

FIRST AMENDMENT PROJECT

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April 6, 2007

VIA ECF

The Honorable Susan Illston
Judge, United States District Court
450 Golden Gate Avenue
19th Floor, courtroom 10
San Francisco, CA 94102

Re: *Reilly v. MediaNews Group, Inc., et. al.*
Case No. 06-cv-04332-SI

Dear Judge Illston:

This letter regards the sealing of Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment and the supporting Declaration of Daniel Shulman. This Court entered its Order sealing these records on March 27, 2007, four days after the records were lodged with the Court, but before the parties designating the records as sealable had the opportunity to submit the supporting declarations required by Local Rule 79-5(d).

Intervenors write to acknowledge that as of today, April 6, 2007, various Defendants have late-filed the declarations and proposed orders with regard to the sealed documents as required by Local Rule 79-5(d).

Intervenors request that this Court vacate its March 27 Sealing Order and enter a new order after review of the Defendants' declarations filed today.

In considering whether to seal all or any portion of the records, we note that the Court should apply the more stringent standard applicable to dispositive matters. This is a more demanding standard than the more routine one previously used by the Court in this litigation on preliminary matters. *See California ex rel. Lockyer v. Safeway, Inc.*, 355 F. Supp. 2d, 1111, 1115 (C.D. Cal. 2005). In brief, the Court should not seal a record submitted with a dispositive motion unless Defendants have made the required showing of "compelling reasons" and a balancing of "all relevant factors" to justifies sealing. *Id.*

Thank you for your time and attention to this matter.

Cordially,

/s/

James Wheaton
Attorneys for Intervenors Media Alliance and San
Francisco Bay Guardian