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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11  
12 Kristin M. Perry, et al., ) Case No. 09-cv-2292  
13 )  
Plaintiffs, )  
14 ) UNOPPOSED MOTION FOR  
v. ) LEAVE TO FILE AMICUS BRIEF IN  
15 ) SUPPORT OF MOTION TO  
16 ) UNSEAL  
17 )  
Edmund G. "Jerry" Brown, Jr., Governor of )  
California, )  
18 )  
Defendant. )  
\_\_\_\_\_

**UNOPPOSED MOTION FOR LEAVE TO FILE *AMICUS* BRIEF**

Pursuant to Local Rule 7-11, proposed *Amicus Curiae* American Civil Liberties Union of Northern California (“ACLU-NC”) requests leave to file a brief in support of Intervenor KQED, Inc.’s motion to unseal audio-visual recordings, lodged in the court’s file, of the public trial regarding the constitutionality of Proposition 8, a 2008 statewide ballot measure that denied same-sex couples the freedom to marry in California. KQED’s motion to unseal involves a balance of the public’s interest in access to judicial records and the privacy interests of the litigants in the underlying litigation. As an organization that advocates for open government and individual privacy rights, the ACLU-NC is uniquely situated to address the legal issues raised by this motion. The proposed *amicus* brief discusses the weighty interests underlying the public’s right to access records of judicial proceedings, and explains why the reliance interests of parties to the proceedings cannot continue to outweigh the media’s and the public’s right to view these newsworthy court records.

**Interest of Amicus Curiae**

The ACLU-NC, founded in 1934 and based in San Francisco, has approximately 158,000 members. It is an affiliate of the national American Civil Liberties Union, a nationwide, nonprofit, nonpartisan membership organization, dedicated to protecting civil rights and civil liberties. The ACLU-NC is dedicated to promoting freedom of speech and open government. For example, it has filed numerous successful actions in this district under the Freedom of Information Act. *See, e.g., American Civil Liberties Union of Northern California v. Department of Justice*, N.D. Cal. Case No. 12-cv-04008-MEJ; *American Civil Liberties Union of Northern California v. Department of Justice*, N.D. Cal. Case No. 13-cv-03127-MEJ; *Alliance of Californians for Community Empowerment v. Federal Housing Finance Agency*, N.D. Cal. Case No. 13-cv-05618-KAW. At the same time, the ACLU-NC seeks to advance privacy rights through legislation and litigation. The ACLU-NC, for example, was a primary sponsor of the California Electronic Communications Privacy Act, and has authored numerous *amicus* briefs in cutting edge digital privacy matters. *See, e.g., United States v. Gilton*, Ninth Cir. Case No. 16-10109; *In re*

1 *Application for Telephone Information Needed for Criminal Investigation*, N.D. Cal. Case No. 15-  
2 xr-90304-HRL-1 (LHK).

3 **Efforts to Obtain a Stipulation**

4 In advance of filing this motion, *amicus* contacted counsel for the proponents of  
5 Proposition 8, who indicated that his clients did not oppose the filing of this *amicus* brief in  
6 support of KQED's motion to unseal. *See* Lye Decl. at ¶ 4.

7 *Amicus* is filing this motion and the accompanying proposed *amicus* brief on May 22,  
8 2017, nine days before the opposition to the motion to unseal is due. The filing of this *amicus*  
9 brief would therefore not delay the schedule set forth by this Court. *See* Dkt. No. 862.

10 For the foregoing reasons, the ACLU-NC respectfully requests leave to file the  
11 accompanying *amicus* brief in support of Intervenor KQED's motion to unseal.

12  
13 Dated: May 22, 2017

Respectfully Submitted,

14 By:     /s/ Linda Lye    

15 Linda Lye

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