, filed civil unlimited jurisdiction complaints are placed in a media bin at approximately 4:00 p.m. each day, and Courthouse News' reporter is permitted to remain at the court until 4:45 p.m. to review those complaints, the result of which is same-day access to the vast majority of newly filed unlimited jurisdiction complaints.

Miami

At the United States District Court for the Southern District of Florida, electronic filing of new civil complaints is mandatory, and new complaints that are filed before 5:00 p.m. appear on PACER on the same day they are filed. Cases filed after 5:00 p.m. appear on PACER the following day.

Milwaukee

At the Milwaukee County Court in Wisconsin, reporters have access to new complaints on the day they are filed, even if they have not yet been fully processed, and are permitted to go behind the counter. Reporters can request copies of complaints from court personnel for a small fee.

At the United States District Court for the Eastern District of Wisconsin, most new complaints are e-filed and available electronically through PACER on the same day they are filed. However, for those cases that are not immediately posted to PACER, court staff provides reporters with the original paper versions of the new complaints, also on the same day they are filed. Reporters are then able to make copies at a copy machine for a nominal fee.

Minneapolis/St. Paul

At both the Hennepin County District Court in Minneapolis and the Ramsey County District Court in St. Paul, where many of the new complaints are filed by mail, Courthouse News' reporter is permitted to go behind the counter to review the stack of original complaints on the same day they are filed and before they are docketed. Because the reporter visits Ramsey County only three times per week, she is unable to review all cases on the same day they are filed, but is able to search for and view the cases she has missed on a computer terminal at the courthouse the next time she visits the court. The reporter is able to make her own copies in Hennepin County, where Courthouse News has established a copy account. In Ramsey County, for cases the reporter reviews on the day of filing, the court staff will make copies of any complaint the reporter requests. For cases she reviews after the day of filing, the reporter is able to print a copy directly from the computer terminal.

At the United States District Court for District of Minnesota, reporters begin their visit by using a computer terminal at the courthouse to view an intake log of new cases. From there, reporters review complaints available on PACER using a public computer terminal in the clerk's office. If a complaint shown on the intake log of new cases is not yet available on PACER, the court will print out a copy for the reporter. The clerk charges 10 cents per page for any copies that reporters request.

Nashville

At the Davidson County Chancery Court in Nashville, Courthouse News' reporter reviews an intake log of the day's new filings on a public computer terminal at the courthouse. She then compiles a list of the relevant cases and presents the list to the court staff, who retrieve the requested cases and allow her to review the complaints regardless of whether the docketing process has been completed.

At the Davidson County Circuit Court, most new complaints are scanned throughout the day and are made available through a government website on the same day they are filed.

At the United States District Court for the Middle District of Tennessee, the clerk's staff are required to stay one hour after closing in order to scan all new filings and post them onto PACER on the day they are filed.

Oakland

Although the Alameda County Superior Court in Oakland, California, endeavors to make newly filed complaints available for viewing on its website on a same-day basis, it has implemented procedures to ensure that news reporters who visit the René C. Davidson courthouse can obtain same-day access to those complaints that would otherwise not be posted for electronic viewing on a same-day basis. Under those procedures, reporters are provided with access to a workstation behind the intake counter. The station is equipped with a computer connected to the Internet. Courthouse News' reporter first reviews the cases that are made available online. For those cases that are not available online by the end of the work day but are of media interest, court staffers scan and make those cases available on their website.

Oklahoma City

At the Oklahoma County Court, intake clerks place all of the day's new petitions into a central basket by 3:15 p.m. Petitions placed in the basket have been date stamped, but have not been fully docketed – only indexed. A member of the clerk's staff then provides the petitions to Courthouse News' reporter, and the reporter is instructed to sign the back of each petition to ensure that she has seen them all. After she has completed her review of the petitions in the basket, Courthouse News' reporter is permitted to review any further petitions that have been filed, indexed and placed in the basket after 3:15 p.m. The reporter may request copies of petitions at a rate of \$1.00 for the first page and 50 cents for all subsequent pages.

Omaha

At the Douglas County District Court, where new complaints can be filed electronically or in paper form, new cases are immediately indexed and added to a statewide computer database that is updated on an hourly basis. Courthouse News' reporter reviews the index information for relevant cases on a courthouse computer terminal and downloads images as they become available. Downloads are free at the courthouse, but are also available online via the statewide Justice website for a fee.

Orlando

At the Ninth Judicial Circuit Court, Courthouse News' reporter reviews hard copies of newly filed complaints at a designated desk behind the counter. The staff places new complaints that have not undergone any processing (*i.e.*, docketed, jacketed or assigned a case number) near the reporter's desk each day for same-day viewing. Since some complaints have been docketed by the time Courthouse News' reporter arrives, these complaints are placed in a separate pile for the reporter's review before they are moved to a separate desk for scanning by 4:00 p.m. In addition, Courthouse News' reporter is permitted to review e-filed complaints and complaints that have been docketed and scanned by the time the reporter arrives on a same-day basis using one of the clerk's terminals located behind the counter.

At the United States District Court for the Middle District of Florida in Orlando, where electronic filing is mandatory, the court posts the majority of new civil filings to PACER on the same day they are filed.

Phoenix

At the Maricopa County Superior Court in Phoenix, Arizona, court staff recently implemented new procedures to ensure same-day access to civil complaints filed at its downtown location. Under the new procedures, court staff scan and upload for electronic viewing all complaints filed before 3:00 p.m., which are then made available on a designated press computer located in the Customer Service Center for Courthouse News' reporter to review and, if necessary, print. Complaints filed between 3:00 and 5:00 p.m. are immediately placed in a bin at a designated intake window in the Central Court Building, where Courthouse News' reporter may review those complaints between 4:00 and 5:00 p.m.

Pittsburgh

At the Allegheny County Court of Common Pleas in Pittsburgh, Pennsylvania, where the court has implemented an internally operated electronic filing system, nearly all of the day's new filings are available on-line on a same-day basis. Complaints not posted to the court's website on the day of filing are made available the following day.

In the United States District Court for the Western District of Pennsylvania, where electronic filing is mandatory, Courthouse News' reporter has been provided with an "MC" case number code for PACER that allows her to view the new filings before they are docketed.

Portland

At the Multnomah County Court in Portland, Courthouse News' reporter is given a stack of the current day's newly filed complaints, which she reviews at a cubicle behind the counter. The reporter can make any needed copies herself using her own portable scanner.

At the United States District Court for the District of Oregon, Courthouse News' reporter first searches for newly filed complaints through the court's "electronic in-box," which is available on a public access terminal at the courthouse and contains those complaints that the clerks have scanned but not yet processed and posted to PACER. She then searches for processed complaints on PACER, which are also available at a public access terminal at the courthouse. Finally, the clerks give Courthouse News' reporter paper copies of those complaints that have not yet been scanned and posted either to the electronic in-box or to PACER. The clerks will also review the court's record book with Courthouse News' reporter at the end of the day to make sure that no filings have been missed.

Riverside

At the Superior Court for the State of California, County of Riverside, new complaints are scanned and made available for electronic viewing via the court's website and at computer terminals in the courthouse. The press had been experiencing delays in access for years until a new clerk, formerly from the United States District Court for the Central District of California, came on board. The clerk found that same-day access could be achieved simply by shifting the schedules of the personnel who scan complaints so that they begin and end work later in the day, thus ensuring that the vast majority of new complaints would be made available for electronic viewing on a same-day basis.

St. Louis

At the St. Louis City Circuit Court in Missouri, Courthouse News' reporter goes to the intake window where cases are filed and clerk's office staff members hand the reporter a stack of new cases filed that same day. Courthouse News' reporter

works at the counter next to the intake window; however, members of the media can also work at a table near the window. Staff members in the clerk's office will provide members of the media with copies of newsworthy new cases free of charge.

At the United States District Court for the Eastern District of Missouri, where new complaints must be electronically filed, each case is assigned a case number upon filing by the attorney and is immediately made available on PACER, even if it has not been fully reviewed and processed. Courthouse News' reporter is able to view the new complaints on a computer terminal in the clerk's office and print out copies for a small fee.

San Francisco

At the Superior Court of California for the County of San Francisco, news reporters are allowed behind the counter into the stacks to review unlimited numbers of new filings after providing a driver's license and filling out a temporary name tag. The number of new filings per day varies, but often exceeds 50. Courthouse News views new complaints regardless of whether they have been fully processed. San Francisco Superior has established a written protocol for members of the press. The key provisions are quoted below:

If media personnel want to review files already on the shelves, they can pull these files themselves and return them to the shelves.

All new filings will be held in a Media Box during the day. Between 3:00 and 4:30 each day, this box will be available to the media for viewing in the Records department, whether or not the cases have been entered in the computer. At 4:00 PM, when the office closes to the public, media personnel may ask to view any additional filings that may have come in since 3:00 PM. The Records supervisor or an assigned clerk will retrieve those files for the media to view. Any member of the media viewing new filings must return them to the box for eventual return to the Records supervisor or assigned clerk.

Media personnel may come in anytime before 3:00 PM to view new filings. However, they will only be viewing cases newly filed up until that time.

Copy machine from the second floor Media Room will be moved to Room 103 and located behind the Records department. This machine belongs to Courthouse News Service, but has been made available to all media personnel for their use.

At the San Francisco Division of the United States District Court for the Northern District of California, reporters go behind the counter and review actions filed that same day, regardless of whether the complaints have been fully docketed or posted on PACER. They are also permitted access to "transfer boxes" of new actions being sent to different divisions of the court, and are provided with a copy of the intake log. Reporters are permitted to make copies of cases they determine to be newsworthy using a portable scanner.

San Jose

At the Santa Clara County Superior Court in San Jose, California, the court recently implemented new procedures to ensure that reporters receive same-day access to the vast majority of each day's new civil unlimited jurisdiction complaints. Under those procedures, civil unlimited complaints are made available to Courthouse News' reporter upon receipt of the filing fee, the assignment of a case number, and the assignment of a first status conference date, even though processing of the new complaint is far from over at this juncture. Complaints that are filed over the counter by 3:30 p.m. are made available to Courthouse News' reporter on the same day they are filed. All unlimited jurisdiction complaints that are in the drop box by 4:00 p.m. are also made available to Courthouse News on the same day they are filed. Unlimited jurisdiction complaints that are filed over the counter between 3:30 p.m. and the clerk's office closing at 4:00 p.m. have been designated as a staff priority, and the court endeavors to make them available for review on the same day they are filed. Courthouse News' reporter is permitted to remain at the court until 4:30 p.m., one half-hour after closing, to review late-filed cases. The court makes copies of complaints as requested by the reporter.

At the San Jose Division of the United States District Court for the Northern District of California, clerks print out a list of all new complaints filed earlier that day. Reporters go behind the counter, obtain complaints from individual clerks' desks, report on and scan any newsworthy complaints, and then return the complaints to the clerks' desks.

Seattle

At the King County Superior Court, Courthouse News' reporter is provided with a docket report of new cases two times per day – once at 11:00 a.m. and again at 3:00 p.m. The 11:00 a.m. list includes all cases that have been filed from 3:00 p.m. on the previous day through 11:00 a.m. on the current day, while the 3:00 p.m. list includes new cases that have been filed from 11:00 a.m. to 3:00 p.m. that day. The reporter reviews each list to find relevant cases, then searches for and views new complaints on a computer terminal at the courthouse. She is able to print out relevant complaints for 15 cents per page.

Tampa

At the Hillsborough County Circuit Court, new complaints that are hand-filed in the main courthouse are made available for review by reporters at the end of the day they are filed. Most complaints are scanned by court staff and made available on the court's public access terminals for review. Those complaints that are not scanned and available on the public access terminals by 4:00 p.m. are provided in paper form for news reporters, who have until the court closes at 5:00 p.m. to review those late-filed complaints.

Wilmington

At the United States District Court for the District of Delaware, new complaints can be filed either in paper form or electronically. Courthouse News' reporter can view e-filed complaints on PACER almost immediately after they are filed by using a shell case number code to access an online press queue of new electronic filings. The reporter also visits the court on a daily basis and is able to review the vast majority of new complaints filed in paper form on the same day those complaints are filed. Court staff will make copies of paper-filed cases for 10 cents per page.

EXHIBIT 4

Bill Girdner

From: CNS LA Fed [lafed@courthousenews.com]
Sent: Tuesday, September 06, 2011 8:05 PM
To: CNS Circulation
Subject: CNS Los Angeles Federal Report Sep 06, 2011
Attachments: BlackBerry Version - CNS Los Angeles Federal Report Sep 06, 2011 (702862).txt; CNS Los Angeles Federal Report Sep 06, 2011 (702862).rtf

[Courthouse News Service](#) [Filter and Export](#) [Dingers](#) [Database Search](#)

Los Angeles Federal Report
September 06, 2011

The report below may not be transmitted through any means outside the office location that is subscribing, but may be copied freely within that location. A separate subscription is required for each office location that receives the report. If you need help finding underlying documents, please call or email Violet Enciso at lafed@courthousenews.com or (213) 626-2428. The summaries below describe allegations only and should not be taken as fact.

USDC Central District of California
Western Division - Los Angeles, Eastern Division - Riverside

Allana Boroni; Dean Copper;
Brenda Copper; Traci Gehm;
Christopher Grossman; Gerard
Cannella; Melanie Cannella;
Rebecca Abad; Gina Adams;
Rick Adams; Debbie Abeel;
Bibian Afable; Michael Akin;
Nicole Akin; Suren Alaverdyan;
Edevin Aldana; Karl Amrine;
James Anthony Alauria; Elmer
Anderson; Eric Anderson;
Sabrina Anderson; Pamela
Anderson; Donald Andrews;
David Appel; Scott Armstrong;
Alex Bacaron; John Bahura;
Cheryl Bailar; William Barber;
Bruce Barmakian; Rodrick
Barnett; David Beaubian; Tom
Beiner; Joseph Bell; Andres
Benavidez; George Bennett;
Amana Bennett; Robert Berry;
John Booth; Edward Bostock;
Patrick Boyd; Suzanne Brittan-
Bergman; Vicki Brock; Joan
Brown; Diane Brown; Dexter
Brown; Toby Butterworth;
Bonnie Butterworth; Eduardo
Cabasal; Jessica Cabasal; Harry
Campbell; Nelida Campos; Jose
Campos; Maria Carino; Richard
Carrol; Shawn Cassidy; Jose
Castro; Steve Cater; Carla

Complaint for violation of civil rights, injunction under the Federal Injunction Act. Plaintiffs in this case represent US citizens who have hired Mitchell Stein to represent them in lawsuits that have been filed, or will be filed, against Bank of America and 13 other financial institutions. On 8/17/2011, defendant Harris grossly violated plaintiffs' civil rights by seizing plaintiffs' legal files and denying plaintiffs the right to the legal counsel of their choice.
[Free download](#)

Mitchell Stein

Cayler; Norm Cayler; Francis
Celo; Eloy Certeza; Tina Certeza;
John Charlson; Catherine
Charlson; Mark Chasteen; Vipin
Chaturvedi; Joseph Chavoen;
Ana Vilma Guandique Cisneros;
Grant Clark; Sonia Clark;
Geoffrey Cockrell; Danielle
Cockrell; Hugh Collins; Arturo
Concha; Kat Conway; Randall
Cook; Denise Cook; Cary Cruz;
William Cubias; Barbara Curtis;
Houston Curtis; Eric Cutler;
Ricardo Davalos; Darkis
Davoddaniel; Don Decker; David
De Leon; Nicholas Deitel; Paz
Diaz; Jose Duarte; Ana Duenas;
Olic Dunning III; Hotosa
Ebrahimzadeh; Steven Ehlers;
Mehrdad Emesha; Martin
Escobedo; Ty Etterlein; Michelle
Favazzo; Roger Fenstermacher;
Sally Figueiredo; Fumiko Fisher;
Robert Fitzgerald; Corey Flinn;
Roger Fosdick; Susan Francho;
James Fraser; D'Ann Friend;
Matthew Friend; Matthew
Friend; Barbara Gibbs; Robert
Graham; Walter Grubic; Diane
Grubic; Magdalena Guizar;
Maria Guzman; Richard Hale;
Jack Halley; Allison Hanson;
Steven Hardie; Cindy Harrison;
Tom Herbst; Mario Herrera;
Darlene Holloway; Ralph
Holloway; Pat Hunt; Harley
Hunter; Jean Hunter; Rebecca
Ignacio; Joseph Ignacio;
Clarence Irving; Evelyn Irving;
Art Iturbe; Athena Jackson; Glen
Jackson; Tyrone Javellana; Kevin
Jopes; Diane Kepley; Kevin
Keehl; Jay Kim; Lynn Kimberly;
Steve Kong; Brent Komourous;
Nancy Krantz; Gladys Krantz;
Dean Kraemer; Joshua Kreitzer;
Peter Kreuzer; Jackie Kreuzer;
Manuel Landovazo; Stephanie
Landen; Jennifer Langlo; Ashley
Larsen; Christian Larsen; Bruce
Lawson; Lisa Lawson; Travis
Leage; Alyssa Leigh; Bobbie
Leonard; Ken Leon; Mark Lilly;
Carmen Linares; James Locker;
Adelfo Macasa; Bruce MacBride;
Carrie MacBride; Marco Macias;

