

DAVIS WRIGHT TREMAINE LLP

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5 Attorneys for Non-Party Media Coalition  
6 ABC NEWS; KGO TV; KABC TV; CABLE NEWS  
NETWORK; IN SESSION (formerly known as "COURT  
7 TV"); FOX NEWS; NBC UNIVERSAL, INC.; CBS  
NEWS; HEARST CORPORATION; DOW JONES &  
8 COMPANY, INC.; THE ASSOCIATED PRESS; and  
NORTHERN CALIFORNIA CHAPTER OF  
9 RADIO & TELEVISION NEWS DIRECTORS  
ASSOCIATION

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

13 KRISTIN PERRY; SANDRA B. STIER; PAUL T. )  
KATAMI; JEFFREY J. ZARRILLO, )  
14 )  
Plaintiffs, )

15 vs. )

16 ARNOLD SCHWARZENEGGER, in his official )  
17 capacity as governor of California; EDMUND G. )  
BROWN, JR., in his official capacity as attorney )  
18 general of California; MARK B. HORTON, in his )  
official capacity as director of the California )  
19 Department of Public Health and state registrar of )  
vital statistics; LINETTE SCOTT, in her official )  
20 capacity as deputy director of health information & )  
strategic planning for the California Department of )  
21 Public Health; PATRICK O'CONNELL, in his )  
official capacity as clerk-recorder of the County of )  
22 Alameda; and DEAN C. LOGAN, in his official )  
capacity as registrar-recorder/county clerk for the )  
23 County of Los Angeles,

24 Defendants )

25 DENNIS HOLLINGSWORTH, GAIL J. KNIGHT, )  
MARTIN F. GUTIERREZ, HAKSHING WILLIAM )  
26 TAM, and MARK A. JANSSON, as official )  
27 proponents of Proposition 8, )

28 Defendant-Intervenors. )

Case No. **C 09-2292**  
Assigned to the Hon. Vaughn R.  
Walker

**NON-PARTY MEDIA  
COALITION'S REQUEST FOR  
JUDICIAL NOTICE IN  
SUPPORT OF REQUEST FOR  
ORDER PERMITTING  
TELEVISION COVERAGE OF  
THE TRIAL; DECLARATION  
OF THOMAS R. BURKE WITH  
EXHIBITS A-E**

Date: 10 a.m.  
Time: January 6, 2010  
Ctrm.: 6

DAVIS WRIGHT TREMAINE LLP

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The Non-Party Media Coalition respectfully requests that the Court take judicial notice of the following documents pursuant to Federal Rule of Evidence 201:

1. The December 17, 2009 press release titled “Ninth Circuit Judicial Council Approves Experimental Use of Cameras in District Courts.” A true and correct copy of the press release is attached as Exhibit A.

2. The Final Report of the Subcommittee on Free Press-Fair Trial submitted January 5, 1967 by the California Assembly Interim Committee on the Judiciary. A true and correct copy of the Assembly committee’s Final Report is attached as Exhibit B.

3. The Report and Supplemental Report issued in 1994 by the Federal Judicial Center and titled “Electronic Media Coverage of Federal Civil Proceedings: An Evaluation of the Pilot Program in Six District Courts and Two Courts of Appeal.” True and correct copies of the Federal Judicial Center Report and Supplemental Report are attached as Exhibit C.

4. The 1981 Evaluation of California’s Experiment With Extended Media Coverage of Courts commissioned by the Judicial Council of California. A true and correct copy of the Evaluation is attached as Exhibit D.

5. The 1996 Final Report from the Task Force on Photographing, Recording and Broadcasting in the Courtroom commissioned by the Judicial Council of California. A true and correct copy of the Task Force Final Report is attached as Exhibit E.



**DECLARATION OF THOMAS R. BURKE**

I, Thomas R. Burke, declare:

1. I am an attorney admitted to practice before all the courts of the State of California and before this Court. I am an a partner in the law firm of Davis Wright Tremaine LLP (“DWT”), and am representing the non-party Media Coalition in this matter. The facts stated below are true of my own personal knowledge, and, if called to testify, I could and would competently testify thereto.

2. Attached as Exhibit A is a true and correct copy of the December 17, 2009 press release titled “Ninth Circuit Judicial Council Approves Experimental Use of Cameras in District Courts.” I downloaded a copy of the press release from [http://www.ce9.uscourts.gov/cm/articlefiles/137-Dec17\\_Cameras\\_Press%20Relase.pdf](http://www.ce9.uscourts.gov/cm/articlefiles/137-Dec17_Cameras_Press%20Relase.pdf).

3. Attached as Exhibit B is a true and correct copy of The Final Report of the Subcommittee on Free Press-Fair Trial submitted January 5, 1967 by the California Assembly Interim Committee on the Judiciary.

4. Attached as Exhibit C is a true and correct copy of The Report and Supplemental Report issued in 1994 by the Federal Judicial Center and titled “Electronic Media Coverage of Federal Civil Proceedings: An Evaluation of the Pilot Program in Six District Courts and Two Courts of Appeal.”

5. Attached as Exhibit D is a true and correct copy of The 1981 Evaluation of California’s Experiment With Extended Media Coverage of Courts commissioned by the Judicial Council of California.

6. Attached as Exhibit E is a true and correct copy of The 1996 Final Report from the Task Force on Photographing, Recording and Broadcasting in the Courtroom commissioned by the Judicial Council of California.

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