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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LOLA KRUGEL,)	CV 06-5116 SVW (PLAx)
)	
Plaintiff,)	ORDER GRANTING NON-PARTY PRESS
)	ORGANIZATIONS' REQUEST TO
v.)	INTERVENE FOR LIMITED PURPOSE
)	[182]
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

The Non-Party Press Organizations have requested to intervene for the limited purpose of opposing the government's sealing request and to request an order unsealing trial transcripts and related court documents. The Ninth Circuit has held that non-parties may intervene under such circumstances to challenge restrictions on First Amendment rights. See Beckman Indus., Inc. v. Int'l Ins. Co., 966 F.2d 470, 473 (9th Cir. 1996). Accordingly, the Press Organizations' motion to intervene is GRANTED.

1 On July 23, 2009, the Court issued an order setting a procedure
2 and briefing schedule in order to determine which portions of the trial
3 should remain under seal, and which portions will be made available to
4 the public. With the intervention of the Press Organizations, however,
5 additional issues have been raised. For one, the Press Organizations
6 seek not only to unseal the trial transcript, but also the numerous
7 pretrial pleadings in this case.

8 In light of these new issues, the Court seeks additional briefing.
9 The Court generally agrees with the Press Organizations that the
10 applicable standard is akin to strict scrutiny, where the party seeking
11 to keep information under seal must demonstrate a compelling interest,
12 and the protective order must be narrowly tailored. See Richmond
13 Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980). As a result, the
14 parties are ordered to respond to the concerns raised by the Press
15 Organizations, and substantiate their claims that certain information
16 should remain under seal. Of particular interest to the Court is the
17 Press Organizations' argument that some of the information that is
18 subject to the protective order was published in the Court's June 16
19 Order. The parties should address whether this disclosure acts as a
20 waiver to the secrecy of this information for all purposes.

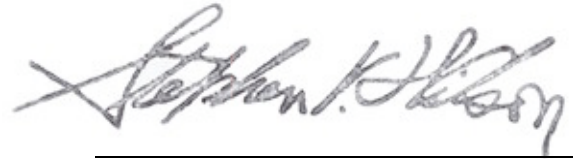
21 The defense shall file a brief not to exceed ten pages on August
22 13, 2009. The plaintiff shall file a brief not to exceed ten pages on
23 August 17, 2009. The Press Organizations shall file a brief not to
24 exceed ten pages on August 20, 2009. The defense may then file a five
25 page reply brief on August 24, 2009. The defense shall also identify
26 which pretrial filings contained information regarding the Symbols
27 Manual or the Program Statement, and shall cite with particularity to
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1 those portions of those pretrial filings that the defense contends
2 should remain under seal.

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IT IS SO ORDERED.

DATED: August 7, 2009



STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE