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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

PAUL RUBEN FLORES and REUBEN RICARDO FLORES,

Defendants.

Case Nos. 22CR003712, 22CR003713

NOTICE OF MOTION AND MOTION OF NEWS MEDIA COALITION TO UNSEAL JUDICIAL RECORDS AND REGISTER OF ACTIONS AND FOR REMOTE ACCESS;

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT;

REQUEST FOR HEARING;

DECLARATION OF CHLOE JONES IN SUPPORT

Date:
Time:
Place: Dept. 4
Judge: Hon. Jennifer O'Keefe

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NOTICE OF MOTION AND MOTION

TO THE COURT, ALL PARTIES, AND ALL COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, at a date and time set by the Court, in Department 4 of the Monterey County Superior Court, at 240 Church Street, Salinas, California 93901, non-party news media organizations The McClatchy Company, LLC (d.b.a. *The Tribune*), Los Angeles Times Commiunications, LLC (d.b.a. *Los Angeles Times*), American Broadcasting Company, Inc. (d.b.a. *ABC News*), and The Associated Press (collectively, "the News Media Coalition") will, and hereby do, move for an order (1) unsealing all sealed court records filed in this case following its transfer to the Monterey County Superior Court in their entirety; (2) unsealing in its entirety and providing the press and the public with access to the full and complete register of actions in this matter, both remotely in electronic format and in hard copy upon request at the courthouse; and (3) authorizing remote electronic access to all records filed with the Court in this case under California Rule of Court 2.503(e). The News Media Coalition moves to lift or modify any order, including the April 15, 2021 "gag order" in this case, that is inconsistent with the relief sought in this Motion.

This Motion is made on the grounds that under the First Amendment to the United States Constitution, article I, sections 2(a) and 3(b) of the California Constitution, California Code of Civil Procedure section 1904, California Rules of Court 2.550-2.551, 2.503, and 2.507, and the common law, judicial records and registers of actions, including the records and register of actions sought here, are presumptively open and cannot be sealed without notice and express factual findings as set forth in California Rule of Court 2.550(d). The demanding requirements for sealing set forth in, inter alia, California Rule of Court 2.550(d) have not been and cannot be satisfied here. This Motion also seeks an order authorizing remote electronic access to all judicial records in this case as set forth for certain criminal cases under California Rule of Court 2.503(e).

This Motion is based on this Notice of Motion, the Memorandum of Points and Authorities filed herewith, the Request for Hearing filed herewith, the declaration of Chloe Jones filed herewith, the anticipated Reply in support of this Motion, all pleadings, records, and files in this action (including, but not limited to, the sealed records this Motion seeks to access), and all

other evidence and argument received by the Court in connection with this Motion.

DATED: July 14, 2022

CANNATA O'TOOLE FICKES & OLSON LLP

By: _____
AARON R. FIELD

Karl Olson
Aaron R. Field

Attorneys for Non-Party News Media Organizations THE MCCLATCHY COMPANY, LLC (d.b.a. THE TRIBUNE), LOS ANGELES TIMES COMMUNICATIONS, LLC, AMERICAN BROADCASTING COMPANY, INC. (d.b.a. ABC NEWS), and THE ASSOCIATED PRESS

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

As our Supreme Court has recognized, "Openness in government is essential to the functioning of a democracy." (*International Federation of Professional and Technical Engineers, Local 21 v. Superior Court* ("*IFPTE*") (2007) 42 Cal.4th 319, 328.) Accordingly, courts have long held that the press and the public have a powerful presumptive right of access to judicial records and proceedings[1], and that sealing or closure is permitted in only "the rarest of circumstances." (*NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178, 1226; see also *id.* at p. 1198 ["[H]istorically our nation viewed what transpires in the courtroom as public property."].) More than a century ago, our Supreme Court explained:

> "In this country it is a first principle that the people have the right to know what is done in their courts. The old theory of government which invested royalty with an assumed perfection, precluding the possibility of wrong and denying the right to discuss its conduct of public affairs, is opposed to the genius of our institutions in which the sovereign will of the people is the paramount idea; and the greatest publicity to the acts of those holding positions of public trust, and the greatest freedom in discussion of the proceedings of public tribunals that is consistent with truth and decency are regarded as essential to the public welfare."

(*Cal. ex rel. Lockyer v. Safeway, Inc.* (C.D. Cal. 2005) 355 F. Supp. 2d 1111, 1124-25 [quoting *In re Shortridge* (1893) 99 Cal.526, 530-31].)

Openness is particularly "essential," *IFPTE*, *supra*, 42 Cal.4th at p. 328, here. The state contends that this case will solve a mystery that has unsettled the San Luis Obispo County community for more than twenty-five (25) years: What happened to Kristin Smart on May 25, 1996? The public has a powerful interest – and is in fact keenly interested – in independently evaluating whether and, if so, how this case answers that question. It also has a powerful interest in verifying that this case is adjudicated fairly and consistently with the law, and that law enforcement agencies and officials handled the investigation of Ms. Smart's disappearance appropriately and are prosecuting this case effectively despite waiting decades to bring charges.

[1] The relevant rights of access here flow from the First Amendment to the United States Constitution, article I, sections 2(a) and 3(b)(1) of the California Constitution, California Rules of Court 2.550-2.551, and the common law.

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Yet, despite the presumption of and compelling interest in openness, as of July 5, 2022, *most* of the records filed in this Court – *166 of 243* records – were sealed *in their entirety*, including records related to motions to dismiss and motions in limine, and records related to sealing, including this Court's rulings on whether sealing is justified. Of the 77 filings that are public, 54 are form "media requests," form orders granting or denying them, and related records, and only 6 contain anything of substance relating to the actual criminal case. (Declaration of Chloe Jones ("Jones Decl.") ¶ 5(A).) In short, since this case came to this Court, virtually every filing of substance has been sealed. This has made it very hard to track, evaluate, and report on these proceedings and the parties' factual and legal arguments. Compounding the problems this has caused, the Court appears to be using a "dual-docketing" system that limits the public to a difficult-to-decipher partial register of actions while using more complete records internally.

To overcome these barriers to access, the News Media Coalition makes this motion to unseal. The Motion should be granted, for several reasons. *First*, all sealed judicial records filed on or after April 20, 2022 in this case should be unsealed under the First Amendment, article I, sections 2(a) and 3(b) of the California Constitution, Rules of Court 2.550 and 2.551, and the common law. No party has demonstrated that any sealing is justified in this case – let alone the sealing of almost all substantive filings in this case in their entirety. Nor, to the News Media Coalition's knowledge, has the Court made on-the-record findings necessary to justify sealing. *Second*, the register of actions should be unsesaled or supplemented such that it is fully accessible to the public and contains all required information under the First Amendment, Rules of Court 2.550-2.551, 2.503(b), and 2.507(b)(3)(H), and the common law. *Third*, remote access to all court filings in this case should be authorized under Rule of Court 2.503(e) and the First Amendment.

II. FACTUAL AND PROCEDURAL BACKGROUND

This case arises from the disappearance of Kristin Smart, a 19-year-old freshman at California Polytechnic State University, San Luis Obispo, on May 26, 1996. There has been great public interest in, and thus extensive news media coverage of, Ms. Smart's disappearance in the decades since it occurred. (See Jones Decl. ¶ 4.) According to defendant Paul Flores, this has included "thousands of articles in various publications." (Motion for Change of Venue at 8:1-2.)