Louis Mages; Stefan Mahaley;
Denise Manriquez; Jose Mario;
Eduardo Marquez; Elnora
Marshall; Janet Marshall; Julio
Martin; Frank Martinez; Frank A.
Martinez; Patrick Martinez;
Elizabeth Matsik; Mary Medina;
Gloria Melo; Sean McDonald;
Bruce Milligan; Attila Molnar;
Veronica Monterrubio; Toby
Moore; Leonidis Morales; Juan
Carlos Morrillo; Erica Morgera;
Basheer Murad; Yolana
Natividad; Joe Navarro; Micah
Neely; Richard Neely; Scott
Newton; Karen Nierhake; Editha
Nepomuceno; Ernesto
Nepomuceno; Alan Ness;
Catherine Nutt; John Ocampo;
Roman Olivos; Juan Padilla;
Macia Padilla; Socorro Pareda;
Alan Parsons; Angela Parada;
Kasimir Patelski; Cindy Patelski;
Don Peden; Diane Perra; Raul
Pernett; James Peterson; Paul
Pirtle; Lee Poindexter; Leslie
Pollack; Douglas Powers; Carol
Powers; Ana Maria Prezio;
Steven Quick; Rebecca Quick;
William Rabello; Luz Miriam
Ramirez; Silvia Rendon; Editha
Restauro; Nancy Heller Riley;
Noorollah Rahdar; Seyed Razavi;
Debra Rein; Arthur Rodriguez;
Ofelia Romero; Florence
Sabagquit; Jesse Sabagquit;
Sherry Safko; Derrick Sanders;
Carl Sanko; Reginald Santiago;
Simon Sarkisian; Jose Saucedo;
Randy Scarberry; Jeannie
Scarberry; Cranford Scott; Sheila
Scott; Courtney Scott; Juanita
Scott; Brian Sexson; Terry
Shaeffer; Peter Sheldon; Scott
Shubb; Martin Silva; Kenneth
Simonsen; Sheryl Simonsen;
Baldev Singh; Baljit Singh; Nida
Singh; Michael Smith; William
Smith; Mark Smith; Charles
Crayton Smith; Robert Smith;
Milton Smith II; Robert Snyder;
Valerie Snyder; Joanne Snyder
Davidson; Hemaltha Souri-
Parsons; Iliana Sorensen; Rosario
Maria Soto; Barbara Sponster;
Rayetta Stanley; Del Staudinger;

Tracey Hampton-Stein; Paul Strohecker; Lidia Tapia; Bob Tidd; Betty Timbers; Greg Townsend; Charlotte Tucker; Jodi Tuft; Timothy Tuma; Mary Tuma; Malcom Turner; Marina Vanderwall; Ronnie Van Green; Mitch Van Mechlen; Lisa Vasquez; Enrique Villanueva; Rebecca Villanueva; Nadia Villareal; Christopher Villaruz; Linda Vo; Hui Vo; Patrick Vuong; Laura Waldheim; Victoria Wallace; Zane Walker; Melissa Warner; Gurmeet Waraich; Harjinder Waraich; Walter Weiss; Gunter Weissmann; Sherry Smith-Weissmann; Edna Wenning; Veronica Widener; Todd Widener; Timothy Widlund; Melissa Widlund; Craig Williams; Richard Wilson; Jon Withrow; Natasha Yusta; Luis Zavala; George Zink; Mitchell Stein; Mitchell Stein & Associates LLP; Roes

v.

State of California; County of Los Angeles; City of Los Angeles; Kamala Harris; Benjamin Diehl; James Toma; The State Bar of California; Does
9/6/2011 2:11 cv 7303 CBM
(Western Division - Los Angeles)

Colette Von Kaenel

v.

Skinny Girl Cocktails LLC; SGC Global LLC; Beam Global Spirits & Wine Inc.; Jim Beam Brands Co.
9/6/2011 2:11 cv 7305 JAK
(Western Division - Los Angeles)

Class action complaint for common law fraud, breach of express warranty. This is a class action on behalf of consumers who purchased defendants' Skinnygirl Margarita beverage which purports to be "All Natural" and containing "no preservatives," even though the beverage product contains synthetic sodium benzoate.
[Free download](#)

Daniel Tamez
Gnau & Tamez Law
Group- San Diego

Tuan Dang

v.

AT & T Mobility LLC, a Delaware LLC; AT & T Inc, a Delaware corp.; AT & T Corp., a New York corp.; AT & T Mobility Wireless Operations Holdings Inc., a Delaware corp.; Does
9/6/2011 2:11 cv 7307 GW
(Western Division - Los Angeles)

Complaint for damages, violation of the Fair Labor Standards Act. Plaintiff was often required to work while he was "punched out."
[Free download](#)

Joel Bryant
Green Bryant & French-
San Diego

<p>Novart Kasbarian, as administrator of the Estate of Kasbar Kasbarian v. Chase Bank USA 9/6/2011 2:11 cv 7309 CAS (Western Division - Los Angeles)</p>	<p>Violation of the Fair Credit Reporting Act and the Fair Debt Collection Practices Act. Free download</p>	<p>Tammy Hussin Lemberg & Associates- Carlsbad</p>
<p>Matthew Jones v. Dirt Blossom Inc.; David Jacobson; Larry Rattner; Does 9/6/2011 2:11 cv 7317 JHN (Western Division - Los Angeles)</p>	<p>Copyright infringement action over plaintiff's screenplay entitled "Boot Tracks." Free download</p>	<p>Arthur Aaronson Aaronson & Aaronson</p>
<p>Rosa Hernandez v. Takeda Pharmaceuticals North America Inc.; Takeda Pharmaceuticals International Inc.; Takeda Pharmaceutical Company Limited; Takeda Pharmaceuticals LLC; Takeda Global Research & Development Center Inc.; Takeda San Diego Inc.; Does 9/6/2011 2:11 cv 7320 JAK (Western Division - Los Angeles)</p>	<p>Complaint for breach of express warranty, strict liability, defective design. Defendants' prescription drug Actos and pioglitazone hydrochloride caused plaintiff's bladder cancer. Free download</p>	<p>Joseph Maher Weitz & Luxenberg</p>
<p>Howard Geiser; Rona Geiser v. Takeda Pharmaceuticals North America Inc.; Takeda Pharmaceuticals International Inc.; Takeda Pharmaceutical Company Limited; Takeda Pharmaceuticals LLC; Takeda Global Research & Development Center Inc.; Takeda San Diego Inc.; Does 9/6/2011 2:11 cv 7321 PSG (Western Division - Los Angeles)</p>	<p>Complaint for breach of express warranty, strict liability, defective design. Defendants' prescription drug Actos and pioglitazone hydrochloride caused plaintiff Howard Geiser's bladder cancer. Free download</p>	<p>Joseph Maher Weitz & Luxenberg</p>
<p>Mophie Inc., f.k.a. mStation Corp. v. Wan Ma, a.k.a. Raymond Ma; Does 9/6/2011 2:11 cv 7323 CBM (Western Division - Los Angeles)</p>	<p>Trademark and copyright infringement action over counterfeit "Mophie" branded products. Plaintiff is a designer and manufacturer of mobile intelligent devices an accessories. Free download</p>	<p>Christopher Johnson Johnson & Pham LLP</p>
<p>The Independent Order of Foresters v. John Mungo; Beacon Crest</p>	<p>Complaint for violations of the Racketeer Influenced and Corrupt Organizations Act, constructive trust and accounting. Free download</p>	<p>Michael Bell Burke Williams & Sorensen</p>

Financial and Insurance Services;
Steven Kwizera; Julius Katega;
Solomon Kisekka; Cheche
Momodu; Damiano Kigoye;
Andrew Muhumuza; Sharon
Komwaro; George Agaba; Rose
Severino; Maria Malek; Marie
Kalungi; Ronnie Kamara;
Michael Lyadda; Patricia Torres
9/6/2011 2:11 cv 7326 ODW
(Western Division - Los Angeles)

Mophie Inc., f.k.a. mStation
Corp.
v.
Amber Ade; Does
9/6/2011 2:11 cv 7327 VBF
(Western Division - Los Angeles)

Trademark and copyright infringement action over
counterfeit "Mophie" branded products. Plaintiff is a
designer and manufacturer of mobile intelligent devices an
accessories.
[Free download](#)

Christopher Johnson
Johnson & Pham LLP

Mophie Inc., f.k.a. mStation
Corp.
v.
Ronald Reeves; Does
9/6/2011 2:11 cv 7328 SVW
(Western Division - Los Angeles)

Trademark and copyright infringement action over
counterfeit "Mophie" branded products. Plaintiff is a
designer and manufacturer of mobile intelligent devices an
accessories.
[Free download](#)

Christopher Johnson
Johnson & Pham LLP

Mophie Inc., f.k.a. mStation
Corp.
v.
Sidrah Qadeer, a.k.a. Sidrah
Ahmed; Does
9/6/2011 2:11 cv 7329 JFW
(Western Division - Los Angeles)

Trademark and copyright infringement action over
counterfeit "Mophie" branded products. Plaintiff is a
designer and manufacturer of mobile intelligent devices an
accessories.
[Free download](#)

Christopher Johnson
Johnson & Pham LLP

Mophie Inc., f.k.a. mStation
Corp.
v.
Chad Nordby; Wibu Ventures
Inc., a Minnesota corp.; Does
9/6/2011 2:11 cv 7331 DSF
(Western Division - Los Angeles)

Trademark and copyright infringement action over
counterfeit "Mophie" branded products. Plaintiff is a
designer and manufacturer of mobile intelligent devices an
accessories.
[Free download](#)

Christopher Johnson
Johnson & Pham LLP

Ot Bonsynat; Tom Casault
v.
Independent National Mortgage
Corp., a.k.a. Indymac Bank;
Onewest Bank; IMB Holdco
LLC; IMB Management
Holdings LP; Dune Capital LLC;
JC Flowers & Co.; MSD Capital
LP; Stone Point Capital; Soros
Fund Management LLC; SSP
Offshore LLC; Paulson & Co.;
Silar Advisors LP; Silar MCF-1
LLC; Aurora Mortgage Services
LLC; US Bank National Trust, as

Class action complaint on behalf of all California
homeowners whose loans have been originated by
defendant Indymac Bank using significantly reduced
underwriting standards designed to allow borrowers to
obtain mortgage without proper verification of income,
no-doc and no money down programs, offering extremely
risky credit terms to borrowers such as negative
amortization, interest only payment options and,
adjustable rate mortgage terms that defendant knew would
be unsustainable for borrowers.
[Free download](#)

Khihn Yam

trustee for Lehman XS Trust
Mortgage Pass-Through
Certificates Series 2007-12N;
Federal National Mortgage
Association, a.k.a. FNMA or
Fannie Mae
9/6/2011 8:11 cv 1345 CJC
(Western Division - Los Angeles)

Danny Joe Hirschfield
v.
U.S. Department of Homeland
Security; Officer Edward Lott
9/6/2011 2:11 cv 7237
(unassigned)
(Western Division - Los Angeles)

IFP: Violatin of civil rights.

pro per

Nancy Dardarian
v.
Sur La Table, Inc., a Washington
corp.
9/6/2011 2:11 cv 7301 ODW
(Western Division - Los Angeles)

Class action complaint for violations of the Song-Beverly
Credit Card Act. (Case in other court: California Northern,
3:11-cv-00948.)

p: Tim Hoffman
Hoffman & Lazear-
Oakland
d: Scott Jacobs
Reed Smith

Carmille Johnson
v.
Pepsico Inc.; New Bern
Transport Corp. Inc.; Does
9/6/2011 2:11 cv 7308 JFW
(Western Division - Los Angeles)

Removal of complaint for violations of the Americans
With Disabilities Act, negligence.

p: Eugene Feldman
d: James Berry
Berry & Lussier

Cecilia Medina
v.
Hilton Anaheim; Victor Ramirez;
Does
9/6/2011 2:11 cv 7311 DSF
(Western Division - Los Angeles)

Removal of complaint for sexual harassment in
employment, battery, failure to prevent harassment.

p: Robert Tafoya
Tafoya & Garcia LLP
d: Cynthia Filla
Jackson Lewis LLP

Miralba Castro Rosas; Mimi
Santa Cruz; Adel Dogon;
Christopher Odman; Robert
Bouchard
v.
Macy's Inc.; Macy's West Stores
Inc.; Does
9/6/2011 2:11 cv 7318 PSG
(Western Division - Los Angeles)

Removal of class action complaint for labor code
violations. Macy's routinely requires all of their employees
to perform unpaid work "off the clock."

p: Nicolette Glazer
d: Julia Azrael

Oganes Mesropian
v.
Bank of America NA; Chase
Bank USA NA; Citibank NA; US
Bank NA; Does
9/6/2011 2:11 cv 7315 JAK
(Western Division - Los Angeles)

Removal of complaint for violation of the Fair Debt
Collection Practices Act.

p: Jeffrey Coleman
d: Julia Strickland
Stroock Stroock &
Lavan LLP

Sandra Scher
v.
JP Morgan Chase NA; Matilla
Realty Inc.; NDEX West LLC;
Does
9/6/2011 2:11 cv 7314 SJO
(Western Division - Los Angeles)

Removal of complaint for violation of the Truth in
Lending Act, unfair debt collection practices.

p: pro per
d: Mark Block
Wargo & French LLP

Hicks Park LLP
v.
ING Bank FSB, d.b.a. ING
Direct; Does
9/6/2011 2:11 cv 7330 ODW
(Western Division - Los Angeles)

Removal of complaint for failure to pay for legal services.

p: James Hicks
Hicks Park LLP
d: Terrance Evans
Duane Morris LLP- San
Francisco

Janet Dominguez-Provencio
v.
Federal Home Loan Mortgage
Corp.; Citimortgage Inc, a New
York corp.; Cal-Western
Reconveyance Corp.; Does
9/6/2011 2:11 cv 7335 PA
(Western Division - Los Angeles)

Removal of complaint for wrongful foreclosure,
promissory estoppel.

p: Jeremy Alberts
d: Peter Salmon
Pite Duncan- San Diego

Ashley Vincenti; Anthony
Vincenti
v.
Exxon Mobil Corp.; Does
9/6/2011 2:11 cv 7336 VBF
(Western Division - Los Angeles)

Removal of complaint for personal injuries and damages
to property due to defendant's failure to properly control
and maintain the underground fuel storage tanks.

p: Jeffrey Young- Santa
Barbara
d: Lawrence Riff
Steptoe & Johnson LLP

Richard Lee; Mary Lee
v.
Alfa Laval Inc.; Calportland Co.,
f.k.a. California Portland Cement
Co.; CBS Corp., f.k.a. Viacom
Inc.; Certainteed Corp.; Clark-
Reliance Corp.; Crane Co.; CSR
Ltd., f.k.a. Colonial Sugar
Refining Co. Inc. of Syney
Australia; Foster Wheeler LLC;
Foster Wheeler Energy Corp.;
General Electric Co.; Georgia-
Pacific LLC, f.k.a. Georgia-
Pacific Corp.; Hill Brothers
Chemical Co.; Ingersoll-Rand
Co.; Kaiser Gypsum Co. Inc.;
Kelly-Moore Paint Co. Inc.;
Owens-Illinois Inc.; O-I Inc.;
Rapid American Corp.; Soco-
West Inc., f.k.a. Brenntag West
Inc., f.k.a. Soco-Lynch Corp.;
Syd Carpenter, Marine
Contractor Inc.; Union Carbide
Corp.; Yarway Corp.; Does
9/6/2011 2:11 cv 7333 GHK

Removal of complaint for damages, asbestos litigation.

p: Joseph Maher II
Weitz & Luxenberg PC
d: Geoffrey Davis
K & L Gates LLP

(Western-Division - Los Angeles)

Linda Petersen
v.
Sur La Table, Inc, a Washington
corp.
9/6/2011 2:11 cv 7324 R
(Western Division - Los Angeles)

Removal of complaint for violation of civil rights. (Case
in other court: California Northern, 3:11-cv-01254.)

p: James Richard
Patterson
Harrison Patterson &
O'Connor LLP- San
Diego
d: Scott Jacobs
Reed Smith

Deutsche Bank National Trust
Co.
v.
Robert Pickar; Does
8/31/2011 2:11 cv 7219 R
(Western Division - Los Angeles)

Removal of complaint relating to real property.

p: James Lee
Barrett Daffin et al
d: pro per

Sandra Queen Noble
v.
Stolen U.S.A.; US Department of
Health and Human Services;
Kathleen Sebelius; Tika Smith
8/31/2011 2:11 cv 7228
(unassigned)
(Western Division - Los Angeles)

IFP: Other statutory actions.

pro per

William Helm; Deborah Prise;
Heather Rady; Robert
Chernetsky; Rober Jones; Henry
Klein; Stacey Weinstein; Jeffrey
Sachs; Johnny Coleman; John
Keath; Chad Wickham; James
Crouch; Rickie Hamilton; Sandy
Thomas; Roger Hugo; Robert
Shaw; Betty Knight; Larry
Hammock; Steven Tiller;
Strother Fulcher; Mary Holden;
Marisia Farmer; Robert Acevez;
Frederick Aldrich; Merlin
Alexander; Elias Alvidrez;
Steven Arnold; James Baasch;
Robert Bowen; Michele
Breindel; Lawrence Camp;
Debbie Chatman; Corey Clary;
Diane Craig; Jeffrey Diggs;
Kathryn Dildy; Marc Dumont;
James Durden; Stephen Escobar;
John Ferguson; Darin Foran;
Robert Idemoto; Kenneth
Giacone; Elizabeth Grant; Linda
Hagerty; Douglas Hazen;
Bernard Hirrel; William Hudson,
III; Julius Johnson; Wilton King;
Eddie Kirkpatrick; Ronald
Langley; Frank Lewis; Charles
Lowther; Sarah Malmi; Steven

Removal of complaint relating to labor litigation. (Case in
other court: California Northern, 3:08-cv-01184.)

p: Annette Gifford
Thomas & Solomon
LLP- New York
d: Steven Hazard
Gurnee
Gurnee & Daniels LLP-
Roseville

Martz; Eugenia Matthews; Paul Meizler; Harold Metcalf; Michael Naperalsky; Sean Oberski; Richard Petersen; Melissa Ray; Jack Reddick; Dennis Robertson; Richard Salhus; John Schabloski; David Schnell; Warren Seiz; William Shuff; Myra Sloan; Monecia Smith; Jody Spiese; Mikal Stampke; Francis Steinhoff; Joseph Tafoya; Stephen Takesian; Jerry Tawney; Tori Taylor; Philip Tillman; Florinda Trejo; Gayle Walker; James Whaley; George White; David Wyatt; Johnny Johnson

v.

Stephanie Riggs (petitioner); Alderwoods Group Inc.; Paul Houston; Service Corporation International; SCI Funeral & Cemetery Purchasing Cooperative, Inc; SCI Eastern Market Support Center, L.P.; SCI Western Market Support Center, L.P.; SCI Houston Market Support Center, L.P.; Alderwoods Group, LLC
8/31/2011 2:11 cv 7200 SVW
(Western Division - Los Angeles)

Brian Fulkerson

v.

Stater Bros Markets Inc.; Service Employees International Union (SEIU) Local 1877; Does
9/6/2011 5:11 cv 1407 VAP
(Western Division - Los Angeles)

Removal of complaint for wrongful termination of employment, disability discrimination.

p: Johnwilly Osujid; Antonio Ruiz Weinberg Roger & Rosenfeld- Alameda

US Bank NA

v.

Clarice Wright (movant); Hele Carlin; Divya Singh; Vena Rodriguez; Terry Mayberry; Does
8/31/2011 5:11 cv 1380 VAP
(Eastern Division - Riverside)

Removal of complaint for rent lease and ejection.

p: Katherine Walker Alvarado and Associates LLP
d: pro per

Upland Animal Hospital Inc; Claus Helsted

v.

Diversified Veterinary Management Corp.; Senex Insurance Services Inc.; Hartford Life and Annuity Insurance Co.,

Removal of complaint for intentional misrepresentation, conspiracy to commit fraud, unsuitable investments. This case arises out of a scheme among defendants whereby they conspired to induce plaintiffs to establish and implement a 412(i) defined benefit pension plan by falsely representing the benefits of the plan and the returns of the plan's investments so that they would earn extraordinary

David McDowell Morrison & Foerster LLP

a Connecticut corp.; Sims
Insurance Services Inc.; Eric
Sims; Does
9/6/2011 8:11 cv 1343 DOC
(Western Division - Los Angeles)

large commissions and administrative fees, while
providing a losing investment proposition to plaintiffs and
the plan participants.

Heather McKinstry
v.
Accenture Inc, a Delaware corp.;
Does
9/2/2011 8:11 cv 1335 DOC
(Southern Division - Santa Ana)

Removal of complaint relating to labor litigation.

p: Briana Kim
Jose Garay APLC
d: Dennis Hyun
Seyfarth Shaw

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USDC Central District of California

Western Division - Los Angeles, Eastern Division - Riverside, Southern Division - Santa Ana

Foremost Groups Inc., f.k.a. Foremost International Trading Co. Inc. v. Ayers Bath (USA) Corp. 9/12/2011 2:11 cv 7473 GAF (Western Division - Los Angeles)	Complaint for infringement on exclusive right of distribution, unfair competition, infringement of unregistered trademark. Defendant has infringed on plaintiff's exclusive right to distribute Huida's bathroom and sanitary porcelain products in the US and Canada by importing Huida sanitary ware products and making those products available for sale to retail stores, wholesale channels and regional dealers in the US. Free download	William Hanssen Drinker Biddle & Reath
Philip Nisbet; Cory Nisbet v. US Bank Home Mortgage, a subsidiary of US Bank and US Bank National Association; Downey Savings and Loan; MERS; Does 9/12/2011 2:11 cv 7486 JHN (Western Division - Los Angeles)	Complaint for damages, breach of fiduciary duty, violation of the Truth in Lending Act. Free download	Lennie Ann Alzate Westside Law Group- Carlsbad
Edson Santiago v. Matthew Henggeler; County of Los Angeles; Does 9/12/2011 2:11 cv 7494 RZ (Western Division - Los Angeles)	Complaint for damages, unreasonable search and seizure, retaliation. Free download	Adrienne Quarry
Gabriel Sandoval Jr. v. AT & T Mobility LLC, a Delaware LLC; AT & T Inc., a Delaware corp.; AT & T Corp., a	Violation of the Fair Labor Standards Act, unpaid overtime. Free download	Joel Bryant Green Bryant & French LLP- San Diego

New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7496 SH
(Western Division - Los Angeles)

Keyla Bell
v.
Onewest Bank FSB; MTDS Inc.,
d.b.a. Meridian Trust Deed
Service
9/12/2011 2:11 cv 7497 E
(Western Division - Los Angeles)

Vahan Guyumdzhyan
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7498 PJW
(Western Division - Los Angeles)

Jennifer Thompson
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7499 JCG
(Western Division - Los Angeles)

Harold Soto
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7500 MMM
(Western Division - Los Angeles)

Flor Martinez
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a

Complaint for violation of the Real Estate Settlement
Procedures Act, promissory estoppel, fraud.
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Violation of the Fair Labor Standards Act, unpaid
overtime.
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Violation of the Fair Labor Standards Act, unpaid
overtime.
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overtime.
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Sarah Golden
Golden & Timbol PC

Joel Bryant
Green Bryant & French
LLP- San Diego

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New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7501 PSG
(Western Division - Los Angeles)

Lindsey McFarland
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7502 CAS
(Western Division - Los Angeles)

Ivan Yakimov
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7503 ODW
(Western Division - Los Angeles)

Arsany Said
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7504 PJW
(Western Division - Los Angeles)

Ezekiel Flores
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7505 MRP
(Western Division - Los Angeles)

Daisy Payan

Violation of the Fair Labor Standards Act, unpaid
overtime.
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Violation of the Fair Labor Standards Act, unpaid

Joel Bryant
Green Bryant & French
LLP- San Diego

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LLP- San Diego

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Joel Bryant
Green Bryant & French
LLP- San Diego

Joel Bryant

v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 2:11 cv 7507 GW
(Western Division - Los Angeles)

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LLP- San Diego

Boost Worldwide Inc.
v.
El Camino Insurance; Wireless
Connections Inc.
9/12/2011 2:11 cv 7514 JAK
(Western Division - Los Angeles)

Trademark infringement action over Boost's marks for
wireless telecommunications products and services.
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James Juo
Fulwider Patton LLP

Henry Cox
v.
Encore Receivable Management
Inc.; Does
9/12/2011 2:11 cv 7515 AJW
(Western Division - Los Angeles)

Violation of the Fair Debt Collection Practices Act.
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Tammy Hussin
Lemberg & Associates
LLC- Carlsbad

Lareishia Findley; Latanya
Rivers; Markeisha Findley
v.
County of Los Angeles; Ronald
York; Does
9/12/2011 2:11 cv 7516 DMG
(Western Division - Los Angeles)

Complaint for violation of civil rights, illegal arrest.
[Free download](#)

Michael Artan

Phillip Chang; Christopher
Brennan
v.
The Boeing Care Plan For Non-
Union Employees; Does
9/12/2011 8:11 cv 1386 JST
(Western Division - Los Angeles)

Complaint for breach of plan, recovery of plan benefits,
injunctive relief.
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Gary Tysch

Suzanne Estes, derivatively on
behalf of Smith Micro Software
Inc.
v.
William Smith Jr.; Andrew
Schmidt; Thomas Campbell;
Samuel Gulko; William Keiper;
Chris Lippincott; Robert Elliott;
Steven Yasbek; David Sperling;
Jonathan Kahn; Does; Smith
Micro Software Inc., a Delaware
corp.
9/12/2011 8:11 cv 1394 JVS
(Western Division - Los Angeles)

Verified shareholder derivative complaint for breach of
fiduciary duties. Defendants issued false and misleading
statements to shareholders and engaged in insider trading.
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Frank Johnson
Johnson & Weaver
LLP- San Diego

Smart Foundry Solutions LLC
v.
Analog Devices Inc.; Atmel
Corp.; Freescale Semiconductor
Inc.; Freescale Semiconductor
Holdings I Ltd.; Freescale
Semiconductor Holdings II Ltd.;
Freescale Semiconductor
Holdings III Ltd.; Freescale
Semiconductor Holdings IV Ltd.;
Freescale Semiconductor
Holdings V Ltd.; Microchip
Technology Inc.; Nvidia Corp.;
Silicon Storage Technology Inc.;
Texas Instruments Inc.; Toshiba
America Inc.; Toshiba America
Electronic Components Inc.;
Toshiba America Information
Systems Inc.
9/12/2011 8:11 cv 1396 DOC
(Western Division - Los Angeles)

Patent infringement action over patent no. 6,258,714
entitled "Self-Aligned Contacts For Salicided MOS
Devices."
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Anthony Dain
Procopio Cory et al- San
Diego

Jason Meyer
v.
AT & T Mobility LLC, a
Delaware LLC; AT & T Inc., a
Delaware corp.; AT & T Corp., a
New York corp.; AT & T
Mobility Wireless Operations
Holdings Inc., a Delaware corp.;
Does
9/12/2011 8:11 cv 1397 AG
(Western Division - Los Angeles)

Violation of the Fair Labor Standards Act, unpaid
overtime.
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Joel Bryant
Green Bryant & French
LLP- San Diego

Mark Palmer; Wow Designs Inc.
v.
Mark Hunter; Flipscrip Inc, a
Delaware corp.; Does;
Glyphusion Inc., a Delaware
corp. (as a nominal defendant in
derivative claims)
9/12/2011 2:11 cv 7512 JAK
(Western Division - Los Angeles)

Removal of complaint for constructive fraud, breach of
fiduciary duty, equitable lien.

p: David Lake
d: Alan Petlak
Ballard Spahr LLP

Vickie Bryant; Tammy Hudgins;
Susan Oddone
v.
Catholic Healthcare West; Does
9/12/2011 2:11 cv 7490 DDP
(Western Division - Los Angeles)

Removal of class action complaint for unpaid overtime
wages in employment, unpaid meal and break periods.

p: Garry Tetelman-
Santa Barbara
d: Richard Simmons
Sheppard Mullin et al

Tom Stull
v.
Michael Fox; Kevin Beer; Doe
Partnership
9/12/2011 2:11 cv 7493 RGK

Removal of petition for judicial supervision of winding up
of partnership.

p: Julian Pollok
d: Glenn Trost
Connolly Bove et al

(Western Division - Los Angeles)

Bradley Barton, d.b.a.
Architectural Glazing
Consultants

v.

J.R. Four Ltd, d.b.a. Technical
Glass Products; Does
9/12/2011 2:11 cv 7474 SVW
(Western Division - Los Angeles)

Removal of complaint for breach of contract, wrongful
discharge from employment, failure to pay due and earned
wages.

p: Yosef Peretz
Peretz & Associates-
San Francisco
d: Julius Turman
Morgan Lewis &
Bockius- San Francisco

Melody Truit

v.

TGI Friday's Inc.; Does
9/12/2011 2:11 cv 7485 PA
(Western Division - Los Angeles)

Removal of class action complaint for recovery of unpaid
minimum wage and overtime in employment, failure to
provide pay stubs.

p: Jonathan Ricasa
d: Joel Siegel
SNR Denton US LLP

In re debtor Shmuel Erde;
Shmuel Erde (appellant)

v.

Eastern Savings Bank; Pebble
Creek Realty Inc; Carolyn Dye
(appellees)
9/12/2011 2:11 cv 7481 JAK
(Western Division - Los Angeles)

Notice of Appeal re Bankruptcy Matter (BAP).

pro per

Gary Jones; Melanie Jones; J.J.;
A.J.; E.J.; A.S.J.

v.

FAMCO; Sandra Valentine;
Does
9/12/2011 2:11 cv 7492
(unassigned)
(Western Division - Los Angeles)

Violation of civil rights in accommodations.

Craig Fagan- San Diego

Dale Dubois

v.

Hartford Life and Accident
Insurance Co.; Group Long Term
Disability Plan for Employees of
Fidelity National Information
Services Inc
9/9/2011 2:11 cv 7421 GHK
(Western Division - Los Angeles)

ERISA action.

Frank Darras
Darras Law

Natalie Patirian

v.

Julia Gelb; Bracha Ilulian
9/9/2011 2:11 cv 7429 CAS
(Western Division - Los Angeles)

Removal of complaint for rent lease and ejection.

p: Dennis Paul Block
d: pro per

James Donell

v.

Omid Arabian; Mojdeh Zavosh
9/9/2011 2:11 cv 7454 RSWL
(Western Division - Los Angeles)

Complaint relating to securities.

