

DAVIS WRIGHT TREMAINE LLP

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KRISTIN PERRY; SANDRA B. STIER; PAUL T.  
KATAMI; JEFFREY J. ZARRILLO,

Plaintiffs,

vs.

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

Defendants

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

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

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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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