Despite the exceptional public interest in this case, as of July 5, 2022, most of the records filed in this case after its transfer –166 of 243 records – have been sealed in their entirety, including all records related to the parties' motions to dismiss and motions in limine, and almost all records related to sealing, and sealing orders. (Jones Decl. ¶ 5(A).) Of the 77 public filings, 54 are form "media requests," form orders granting or denying them, and related records. (*Ibid.*) The remainder are also non-substantive except for 6 that relate to juror selection. (*Ibid.*)

The extensive, wholesale sealing of almost all substantive records in this case is inconsistent with the San Luis Obispo County Superior Court's handling of this matter. (*Ibid.*) The parties presented and discussed at the preliminary hearing before the San Luis Obispo County Superior Court evidence that appears to be the subject of motions in limine that this Court has sealed. (*Ibid.*) Further, this Court's public-facing register of actions in this case is difficult to decipher and contains very little substantive information. (Jones Decl. ¶ 5(B).) It uses short statements like "motion," "affidavit," and "document: other" that do not meaningfully describe proceedings, the nature or purpose of any filing, or how the Court has ruled. (*Ibid.*)

Lack of remote access to court filings in this case detracts from the openness of the proceedings. (Jones Decl. ¶ 5(C).) Without remote access, the press and the public must request records in person at the courthouse or by mail using a form that takes weeks or longer for the Court to process. (*Ibid.*) This burdens and delays reporting, including for Ms. Jones, a reporter for *The Tribune* who covered this case in her City with relative ease until it was transferred to this Court, many miles away. (Jones Decl. ¶¶ 3, 5(C).)

Ms. Jones informally requested remote access in a June 10, 2022 e-mail, but the Court declined. (Jones Decl. ¶ 5(C).) The Court's media liason wrote, "The Court has considered the possibility of designating Flores an extraordinary criminal case under CRC 2.503, however, has decided not to designate it as such at this time." (*Ibid*.)

To remove these barriers to access, the News Media Coalition makes the instant Motion.

III. ARGUMENT

A. THE MEDIA COALITION HAS STANDING TO MAKE THIS MOTION.

The public and press have standing to assert their rights of access to court records and

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proceedings. (*Globe Newspaper Co. v. Superior Court* (1982) 457 U.S. 596, 609 n. 25 ["representatives of the press and the general public must be given an opportunity to be heard on the question of their exclusion"]; *NBC Subsidiary*, *supra*, 20 Cal.4th at p. 1217 n.36 [same]; see also, e.g., *In re Associated Press* (7th Cir. 1998) 162 F.3d 503, 507-08 [holding that "those who seek access . . . have a right to be heard in a manner that gives full protection of the asserted right" and that the press and the public "must be given an opportunity to be heard on the question of their exclusion from the proceedings or access to documents"].) The News Media Coalition therefore has standing to challenge any restrictions on its (or the public's) access to court records here, and should be provided an opportunity to be heard before such orders are issued. (See *NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1217-18 & n.36; Cal. R. Ct. 2.551(h)(2) [any "member of the public may move, apply, [or] petition . . . to unseal a court record"].)[2]

B. THIS MOTION SEEKS TO VINDICATE PUBLIC RIGHTS THAT ARE ESSENTIAL TO THE FUNCTIONING OF A DEMOCRACY.

Openness in and press coverage of criminal court records and proceedings empowers the public to debate, evaluate, and politically supervise the work of law enforcement and the judicial branch in an informed manner. (See *Richmond Newspapers, Inc. v. Virginia* (1980) 448 U.S. 555, 587 [Brennan, J., Marshall, J., concurring].) The First Amendment embodies a "commitment to free expression and communicative interchange for their own sakes" and an "antecedent assumption that valuable public debate – as well as other civic behavior – must be informed." (*Ibid.*)

> Without the information provided by the press most of us and many of our representatives would be unable to vote intelligently or to register opinions on the administration of government generally. With respect to judicial proceedings in particular, the function of the press serves to guarantee the fairness of trials and to bring to bear the beneficial effects of public scrutiny upon the administration of justice.

[2] The press is entitled to challenge orders that deny access to court records. (E.g., *Burkle v. Burkle* (2006) 135 Cal.App.4th 1045, 1050 [recognizing newspaper's right to intervene to unseal records]; *Press-Enterprise v. Superior Court* ("*Press-Enterprise III*") (1994) 22 Cal.App.4th 498, 500-01 [implicitly recognizing newspaper's right to challenge sealing of post-indictment grand jury transcript in high-profile criminal case in Riverside County]; Cal. R. Ct. 2.551(h)(2) [any "member of the public may move, apply, [or] petition . . . to unseal a court record"].)

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(*Cox Broad. Corp. v. Cohn* (1975) 420 U.S. 469, 491-92; see also *Estate of Hearst* (1977) 67 Cal.App.3d 777, 782 ["If public court business is conducted in private, it becomes impossible to expose corruption, incompetence, inefficiency, prejudice, and favoritism."].)

In *Richmond Newspapers*, the United States Supreme Court recognized that "a presumption of openness inheres in the very nature of a criminal trial under our system of justice." (448 U.S. at p. 573.) The Court held that the First Amendment guarantees the public and the press a presumptive right of access to criminal trials, emphasizing that openness has "long been recognized as an indispensable attribute of an Anglo-American trial." (*Id.* at p. 569; see also *Globe Newspaper*, *supra*, 457 U.S. at p. 602 [statute excluding public and press from trial testimony of minor victims in sex offense cases violated First Amendment]; *Press-Enterprise Co. v. Superior Court* ("*Press-Enterprise I*") (1984) 464 U.S. 501, 509-10 [order sealing transcript of voir dire proceedings in murder case violated constitutional right of access; recognizing that openness enhances the appearance of fairness so essential to public confidence].)

This presumption of openness applies to court records as well as court proceedings. (See, e.g., *Associated Press v. District Court* (9th Cir. 1983) 705 F.2d 1143, 1145 [overturning order sealing documents filed as part of pre-trial proceedings in drug prosecution of John DeLorean, and stating [t]here is no reason to distinguish between pretrial proceedings and the documents filed in regard to them. Indeed, the . . . principal justifications for the first amendment right of access to criminal proceedings apply, in general, to pretrial documents"].) As the Ninth Circuit explained in *CBS, Inc. v. District Court* (9th Cir. 1985) 765 F.2d 823, 825,

> We begin with the presumption that the public and the press have a right of access to criminal proceedings and documents filed therein. The right of access is grounded in the First Amendment and in common law, and extends to documents filed in pretrial proceedings as well as in the trial itself.

(See also *Copley Press, Inc. v. Superior Court* (1992) 6 Cal.App.4th 106, 111 ["Both the federal and the state Constitutions provide broad access rights to judicial hearings and records. A lengthy list of authorities confirms this right in general, and in particular as it pertains to the press, both in criminal and civil cases"] [citations omitted].)

Openness that enables public oversight of law enforcement officers, prosecutors, and

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criminal trials is particularly important. (See *McClatchy Newspapers, Inc.*, *supra*, 189 Cal.App.3d at p. 975 [the public's " 'interest in overseeing the conduct of the prosecutor, the police, and the judiciary is strong indeed' "].) In criminal cases, openness also has "community therapeutic value." (*Press Enterprise Co. v. Superior Court* ("*Press-Enterprise II*") (1986) 478 U.S. 1, 13.) And, openness promotes "the appearance of justice" in criminal cases, which is "best provided for by allowing people to observe it." (*Richmond Newspapers, Inc.*, *supra*, 448 U.S. at pp. 571-72 [pl. opn.].)