Peter Alan Davidson
Ervin Cohen & Jessup

James Donell v. Masoud Askari; Mehri Askari 9/9/2011 2:11 cv 7457 GAF (Western Division - Los Angeles)	Complaint relating to securities.	Peter Alan Davidson Ervin Cohen & Jessup
Federal National Mortgage Association v. Maria De Jesus Zamora; Does 9/8/2011 2:11 cv 7399 DMG (Western Division - Los Angeles)	Removal of complaint for foreclosure.	p: Aalia Sonawalla The Wolf Firm ALC d: pro per
Yessenia Meza v. AT and T Mobility LLC, a Delaware LLC; AT and T Inc, a Delaware Corp.; AT and T Mobility Wireless Operations Holdings Inc, a Delaware Corp.; Does; AT and T Corp, a New York Corp. 9/8/2011 2:11 cv 7410 CAS (Western Division - Los Angeles)	Violation of the Fair Labor Standards Act.	Joel Bryant Green Bryan & French LLP- San Diego
Josefina Castaneda; Gabriel Cisneros v. Aurora Loan Services LLC; Quality Loan Service Corp; Does 9/8/2011 5:11 cv 1429 VAP (Eastern Division - Riverside)	Removal of complaint for foreclosure.	p: pro per d: Howard Dorsey Hall Green & Hall
The Bank of New York Mellon v. Helen McMichael; Does 9/8/2011 5:11 cv 1435 (unassigned) (Eastern Division - Riverside)	Removal of complaint relating to real property.	p: Eric Fernandez TFLG ALC- Davis d: pro per
George Neuhaus v. Metropolitan Life Insurance Co.; Does 9/7/2011 5:11 cv 1413 VAP (Eastern Division - Riverside)	Removal of complaint for breach of insurance contract.	p: Evangeline Grossman Shernoff Bidart Darras Echeverria LLP d: James Castle Barger and Wolen LLP
In re debtor Roger Alan Davis; In re debtor Erin Marie Davis; Roger Alan Davis (appellant) v. Noriyuki Masaki (appellee); Thomas Casey (appellee); US Trustee (appellee) 9/8/2011 8:11 cv 1365 CAS	Notice of Appeal re Bankruptcy Matter (BAP).	Raymond Aver

(Southern Division - Santa Ana)

In re debtor South Coast Oil Corporation; Joseph Palladino (appellant); Donald White (appellant); BG Operations LLC (appellant)

v.

South Coast Oil Corporation, a Delaware corp.; Daniel Toe; James Joseph; US Trustee; Official Committee of Unsecured Creditors of the Energy Development Corporation
Bankruptcy Estate (appellees)
9/8/2011 8:11 cv 1369 JVS
(Southern Division - Santa Ana)

Notice of Appeal re Bankruptcy Matter (BAP).

p: Douglas Mahaffey
Mahaffey & Associates
d: David Poitras
Jeffer Mangels et al

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Los Angeles Superior Court Central District

Katherine L. West aka Kaki West
v.
Pretty Dangerous Films, LLC;
Ryan R. Johnson; Daemon Hillin
9/6/2011 BC469056 Rico

Fraud, rescission - mistake, declaratory relief
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Stacy La Scala
La Scala & Associates

John R. Elliot, Jr.; Linda Elliot
v.
Akzo Nobel Paints LLC; Amcod;
CBS; Certainteed; Crown Cork &
Seal; CSR, Ltd.; Dunn-Edwards;
Formosa Plastics Corp. USA;
General Electric; Georgia-
Pacific; Hill Brothers Chemical;
John K. Bice Co.; J-M
Manufacturing; Kaiser Gypsum;
Kelly-Moore Paint; McKesson;
O-I; Owens-Illinois; Parex USA;
Parker-Hannifin; Rapid-
American; Soco West; The
Sherwin-Williams Co.; Union
Carbide; Univar USA
9/6/2011 BC468954 Hill

Asbestos
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Michael Armitage
Waters, Kraus & Paul

Alphus Flowers; Transita
Flowers
v.
Ace Hardware Corporation;
Calaveras Asbestos, Ltd.;
Calaveras Natural Resources;
Certainteed; Georgia Pacific;
Goodrich; Special Electric;

Asbestos
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Marc Willick
Napoli Bern Ripka
Shkolnik

Union Carbide
9/6/2011 BC469011 Kwan

Kendra J. Petty
v.
L & R Group of Companies;
L&R Group of Companies, Inc.;
LRG Management Company
LLC; David P. Damus;
Guarantee Pest Control, Inc.;
Thomas Properties Group, Inc.;
E.I. Du Pont de Nemours and
Company
9/6/2011 BC469065 Lavin

Wrongful termination of an executive vice-president and refusal to pay part of her promised compensation. Plaintiff's phone conversations were intercepted, toxic chemicals were introduced into the work area, and she was required to make political contributions to conceal contributions by L & R.
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Richard Love

Fernando Gonzalez
v.
Los Angeles Times
Communications, LLC; Tribune
Company; Leticia Bugarin
9/6/2011 BC469919 Rico

Disability discrimination; wrongful termination. Plaintiff was fired after requesting accommodation for his injury.
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Donald Potter

John Doe
v.
Does 1 through 25
9/6/2011 BC468926 Green

Libel, invasion of privacy in website postings.
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Bryan Freedman
Freedman & Taitelman

Terran Lamp
v.
Sanofi-Aventis; Sanofi-Aventis
US; William Malcolm Parker
9/6/2011 BC468927 Strobel

Plaintiff was fired after expressing concern about instructions to promote a product for a use that hadn't yet been approved by the FDA.
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Dale Fiola

Gerald Rothberg
v.
Barry's Ticket Service
9/2/2011 Bc468572 Hess

Breach of oral contract

John Girardi
Girardi & Keese

Dawn Latiolais
v.
KC Building Maintenance; State
of California; City of Los
Angeles
9/2/2011 BC468573 White

Dangerous condition on public property

Kevin Callahan
Thon, Beck, Vanni,
Callahan & Powell

George Sanchez
v.
Tacos Mexico, Inc
9/2/2011 BC468574 Kleifield

Handicapped access

Miguel Custodio, Jr

Meister Management, Inc
v.
Sandy Lang; Insynergy Products,
Inc
9/2/2011 BC468575 Khan

Declaratory relief, fraud

Daniel Krishef

Meco Burton; Mary Stroud v. Deandre McLaine; Chrysler Group LLC; Fox Rent A Car, Inc 9/2/2011 BC468576 Murphy	Personal injuries	Ted Wacker Robinson, Calcagnie & Robinson
Antonio Jiminez v. City of Los Angeles 9/1/2011 BC468958	Premises liability	Timothy Mitchell Themis Law Group
Kourosh Parsapour, MD v. Specialists On Call, Inc 9/2/2011 BC469002 Kwan	Non payment of wages earned	Harry Nelson Fenton & Nelson
Craig Jellison v. Burbank Unified School District; Steven Bradley; Danielle Baez; Charles Colgan; Gabriel Soumakian 9/2/2011 BC469003 Sohigian	Non payment of wages earned, defamation per se	Richard Grey
Oded Miodovsky; Malka Miodovsky v. The Argus Group; Post Family Trust; Sandra Post; Argus Realty Management Co. 9/6/2011 BC468577 Brazile	Declaratory relief	David Beitchman Beitchman & Zekian
First Bank v. Robeworks International, Inc; Nathaneal Harkham 9/6/2011 BC468913 Hogue	Breach of contract	Robert Kennard Nelson & Kennard
Evaristo Quinones v. Naomi Campbell; Los Angeles Metropolitan Transit Authority 9/6/2011 BC468914 Scheper	Personal injury	Robert McMillan Rezai & Associates
Carlos Ozzimo v. JP Morgan Chase Bank; California Reconveyance Company 9/6/2011 BC468951 Hess	Unfair and deceptive business practices	Swazi Taylor
First Entertainment Credit Union v. Stacy L. Beverly; California Department of Motor Vehicles 9/6/2011 BC468952 Weintraub	Possession of personal property, common counts	Brian Winn

Amnon Kawa v. Shlomo Epolbim; 14623 Delano Properties, LCC; 14733 Delano Properties, LLC 9/6/2011 BC469005 Solner	Fraudulent transfers	Zacky Rozio Fadlon & Rozio
Aadm Properties LLC v. Bank of America NA; Bank of America Corporation; Bac Home Loan Servicing, LP 9/6/2011 BC468915 Bruguera	Declaratory relief	Douglas Richardson
Dora Luz Cabada; Margarita Fernandez; Jose Antonio Jimenez Bahena; Julie Anne Cabada; Sofia Elena Cabada v. Geoffrey S. Carr; State of California, Department of General Services 9/6/2011 BC469918 Kendig	Motor vehicle, negligence	Eric Seuthe Seuthe & Associates
Joel Pagatpatan v. Donna Claire Allen; Los Angeles County Metropolitan Transportation Authority; Apolonio De Castro Gelena 9/2/2011 BC467993 Khan	Personal injury	Thomas Samaha
Annie Akers v. Glen Arakawa dba Countryclub Apartments 9/2/2011 BC46794 Scheper	Premises liability	Omid Khorshidi Khorshidi & Sadighim
Rick Siegel v. JP Morgan Chase Bank; California Reconveyance Company 9/6/2011 BC469058 Bruguera	Declaratory relief	Thomas Bayard Alessi & Bayard
The People of the State of California v. California Valley Green Farmers; Wrightcrest, LLC 9/6/2011 BC469010 Fruin	Abatement of public nuisance	Carmen Trutanich L. A. City Attorney
The People of the State of California v.	Abatement of public nuisance	Carmen Trutanich L. A. City Attorney

Global Meds; Kathleen
McGowan; Carmine Camille
McGowan
9/6/2011 BC469009 Lavin

Dora Luz Cabada; Margarita
Fernandez; Jose Antonio Jimenez
Bahena; Julie Anne Cabada;
Sofia Elena Cabada
v.
Geoffrey S. Carr; State of
California, Department of
General Services
9/6/2011 BC468918 Kendig

Motor vehicle

Eric Seuthe

Caine & Weiner Company, Inc.
v.
Next Day Specialty, LLC
9/6/2011 BC469083 Sinanian

Collection

Steven Friedland

Caine & Weiner Company, Inc.
v.
Ranjit Singh dba Singh Grocery
and Spice
9/6/2011 BC469082 Sohigian

Collection

Steven Friedland

Elizabeth Gavalda
v.
Lucky Strike Entertainment,
LLC; Fabio Vallocchia; Cesar
Linero
9/6/2011 BC468578 Hess

Wrongful termination

Jacob Emrani

Hasan Habib; Nancy Habib
v.
Pirouz Adeli; Hamid Adeli;
Babak Adeli; Ali Reaz
Delzende; Glass Design
Concepts; Matrix Global
Resources; Financial Pacific
Insurance Company
9/6/2011 BC469071 Treu

Breach of contract

Bruce Rudman
Abdulaziz, Grossbart &
Rudman

Yoon Kang
v.
Tom Kim; T.K. Trading Co.
9/6/2011 BC469069 Rosenblatt

Labor Code violations

Peter Beck

Susie Aguirre
v.
Bryan Kuniyoshi; Mutual
Trading Co.
9/6/2011 BC469068 Palmer

Motor vehicle

Larry Rabineau

Sean Wofford
v.

False arrest

Pro per

Nicole Hollick; Edward Bolanos;
Alfredo Flores; Charlie Beck;
Los Angeles Police Department;
City of Los Angeles
9/6/2011 BC469067 Rosenfield

Da Young Textile Co., Ltd. Collection S. Calvin Myung
v.
Modern Fabrics, Inc.; Universal
Fabrics, Inc.; Silvertex, INC.;
ModernTex, Inc.; Yong B. Lee;
Hyun S. Cha
9/6/2011 BC469066 White

VN Steel Fabrication, Inc. Collection Rebecca Lessley
v.
Western Alta Construction, Inc.;
International Fidelity Insurance
Co.; Zurich American Insurance
Co.
9/6/2011 BC469064 Mackey

Doris Blanco Premises liability Z. Dean Hakkak
v.
City of Los Angeles
9/6/2011 BC469063 Treu

Michelle Anda; Demetrius A. Personal injury Pro per
Gutierrez
v.
Garvey Unified School District
9/6/2011 BC469061 Sohigian

Valencia Sheet Metal, Inc. Collection Bernard Kamine
v. Kamine Phelps
PW Construction, Inc.; Liberty
Mutual Insurance Company;
Citrus Community College
District; Orange County Fire
Authority
9/6/2011 BC469014 Rosenfield

Pam Phelan Premises liability William Leonard
v.
Hoover Partners, LP
9/6/2011 BC469012 Recana

Placo San Bernardino, LLC Inverse condemnation; wrongful foreclosure Bryan King Sheldon
v. Lim, Ruger & Kim
City of San Bernardino; City of
San Bernardino Economic
Development Agency; Panattoni
Development Company, Inc.
9/6/2011 BC468955 Freeman

Tonia Knightner Race discrimination; wrongful termination Larry Lee

v. Local Initiatives Support Corporation 9/6/2011 BC468924 Solner		Diversity Law Group
Gregory M. Yulish v. Joachim Franke; Stoneground Baking Company, Inc. 9/6/2011 BC468923 Murphy	Breach of contract; removal of director; involuntary dissolution	Geoffrey Gold Rutter Hobbs & Davidoff
Ghamar Fazlelahi v. Amtrust REO, I LLC; Residential Credit Solutions; Quality Loan Service Corp. 9/6/2011 BC468922 Kendig	Violation of Federal Truth in Lending Act	Pro per
Oscar Argueta v. City of Los Angeles 9/6/2011 BC468920 Palazuelos	Premises liability	Frank McNally
Christopher Bennett v. NDEx West, LLC; Wells Fargo Bank, NA 9/6/2011 BC469015 Minning	Stay of foreclosure	Pro per
Gabriel L. Roman; Luminita Roman v. BRE Properties, Inc.; BRE Villa Azure, LLC; L1 Holdings, Inc.; Level One, LLC 9/6/2011 BC469016 Bruguera	Housing discrimination	Pro per
Lorena E. Cuevas; Cedar D. Cuevas; Cynthia A. Cuevas v. County of Los Angeles 9/6/2011 BC469073 Mooney	Wrongful death -- medical malpractice	Levik Yarian Yarian & Patatanyan
Paul Bjazevich; Joan Bjazevich v. CSR, Ltd.; Hapag-Lloyd (America) Inc.; Pacific Maritime Association 9/6/2011 BC469085 Lavin	Asbestos	Michael Armitage Waters, Kraus & Paul
Dorothy McClendon Matthews v. American Airlines, Inc.; Ann Martin Melodye 9/6/2011 BC469086 Stern	Personal injury	Stephen King

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Bill Girdner

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Los Angeles State Report
September 12, 2011

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Los Angeles Superior Court Central District

Thanh D. Nguyen v. Hawaiian Gardens Casino 9/12/2011 BC469416 Dunn	Wrongful termination, retaliation. Plaintiff was retaliated against and fired after he complained about harassment and discrimination at defendant's casino. Paid download	Ann Hull
Gina Castleberry Prewitt; Adrian Prewitt v. Weight Loss Centers; 1-800-Get-Thin; Marvin Anton Perer, MD; Modern Institute for Plastic Surgery; Valencia Ambulatory Surgery Center, LLC; Top Surgeons, LLC; New Life Surgery Center; Nuri Sabbaghi 9/12/2011 BC469464 Bruguera	Medical negligent referral. Plaintiff sustained a large tear in her esophagus after undergoing a pre-lap-band procedure at one of defendants' ambulatory surgery centers Paid download	Ian Herzog
Oleg Vidov; Joan Borsten Vidov; Corral Canyon Holdings LLC v. California Fair Plan 9/12/2011 BC469468 Strobel	Breach of insurance contract; bad faith. Failure to pay for fire damage. Paid download	Steve White
West Builders v. Zurich Insurance Company; Steadfast Insurance Company 9/12/2011 BC469469 Scheper	Failure to cover \$24 million loss caused by a subcontractor. Paid download	John Haushalter Haushalter Kurkhill & Gaspar
Arus Malkhasyan; Albert Sarkisyan; Arthur Sarkisyan; Grigor Yeretsyan	Breach of insurance contract; bad faith. Failure to cover personal injuries resulting from an auto accident. Paid download	Robert Silverberg

v.
Interinsurance Exchange of the
Automobile Club
9/12/2011 BC469470 Alarcon

Sam Davis

v.

