

1 XAVIER BECERRA
 Attorney General of California
 2 BENJAMIN M. GLICKMAN
 Supervising Deputy Attorney General
 3 SETH E. GOLDSTEIN
 Deputy Attorney General
 4 State Bar No. 238228
 1300 I Street, Suite 125
 5 P.O. Box 944255
 Sacramento, CA 94244-2550
 6 Telephone: (916) 210-6063
 Fax: (916) 324-8835
 7 E-mail: Seth.Goldstein@doj.ca.gov
Attorneys for State Defendants

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11

12
 13 **KRISTIN M. PERRY, et al.,**

14 Plaintiffs,

15 v.

16
 17 **GAVIN NEWSOM, in his official capacity
 as Governor of California, et al.,**

18 Defendants.

19 and

20 **DENNIS HOLLINGSWORTH, et al.**

21
 22 Defendants-Intervenors.
 23

3:09-cv-02292-WHO

**STATEMENT OF OPPOSITION TO
 DEFENDANT-INTERVENORS'
 MOTION TO CONTINUE THE SEAL**

Date: June 17, 2020
 Time: 2:00 p.m.
 Judge: The Honorable William H.
 Orrick

24 State Defendants oppose Defendant-Intervenors' motion to continue the seal of the video
 25 recordings of the trial in this matter. Dkt. # 892. This Court recognized several years ago that
 26 former rule 79-5 requires the release of the recordings "absent . . . compelling reasons . . . to
 27
 28

1 continue to seal them.” Dkt. # 878 at 15. That decision was correct.¹ Defendant-Intervenors’
2 motion fails to present any compelling reasons to maintain the seal, and instead primarily
3 attempts to reargue the basis for this Court’s previous ruling. Dkt. # 892.

4 It has now been more than ten years since the historic trial in this action. Given the strong
5 presumption in favor of access to court records, and the public interest in transparency, this Court
6 should deny the motion and release the video recordings on August 12 pursuant to this Court’s
7 prior order. *See Courthouse News Serv. v. Planet*, 947 F.3d 581, 589 (9th Cir. 2020) (“Openness
8 in judicial proceedings enhances both the basic fairness of the proceeding and the appearance of
9 fairness so essential to public confidence in the system . . . and forms an indispensable predicate
10 to free expression about the workings of government.”) (citations and internal quotations
11 omitted.)

12
13 Dated: May 13, 2020

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 BENJAMIN M. GLICKMAN
Supervising Deputy Attorney General

17
18 /s/ Seth E. Goldstein
19 SETH E. GOLDSTEIN
20 Deputy Attorney General
21 *Attorneys for State Defendants*

22
23
24
25
26
27
28 _____
¹ State Defendants did not oppose Intervenor KQED’s 2017 motion to unseal the video recordings. Dkt. # 869.

CERTIFICATE OF SERVICE

Case Name: **Kristin M. Perry, et al. v.** No. **3:09-cv-02292-WHO**
Arnold Schwarzenegger, et al.

I hereby certify that on May 13, 2020, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STATEMENT OF OPPOSITION TO DEFENDANT-INTERVENORS' MOTION TO CONTINUE THE SEAL

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 13, 2020, at Sacramento, California.

Eileen A. Ennis

Declarant

/s/ Eileen A. Ennis

Signature