The public interest in openness here is magnified by the seriousness of the government's allegations, the community's desire to for answers to longstanding questions about Ms. Smart's disappearance, and the fact that it took decades for the government to bring charges. " 'People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.' " (*Press-Enterprise I*, *supra*, 464 U.S. at p. 509 [citation omitted].)

The News Media Coalition's interest in access is an interest in "contemporaneous" access. (*Courthouse News Service*, *supra*, 47 F.3d at p. 594.) The News Media Coalition thus respectfully requests that this motion be heard promptly – before opening statements or as soon as possible thereafter – to enable it to receive the records that it seeks while they are newsworthy. (*Ibid.*) "The newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression." (*Ibid.* [internal citations and quotation marks omitted].)

C. THE SEALING OF ALMOST ALL RECORDS VIOLATES THE FIRST AMENDMENT, RULES OF COURT 2.550 AND 2.551, AND THE COMMON LAW RIGHT OF ACCESS.

The First Amendment and Rules of Court 2.550 and 2.551 foreclose sealing 166 of 243 records, in their entirety, without public justification. In *NBC Subsidiary* – a unanimous and sweeping decision that fully embraced the First Amendment right of access to judicial records and proceedings, in which all four News Media Coalition members participated as *amici curiae* – the Supreme Court held that judicial records may be sealed only "in the rarest of circumstances." (20 Cal. 4th at p. 1226.) Under *NBC Subsidiary*, judicial records and proceedings may not be

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sealed or closed unless strict procedural and substantive requirements are satisfied.

First, as to procedure, the court must "provide notice to the public of the contemplated closure." (*Id.* at p. 1217.) If the motion is a "written filing," it must be "publicly docket[ed]" "reasonably in advance of the determination thereon." (*Ibid.*; accord. Cal. R. Ct. 2.551(b)(1).) The motion "must be accompanied by a memorandum of points and authorities and a declaration containing facts sufficient to justify the sealing." (*Ibid.*; *NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1217-18; see also *Oregonian Publ. Co. v. District Court* (9th Cir. 1990) 920 F.2d 1462, [vacating sealing order because trial court had "no evidentiary support" for belief that sealing would "serve 'higher values' "].) The Court must then make specific, express, on-the-record findings that all requirements for sealing have been met. (*Press-Enterprise II*, *supra*, 478 U.S. at pp. 13-14.)

Second, as to substance, sealing or closure is not permitted unless its proponent proves, *In re Providian Credit Card Cases* (2002) 96 Cal.App.4th 292, 301, and the Court expressly finds, that (1) there is an overriding interest that overcomes the public's right of access; (2) there is a substantial probability that sealing will promote that interest; (3) the sealing order is narrowly tailored to serve the overriding interest; and (4) there are no less restrictive alternatives to sealing, *NBC Subsidiary*, *supra*, 20 Cal.4th at at p. 1208; accord. Cal. R. Ct. 2.550(d), 2.550(e)(1).[3] A "court must not permit a record to be filed under seal based solely upon the agreement or stipulation of the parties." (Cal. R. Ct. 2.551(a).)

NBC Subsidiary is dispositive of many of the issues presented here and should guide this Court's decision. There, in a civil lawsuit by Sondra Locke against Clint Eastwood alleging "deceit, intentional interference with prospective economic advantage, and breach of fiduciary duty arising out of promises by Eastwood to assist Locke in the development of motion picture projects," the trial court ordered that "all proceedings in the case that are held outside the presence of the jury will be closed to the public and the press." (*NBC Subsidiary*, *supra*, 20

[3] The First Amendment right of access applies to all of the sealed records at issue here, because they were all "filed in court as a basis for adjudication." (*NBC Subsidiary*, 20 Cal.4th at 1208 & n.25; accord. Cal. R. Ct. 2.550(b) [records subject to presumption of access include "all or a portion of any document, paper, exhibit, transcript, or other thing filed or lodged with the court, by electronic means or otherwise"]; Cal. Const., art. I, § 3(b) [providing an independent right of access and requiring that statutes and court rules be construed in favor of access].)

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Cal.4th at p. 1182.) Its stated reason was "to ensure that the only information that the press has is what the jury sees and nothing else because I do not want to have a situation I have seen in other cases where the press reports something that was out of the presence of the jury and then, somehow, someone reads it." (*Ibid.*; see also *id.* at pp. 1183 [discussing later order stating a similar rationale for blanket closure of proceedings held outside the presence of the jury].) KNBC-TV applied to vacate the order, but the trial court denied the application. (*Id.* at p. 1184.) KNBC-TV then obtained a writ of mandate from the Court of Appeal vacating the closure order because it was "based upon insufficient findings and hence inconsistent with the First Amendment" and directing the trial court to disclose transcripts of proceedings that had been improperly closed. (*Id.* at p. 1188.)

The Supreme Court affirmed the Court of Appeal and unequivocally held that the trial court's blanket closure order was not consistent with the First Amendment. It began its First Amendment analysis with the "celebrated dictum" that "[a] trial is a public event" and that "[w]hat transpires in the court room is public property." (*Id.* at p. 1197 [internal citaitons and quotation marks omitted].) It surveyed *Richmond Newspapers*, *supra*, 448 U.S. 555, *Globe Newspaper*, *supra*, 457 U.S. 596, *Press-Enterprise I*, *supra*, 464 U.S. 501, *Waller v. Georgia* (1984) 467 U.S. 39, and *Press–Enterprise II*, *supra*, 478 U.S. 1 (all prominent criminal cases), and held that the First Amendment right of access applies in not only criminal cases, but also civil cases. (*Id.* at pp. 1207-12.) It also held that proceedings outside the presence of the jury are not categorically exempt from the First Amendment right of access. (*Id.* at pp. 1213-14.)

Next, the Supreme Court rejected the argument that proceedings on the admissibility of evidence and other matters ancillary to a jury trial are not subject to the First Amendment right of access, stating that it was "unaware of any authority holding or suggesting that such proceedings have not been historically important, open, and public parts of civil trials." (*Id.* at p. 1119.) It also rejected the assertion that applying the First Amendment right of access to hearings held outside the presence of the jury "might (i) increase 'the risk that jurors will be exposed to the very information that was held from them,' and (ii) discourage or impair 'the necessary give-and take negotiations between counsel and the court that such conferences are designed to engender.' " (*Id.*

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at p. 1221.) The Supreme Court wrote:

> . . . although it is readily apparent that publicity poses a risk of prejudice to the fairness of a trial (cf. *Press–Enterprise II*, *supra*, 478 U.S. 1, 14-15[. . .]), [. . .] frequent and specific cautionary admonitions and jury instructions, and not closure, constitute the accepted, presumptively adequate, and plainly less restrictive means of dealing with the threat of jury contamination.

(*Ibid.*)

The Supreme Court held that fair trial concerns did not justify the trial court's blanket closure order. It held that the trial court had "made no finding supporting the proposition that prejudice to that interest was *substantially probable* absent closure and temporary sealing in a case that was similarly a focus of intense public interest and significant coverage by the news media" – and expressed doubts that some of the information at issue could have caused prejudice because it was already public. (*Id.* at p. 1222 & n.47 [emphasis in original].) It elaborated,

> . . . even assuming that closure and temporary withholding of transcripts might have been appropriate as to some or part of the proceedings that were conducted in the jury's absence, the trial court's blanket and sweeping order closing the courtroom during all nonjury proceedings was not narrowly tailored: the trial court wholly failed to identify particular proceedings that would or did contain information justifying closure.

(*Id.* at pp. 1222-23.)