Akzo Nobel Paints; Borg
Warner; Certainteed; Dana
Companies; Eaton Electrical;
Federal-Mogul Asbestos Personal
Injury Trust; FMC; Gates;
General Electric; Genuine Parts;
Georgia Pacific; Henry;
Honeywell International; Kaiser
Gypsum; Kelly Moore Paint;
Kelsey Hayes; Kentile Floors;
Pneumo Abex; Rexnord
Industries; Rich-Tex; Schneider
Electric USA; Tamko Building
Products; Maremont; The Pep
Boys Manny Moe & Jack of
California; Trane US; Union
Carbide; Welco Manufacturing
9/12/2011 BC469472 Hess

Asbestos

Paid download

George K im

Anna Rios

v.

Farmers Insurance Exchange
9/12/2011 BC469430 Hogue

Disability discrimination; wrongful termination. Plaintiff
was fired after taking medical leave.

Paid download

Brian Kesluk
Kesluk & Silverstein

Robert B. Silverman

v.

Michael Hiltzik
9/12/2011 BC469434 Elias

Class action for recording telephone conversations without
permission. Defendant is a writer for the Los Angeles
Times.

Paid download

Jeffrey Krinsk
Finkelstein & Krinsk

Villa D'Este, LP

v.

ADT Security Systems, Inc.;
Alexander Demolition &
Hauling; All Powerful Plumbing
& Heating; American Gunite,
Inc.; Anvil Steel; Artistic
Wrought Iron Work; Bleu Stone
Pavid Ltd.; C Six/Showroom;
Cal-State Contractors; California
Closets; Cellar Masters, Inc.;
Deckrite Waterproofing
Company, Inc.; Denn Engineers,
Inc.; Extreme Fire Protection;
Fireplace Guys, Inc.; George
Doors, Inc.; Keith M. Phillips,
Inc.; LaGreca Concrete
Construction, Inc.; Nor-Cal
Engineering, Inc.; Paetz
Construction; Portofino; PVEC,

Construction defects that caused mold at a construction
project that was supposed to be sold for \$8 million.

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Rubin Turner
Turner Aubert &
Friedman

Inc.; RBH Insulation, Inc.;
Residential Elevators; Spratt
Associates; Steptoe & Sons
Plastering/Drywall; Studiocast
Designs, Inc.
9/12/2011 BC469475 Solner

Carmen Ruiz
v.

Negligence, negligent hiring

James Balesh

Brian Machida, MD; Lifestyle
Lift California; Scientific Image
Center Management, Inc
9/9/2011 BC467997 Johnson

Gibson Rivera & Toms, LLP
v.

Breach of contract

James Gibson
Gibson, Rivera & Toms

Ron Davis; Casey Davis and Ron
Davis, as successor trustees of
the Davis Family Trust dated
November 3, 2006
9/9/2011 BC469215 Murphy

Lynn Bruce; Iain Bruce
v.

Fraud, negligence

Robert Conrad

David Saetia; Katherine Saetia;
Tina Chen; Brandi Hong; 10520
Wilshire Owners Association
9/9/2011 BC469216 Rosenblatt

Steadfast Insurance Company
v.

Declaratory relief

Stephen Youngerman
Youngerman & McNutt

Lexington Insurance Company
9/9/2011 BC469217 Palmer

YI West Corp.
v.

Breach of contract (LLC operating agreement), fraudulent
conveyance

Thomas Ryu
Kim, Shapiro, Park, Lee
& Ryu

Young Won Kong; Greenwest
Activewear, Inc; Greenwest,
LLC; Nara Bank; GGFB, Inc
9/9/2011 BC469218 Kwan

US Bank, NA
v.

Breach of contract

Steven Booska

P & A Diagnostic Services Corp.;
Pogos Pogosjans, guarantor
9/9/2011 BC469375 Green

US Bank, NA
v.

Common counts

Steven Booska

AAaron World Company; Sang
Jae Seo
9/9/2011 BC469377 Brazile

Maria Hernandez
v.

Personal injury

Gilbert Sigala

Los Angeles County

Metropolitan Transportation Authority 9/9/2011 BC469378 Buckley		
Deborah Goldenburg v. CACV of Colorado, LLC; Nds, LLC; Fia Card Services, NA 9/12/2011 BC469379 See	Quiet title	Henry Kramer
Hae Seung Chung v. Howard Park; The Golf Professional Corporation; Jane Park 9/12/2011 BC469381 Solner	Common counts	Pro Per
Mi Kyung Park v. Cecilia J. Lee; Newton Academy Inc; James Lee 9/12/2011 BC469415 Rosenfield	Common counts	Pro Per
Lexington Insurance Company v. Multi-Pure Drinking Water Systems; Mark John Cosgrove dba Pacific Planners & Builders; Daniel Rodriguez 9/9/2011 BC469279 Rico	Strict products liability, negligence	Brian Ferber
Keith Williams v. First United Methodist Church of Compton; Real Property Management Southland; City of Compton 9/12/2011 BC469417 Minning	Declaratory relief	Pro Per
Nader Asef v. Volkswagen Group of America, Inc 9/12/2011 BC469419 O'Donnell	Song-Beverly Act	Steve Mikhov Romano, Stancroff & Mikhov
Linda Bottorff; Rodney Bottorff v. General Motors LLC 9/12/2011 BC469420 Sinanian	Song-Beverly Act	Steve Mikhov Romano, Stancroff & Mikhov
Orlando Sanchez v. Nissan North America, Inc; El Monte Imports, Inc dba Power Nissan El Monte; Safeco Insurance Company of America	Song-Beverly Act	Steve Mikhov Romano, Stancroff & Mikhov

9/12/2011 BC469421 Hiroshige

Law Offices of Nejadpour &
Associates (now L.A. Law Group
Inc.)

v.

Zahedikia, Ali Asghar;
Zahedikia, Eaman; World of
Javaher, Inc

9/12/2011 BC469422 Rosenfield

Breach of contract

Joseph Kerendian

Asha Abdella

v.

Meruelo Maddux Properties 760
S. Hill Street, LLC; Meruelo
Maddux Management, LLC

9/12/2011 BC469423 Lavin

Wrongful termination, race discrimination

Michael Portner

Ferrich Apparel, Inc; Levi
Estates, Inc

v.

Franklin Towers Homeowners
Association, Inc

9/12/2011 BC469424 Rico

Quiet title

Christie Gaumer

JPMorgan Chase Bank, N.A.

v.

Meaningful Films, LLC; Stuart
Paul

9/12/2011 BC469382 Wiley

Collection

Timothy Silverman
Solomon, Grindle,
Silverman & Wintringer

Kelly Hsin Chen

v.

Art Eslava; Shine Food; Jessie
Lord Bakery, LLC

9/12/2011 BC469384 Dau

Sexual harassment

Deane Shanander
Shanander Thoms

Leonardo Valenti Inc.

v.

Bernini Inc.

9/12/2011 BC469387 Fruin

Collection

Leo O'Bieunas
Zide & O'Bieunas

John Kim

v.

Foreign Exchange

9/12/2011 BC469388 Bruguera

Failure to pay overtime and provide accurate wage
statements

Peter Beck

Ebony Guillory

v.

Njaka Affiliated Holdings, LLC;
Jacquelyn Njaka

9/12/2011 BC469389 Freeman

Wrongful eviction

Robert Mobasseri

Hsiuh Chin Lin; Tung Hsiang
Lan Lin

v.

Foreclosure; breach of promissory note

Robert Rentzer

Steve Wu; Samantha Industry Plaza, LLC; Samantha Corporate Building, LLC; Smanathan Sharpstown Court, LLC; Smanatha Beaumont Center 1, LLC; Henry Vantri Wu; Ai Hoa Phan Wu; Wu Management, Inc.; JAR Investments LLC; GDA Properties LLC; S.S.H. Capital, LLC; Barlesville OK Legacy, LLC; Ho Yee Wu
9/12/2011 BC469390 Mooney

Lucio Garcia Santos; Catalina Santos Galicia; Ignacio Galicia; Emiliano Santos Garcia
v.
Robert Engel; Ilene Altman; Universo 3000 Tires & Mufflers; MJ Hernandez Mechanic Shop; M. Paniagua Hernandez; A Plus Ed & Eddie's Smog Check
9/12/2011 BC469426 Johnson

See Myun Kymm
v.
Sue Kyung Choi; Choice 100 Realty, Inc. Hanmi Bank
9/12/2011 BC469427 Buckley

Creditors Adjustment Bureau, Inc.
v.
Joshua M. Fhima; Gabriel R. Fhima; Signety Clothing LLC; Deluxe Off-Price, Inc.; Affiliated, Inc.
9/12/2011 BC469432 Hess

Vanessa Morris
v.
Trizec West LA Tower, LLC; ABM Janitorial Services, Inc.
9/12/2011 BC469433 Fahey

Bang Il Son
v.
Hwan Sung Yoo; K.S. Trading Co.
9/9/2011 BC469156 Recana

Lada S. Marx; Guido T. Marx
v.
Lawrence R. Menendez; USC Orthopedic Surgery Associates
9/12/2011 BC469486 Duffy-

Negligence

Fraud; breach of contract

Collection

Premises liability

Labor Code violations. This is a transfer from limited jurisdiction.

Medical malpractice

David Lira
Girardi Keese

Richard Song

Kenneth Freed

Eugenia Steele
Gordon Edelstein
Krepack Grant Felton & Goldstein

Peter Beck

Julie Palafox

Lewis

Better Life Realty, LLC
v.
David Yashouafar; Jasmine,
USA, Inc.
9/12/2011 BC469471 Freeman

Unlawful detainer

H. Steven Schiffres
Rosoff, Schiffres &
Barta

Carolyn Young
v.
Flatiron Construction, Inc.; Dale
Mullins
9/12/2011 BC469473 Kleifield

Wrongful termination

Pamela McKibbin Teren

Dianne Houston; Crystal Cooper-
Murrell
v.
Countrywide Home Loans, Inc.;
Bank of America; Recontrust
Company, N.A.; George Moreno;
Eileen Moreno
9/9/2011 BC468000 Green

Quiet title

Stephen Golden

Commercial Collections of
America, LLC
v.
Silvia Cervantes; Manuel Vigil;
Rocket Camera, Inc.
9/12/2011 BC469483 Bryant-
Deason

Collection

Franklin Love

Sylvia Ortiz
v.
E.S.S. Ent. 2000, Inc.; The
Playpen; Sammy Doe; Sammer
Doe
9/12/2011 BC469481 Hess

Wrongful termination; pregnancy discrimination

Peter Levine

Ehsan Yaghoubi; Farhad
Yaghoubi
v.
Quality Loan Service Corp.;
Bank of America, N. A.
9/12/2011 BC469466 Rosenblatt

Breach of contract

Pro per

Dennis Porras
v.
L.A. Federal Armored Services,
Inc.; Jesse Ash
9/9/2011 BC467999 Lavin

Wrongful termination; Labor Code violations

Melanie Savarese

Gwenarc, Inc.
v.
Gina Woodring; Dynasty Trade
Media and Entertainment
9/12/2011 BC469474 Mooney

Collection

George Steele

<p>Brian Spire v. V & R Holdings, Inc. dba Ed Hardy Jewelry; Monte Christo Trade Corporation; Rafik O. Oganesian 9/12/2011 BC469489 Sohigian</p>	<p>Breach of contract</p>	<p>Ofer Grossman</p>
<p>East Firestone, LLC v. Pacer International, Inc. 9/12/2011 BC469506 Stern</p>	<p>Breach of lease</p>	<p>Eve Wagner Sauer & Wagner</p>
<p>City of Los Angeles v. The Society of Children's Book Writers and Illustrators, Inc. 9/12/2011 BC469507</p>	<p>Unpaid business tax</p>	<p>Carmen Trutanich City Attorney</p>
<p>City of Los Angeles v. Bradford & Marzec, LLC 9/12/2011 BC469508</p>	<p>Unpaid business tax</p>	<p>Carmen Trutanich City Attorney</p>
<p>City of Los Angeles v. Power Tax Relief, LLC 9/12/2011 BC469509</p>	<p>Unpaid business tax</p>	<p>Carmen Trutanich City Attorney</p>

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EXHIBIT 5



Holme Roberts & Owen LLP
Attorneys at Law

SAN FRANCISCO

April 29, 2009

BOULDER

Michael D. Planet
Court Executive Officer
Superior Court of California
County of Ventura
Hall of Justice
800 South Victoria Avenue
Ventura, California 93009

COLORADO SPRINGS

Re: Media Access to New Civil Filings

Dear Mr. Planet:

DENVER

We represent Courthouse News Service, a nationwide news service for lawyers and the news media. You may recall Courthouse News' Northern California Bureau Chief Christopher Marshall writing to you in June 2007 about certain difficulties Courthouse News' reporter was then having in accessing new civil filings at the Court. Following that letter, the problems were quickly resolved. Unfortunately, the ability of the news media to access new court filings has deteriorated since that time, and Courthouse News is once again asking for your help in resolving the situation.

LONDON

LOS ANGELES

About Courthouse News Service

MUNICH

To refresh your recollection, Courthouse News is similar to other news wire services, such as the Associated Press, except that Courthouse News focuses on a narrower subject area: civil lawsuits, from the date of filing through the appellate level. Courthouse News' subscribers include nearly 2,500 law firms throughout the country, including most of California's major firms. In addition, subscribers include other media organizations such as the *Los Angeles Times*, *The Dallas Morning News*, *The Boston Globe*, the Associated Press, and Fox News, all of whom rely on Courthouse News to provide them with timely information about new civil court filings. Courthouse News' web site, www.courthousenews.com, also features news reports about civil cases and appeals. Courthouse News does not report on criminal, family law, or other non-civil actions, and in California, it reviews only unlimited jurisdiction civil complaints.

HOENIX

ALT LAKE CITY

Courthouse News' core news publications are its new litigation reports, which are emailed to subscribers and contain a summary of all significant new unlimited civil complaints filed in a particular jurisdiction. For example, Courthouse News' Central

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 2

Coast Report provides coverage of new complaints filed in the superior courts for Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara and Ventura counties.

Access To Civil Records At Ventura County Superior Court

Courthouse News reporter Julianna Krolak has covered the Ventura County Superior Court since 2003, and currently visits twice each week to review new unlimited jurisdiction complaints. Up until early 2008, Ms. Krolak was able to review all of the new unlimited jurisdiction complaints filed since her prior visit, typically waiting only five to ten minutes to request and receive records. As cases are numbered sequentially, court staff would simply provide Ms. Krolak with all cases falling within a specified number range. Ms. Krolak also reviewed the Court's designated "media bin," which contains cases the Court considers of likely press interest. These procedures allowed Ms. Krolak to review all of the newsworthy unlimited jurisdiction complaints filed since her previous visit without imposing any apparent burden on court staff.

Beginning last year, however, media access began to deteriorate. In early 2008, Ms. Krolak was informed that she would only be allowed to review up to 200 consecutively numbered cases on each of her visits. Ms. Krolak was not advised of the reason for the new limitation, and it is not clear to Courthouse News why such a limitation would be imposed, since it has been Courthouse News' experience that requests for consecutively-numbered cases are relatively easy to fulfill.¹ In addition, in many instances Ms. Krolak was not provided with many of the cases within the number range she had requested, requiring her to stand in line again to receive the missing cases. To make matters more difficult, Ms. Krolak was often told she would not be provided with both the cases she had requested and the media bin cases at the same time, requiring her to stand in line yet again to obtain the media bin cases. Because the lines can often be long, these procedures made it significantly more burdensome for Ms. Krolak to conduct her news

¹ A number of other California courts, including Superior Courts in Fresno, Kings, Madera, Mariposa, Merced, Monterey, San Joaquin, Sonoma, and Tulare Counties, provide media access in this manner. The consecutive numbering means that the clerks in these courts can easily gather even a large number of files quickly and place them on a cart for the reporter, and need not spend time locating particular cases. The reporter then reviews the cases and returns them to the clerks when his or her review has been completed.

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 3

reporting activities. Courthouse News attempted at various times to work out these issues with Linda Daniels, a supervisor in the clerk's office, as well as Records Manager Peggy Yost. Unfortunately, these efforts have proved unsuccessful.

The situation became much worse several months ago, when the court instituted a new rule limiting members of the media to only 25 files each day. Rather than reviewing a stack of sequentially-numbered files, Ms. Krolak must now request new complaints individually by filling out a separate request slip for each complaint she wishes to see. Since there are often more than 50 potentially newsworthy civil unlimited cases filed in any given week, the 25-file limit frequently prevents Ms. Krolak from reviewing and reporting on all of the week's newsworthy filings.

