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May 18, 2010

The Honorable Vaughn R. Walker
 Chief Judge of the U.S. District Court
 Northern District of California
 Courtroom 6, 17th Floor
 450 Golden Gate Ave.
 San Francisco, CA 94102

Re: **Case No. 09-CV-02292-VRW *Perry, et al v. Schwarzenegger, et al***
Media Coalition's Request for Camera Access to Record Closing Arguments

Dear Judge Walker:

On behalf Cable News Network, In Session (formerly known as "Court TV"), Fox News, NBC News, CBS News, the Hearst Corporation, Dow Jones & Company, Inc., the Associated Press, the Los Angeles Times, the McClatchy Company, KQED Public Radio (and on behalf of National Public Radio) and the Northern California Chapter of the Radio & Television News Directors Association (the "Media Coalition"), we write to inform the Court of the Media Coalition's interest in recording, broadcasting and webcasting the closing arguments (tentatively scheduled for June 16, 2010) in this case. We also request that the Court approve this access request and formally ask Chief Judge Kozinski to again include this case in the pilot project approved by the Ninth Circuit Judicial Council on December 17, 2009, for the sole purpose of recording, broadcasting and webcasting the parties' respective closing arguments.

The Media Coalition respectfully make this request with appreciation of the U.S. Supreme Court's opinion in *Hollingsworth v. Perry*, 558 U.S. ___, No. 09A648 (Jan. 13, 2010), which two days later, led this Court to formally request that Chief Judge Kozinski withdraw this case from the Ninth Circuit's pilot project. Since then, the United States District Court for the Northern District of California re-opened the public comment period (which ran from February 4 through March 4, 2010) and effective April 20, 2010, local rule 77-3 was amended to authorize "the taking of photographs, public broadcasting or televising, or recording" as a part of "a pilot or other project authorized by the Judicial Council of the Ninth Circuit." The Court's change to local rule 77-3 was consistent with federal law and the Supreme Court's January 13th opinion. Moreover, because the June 16th court proceedings will solely consist of the arguments of counsel – and not witness testimony or evidence – the concerns earlier reviewed by the Supreme Court should not preclude this opportunity to enhance the public's ability to witness the parties' respective closing arguments in this historic case.

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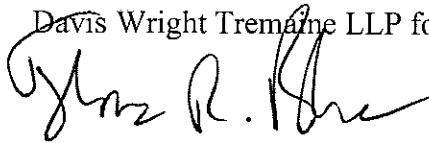
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If the requested electronic access is granted by this Court and Chief Judge Kozinski, the Media Coalition will be prepared to assist the Court's staff to address any technical or logistical issues to facilitate the recording, broadcasting and webcasting of this anticipated one-day proceeding.

On behalf of the Media Coalition, we appreciate the Court's consideration of this request.

Respectfully submitted,

Davis Wright Tremaine LLP for the Media Coalition

A handwritten signature in black ink, appearing to read "Thomas R. Burke". The signature is written in a cursive style with a large initial "T" and "B".

Thomas R. Burke