The Supreme Court also held that the trial court's blanket closure order was not consistent with the First Amendment for the independent reason that less restrictive means than closure were available to address fair trial concerns. (*Id.* at p. 1223.) It held that jury instructions or sequestration could have addressed fair trial concerns in a less restrictive way than closure, and that this independently invalidated the closure order. (*Ibid.*) It held that "as a general matter, cautionary admonitions and instructions must be considered a presumptively reasonable alternative – a presumption that can be overcome only in exceptional circumstances." (*Id.* at p. 1224.) Even in a hypothetical extreme case involving "exceptionally prejudicial" evidence and "intens[e] of media coverage" that might rebut this presumption, the Supreme Court explained, only "narrowly tailored closure," "supported by sufficient findings," "made after notice and a hearing," "coupled with prompt release of transcripts" is permissible. (*Ibid.*) It wrote that it knew

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of no authority suggesting that blanket closure was permitted. (*Id.* at p. 1225.)

The Supreme Court held that the trial court's "generalized conjecture that the jurors might violate their oaths and allow themselves to be exposed to press coverage, and that their deliberations might be tainted irreparably by that exposure" was insufficient to establish an "overriding interest" that could justify *any* closure, let alone the trial court's blanket closure order. (*Ibid.*) It rejected the assertion that requiring proponents of closure to satisfy First Amendment standards on an issue-by-issue basis was unworkable, and admonished that "courts can and should minimize such inconveniences by proposing to close proceedings only in the rarest of circumstances." (*Id.* at p. 1226.)

Applying the First Amendment, Rules of Court 2.550 and 2.551, and *NBC Subsidiary* here, all sealed court filings in this matter from April 20, 2022 onward should be unsealed in their entirety. Neither the procedural nor the substantive prerequisites for sealing have been satisfied here. The parties have not demonstrated, and to our knowledge the Court has not expressly and specifically found on the record, that *any* overriding interest in nondisclosure could justify *any* sealing or closure here – let alone the wholesale sealing of most of the records filed in this case following its transfer to this Court – especially considering the acute public interest in access here. Since the register of actions in this case is itself largely sealed or withled, motions to seal have not been publicly docketed in this Court, and, as a result, First Amendment-compliant public notice of motions to seal was never provided. And, to our knowledge, no party has presented evidence that explains and the Court has not expressly found on the record, as to any of the many sealed records in this case, let alone all of them, that sealing is narrowly tailored to an overriding interest in nondisclosure or that there is no less restrictive means available to protect such an interest. Nor could they have (especially now that jury selection is done). It is almost impossible justify blanket sealing or closure under the First Amendment, see *NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1224-25, and blanket sealing or closure is not, and cannot be, justified here.

The April 15, 2021 "gag order" cannot, and does not, justify any sealing or closure here. To the extent that the order purports to require sealing or closure, it must be lifted or modified because the First Amendment, Rule of Court-based, and common law requirements for sealing

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and closure are not satisfied, just as the blanket closure order in *NBC Subsidiary* was vacated.[4] The same goes for any other order that purports to require sealing or closure here; to the extent any order purports to require sealing or closure that the First Amendment, the Rules of Court, and the common law do not allow, it should be lifted or modified to harmonize it with the law.

Even if the parties could demonstrate and the Court could expressly and specifically find that there is an "overriding" interest in nondisclosure here (and no such demonstration or finding has been made, to the News Media Coalition's knowledge), limited redaction, rather than blanket sealing, is the only way to protect that interest. To seal presumptively public judicial records, the proponent of sealing must prove, *In re Providian Credit Card Cases*, *supra*, 96 Cal.App.4th at p. 301, and the Court must expressly and specifically find that sealing is narrowly tailored to address an overriding interest in nondisclosure. Blanket, wholesale sealing is not permitted.

Moreover, sealing or closure is not permitted if there are less restrictive means available to protect any overriding interest. The United States Supreme Court has held:

> [R]isk of prejudice does not automatically justify refusing public access to hearings on every motion to suppress. Through *voir dire,* cumbersome as it is in some circumstances, a court can identify those jurors whose prior knowledge of the case would disable them from rendering an impartial verdict. And even if closure were justified for the hearings on a motion to suppress, closure of an entire 41-day proceeding would rarely be warranted.

(*Press-Enterprise II*, *supra*, 478 U.S. at p. 15; see *ibid.* ["The First Amendment right of access cannot be overcome by the conclusory assertion that publicity might deprive the defendant of that right.' "].) "[A]s a general matter, cautionary admonitions and instructions must be considered a presumptively reasonable alternative [to secrecy] – a presumption that may be overcome only in exceptional circumstances." (*NBC Subsidiary*, *supra*, 20 Cal.4th at pp. 1223-24.)

The extensive news media coverage of this case is not enough to meet the standards for sealing. Prejudice to fair trial rights cannot be presumed from publicity. (*Nebraska Press Assn. v. Stuart* (1976) 427 U.S. 539, 554; see also *People v. Mendonsa* (1982) 137 Cal.App.3d 888, 895

[4] At a minimum, the April 15, 2021 "gag order" should be modified to remove "court clerks and baliffs" from page 1, line 23 and "judicial officers or employees" from page 1, line 24, and to include language that confirms no other provision of the order applies to the Court, court clerks or baliffs, or judicial officers or employees. To the extent that the order applies to the Court, it is inconsistent with the First Amendment, Rules of Court 2.550 and 2.551, and the common law.

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["[T]here is no presumption that an accused suffers prejudice from unfriendly news stories."].) In *Odle v. Superior Court* (1982) 32 Cal.3d 932, 942, a case involving the murder of an 18-year-old woman with a two-year-old child, and a police officer, the Supreme Court observed, "It is . . . difficult to envision an eventual capital case which will not receive extensive media coverage, at least for a short period of time." There, the Court affirmed denial of a venue change motion – where the "reasonable likelihood of prejudice" standard is far lower than the standard for sealing in Rule 2.550(d) - from Contra Costa County, which then had a population of 666,000 reasoning,

> If the early publicity attendant on a capital case alone suffices to raise a doubt as to the likelihood of a fair and impartial trial, a change of venue would perforce be required in every such case. . . . Time dims all memory and its passage serves to attenuate the likelihood that early extensive publicity will have any significant impact at the time of trial. It also serves to resolve any doubt concerning the likelihood that Odle can receive a fair and impartial trial in Contra Costa County.

(*Id.* at pp. 942-43.) Here, *a fortiori*, fair trial concerns do not meet the far more demanding First Amendment and Rule 2.550 requirements for any sealing, let alone the extensive sealing that has occurred in this case, particularly now that the trial is to be held in a different venue than the one in which the alleged crime in this case was committed and the jury has been chosen. Nor is sealing narrowly tailored to or the least restrictive means of addressing such concerns. Cautionary admonitions to the jury, or even sequestration, are less restrictive alternatives to closure that would address any fair trial concerns here.[5]

D. THE COURT'S APPARENT "DUAL-DOCKETING" SYSTEM IN THIS CASE IS INCONSISTENT WITH THE FIRST AMENDMENT, RULES OF COURT 2.550 AND 2.551, THE COMMON LAW, AND RULES OF COURT 2.503 AND 2.507.

The First Amendment right of access to judicial records and proceedings extends to not only court filings, but also registers of actions. (See *Hartford Courant Co. v. Pellegrino* (2d Cir.