In addition to the overall file limit, Ms. Krolak may request only 5 cases at a time. Even if none of the 5 cases is available, Ms. Krolak must wait in line – usually for at least 30 minutes and sometimes for an hour or more – to ask for another 5 cases. Each requested case counts toward Ms. Krolak's 25-file limit, even if it is not available. In addition, court staff sometimes count every case in the media bin towards Ms. Krolak's 25-case quota, even if all of the media bin cases turn out to be older cases that she has already reviewed on previous visits.

Right Of Access To Civil Court Records

At most California courts, and in state and federal trial courts across the nation, news reporters who regularly visit the court are provided with the opportunity to review all of the new complaints filed since that reporter's last visit. In California, courts have adopted a variety of procedures that achieve this result. As noted above, some courts simply provide news reporters with a stack of sequentially numbered cases filed since their last visit. Others ask that reporters request individual cases based on docket information provided on a list or via a computer terminal, but either do not impose limits on the number of cases that may be viewed, or impose limits that are set high enough so as to not prevent news reporters from reviewing all of the potentially newsworthy new complaints filed since their last visit. Still others make all new filings – and not just selected filings – available for media review in a designated press box. In addition, these court have developed procedures that eliminate the need for members of the news media

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 4

who review new filings from having to stand in line several times as part of a single visit to the court.

The media access procedures imposed in Ventura County are not only significantly more restrictive than access policies at other California courts, but are also inconsistent with California's strong presumption of public access to civil court documents. *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178, 1208 n.25 (1999) (recognizing First Amendment right of access to civil court records); *accord, e.g., Savaglio v. Wal-Mart Stores, Inc.*, 149 Cal. App. 4th 588, 596 (2007); *Burkle v. Burkle*, 135 Cal. App. 4th 1045, 1062 (2006); Cal. Rule Ct. 2.550(b) & (c) (once a record has been filed or lodged with a court, it is presumed to be open to public inspection).

In addition, the United States Supreme Court has recognized that the media function "as surrogates for the public," which today acquires information about court proceedings "chiefly through the print and electronic media." *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 572 (1980). Thus, in the context of courtroom proceedings, although "media representatives enjoy the same rights of access as the public, they often are provided special seating and priority of entry so that they may report what people in attendance have seen and heard." *Id.* at 573. For the same reason, it is appropriate to provide news reporters who visit the court on a regular basis with special procedures for obtaining timely access to new complaints, even if those exact same procedures are not provided to researchers and/or the general public.

Potential Solutions To Improve Access

There are at least two possible solutions that would resolve the current media access problems at this Court:

Option #1 – Courthouse News respectfully suggests that the simplest solution would be to reinstate the system of allowing members of the news media such as Ms. Krolak to review all of the consecutively numbered cases filed since their last visit. This would seem to be the easiest and least time-consuming option for the Court, as it would entail simply gathering all files within a certain case-number range and placing them on a cart rather than locating individual file numbers. Although the total number of requested

Holme Roberts & Owen LLP
Attorneys at Law

Michael D. Planet
April 29, 2009
Page 5

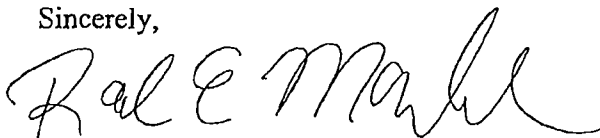
cases might be large, staff in other courts can generally gather even a relatively large number of cases in a given case number range within a matter of minutes.

Option #2 – In the event the Court determined for whatever reason that it did not want to reinstate its prior procedures, the Court could instead simply eliminate the limit on the number of non-sequential cases that accredited members of the news media such as Ms. Krolak could request on each of their visits, or at least increase that limit. Ms. Krolak estimates that she would seldom need to see more than 50 files each visit, but to allow some breathing room, Courthouse News respectfully suggests that members of the news media such as Ms. Krolak be permitted to review up to 60 files per visit.

Whatever procedures the Court ultimately adopts, Courthouse News also respectfully requests that the procedures be revised so that members of the media such as Ms. Krolak can obtain access to all potentially newsworthy new filings, whether from the media bin or from the shelves, at the same time, without needing to stand in line multiple times during the same visit to the Court.

It has been CNS's experience that when the media and court officials work together in a cooperative and creative manner, solutions can almost always be found that give the media prompt and efficient access to court filings without imposing any significant burden on court staff. I will call you next week follow up on this matter, in the hopes that we can discuss whether one of the solutions outlined above could be adopted to resolve the current access problems. In the event you determine that neither of the above solutions would be workable, perhaps we could meet in person to discuss the matter further. Although I am based in San Francisco, I have family in Ventura (recently-retired City Attorney Bob Boehm is my father) and always welcome another opportunity to visit the area.

Sincerely,



Rachel Matteo-Boehm

Michael D. Planet
April 29, 2009
Page 6

cc: Hon. Kevin J. McGee, Presiding Judge, Superior Court of California, County of
Ventura
Cheryl Kanatzar, Deputy Executive Officer
Bill Girdner, Editor, Courthouse News Service
Christopher Marshall, Northern California Bureau Chief, Courthouse News Service
Julianna Krolak, Reporter, Courthouse News Service

EXHIBIT 6



Holme Roberts & Owen LLP
Attorneys at Law

SAN FRANCISCO

June 20, 2011

BOULDER

Michael Planet
Court Executive Officer
Ventura County Superior Court
800 South Victoria Ave.
Ventura, CA 93009

COLORADO SPRINGS

Re: Media Access to New Complaints

Dear Mr. Planet:

DENVER

As you may recall, we represent Courthouse News Service, a nationwide news service for lawyers and the news media. Over the past two years, Courthouse News has written to and met with various officials at this Court regarding delays in access to newly filed civil unlimited complaints. Although your office has undertaken to decrease the amount of time between the filing of a complaint and its availability to members of the news media, news reporters are rarely permitted to see any new civil complaints on the same day they are filed. Rather, delays in access range anywhere from one day to several weeks.

DUBLIN

LONDON

It appears that the Court is not currently releasing newly filed complaints for press review until after a certain amount of processing has been completed. However, as explained below, the press's right of access to court records is not dependent on a court having completed processing. Indeed, the delays at this Court are effectively denials of access, and are contrary to the fundamentally public nature of adjudicative court records and the media's legitimate interest in timely access to those records.

LOS ANGELES

We therefore respectfully ask that you address these delays immediately by adopting simple procedures to ensure that members of the media have access to new complaints on the same day they are filed.

SALT LAKE CITY

About Courthouse News Service

Courthouse News Service is a 21-year-old, Pasadena-based legal news service for lawyers and the news media. It is similar to other news wire services, such as the Associated Press, except that it focuses on civil lawsuits, from the date of filing through the appellate level. Courthouse News does not report on criminal or family law matters, and in California it focuses only on unlimited jurisdiction civil cases.

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Exhibit 6

Page 129

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 2

The majority of Courthouse News' nearly 3,000 subscribers nationwide are lawyers and law firms, including numerous prominent California firms. In addition, other news outlets are increasingly looking to Courthouse News to provide them with information about newsworthy new civil filings. Courthouse News' media subscribers include such well-known entities as the *Los Angeles Times*, the *Los Angeles Business Journal*, the *San Jose Mercury News*, and *Forbes*, all of which puts Courthouse News in a position similar to that of a pool reporter. Courthouse News' core news publications are its new litigation reports, which are e-mailed to subscribers daily and contain coverage of all significant new civil complaints. Its website, www.courthousenews.com, also features news reports and commentary about civil cases and appeals, and receives an average of 850,000 unique visitors each month.

Access to Court Records at Ventura County Superior Court

Courthouse News' reporter Julianna Krolak has covered the Ventura County Superior Court since 2003. Until recently, Ms. Krolak visited the court twice each week to review new civil unlimited jurisdiction complaints. In recognition of the growing importance of this Court, starting in November 2010, Ms. Krolak began visiting the Court on a daily basis.

Up until early 2008, Ms. Krolak was able to review the vast majority of new complaints filed since her prior visit. This was achieved through a combination of a media bin procedure (which, at the time, contained complaints that the Court determined would be of interest to the press) as well as the clerk's office's practice of providing Ms. Krolak with all additional complaints falling within a specific number range, since cases are numbered sequentially. In general, these procedures allowed Ms. Krolak to review all of the newsworthy unlimited jurisdiction complaints filed since her previous visit without imposing any apparent burden on court staff.

Beginning in 2008, however, media access at the Court began to deteriorate on a number of fronts. Among other things, the clerk's office began limiting the number of files that members of the media could request to 25 each day, and only permitted reporters to request five at a time, which meant Ms. Krolak had to wait in line – usually for at least 30 minutes, and sometimes more than an hour – to ask for each batch of five cases. Each requested case counted toward her 25-file limit, even if the complaint was not made available for

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 3

review, and Court staff sometimes counted every case in the media bin toward Ms. Krolak's 25-case quota. Since there were often more than 50 potentially newsworthy civil unlimited cases filed in any given week, the 25-file limit frequently prevented Ms. Krolak from reviewing and reporting on all of the week's newsworthy filings, thereby resulting in significant delays in access to newly filed civil complaints.

Courthouse News' Northern California Bureau Chief, Chris Marshall, attempted at various times to resolve these issues with Supervisor Linda Daniels, as well as Records Manager Peggy Yost, but these efforts proved unsuccessful. Thereafter, in April 2009, we wrote to you. We subsequently spoke on the phone, together with Deputy Court Executive Officer Cheryl Kanatzar, about potential solutions to the access problems. In June 2009, Ms. Kanatzar, as well as Ms. Yost and Ms. Daniels, met in person with Mr. Marshall to further discuss potential solutions. The solution ultimately devised by the Court involved placing newly filed civil unlimited jurisdiction complaints directly into the media bin for review only after minimal processing. Ms. Krolak would be permitted access to all of the complaints contained in the media bin, as well as up to 25 additional complaints, per visit, from the shelves. Of the additional 25 complaints that Ms. Krolak would be permitted to request, she could only access five complaints at a time.

While these procedures initially worked reasonably well to provide Ms. Krolak with timely access to newly filed complaints, access again quickly deteriorated, as it seemed that the clerks were waiting until newly filed complaints were fully processed before placing them in the media bin (contrary to the agreement that new complaints would be placed in the bin after just minimal processing). The deterioration of the media bin procedure led to a backlog of newly filed unlimited civil jurisdiction complaints that Ms. Krolak needed to review, and she therefore had to request numerous additional complaints as part of her daily reporting activities. On many of her visits, she found that she had to request up to 25 complaints (her limit for cases that were not contained in the media bin) in order to see the entire flow of newly filed unlimited civil jurisdiction complaints, standing in a new and lengthy line for each group of five complaints she wished to review. Even with respect to those 25 additional complaints she requested, many were not available, with delays in access ranging for the most part from one to three days, but sometimes significantly longer.

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 4

As noted, late last year, Courthouse News began covering the Court on a daily basis. Given the ongoing delays and problems with the media bin procedure, Mr. Marshall contacted Ms. Kanatzar by letter in February 2011 in an attempt to come up with mutually agreeable procedures that would provide same-day access to all newly filed unlimited civil jurisdiction complaints, and Ms. Kanatzar spoke with Mr. Marshall by phone in early March 2011 to discuss options. While Ms. Kanatzar indicated a desire to improve on the delays, the message conveyed to Courthouse News was that the clerk's office would not provide same-day access to newly filed unlimited jurisdiction civil complaints. At best, the Court would attempt to provide next-day access. Mr. Marshall was disappointed to hear this, but agreed to wait and see what solution the Court came up with to resolve delays. Subsequently, Ms. Kanatzar left Mr. Marshall a voice mail message advising him that beginning on March 14, 2011, the clerks would reprioritize how cases are processed, and Courthouse News should begin seeing complaints within two days of filing.

Over the past three months, Courthouse News has monitored the availability of complaints to determine what effect, if any, the new procedures would have in terms of delays in access. Unfortunately, things have gone from bad to worse, with same-day access to new complaints a rare occurrence.¹ Rather, actual delays in access are anywhere between one day and several weeks after filing for virtually all civil unlimited jurisdiction complaints filed in this Court.

There Is A Right Of Access, And Timely Access, To All New Civil Court Filings

As we have related to you in our previous correspondence and discussions, the press has a presumptive, constitutional right of timely access to newly filed complaints, which necessarily means same-day access. *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178, 1208 & n.25 (1999) (recognizing First Amendment right of access to civil litigation documents submitted to a court as a basis for adjudication); *Associated Press v. U.S. District Court*, 705 F.2d 1143, 1147 (9th Cir. 1983) (even short delays in access constitute "a total restraint on the public's first amendment right of access even though the restraint is limited in time"); *Grove Fresh Distribs., Inc. v. Everfresh Juice Co.*, 24 F.3d

¹ During one recent four-week period, only one complaint out of 145 was available for review on the same day it was filed.

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 5

893, 897 (7th Cir. 1994) (“[i]n light of values which the presumption of access endeavors to promote, a necessary corollary to the presumption is that once found to be appropriate, access should be immediate and contemporaneous”); *Globe Newspaper Co. v. Pokaski*, 868 F.2d 497, 507 (1st Cir. 1989) (“even a one to two day delay impermissibly burdens the First Amendment”); *Courthouse News Service v. Jackson*, 2009 U.S. Dist. LEXIS 62300, at *10-11, 14 (S.D. Tex. 2009) (“the 24 to 72 hour delay in access is effectively a denial of access and is, therefore, unconstitutional”).

Likewise, once a record has been filed or lodged with the court, Rule of Court 2.550(c) provides that the record is “presumed to be open” to public inspection. The Rule of Court thus recognizes that the public character of new complaints comes not from the court’s taking any particular action with respect to a complaint, but from a person’s invoking the power of the judiciary by submitting it to the court. *See also Bank of Am. Nat’l Trust & Sav. Ass’n v. Hotel Rittenhouse Assocs.*, 800 F.2d 339, 344 (3d Cir. 1986) (the right of access springs into being the moment a person “undertake[s] to utilize the judicial process”); *Leucadia, Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 164 (3d Cir. 1993) (“By **submitting** pleadings and motions to the court for decision, one ... exposes oneself [to] public scrutiny.”) (quotation omitted; *emph. added*).

In light of this right of access, it is not appropriate for this Court to deny media requests to examine newly filed complaints on the ground that the Court has not yet completed its administrative tasks associated with the processing of those complaints (tasks that vary from court to court, but can include such items as inputting information about the complaint into a computer system, formal acceptance, scanning, and/or posting the complaint online for remote viewing). As you can see from the enclosed city-by-city survey, courts around the country have implemented a variety of procedures to ensure that the press has access to *all* new civil complaints at the end of the day on which those complaints are filed, regardless of whether they have been fully processed and/or other administrative procedures have been completed. Indeed, given the media’s role as “surrogates for the public,” *see, e.g., Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980), it is appropriate to provide news reporters who visit the Court every day with procedures for obtaining same-day access to new filings, so that those reporters may in turn disseminate information about those filings to interested persons, thereby keeping the public informed as to what transpires in the courts.

Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
June 20, 2011
Page 6

With these considerations in mind, Courthouse News once again respectfully requests that the Court adopt procedures to ensure that reporters who visit the court every day (which would include but not necessarily be limited to Courthouse News) can review new unlimited civil complaints at the end of the day they are filed, even if they have not been fully processed. As the enclosed survey demonstrates, there are a variety of specific ways this can be accomplished, but fundamentally, what we are asking for is for Ms. Krolak to simply be allowed to see the day's new unlimited civil filings at the end of each court day.

We thank you for your attention to this important matter, and look forward to hearing from you.

Sincerely,



Rachel Matteo-Boehm

cc: The Honorable Vincent O'Neill, Jr., Presiding Judge
Courthouse News Service

Media Access to Courts Around the Nation

Prepared By Courthouse News Service

June 2011

Courts around the country have developed a variety of procedures to provide the media with access to new civil case initiating documents (complaints or petitions, depending on the jurisdiction) on the same day they are filed, regardless of whether processing has been completed (or in federal courts that have adopted e-filing, the so-called "quality assurance" process is completed), and regardless of whether the complaint or petition has been made available for electronic viewing. Courthouse News Service has prepared the following summary of some of these same-day access procedures adopted in courts throughout the nation.

