



JONES DAY

222 EAST 41ST STREET • NEW YORK, NEW YORK 10017
TELEPHONE: (212) 326-3939 • FACSIMILE: (212) 755-7308

Direct Number: (212) 326-7870
mfeder@jonesday.com

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VIA FACSIMILE: (212) 805-7942

The Hon. Alvin K. Hellerstein
United States District Court, Southern District of New York
Room 1050
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: Fairey v. The Associated Press, No. 09-cv-1123 (AKH)

Dear Judge Hellerstein:

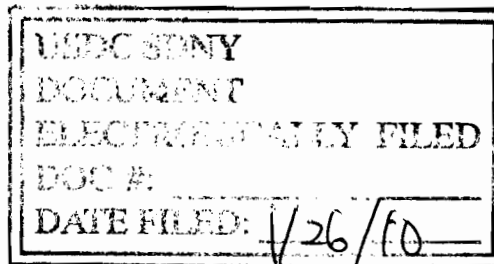
I am writing in regard to tomorrow's 4:00 PM hearing, which I understand will address our December 28, 2009 motion for a protective order, as well as whether that motion should be sealed. Our request to seal is based on the fact that the motion relates to a grand jury investigation by the U.S. Attorney's Office. Because an open hearing on these issues would risk compromising the confidential nature of the criminal investigation, we respectfully request that the courtroom be closed to the public for any part of tomorrow's hearing during which the motion for a protective order is discussed.

Earlier today, I inquired of counsel for the other parties whether they objected to the above request. Counsel for Counterclaim Defendant One 3 Two, Inc. has informed me that her client has no objection. I have not yet received a response from counsel for the Associated Press or counsel for Mr. Garcia.

Respectfully,

Meir Feder

cc: All Counsel of Record (via email)



The request is denied, subject to review if agreement regarding disclosure of any information specific to the grand jury inquiries - 1/26/10