[5] The common law right of access indepdendently requires that the records sought be unsealed. It covers a broader universe of judicial records than the First Amendment, and applies to all of the records sought by this Motion *a fortiori*. (See *Sander v. State Bar of Cal.* (2013) 58 Cal.4th 300, 318 [setting forth the breadth of the common law right of access].) Like the First Amendment, it makes records it covers "presumptively accessible to the public," *id.* at p. 319, and prohibits sealing them "[a]bsent strong countervailing reasons," *id.* at p. 318 [internal citation and quotation marks omitted]. And, the burden to justify sealing rests on the party that advocates for it. (*Id.* at pp. 318-19; see also Evid. Code § 500.) That burden has not been, and cannot be, met here given the strength of the public interest in access and the weakness of any interest in sealing.

2004) 380 F.3d 83, 93-96 [holding that newspaper and public had qualified First Amendment right of access to docket sheets in civil and criminal cases]; *Doe v. Public Citizen* (4th Cir. 2014) 749 F.3d 246, 268-69 [same]; *United States v. Valenti* (11th Cir. 1993) 987 F.2d 708, 715 [holding that a "dual-docketing" system involving a public docket stripped of information about certain filings and an internal docket that contained this information violated the First Amendment]; see also *Courthouse News Service v. Planet* (9th Cir. 2014) 750 F.3d 776, 787 [citing *Hartford Courant* with approval for a different proposition].) Access to registers of actions is necessary for the press and the public to effectuate their rights of access to underlying court records and proceedings. The common law right of access applies as well. (See *Sander*, *supra*, 58 Cal.4th at p. 318.)

The register of actions in this case has apparently been largely sealed or withheld, since the public version contains very little useful information. That is inconsistent with the First Amendment, Rules of Court 2.550 and 2.551, and the common law. First, to our knowledge, neither the parties nor the Court followed the sealing procedures required by the First Amendment. No notice of motion to seal the register of actions was ever publicly docketed. No evidence establishing that all of the First Amendment requirements for sealing are satisfied as to the register of actions has, to our knowledge, ever been presented. Nor are we aware of any express, specific, on-the-record findings by the Court that sealing or withholding the register of actions, in whole or in part, meets the First Amendment standards. (See Cal. R. Ct. 2.550.)

Second, there is no conceivable justification for sealing or withholding the register of actions here. Registers of actions contain basic case information like the names of Court filings, the disposition of motions, and hearing information. (See Cal. R. Ct. 2.507(b)(3).) Disclosing this kind of basic information will harm nothing, and will help the news media and the public a great deal in observing these proceedings. Thus, there is neither an "overriding interest" that overcomes the public interest in access under the First Amendment, nor a "countervailing reason[]" that justifies under the common law. Sealing is not narrowly tailored to any theorretical overriding interest in closure. And, again, the Court has other less-restrictive means to address fair trial concerns: careful instructions to the jury and, if necessary, sequestration.

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The limited information included in the current publicly available register of actions also falls short of the requirements of Rules of Court 2.503(b) and 2.507(b)(3)(H). (See also Cal. Const., art. I, § 3(b)(2) [court rules must be broadly construed to the extent that they provide a right of access, and narrowly construed to the extent that they limit access].) Rule 2.503(b) states that if the Court "maintains" "registers of actions" "in electronic form," it "must provide electronic access *to them*," and not to a less-informative replacement. Further, Rule of Court 2.507(b)(3)(H) requires registers of actions to include "descri[ptions] of each event." The difficult-to-decipher charaterizations of events in the current register of actions do not qualify.[6]

E. THE COURT SHOULD AUTHORIZE REMOTE ACCESS TO ALL RECORDS AND FILINGS IN THIS CASE UNDER RULE OF COURT 2.503(E) AND THE FIRST AMENDMENT.

Rule of Court 2.503(e) allows the Court to authorize remote access to records in a criminal case if it finds that the case is "extraordinary." The Court may authorize remote access in a criminal proceeding if " (1) the number of requests for access to documents in the case is extraordinarily high and (2) responding to those requests would significantly burden the operations of the court." (Cal. R. Ct. 2.503(e).) The Court should consider "relevant" factors when exercising its discretion under this rule, "such as" (A) "The privacy interests of parties, victims, witnesses, and court personnel, and the ability of the court to redact sensitive personal information"; (B) "The benefits to and burdens on the parties in allowing remote access, including possible impacts on jury selection"; and (C) "The burdens on the court in responding to an extraordinarily high number of requests for access to documents." (Cal. R. Ct. 2.503(e)(1).)

This is a textbook case for remote access. The number of requests for records in this case is presumably already unusually high, and will increase as more records become available. Remote access will not harm any privacy interests; public records in this closely-watched case will inevitably be requested and disclosed to the public regardless of whether remote access is authorized. The benefits of remote access far outweigh any detriments, and remote access will not negatively impact jury selection, which the Court has now completed.

[6] The April 15, 2021 order should be lifted or modified to the extent necessary grant this Motion.

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The First Amendment right of timely access to judicial records and proceedings is an independent ground for authorizing remote access here. At present, to obtain copies of judicial records in this case, Ms. Jones must either drive from San Luis Obispo to Salinas and retrieve them in person or request them by U.S. Mail, which can take weeks. Others face similar obstacles. There is no good reason for this delay, especially considering that the Court uses an electronic filing system, presumably has electronic copies of all filings in this case readily available, and can presumably enable remote access to records in this case with relative ease. The widespread adoption of remote access procedures during the COVID-19 pandemic confirm that remote access is workable and can benefit the parties, the press, the public, and the Court.

The delay in access that denying remote access has caused, coupled with the absence of a justification for the denial, is inconsistent with the First Amendment. A court policy that delays access must satisfy two criteria to be consistent with the timely access right. First, there must be "a substantial probability that [the Court's] interest in the fair and orderly administration of justice would be impaired by immediate access." (*Courthouse News Service*, *supra*, 947 F.3d at p. 596.) Second, there must be no reasonable alternative ways to " 'adequately protect' that government interest" available. (*Id.* at pp. 595-96 & n.8; see also *Courthouse News Service v. Hade* (E.D.Va. Jan. 14, 2022) Civil Action No. 3:21cv460-HEH, 2022 WL 141532, at **3-5 [denying motion to dismiss First Amendment challenge to remote access limitation].) The denial of remote access here passes neither test. Remote access would not impair the Court's interest in the fair and orderly administration of justice. And, again, if the Court has fair trial concerns, juror admonitions and instructions or sequestration are reasonable alternative ways to address them.

IV. CONCLUSION

The First Amendment, Rules of Court 2.550 and 2.551, and the common law require the unsealing of all of the many court filings in this matter from April 20, 2022 onward that are now sealed. They also require the unsealing of the register of actions. And, remote access should be authorized under both Rule of Court 2.503(e) and the First Amendment. This Motion should be granted.

/ /

DATED: July 14, 2022

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By: _____
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REQUEST FOR HEARING

The News Media Coalition respectfully requests the opportunity to be heard by the Court in person on the matters set forth in this Motion at the earliest possible time. As the Ninth Circuit recently reaffirmed, the press and the public have a right of timely access to judicial records under the First Amendment. (*Courthouse News Service*, *supra*, 947 F.3d at p. 594 [internal citations and quotation marks omitted].) "The newsworthiness of a particular story is often fleeting. To delay or postpone disclosure undermines the benefit of public scrutiny and may have the same result as complete suppression." (*Ibid.*) The News Media Coalition, the press, and the public need contemporaneous access to the many records that have been filed under seal over the past several months, and to future court filings in this matter, to report on developments in this case while they are newsworthy and to use the information it is entitled to in a way that will best inform readers and the public.

DATED: July 14, 2022

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DECLARATION OF CHLOE JONES

I, CHLOE JONES, declare:

1. I am a Courts & Crime Reporter at *The Tribune*, a member of the coalition of news media organizations that filed the instant motion to unseal and request for remote access. *The Tribune* serves and focuses its coverage on the City of San Luis Obispo and San Luis Obispo County, where it is the largest daily newspaper by circulation. I make this declaration based on personal knowledge, and, if called as a witness, I could testify to the facts stated herein.

2. I hold undergraduate and graduate degrees in investigative journalism, and I have dedicated my entire career thus far working as a professional journalist. I earned a B.A. in Journalism in May 2019 and an M.A. in Investigative Journalism in December 2020 from Arizona State University's Walter Cronkite School of Journalism and Mass Communication. I worked as a News Intern at KJZZ 91.5, an NPR Member Station in Phoenix, Arizona in 2018 and 2019; in various reporter roles at Cronkite News – Arizona PBS from 2019-2020; as a Reporting Fellow at News 21 in Phoenix, Arizona, where I led several in-depth investigative reporting efforts, from January through August 2020; as a Breaking News Intern at The Arizona Republic/azcentral and an Investigative Reporter at the Howard Center for Investigative Journalism from August through December 2020; as a freelance journalist covering, among other things, breaking news for the Arizona Mirror from May 2020 through January 2021; and as a Roy Howard Fellow and Digital Reporter for PBS NewsHour in Phoenix, Arizona from 2021-2022. I joined *The Tribune* as a Courts and Crime Reporter in January 2022, and I have worked there ever since.

3. At *The Tribune*, I have covered a wide range of topics, including Kristin Smart's disappearance, law enforcement's investigation of Ms. Smart's disappearance, and this criminal case. I have covered this case since I joined *The Tribune*, and I intend to continue covering this case through trial.

4. The press and the public have a compelling interest in access to judicial records and proceedings in all court cases. However, in my opinion, this case is particularly newsworthy, and the public has a particularly compelling interest in access to records and proceedings in this

case. This case is an attempt to solve a mystery that has unsettled San Luis Obispo residents for decades. Everyone in the San Luis Obispo community has a powerful interest in verifying for themselves that, despite a decades-long delay, the judicial process is working in this case and that the result makes sense and is consistent with the evidence and the law. The San Luis Obispo community also has a powerful interest in understanding how and why the juries in this case reach their eventual verdicts – from those who helped search for Ms. Smart when she disappeared, to Ms. Smart's former colleagues at California Polytechnic State University, to Ms. Smart's family and friends, to residents who had little personal involvement with Ms. Smart's disappearance but will nevertheless feel safer and trust their institutions more after watching the judicial process work here and understanding the factual and legal basis for the result.

5. Beginning when this case was transferred to this Court, I encountered multiple barriers to my and *The Tribune*'s coverage of the case.

A. First, the majority of court filings and records in the case created after the case was transferred to this Court are sealed and inaccessible to the press and the public. Attached hereto as **Exhibit A** is a spreadsheet I prepared based on my review of the register of actions and my communications with the Court that identifies filings in this case following its transfer to this Court that are sealed and filings that are public. The spreadsheet shows the extent of the wholesale sealing of records in this case, including the sealing of almost all of the parties' substantive court filings and the Court's rulings. As well, I am aware from my visits to the San Luis Obispo County Superior Court that, in that Court, motions related to the preliminary hearing, and those that came after, in this case are almost all public, yet motions in limine in this Court are all under seal, even though some of them appear to address the same categories of evidence that these earlier motions did, and some of them appear to address evidence that was publicly presented at the preliminary hearing.

Sealing all moving, opposition, and reply papers in their entirety makes it impossible to report on the parties' written factual and legal arguments and much more difficult to report on the oral arguments of counsel and the Court's rulings on the parties' motions. This kind of sealing also makes it much harder to assess which hearings are likely to be newsworthy, to

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prepare to report on motion hearings by investigating relevant issues or conducting relevant interviews before they occur (and to prepare to report effectively on each day of testimony at the coming trial), and to explain what is happening in the case and why to my readers and the public.

The wholesale sealing of all filings related to the parties' motions in limine, motions to dismiss, and motions regarding third party culpability and electronic evidence found in the Flores home, in particular, has posed challenges for *The Tribune*'s coverage of this case. With respect to the motions in limine, for example, it is my understanding that the Court's rulings on those motions may determine what evidence can and cannot be presented at trial. It is important for *The Tribune* and other news organizations to be able to explain to our readers what evidence will and will not be presented and why; the public is already aware, due to previous reporting, of certain evidence in this case that one might view as significant, and the public should not be left to guess about the legal basis for admitting or excluding such evidence at trial. With respect to the motions to dismiss and the motions regarding third party culpability and Paul Flores's 1996 statements, it is my understanding that these motions speak to the merits of the case and to the need to impanel and try the case to two separate juries. The public needs access to filings related to these motions as well to understand the proceedings in this case and to evaluate the result.

The wholesale sealing of almost all filings and court orders related to whether sealing is appropriate is also problematic. Sealing these records makes it impossible for the press and the public to evaluate and challenge sealing decisions on a record-by-record basis. And, sealing these records means that not only can members of the public not access judicial records related to the merits of this case, they cannot identify with confidence what records are being withheld or the extent of the sealing, and they cannot assess the parties' and the Court's reasons for secrecy or meaningfully evaluate whether secrecy is appropriate.

B. Second, the Court's publicly available register of actions in this case provides virtually no useful information about the nature of each court filing. In other courts, in my experience, registers of actions or docket sheets identify each filing by name, which makes it possible to ascertain the basic nature of each filing. The Court's register of actions in this case,

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however, provides virtually no substantive information about each filing, instead labeling each filing with abstract terms like "motion," "affidavit," or "document: other." The press and the public need to know what each document is to determine when they need to advocate for their right of access on a document-by-document basis, and to report effectively on the proceedings in this case.

C. Third, requiring *The Tribune* and other members of the press to access court records in this case by asking for them on a record-by-record basis from the Court's clerk is particularly problematic in this case, and this is in my opinion a textbook case for which it makes sense to authorize remote access. The public's interest in (and thus the news media's interest in covering) this case is unusually high, and I presume, based on this fact, that the volume of requests for records by the news media and the public is already likewise unusually high and will increase further in advance of and during the trial. Unsealing records in this case, consistent with this Motion, may further increase the volume of records requests. I also expect, based on my experience requesting records from the Court thus far, that keeping up with this unusually high volume of requests will be increasingly challenging for the Court's staff, which I understand also has other responsibilities at the Court. Finally, confirming that the case is extraordinary and that the Court should approve remote access here, requiring *The Tribune* to ask the Court clerk whether records are sealed or unsealed, and requiring *The Tribune* to travel to the Monterey County Superior Court computer by refusing to respond to requests electronically and only providing a mail option that can take thirty (30) days to obtain a response, inherently and unnecessarily delays access to those records. While I appreciate the clerk's office's efforts to timely respond to my records questions related to this case to date, the Court's process inherently delays access to records. The process is particularly burdensome and obstructive here, given the lack of information about each filing provided by the Court's register of actions in its current public form.

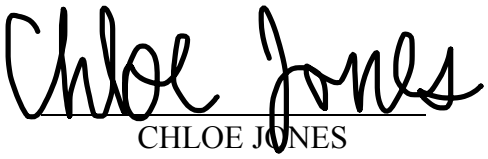
By way of background, I informally asked the Court to authorize remote access in this case in a June 10, 2022 e-mail, and the Court declined. The Court's media liason responded, "The Court has considered the possibility of designating Flores an extraordinary criminal case

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under CRC 2.503, however, has decided not to designate it as such at this time." When I asked for more information, the liason declined to elaborate on the Court's decision.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 14th day of July, 2022 in Pismo Beach, California.