Albuquerque

At the Second District Court of New Mexico (Bernalillo County), both paper and electronically filed civil complaints are made available to the media in a "review pile" on the day of filing, before they have been fully processed or made available to the public. Courthouse News' reporter has been granted behind-the-counter access to the "review pile" and provided with a small work space, where he can review the new cases and scan any newsworthy complaint using a portable scanner. Any complaint that does not make it to the review pile enters a 3 - 4 day docketing process, during which Courthouse News Service's reporter can typically track down any case that needs to be seen.

Atlanta

At the Fulton County Superior Court in Atlanta, Georgia, new complaints are scanned immediately upon filing and made available at computer terminals at the courthouse, most within minutes of filing. In addition, complete docket information for civil cases is available from a publicly accessible web site on the day the complaint is filed.

At the United States District Court for the Northern District of Georgia, where e-filing is voluntary, reporters review new civil actions on the same day they are filed. New complaints that are filed in paper form are scanned into a computerized press box before they go to docketing and are accessible on a computer terminal in the Clerk's office. E-filed complaints are made available to CNS's reporter, prior to any processing, via PACER by using a shell case number code to access an online press queue of new same-day filings.

Austin

At the Travis County District Courthouse in Austin, where e-filing is mandatory for civil cases, Courthouse News' reporter gets a list of all of the new civil petitions filed earlier that same day upon arriving at the courthouse. She then views newly filed petitions using a public access terminal at the courthouse. Before leaving the court, Courthouse News' reporter gets an updated copy of the list of newly filed petitions to see whether there are any that have been filed since her first review, which she also views using the court's public access terminal.

Beaumont

At the Jefferson County District Court in Beaumont, Texas, reporters are allowed behind the counter to access paper copies of petitions filed that day, before the cases are put through the docketing process. Reporters can make copies of newsworthy cases.

At the Beaumont Division of the United States District Court for the Eastern District of Texas, reporters have same-day access to newly filed actions regardless of whether docketing has been completed. Reporters review scanned copies of new complaints via PACER, and if a new case is not yet scanned and available on the court's computer system, reporters can request and are given a paper copy of the new action based on a listing of new filings in a red log book made available to the press.

Brooklyn

At the Kings County Supreme Court, newly filed cases are typically scanned into electronic form immediately after they are filed, and the paper copies are then placed in a designated media box for same day review. However, in the event that a new complaint is not scanned until the following day, the paper copy remains in the press box until Courthouse News' reporter has reviewed it. Courthouse News' reporter has been provided with a media pass that allows her to remove the new filings from the media box and review them in a different area behind the counter in the clerk's office on the same day the complaints are filed. Courthouse News' reporter is free to make her own copies for a small fee.

At the United States District Court for the Eastern District of New York, parties file "press copies" of new complaints, which are placed into a press box that is made available to reporters throughout the day, thereby allowing them same-day access to the vast majority of new filings, even if the new filings have not been fully processed or posted to PACER.

Chicago

At the Cook County Circuit Court in Chicago, Courthouse News' reporter, or any other member of the media who is first to arrive at the courthouse, begins each visit by going behind the counter to pick up the day's new complaints, and then brings them to a press room located in the same building. The reporter sees complaints on the same day they are filed, regardless of whether the complaints have been fully processed. Reporters can stay as late as they like to review the new complaints.

At the United States District Court for the Northern District of Illinois, where newly filed complaints are available on a same-day basis, the court had previously provided the media with a special case number code for the PACER web site that granted reporters access to a press queue where the new complaints were posted before they had even been assigned a case number or appeared on the public PACER website. However, the Court is now making newly-filed civil complaints immediately available on PACER, as well as the court's own independent website, making access to the press queue unnecessary.

Cincinnati

At the Hamilton County Court of Common Pleas in Cincinnati, Ohio, new complaints are placed in the intake area for review by the media on the same day the complaints are filed. Complaints are made available after they have been date-stamped, but before any other processing occurs. Courthouse News' reporter sees between 30-60 complaints each day. If Courthouse News' reporter misses a complaint, he may request the file from the paper room staff the next day. Court employees will make copies of newsworthy complaints available upon request for 10 cents per page.

At the United States District Court for the Southern District of Ohio, many of the newly filed complaints are made available on the day of filing via PACER. However, for cases not available electronically, the court places a copy of new cases into a press box at the intake counter, where Courthouse News Services' reporter may review them until 4:00 p.m. when the court closes to the public. The reporter may request copies of new complaints for 50 cents per page.

Cleveland

At the Cuyahoga County Court of Common Pleas in Cleveland, Ohio, Courthouse News' reporter has behind-the-counter access to new filings on the same day they are filed, regardless of whether they have been fully processed. Complaints are available as soon as they have been date-stamped. Court officials provide Courthouse News' reporter with desk space to set up a laptop and allow him use of the office copy machines.

At the United States District Court for the Northern District of Ohio, new civil cases can be filed either in person or electronically. Both cases filed electronically and in person are made available on PACER on the same day they are filed. However, to view cases that are restricted from access via PACER or cases that have not yet been posted to PACER, Courthouse News' reporter visits the courthouse, where the court staff will print out a copy of any case he requests, even if docketing has not been completed and regardless of how those complaints were filed.

Columbus

At the Franklin County Court of Common Pleas in Columbus, Ohio, Courthouse News' reporter has same-day access to new civil complaints after they have been date-stamped and before processing. Courthouse News' reporter works at a desk behind the intake counter. Complaints that are filed before the reporter arrives to the courthouse are placed in an "outbox" tray where CNS's reporter is able to review them on the same day they are filed. Once the reporter has finished reviewing those cases, a member of the court staff retrieves complaints that have been filed since the reporter's arrival directly from the various tellers and makes them available for immediate review. Copies are available for a nominal fee.

At the United States District Court for the Southern District of Ohio in Columbus, all new complaints are made available on PACER promptly upon filing. The court will also provide

hard copies of any civil filings not available on PACER on a same-day basis, but the speed with which cases are posted to PACER generally makes this unnecessary.

Dallas

At the Dallas County District Court in Dallas, Texas, Courthouse News' reporter is provided with behind-the-counter access to new petitions as soon as they are filed and before any docketing has taken place. The court provides the reporter with a place to work, where staffers in the clerk's office provide him with access to the new petitions filed in paper form. As for e-filed petitions, Courthouse News Service's reporter views some on a computer terminal in the clerk's office. In many instances, however, petitions are not available on the terminal on a same-day basis, and the clerk's office provides him with paper printouts of those petitions so that he can see them same-day.

The United States District Court for the Northern District of Texas has developed a process that ensures reporters have same-day access to all new complaints, regardless of how far those complaints have progressed through the intake process. On his daily afternoon visits to the court, Courthouse News' reporter goes through a three-step process, described below. Leigh Lyon, Assistant Chief Deputy of Operations, Dallas Division of the Northern District of Texas, has informed us that she would be happy to speak with court officials in other jurisdictions about this system. Ms. Lyon can be reached at (214) 753-2186.

- First, Courthouse News' reporter checks a computer terminal in the clerk's office to view summaries of the day's new complaints that have already been made available on PACER. Courthouse News' reporter then uses his own internet connection to immediately download documents he needs to his laptop computer at the courthouse.
- Second, Courthouse News' reporter checks for complaints that have been scanned by the clerk's office, but are not yet available on PACER. These complaints have been assigned a bar code and case number, and are made available for electronic viewing at a public computer kiosk located in the clerk's office, where the media can then review the new complaints on the same day they are filed.
- Finally, for complaints that are so new they have not yet been scanned, Courthouse News' reporter views the paper versions of those new cases in their case folder and makes copies of newsworthy complaints.

Detroit

At the Wayne County Circuit Court, complaints are placed in a drawer in the intake area of the clerk's office immediately after they are filed. Upon arriving at the clerk's office at approximately 3 p.m., Courthouse News' reporter goes behind the counter and first double-checks the previous day's complaints, which are located in bundled folders behind the intake drawer, for any missed or last-minute filings from the day before. Then he turns to the intake drawer, where he is permitted to review the newly filed complaints while standing behind the counter. Most new complaints are in the drawer, but some are with the intake clerks, who will share the complaints with the reporter for review. The reporter is permitted to make his own

copies of complaints using a copier located also behind the counter, as well as an alternate copier on the other side of the cashier station near the death certificates/marriage license area.

At the United States District Court for the Eastern District of Michigan, the court provides copies, on a same-day basis, of all newly filed complaints in a media box located in a public area, but only after the complaints have been fully docketed. Courthouse News' reporter can either visit the courthouse to view complaints or he can view the new filings electronically on PACER, which is just as timely as the hard copy press box.

Fort Worth

At the Tarrant County District Court in Fort Worth, most petitions appear on the court's on-line system the day they are filed, except those cases that are filed electronically after 5:00 p.m., when the court is closed, which are made available the following day. If any petition that was filed during court business hours is not available online the day it is filed, court staff either make a copy for Courthouse News' reporter or arranges for the petition to be immediately scanned and posted to the on-line access system. The end result is that Courthouse News' reporter is able to access all petitions filed during court hours on the same day they are filed.

Houston

The Harris County Civil District Courts in Houston provided same-day access for many years by permitting reporters to go behind the intake counters and review newly-filed petitions. In 2008, the clerk began requiring reporters to wait until new petitions had been processed and posted on the clerk's web site before they could be reviewed, which delayed their availability by a day or more – sometimes several days. After repeated attempts by Courthouse News to negotiate a solution with the clerk's office failed to lead to a resolution, Courthouse News reluctantly filed suit under 42 U.S.C. § 1983. In July 2009, the U.S. District Court for the Southern District of Texas issued a preliminary injunction ordering the clerk to provide same-day access to civil petitions, and finding that “the 24 to 72 hour delay in access is effectively a denial of access and is, therefore, unconstitutional.” *Courthouse News Service v. Jackson, et al.*, 2009 WL 2163609, at *4 (S.D. Tex. July 20, 2009). In accordance with that injunction order, the clerk's office began scanning new petitions and posting them to the clerk's web site the same day they are filed. Pursuant to a stipulated permanent injunction entered by the court in March 2010, the clerk's office became obligated not only to continue to provide same-day access to new civil filings, but to pay more than \$250,000 to Courthouse News to compensate it for the attorneys fees it incurred in litigating the case. The stipulated permanent injunction did not specify the particular manner in which same-day access must be provided, and the clerk's office has chosen to comply with the order by continuing its practice of posting new petitions on the clerk's web site. Those petitions can be viewed, and printouts can be made, free of charge by the media and other interested parties on the day of filing. After that, petitions can still be viewed without charge, but printouts can be made only if they have not been certified. Once they are certified – which usually occurs the day after filing – there is a fee to print out copies of the petitions. Details about this program can be found on the Harris County District Clerk's web site, at <http://www.hcdistrictclerk.com/Edocs/Public/search.aspx> (see button: “Search Today's Filings”).

At the United States District Court for the Southern District of Texas, where electronic filing is required for new cases, Courthouse News' reporter can view electronic versions of complaints that are already docketed and posted to PACER on the same day they are filed. For any new complaint that has not yet been fully docketed, the Court will usually provide a hard copy regardless of how far along the complaint is in the docketing process, also on the same day they are filed.

Indianapolis

At the Marion County Circuit and Superior Courts in Indianapolis, Indiana, reporters view all new filings on a same-day basis in the clerk's office. Reporters are given stacks of the new filings, before they are processed or sent to the proper court division, and are allowed to go through them at tables in the public viewing area from 4:00 p.m. to 4:30 p.m. Reporters can then make copies themselves on court copy machines, which are then billed to Courthouse News Service monthly.

At the United States District Court for the Southern District of Indiana, reporters are provided with access to all complaints filed on a same-day basis, even if docketing has not been completed. When Courthouse News' reporter arrives at the end of the day, the court staff gathers all of the civil cases filed throughout the day and allows the reporter to review the complaints. The court staff will then make copies at a rate of 50 cents per page.

Las Vegas

At the Eighth Judicial District Court in Las Vegas, Nevada, reporters saw the majority of new civil complaints on a same-day basis until the court switched to mandatory e-filing in February 2010. Following that switch, the court began requiring news reporters to review new complaints at a computer terminal in the clerk's office, but this system resulted in complaints not being available for viewing until the day after they were filed. The reason for these delays was that new complaints did not appear on the computer terminals until after they had been "accepted" by the clerk's office, and only after the terminals had been updated to reflect the new filings. After Courthouse News brought these delays to the attention of the court, the court adopted a new system: an electronic in-box, through which complaints can be viewed on a computer terminal as soon as they cross the electronic version of the intake counter at the clerk's office, even if they have not yet been fully processed. Through this system, which is similar to the electronic in-box access procedures in place at numerous federal district courts (many of which are described in this survey), Courthouse News is now seeing new e-filed complaints on a same-day basis.

At the United States District Court for the District of Nevada, Courthouse News' reporter can view electronic versions of the majority of new complaints on a same-day basis on PACER. Complaints that are not made available on the day they are filed are usually made available on the following day.

Los Angeles

At the Downtown (Stanley Mosk Courthouse) branch of the Superior Court of California in Los Angeles, reporters can review all new actions that are filed on a particular day through the court's computer system, which includes terminals for the general public and additional terminals in a designated press room. Both the filing room – including the intake and processing areas – and the area in which the general public view cases close at 4:30 p.m., but the press room remains open later and even the latest filings of the day are available and can be reviewed by 7:00 p.m. About 90 new civil, general jurisdiction cases are filed each day.

At the Santa Monica Courthouse of the same court, face pages of each day's newly-filed complaints are made available for review at 3:30 p.m. on the same day the complaints are filed. Courthouse News' reporter then requests copies of those complaints for which she wants to see the full-text versions. The full text of late-filed complaints is made available at 4:30 p.m., when the filing room court closes its doors to the public but where the courthouse employees continue to work until 5:00 p.m. Courthouse News' reporter can then request copies of any of those late-filed complaints, and they are generally provided right away.

At the United States District Court for the Central District of California, a room is set up directly off the docketing department with a set of pass-through boxes. At 4:45 p.m., a messenger places all of the civil complaints filed that day in the pass-through boxes so that the media can review them. Inside the reviewing room is a copy machine maintained by the press. Reporters that cover the courthouse on a daily basis have a key to the room, which is otherwise locked, and they can stay as long as they want to look over the complaints and rulings, copy those of interest, and put the documents back in the pass-through boxes.

Louisville

At the Jefferson County Circuit Court in Louisville, Kentucky, the clerk's staff makes a copy of the front page of all complaints filed throughout the day and places the coversheets on a table in the public area of the office. Courthouse News' reporter then reviews the stack of coversheets and requests any complaints he determines to be newsworthy on the same day they are filed. The clerk's office will make copies for him at a rate of 25 cents per page.

The United States District Court for the Western District of Kentucky in Louisville has adopted an e-filing system requiring initiating documents to be filed electronically. The court has provided the media with an "MC" case number code. Using this code at a designated computer terminal in the clerk's office, reporters can review newly filed complaints in exactly the same format as they are received in the clerk's office, prior to being docketed and before they are available to the public on PACER. If a reporter needs a copy of a complaint, he requests the copy from court staff at a rate of 50 cents per page.

Manhattan

At the New York County Supreme Court, where certain case types are required to be e-filed, new complaints are made available to reporters on the same day they are filed, whether they are filed in paper or electronic form. E-filed cases are posted online to a court website by the end

of the day they are filed, while new complaints filed in paper form are indexed and scanned shortly after being filed, and made available electronically via an internal computer system on terminals set up throughout the courthouse. At 4:00 p.m., and then at regular intervals until 5:00 p.m., the paper versions of the new complaints are then placed by court officials in a secure area behind the counter where reporters are free to review them on a same-day basis.

At the United States District Court for the Southern District of New York, reporters are permitted to view new civil complaints three times a day – between 9:00 a.m. and 9:45 a.m., between 11:30 a.m. and 12:15 p.m., and between 3:35 p.m. and 4:30 p.m. – on the same day the complaints are filed.

Miami

In Miami-Dade County Circuit Court, the clerk's office closes to the general public at 4 p.m., but security personnel remain until 6:45 p.m., allowing Courthouse News Service's reporter to review new filings. The reporter is permitted to go behind the intake counter and pull same day complaints directly from each intake clerks' desk from 4:45 p.m. until the office closes at 6:45 p.m. The complaints that Courthouse News' reporter reviews have been assigned a case number and checked for all required documentation and payment, but have not been entered into the court's computer system. If the reporter needs copies she is able to make her own copies at a Court copy machine for \$1 per page.

At the United States District Court for the Southern District of Florida, electronic filing of new civil complaints is mandatory, and new complaints that are filed before 5 p.m. appear on PACER on the same day they are filed. Cases filed after 5 p.m. appear on PACER the following day.

Milwaukee

At the Milwaukee County Court in Wisconsin, reporters have access to new complaints on the day they are filed, even if they have not yet been fully processed, and are permitted to go behind the counter. Reporters can request copies of complaints from court personnel for a small fee.

At the United States District Court for the Eastern District of Wisconsin, most new complaints are e-filed and available electronically through PACER on the same day they are filed. However, for those cases that are not immediately posted to PACER, court staff provides reporters with the original paper versions of the new complaints, also on the same day they are filed. Reporters are then able to make copies at a copy machine for a nominal fee.

Minneapolis/St. Paul

At both the Hennepin County District Court in Minneapolis and the Ramsey County District Court in St. Paul, where many of the new complaints are filed by mail, Courthouse News' reporter is permitted to go behind the counter to review the stack of original complaints on the same day they are filed and before they are docketed. Because the reporter visits Ramsey County only three times per week, she is unable to review all cases on the same day they are

filed, but is able to search for and view the cases she has missed on a computer terminal at the courthouse the next time she visits the court. The reporter is able to make her own copies in Hennepin County, where Courthouse News has established a copy account. In Ramsey County, for cases the reporter reviews on the day of filing, the court staff will make copies of any complaint the reporter requests. For cases she reviews after the day of filing, the reporter is able to print a copy directly from the computer terminal.

At the United States District Court for District of Minnesota, reporters begin their visit by using a computer terminal at the courthouse to view an intake log of new cases. From there, reporters review complaints available on PACER using a public computer terminal in the clerk's office. If a complaint shown on the intake log of new cases is not yet available on PACER, the court will print out a copy for the reporter. The Clerk charges 10 cents per page for any copies that reporters request.

Nashville

At the Davidson County Chancery Court in Nashville, Courthouse News' reporter reviews an intake log of the day's new filings on a public computer terminal at the courthouse. She then compiles a list of the relevant cases and presents the list to the court staff, who retrieve the requested cases and allow her to review the complaints regardless of whether the docketing process has been completed.

At the Davidson County Circuit Court, most new complaints are scanned throughout the day and are made available through a government website on the same day they are filed.

At the United States District Court for the Middle District of Tennessee, the clerk's staff are required to stay one hour after closing in order to scan all new filings and post them onto PACER on the day they are filed.

Oakland

Although the Alameda County Superior Court in Oakland, California, endeavors to make newly-filed complaints available for viewing on its web site on a same-day basis, it has implemented procedures to ensure that news reporters who visit the René C. Davidson courthouse can obtain same-day access to those complaints that would otherwise not be posted for electronic viewing on a same-day basis. Under those procedures, reporters are provided with access to a workstation behind the intake counter. The station is equipped with a computer connected to the Internet. Courthouse News' reporter first reviews the cases that are made available online. For those cases that are not available online by the end of the work day but are of media interest, court staffers scan and make those cases available on their web site.

Oklahoma City

At the Oklahoma County Court, intake clerks place all of the day's new petitions into a central basket by 3:15 p.m. Petitions placed in the basket have been date stamped, but have not been fully docketed – only indexed. A member of the clerk's staff then provides the petitions to Courthouse News' reporter, and the reporter is instructed to sign the back of each petition to

ensure that she has seen them all. After she has completed her review of the petitions in the basket, Courthouse News' reporter is permitted to review any further petitions that have been filed, indexed and placed in the basket after 3:15 p.m. The reporter may request copies of petitions at a rate of \$1.00 for the first page and 50 cents for all subsequent pages.

Omaha

At the Douglas County District Court, new complaints are filed in paper form and then added to an internal computer database that is updated live when a new case is received and indexed. Courthouse News' reporter reviews the index information for relevant cases on a courthouse computer terminal and a filing clerk retrieves the complaints he requests before they have been fully processed or scanned. Courthouse News' reporter can review the new complaints on the day of filing in the public area of the clerk's office and is free to make copies on public machines.

Orlando

At the Ninth Judicial Circuit Court, Courthouse News' reporter reviews hard copies of newly filed complaints at a designated desk behind the counter. The staff places new complaints that have not undergone any processing (*i.e.*, docketed, jacketed or assigned a case number) near the reporter's desk each day for same-day viewing. Since some complaints have been docketed by the time Courthouse News' reporter arrives, these complaints are placed in a separate pile for the reporter's review before they are moved to a separate desk for scanning by 4 p.m. In addition, Courthouse News' reporter is permitted to review e-filed complaints and complaints that have been docketed and scanned by the time the reporter arrives on a same-day basis using one of the Clerk's terminals located behind the counter.

At the United States District Court for the Middle District of Florida in Orlando, where electronic filing is mandatory, the court posts the majority of new civil filings to PACER on the same day they are filed.

Palm Beach

In the Palm Beach County Circuit Court, members of the press review new civil cases at the intake counter at 4 p.m. on the day they are filed. The new cases are given to the press as a stack of folders.

Phoenix

At the Maricopa County Superior Court in Phoenix, Arizona, court staff recently implemented new procedures to ensure same-day access to civil complaints filed at its downtown location. Under the new procedures, court staff scan and upload for electronic viewing all complaints filed before 3 p.m., which are then made available on a designated press computer located in the Customer Service Center for Courthouse News' reporter to review and, if necessary, print. Complaints filed between 3 and 5 p.m. are immediately placed in a bin at a designated intake window in the Central Court Building, where Courthouse News' reporter may review those complaints between 4 and 5 p.m.

Pittsburgh

At the Allegheny County Court of Common Pleas in Pittsburgh, Pennsylvania, where the Court has implemented an internally operated electronic filing system, nearly all of the day's new filings are available on-line on a same-day basis. Complaints not posted to the court's website on the day of filing are made available the following day.

In the United States District Court for the Western District of Pennsylvania, where electronic filing is mandatory, Courthouse News' reporter has been provided with an "MC" case number code for PACER that allows her to view the new filings before they are docketed.

Portland

At the Multnomah County Court in Portland, Courthouse News' reporter is given a stack of the current day's newly filed complaints, which she reviews at a cubicle behind the counter. The reporter can make any needed copies herself using her own portable scanner.

At the United States District Court for the District of Oregon, Courthouse News' reporter first searches for newly filed complaints through the court's "electronic in-box," which is available on a public access terminal at the courthouse and contains those complaints that the clerks have scanned but not yet processed and posted to PACER. She then searches for processed complaints on PACER, which are also available at a public access terminal at the courthouse. Finally, the clerks give Courthouse News' reporter paper copies of those complaints that have not yet been scanned and posted either to the electronic in-box or to PACER. The clerks will also review the court's record book with Courthouse News' reporter at the end of the day to make sure that no filings have been missed.

Riverside

At the Superior Court for the State of California, County of Riverside, new complaints are scanned and made available for electronic viewing via the Court's web site and at computer terminals in the courthouse. The press had been experiencing delays in access for years until a new clerk, formerly from the United States District Court for the Central District of California, came on board. The clerk found that same-day access could be achieved simply by shifting the schedules of the personnel who scan complaints so that they begin and end work later in the day, thus ensuring that new complaints would be made available for electronic viewing on a same-day basis.

St. Louis

At the St. Louis City Circuit Court in Missouri, Courthouse News' reporter goes to the intake window where cases are filed and clerk's office staff members hand the reporter a stack of new cases filed that same day. Courthouse News' reporter works at the counter next to the intake window; however, members of the media can also work at a table near the window. Staff members in the clerk's office will provide members of the media with copies of newsworthy new cases free of charge.

At the United States District Court for the Eastern District of Missouri, where new complaints must be electronically filed, each case is assigned a case number upon filing by the attorney and is immediately made available on PACER, even if it has not been fully reviewed and processed. Courthouse News' reporter is able to view the new complaints on a computer terminal in the clerk's office and print out copies for a small fee.

San Francisco

At the Superior Court of California for the County of San Francisco, news reporters are allowed behind the counter into the stacks to review unlimited numbers of new filings after providing a driver's license and filling out a temporary name tag. The number of new filings per day varies, but often exceeds 50. Courthouse News views new complaints regardless of whether they have been fully processed. San Francisco Superior has established a written protocol for members of the press. The key provisions are quoted below:

If media personnel want to review files already on the shelves, they can pull these files themselves and return them to the shelves.

All new filings will be held in a Media Box during the day. Between 3:00 and 4:30 each day, this box will be available to the media for viewing in the Records department, whether or not the cases have been entered in the computer. At 4:00 PM, when the office closes to the public, media personnel may ask to view any additional filings that may have come in since 3:00 PM. The Records supervisor or an assigned clerk will retrieve those files for the media to view. Any member of the media viewing new filings must return them to the box for eventual return to the Records supervisor or assigned clerk.

Media personnel may come in anytime before 3:00 PM to view new filings. However, they will only be viewing cases newly filed up until that time.

Copy machine from the second floor Media Room will be moved to Room 103 and located behind the Records department. This machine belongs to Courthouse News Service, but has been made available to all media personnel for their use.

At the San Francisco Division of the United States District Court for the Northern District of California, reporters go behind the counter and review actions filed that same day, regardless of whether the complaints have been fully docketed or posted on PACER. They are also permitted access to the so-called "transfer boxes" of new actions being sent to different divisions of the court, and are provided with a copy of the intake log. Reporters are permitted to make copies of cases they determine to be newsworthy using a portable scanner.

San Jose

At the Santa Clara County Superior Court in San Jose, California, the Court recently implemented new procedures to ensure that reporters receive same-day access to the vast

majority of each day's new civil unlimited jurisdiction complaints. Under those procedures, civil unlimited complaints are made available to Courthouse News' reporter upon receipt of the filing fee, the assignment of a case number, and the assignment of a first status conference date, even though processing of the new complaint is far from over at this juncture. Complaints that are filed over the counter by 3:30 p.m. are made available to Courthouse News' reporter on the same day they are filed. All unlimited jurisdiction complaints that are in the drop box by 4:00 p.m. are also made available to Courthouse News on the same day they are filed. Unlimited jurisdiction complaints that are filed over the counter between 3:30 p.m. and the clerk's office closing at 4:00 p.m. have been designated as a staff priority, and the court endeavors to make them available for review on the same day they are filed. Courthouse News' reporter is permitted to remain at the court until 4:30 p.m., one half-hour after closing, to review late-filed cases. The court makes copies of complaints as requested by the reporter.

At the San Jose Division of the United States District Court for the Northern District of California, clerks print out a list of all new complaints filed earlier that day. Reporters go behind the counter, obtain complaints from individual clerks' desks, report on and scan any newsworthy complaints, and then return the complaints to the clerks' desks.

Seattle

At the King County Superior Court, Courthouse News' reporter is provided with a docket sheet print-out of new cases two times per day – once at 11 a.m. and again at 3 p.m. The 11 a.m. list includes all cases that have been filed from 3 p.m. on the previous day through 11 a.m. on the current day, while the 3 p.m. list includes new cases that have been filed from 11 a.m. to 3 p.m. that day. The reporter reviews each list to find relevant cases, then searches for and views new complaints on a computer terminal at the courthouse. She is able to print out relevant complaints for 15 cents per page.

Tampa

At the Hillsborough County Circuit Court, new complaints that are hand-filed in the main courthouse are made available for review by reporters at the end of the day they are filed. Most complaints are scanned by court staff and made available on the court's public access terminals for review. Those complaints that are not scanned and available on the public access terminals by 4 p.m. are provided in paper form for news reporters, who have until the court closes at 5 p.m. to review those late-filed complaints.

EXHIBIT 7



Superior Court of California

COUNTY OF VENTURA
Hall of Justice
800 South Victoria Avenue
Ventura, CA 93009

Michael D. Planet
*Executive Officer/Clerk
and Jury Commissioner*

July 11, 2011

Rachel Matteo-Boehm
Holme Roberts and Owen LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105

Re: *Media Access to New Complaints*

Dear Ms. Matteo-Boehm:

I am writing in response to your June 20, 2011 letter regarding media access to new complaints at the Ventura Superior Court.

As you have noted, the Court has met and spoken with you and representatives of Courthouse News Service several times over the past couple of years to both explain the Court's serious resource shortages as a result of budget reductions, and steps that could reasonably be taken to make new complaints available to the media. The budget recently signed by the Governor imposes even more drastic reductions to the Courts, which makes it even more difficult to provide same-day access to new filings.

While I appreciate the Courthouse News Services' interest in same-day access, the Court cannot prioritize that access above other priorities and mandates. Further, the Court must ensure the integrity of all filings, including new filings, and cannot make any filings available until the requisite processing is completed. We will continue to make every effort to make new filings available as early as is practicable given the demands on limited court resources.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Planet".

Michael D. Planet
Executive Officer

MDP/vjb

EXHIBIT 8



Holme Roberts & Owen LLP
Attorneys at Law

SAN FRANCISCO

August 2, 2011

BOULDER

Michael Planet
Court Executive Officer
Ventura County Superior Court
800 South Victoria Ave.
Ventura, CA 93009

COLORADO SPRINGS

Re: Media Access to New Complaints

Dear Mr. Planet:

DENVER

On behalf of Courthouse News Service, we write to briefly respond to your assertion, in your July 11, 2011 letter, that budgetary difficulties prevent the Ventura County Superior Court from providing the media with timely, same-day access to newly-filed civil unlimited jurisdiction complaints.

DUBLIN

Respectfully, our experience working with other courts shows that providing prompt media access to new civil complaints – fundamentally, the simple act of letting reporters *see* the new complaints that, because they are newly-filed, are already centrally located in the intake area – need not involve any extra expense or staff time beyond the *de minimis* effort of handing a stack of complaints to a reporter (and even that *de minimis* effort can be eliminated if a credentialed reporter is simply allowed to go behind the counter to pick up the stack, as reporters do at the federal district court in San Francisco, for example).

LONDON

Indeed, it has been our experience that providing prompt access is largely a matter of will on the part of the court and its leaders.

LOS ANGELES

For example, at the San Francisco Superior Court and Santa Clara County Superior Court, new filings are placed in a media box, available to news reporters for viewing whether or not those complaints have been fully docketed. In the past, in San Francisco, reporters gathered the complaints from the intake window and put them in the box, actually saving some work for the court. Courthouse News has also observed that the *de minimis* staff effort required to administer this type of “review box” is much less than the substantial effort involved when staff are required to track down fully processed complaints for press review, as is currently the case in Ventura County. State courts in Alameda, Los Angeles and Riverside also provide same day access to the press. All four federal courts in California provide the media with same-day access to new civil complaints without undue expenditures of staff time or expense.

SALT LAKE CITY

Rachel Matteo-Boehm 415.268.1996 rachel.matteo-boehm@hro.com
560 Mission Street, 25th Floor San Francisco, California 94105-2994 tel 415.268.2000 fax 415.268.1999

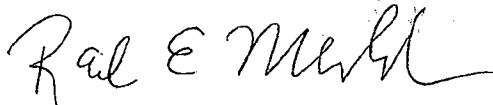
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Holme Roberts & Owen LLP
Attorneys at Law

Michael Planet
August 2, 2011
Page 2

At bottom, press access only results in increased costs where the court imposes the requirement of complete processing before providing access. But newly filed complaints become public records upon filing, and this status is not contingent on the court having first completed processing. We must therefore respectfully but firmly disagree with your assertion that providing timely access can only be accomplished at a monetary cost to the Court.

Sincerely,



Rachel Matteo-Boehm

cc: The Honorable Vincent O'Neill, Jr., Presiding Judge
Courthouse News Service