

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 1:11CR161-1
)
JOHNNY REID EDWARDS,)
)
Defendant.)

MOTION FOR LEAVE TO INTERVENE
AND FOR ACCESS TO JUDICIAL RECORDS

This Motion for Leave to Intervene and for Access to Judicial Records is filed on behalf of The News and Observer Publishing Company d/b/a *The News & Observer*; Capitol Broadcasting Company, Incorporated d/b/a WRAL-TV; The New York Times Company; Media General Operations, Inc.; Time Warner Entertainment-Advance/Newhouse Partnership d/b/a News 14 Carolina; ABC, Inc.; WTVD Television, LLC d/b/a WTVD-TV; the Charlotte Observer Publishing Co. d/b/a *The Charlotte Observer*; NBCUniversal; and the Associated Press (collectively, “the Movants”). The Movants respectfully move this honorable court for leave to intervene in this proceeding for the limited purpose of asserting and protecting their and the public's presumptive right of access to judicial documents as conferred by the First Amendment to the Constitution of the United States; the Jury Selection and Service Act, 28 U.S. § 1861, et seq.; and common law. Specifically, the Movants seek to intervene so that they may move the court to release the names and addresses of the jurors in this case at or before the time they are released from their jury service. As explained in detail below, the grounds for this motion are that in the absence of any extraordinary and compelling government interest that cannot be served by any alternate means, the public has a

presumptive right of access to such court records and information. In support of this motion the Movants show unto the court the following.

1. The News and Observer Publishing Company (“N&O”) is a North Carolina corporation that maintains its principal place of business in Raleigh, Wake County, North Carolina. Among other things, the company publishes *The News & Observer*, a general interest newspaper that is published in Wake County and distributed throughout the surrounding area of North Carolina. *The News & Observer* also publishes an online edition at www.newsobserver.com.

2. Capitol Broadcasting Company, Incorporated (“Capitol Broadcasting”) is a North Carolina corporation whose principal place of business is located in Raleigh, Wake County, North Carolina. Capitol Broadcasting is a diversified communications company which, among other things, owns and operates five television stations in North Carolina, including WRAL-TV in Raleigh which covers news in the Research Triangle and surrounding areas of Piedmont and Eastern North Carolina, including Wake County and its surrounds. Capitol Broadcasting also disseminates its news coverage online at www.wral.com.

3. The New York Times Company (“NYT”) is a leading global, multimedia news and information company that has its principal place of business in New York, New York. NYT’s media properties include The New York Times, the International Herald Tribune, The Boston Globe, NYTimes.com, BostonGlobe.com, Boston.com, About.com and related properties. NYT’s core purpose is to enhance society by creating, collecting and distributing high-quality news, information and entertainment.

4. Media General Operations, Inc. (“Media General”) is a Delaware corporation whose principal place of business is located in Richmond, Virginia. Media

General is a diversified communications company which, among other things, publishes *Winston-Salem Journal*, *Independent Tribune*, *The News Herald*, the *Hickory Daily Record*, *Statesville Record & Landmark*, *Mooresville Tribune*, *The McDowell News*, and owns and operates WNCN-TV and WNCT-TV. Media General also disseminates its news coverage online at www.journalnow.com and <http://nbc17.mync.com/site/nbc17>.

5. “News 14 Carolina” is an assumed name of Time Warner Entertainment-Advance/Newhouse Partnership (“TWEAN”), a New York general partnership with principal place of business in New York, N.Y. TWEAN is an indirect subsidiary of Time Warner Cable Inc. and part of a group of entities doing business as Time Warner Cable—the second largest cable operator in the U.S., with technologically advanced, well-clustered systems located mainly in five geographic areas—New York State (including New York City), the Carolinas, Ohio, southern California (including Los Angeles) and Texas. Time Warner Cable serves approximately 14 million customers who subscribe to one or more of its video, high speed data and voice services. TWEAN is the legal entity that provided local programming services under the name of “News 14 Carolina” in its Charlotte, Greensboro, Raleigh and Wilmington, N.C. service areas. “News 14 Carolina” also disseminates its news coverage online at www.news14.com.

6. ABC, Inc. is a broad-based communications company with significant holdings in the United States and abroad. Alone or through its subsidiaries, it owns ABC News, abcnews.com, and local broadcast television stations such as WTVD (TV) in Raleigh/Durham, N.C. that regularly gather and report news to the public. ABC News produces the television programs *World News with Diane Sawyer*, *20/20*, *Good Morning America* and *Nightline*, among others.

7. WTVD Television, LLC is a Delaware corporation with its principal place of business in Durham, North Carolina. It owns and operates the television station WTVD ABC 11 in Raleigh-Durham, North Carolina. WTVD ABC 11, among other things, gathers and disseminates news to the public, serving a twenty-three county viewing area in Central and Eastern North Carolina.

8. The Charlotte Observer Publishing Company is a Delaware corporation that maintains its principal place of business in Mecklenburg County, North Carolina. Among other things, the company publishes *The Charlotte Observer*, a general interest newspaper that is published in Mecklenburg County and distributed throughout the surrounding areas of North Carolina and South Carolina. The Observer also publishes an online edition at www.charlotteobserver.com.

9. NBCUniversal owns and operates a varied portfolio of news and entertainment television networks, including a group of television stations, the NBC Television Network, and NBC News. NBC News provides more than 30 hours of television news programming each week, including the *NBC Nightly News with Brian Williams*, *Today*, and *Meet the Press*. Through its affiliated cable channel, MSNBC, NBC News provides round-the-clock coverage of news events throughout the world.

10. The Associated Press is a not-for-profit news cooperative that has its principal place of business in New York, New York, and maintains a North Carolina bureau in Wake County, North Carolina. As the world's largest news-gathering organization, the AP provides coverage of international, national, state and local news in conjunction with more than 1,700 newspapers and 5,000 radio and television outlets.

The AP's North Carolina bureau regularly covers news of interest in all 100 counties of North Carolina, including news about judicial proceedings in state and federal courts.

11. The Movants do not have any legal interest in the merits or outcome of this prosecution and wish to intervene solely for the purpose of protecting their rights and the rights of the public to have access to judicial proceedings and to inspect and copy judicial records.

12. Allowing the Movants to intervene will allow them to protect the public's interest in access to judicial records.

13. Pursuant to local rule LCrR24.1(c), Movants are denied access to judicial records absent a ruling from the Court

WHEREFORE, the Movants respectfully move the court to permit their intervention for the limited purpose set forth above; to permit their filing of this motion and of the accompanying memorandum of law in support of same; and to schedule a hearing on their request for access to certain records and information in this proceeding that are not now publicly available.

Respectfully submitted this 23d day of May, 2012.

/s/ Hugh Stevens

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2012, I electronically filed the foregoing Memorandum in Support of Motion for Leave to Intervene and for Access to Judicial Records with the Clerk of Court using the CM/ECF system, which will send notification of such filing as follows:

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This the 23d day of May, 2012.

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