CHLOE JONES

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EXHIBIT A

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
1	Paul	4/20/22	Document: Other		Y	Soil sample orde	N
2	Paul	4/21/22	Document: Other		Y	Case summary fi	N
3	Paul	4/21/22	Document: Other		Y	Case summary fi	N
4	Paul	4/22/22	Application (no fe	Flores	N		N
5	Paul	4/22/22	Application (no fe	Flores	N		N
6	Paul	4/25/22	Minute Order; Out of Court Entry		Y	order assigning c	N
7	Paul	4/27/22	Affidavit: Peremp	People	Y	people saying va	N
8	Paul	4/28/22	Minute Order; Out of Court Entry		Y	order assigning c	N
9	Paul	5/16/22	Order	People	N		N
10	Paul	5/16/22	Order	People	N		N
11	Paul	5/16/22	Affidavit	People	N		N
12	Paul	5/16/22	Request	People	N		N
13	Paul	5/26/22	Order		Y	media decorum c	Y
14	Paul	5/27/22	Proof of Service	People	Y	motion to seal Be	N
15	Paul	5/27/22	Affidavit	People	Y	motion seal Benc	N
16	Paul	5/27/22	Motion	People	Y	motion to seal Be	N
17	Paul	5/31/22	Request: Media Coverage		Y	media	Y
18	Paul	5/31/22	Order:Media Coverage		Y	media	Y
19	Paul	5/31/22	Order:Media Coverage		Y	media	Y
20	Paul	5/31/22	Order:Media Coverage		Y	media	Y
21	Paul	5/31/22	Order:Media Coverage		Y	media	Y
22	Paul	5/31/22	Order:Media Coverage		Y	media	Y
23	Paul	5/31/22	Order:Media Coverage		Y	media	Y
24	Paul	5/31/22	Request: Media Coverage		Y	media	Y
25	Paul	5/31/22	Request: Media Coverage		Y	media	Y
26	Paul	5/31/22	Request: Media Coverage		Y	media	Y
27	Paul	5/31/22	Request: Media Coverage		Y	media	Y
28	Paul	5/31/22	Request: Media Coverage		Y	media	Y
29	Paul	5/31/22	Request: Media Coverage		Y	media	Y
30	Paul	5/31/22	Brief	NBCUniversal M	Y	media	Y
31	Paul	5/31/22	Request: Media (	NBCUniversal M	Y	media	Y

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32	Paul	5/31/22	Proof of Service	People	N		N
33	Paul	5/31/22	Affidavit	People	N		N
34	Paul	5/31/22	Memorandum	People	N		N
35	Paul	5/31/22	Minute Order; Out of Court Entry		Y	Order to strike Pe	N
36	Paul	5/31/22	Proof of Service	People	N		N
37	Paul	5/31/22	Proof of Service	People	N		N
38	Paul	5/31/22	Order	Flores	N		N
39	Paul	5/31/22	Order	People	N		N
40	Paul	5/31/22	Order	People	N		N
41	Paul	5/31/22	Order	People	Y	denial to seal Be	N
42	Paul	5/31/22	Motion	Flores	N		N
43	Paul	5/31/22	Motion	Flores	N		N
44	Paul	5/31/22	Motion	Flores	N		N
45	Paul	5/31/22	Motion	Flores	N		N
46	Paul	5/31/22	Application (no fe	Flores	N		N
47	Paul	5/31/22	Affidavit	People	N		N
48	Paul	5/31/22	Motion	People	N		N
49	Paul	5/31/22	Affidavit	People	N		N
50	Paul	5/31/22	Motion	People	N		N
51	Paul	6/1/22	Order:Media Coverage		Y	media	Y
52	Paul	6/1/22	Order:Media Coverage		Y	media	Y
53	Paul	6/1/22	Request: Media Coverage		Y	media	Y
54	Paul	6/1/22	Order:Media Coverage		Y	media	Y
55	Paul	6/1/22	Request: Media Coverage		Y	media	Y
56	Paul	6/1/22	Affidavit	People	N		N
57	Paul	6/1/22	Request	People	N		N
58	Paul	6/1/22	Affidavit	People	N		N
59	Paul	6/1/22	Motion		N		N
60	Paul	6/1/22	Motion	Flores	N		N
61	Paul	6/1/22	Motion	Flores	N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
62	Paul	6/1/22	Application (no fe	Flores	N		N
63	Paul	6/1/22	Minute Order; Out of Court Entry		Y	media, Order allo	Y
64	Paul	6/1/22	Motion	People	N		N
65	Paul	6/2/22	Request: Media Coverage		Y	media	Y
66	Paul	6/3/22	Proof	People	N		N
67	Paul	6/3/22	Application (no fe	People	N		N
68	Paul	6/3/22	Declaration	People	N		N
69	Paul	6/3/22	Declaration	People	N		N
70	Paul	6/3/22	Opposition/Objec	People	N		N
71	Paul	6/3/22	Opposition/Objections		N		N
72	Paul	6/3/22	Application (no fe	Flores	N		N
73	Paul	6/3/22	Order:Media Coverage		Y	media	Y
74	Paul	6/3/22	Motion	Flores	N		N
75	Paul	6/3/22	Application (no fe	Flores	N		N
76	Paul	6/6/22	Order	People	N		N
77	Paul	6/6/22	Order	People	N		N
78	Paul	6/6/22	Order	People	N		N
79	Paul	6/6/22	Affidavit	People	N		N
80	Paul	6/6/22	Motion	People	N		N
81	Paul	6/6/22	Motion	People	N		N
82	Paul	6/6/22	Motion	People	N		N
83	Paul	6/7/22	Affidavit	People	N		N
84	Paul	6/7/22	Motion	People	N		N
85	Paul	6/7/22	Affidavit	People	N		N
86	Paul	6/7/22	Motion	People	N		N
87	Paul	6/9/22	Motion	Flores	N		N
88	Paul	6/9/22	Application (no fe	Flores	N		N
89	Paul	6/9/22	Order		N		N
90	Paul	6/9/22	Document: Other		Y	media request	Y
91	Paul	6/10/22	Application (no fe	Flores	N		N

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92	Paul	6/10/22	Application (no fe	Flores	N		N
93	Paul	6/13/22	Minute Order		N		N
94	Paul	6/14/22	Order		N		N
95	Paul	6/14/22	Minute Order		N		N
96	Paul	6/15/22	Minute Order		N		N
97	Paul	6/16/22	Minute Order		N		N
98	Paul	6/16/22	Notice	Flores	N		N
99	Paul	6/16/22	Application (no fe	Flores	N		N
100	Paul	6/17/22	Minute Order		N		N
101	Paul	6/20/22	Minute Order: Out Of Court Entry		Y	trial calendar cha	N
102	Paul	6/22/2022	Order: Media Coverage		Y	media related	Y
103	Paul	6/23/22	Order	People	N		N
104	Paul	6/23/22	Proof		N		N
105	Paul	6/23/22	Affidavit		N		N
106	Paul	6/23/22	Opposition/Objections		N		N
107	Paul	6/23/22	Order	Flores	N		N
108	Paul	6/23/22	Order: Media Co	NBCUniversal, e	Y	media	Y
109	Paul	6/23/22	Proof		N		N
110	Paul	6/23/22	Affidavit		N		N
111	Paul	6/23/22	Motion		N		N
112	Paul	6/23/22	Motion	Flores	N		N
113	Paul	6/23/22	Application (no fe	Flores	N		N
114	Paul	6/24/22	Order	Flores	N		N
115	Paul	6/24/22	Order	People	N		N
116	Paul	6/24/22	Order	People	N		N
117	Paul	6/24/22	Order	People	N		N
118	Paul	6/24/22	Order	Flores	N		N
119	Paul	6/24/22	Order	Flores	N		N
120	Paul	6/24/22	Order	People	N		N
121	Paul	6/24/22	Proof		N		N

ID	Case	File Date	File Type	Filed by	Public?	Notes	Media related?
122	Paul	6/24/22	Affidavit		N		N
123	Paul	6/24/22	Motion		N		N
124	Paul	6/24/22	Order		N		N
125	Paul	6/24/22	Order		N		N
126	Paul	6/27/22	Minute Order		N		N
127	Paul	6/28/22	Minute Order		N		N
128	Paul	6/28/22	Order	People	N		N
129	Paul	6/28/22	Order	Flores	N		N
130	Paul	6/28/22	Order	Flores	N		N
131	Paul	6/30/22	Motion	Susan Flores	N		N
132	Paul	7/5/22	Affidavit	People	N		N
133	Paul	7/5/22	Motion	People	N		N
134	Paul	7/5/22	Affidavit	People	N		N
135	Paul	7/5/22	Motion	People	N		N
136	Paul	7/5/22	Affidavit	People	N		N
137	Paul	7/5/22	Motion	People	N		N
138	Ruben	4/21/22	Minute Order		Y	change or venue	N
139	Ruben	4/21/22	Document: Other		Y	Case summary fi	N
140	Ruben	4/21/22	Affidavit: Peremp	Flores	Y	says monterey ju	N
141	Ruben	4/21/22	Document: Other		Y	Case summary fi	N
142	Ruben	4/27/22	Affidavit: Peremptory Challenge C(		Y	says monterey ju	N
143	Ruben	5/23/22	Minute Order: Out of Court Entry		Y	modified bail so h	N
144	Ruben	5/26/22	Order		Y	media decorum c	Y
145	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
146	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
147	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
148	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
149	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
150	Ruben	5/31/22	Order: Media Coverage		Y	media	Y
151	Ruben	5/31/22	Request: Media Coverage		Y	media	Y

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152	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
153	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
154	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
155	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
156	Ruben	5/31/22	Request: Media Coverage		Y	media	Y
157	Ruben	5/31/22	Affidavit	NBCUniversal, e	Y	media	Y
158	Ruben	5/31/22	Request	NBCUniversal, e	Y	media	Y
159	Ruben	5/31/22	Proof of Service	People	Y	motion to seal Be	N
160	Ruben	5/31/22	Order	People	Y	denial to seal Be	N
161	Ruben	5/31/22	Affidavit	People	Y	motion to seal Be	N
162	Ruben	5/31/22	Minute Order: Out of Court Entry		Y	Order to strike Pe	N
163	Ruben	5/31/22	Motion		Y	motion to seal Be	N
164	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
165	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
166	Ruben	6/1/22	Request: Media Coverage		Y	media	Y
167	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
168	Ruben	6/1/22	Request: Media Coverage		Y	media	Y
169	Ruben	6/1/22	Order: Media Coverage		Y	media	Y
170	Ruben	6/1/22	Request: Media Coverage		Y	media	Y
171	Ruben	6/2/22	Request: Media Coverage		Y	media	Y
172	Ruben	6/9/22	Order		Y	media request	Y
173	Ruben	6/9/22	Document: Other		Y	media request	Y
174	Ruben	6/22/22	Order: Media Coverage		Y	media request	Y
175	Ruben	6/23/22	Order: Media Co	NBCUniversal, e	Y	media request	Y
176	Ruben	4/26/22	Report		N		N
177	Ruben	4/28/22	Minute Order		N		N
178	Ruben	5/16/22	Affidavit	People	N		N
179	Ruben	5/16/22	Request	People	N		N
180	Ruben	5/20/22	Order	People	N		N
181	Ruben	5/20/22	Order	People	N		N

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182	Ruben	5/31/22	Proof of Service	People	N		N
183	Ruben	5/31/22	Affidavit		N		N
184	Ruben	5/31/22	Memorandum	People	N		N
185	Ruben	5/31/22	Affidavit	People	N		N
186	Ruben	5/31/22	Order	People	N		N
187	Ruben	5/31/22	Affidavit	People	N		N
188	Ruben	5/31/22	Proof of Service	People	N		N
189	Ruben	5/31/22	Proof of Service	People	N		N
190	Ruben	5/31/22	Order	People	N		N
191	Ruben	5/31/22	Motion	People	N		N
192	Ruben	5/31/22	Motion	People	N		N
193	Ruben	6/1/22	Affidavit	People	N		N
194	Ruben	6/1/22	Request	People	N		N
195	Ruben	6/1/22	Affidavit	People	N		N
196	Ruben	6/1/22	Motion		N		N
197	Ruben	6/1/22	Motion	People	N		N
198	Ruben	6/3/22	Declaration		N		N
199	Ruben	6/3/22	Motion: In Limine		N		N
200	Ruben	6/6/22	Order	People	N		N
201	Ruben	6/6/22	Order	People	N		N
202	Ruben	6/6/22	Order	People	N		N
203	Ruben	6/6/22	Affidavit	People	N		N
204	Ruben	6/6/22	Motion	People	N		N
205	Ruben	6/6/22	Motion	People	N		N
206	Ruben	6/6/22	Motion	People	N		N
207	Ruben	6/7/22	Affidavit	People	N		N
208	Ruben	6/7/22	Motion	People	N		N
209	Ruben	6/7/22	Affidavit	People	N		N
210	Ruben	6/7/22	Motion	People	N		N
211	Ruben	6/13/22	Minute Order		N		N

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212	Ruben	6/14/22	Minute Order		N		N
213	Ruben	6/15/22	Minute Order		N		N
214	Ruben	6/16/22	Minute Order		N		N
215	Ruben	6/17/22	Minute Order		N		N
216	Ruben	6/23/22	Proof		N		N
217	Ruben	6/23/22	Affidavit		N		N
218	Ruben	6/23/22	Opposition/Objections		N		N
219	Ruben	6/23/22	Proof		N		N
220	Ruben	6/23/22	Affidavit		N		N
221	Ruben	6/23/22	Motion		N		N
222	Ruben	6/24/22	Order	People	N		N
223	Ruben	6/24/22	Order	People	N		N
224	Ruben	6/24/22	Order	People	N		N
225	Ruben	6/24/22	Order	People	N		N
226	Ruben	6/24/22	Proof		N		N
227	Ruben	6/24/22	Affidavit		N		N
228	Ruben	6/24/22	Motion		N		N
229	Ruben	6/24/22	Order		N		N
230	Ruben	6/24/22	Order		N		N
231	Ruben	6/27/22	Application (no fe	Flores	N		N
232	Ruben	6/27/22	Application (no fe	Flores	N		N
233	Ruben	6/27/22	Order		N		N
234	Ruben	6/27/22	Order		N		N
235	Ruben	6/28/22	Order	People	N		N
236	Ruben	6/28/22	Order	Flores	N		N
237	Ruben	6/30/22	Motion	Susan Flores	N		N
238	Ruben	7/5/22	Affidavit	People	N		N
239	Ruben	7/5/22	Motion	People	N		N
240	Ruben	7/5/22	Affidavit	People	N		N
241	Ruben	7/5/22	Motion	People	N		N

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242	Ruben	7/5/22	Affidavit	People	N		N
243	Ruben	7/5/22	Motion	People	N		N