

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:20-cv-3010

HON AMIT P. MEHTA

STATE OF COLORADO, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:20-cv-3010

HON AMIT P. MEHTA

**THE NEW YORK TIMES COMPANY'S MOTION TO INTERVENE AND FOR
ACCESS TO JUDICIAL RECORDS**

Pursuant to Federal Rule of Civil Procedure 24(b), The New York Times Company (“The Times”), by and through its undersigned counsel, hereby moves to intervene in this matter for the limited purpose of seeking access to judicial records that are sealed or have otherwise not been made publicly available. In support of this motion, The Times relies on the accompanying Memorandum of Points and Authorities. As demonstrated in that Memorandum, The Times’s limited intervention in this matter is proper and the Court should unseal or make available the requested records.

Pursuant to Local Rule 7(m), undersigned counsel for The Times certifies that it contacted Plaintiffs, Google, and Apple to determine whether they oppose the relief sought in this motion.

The DOJ Plaintiffs do not take a position on the motion but asked The Times to include this statement: “The United States has and will continue to advocate for public access, *see e.g.* August 11, 2023 Status Hearing Transcript at 62-63 re: public access line (Dkt. No. 644), Joint Status Report re: Public Posting of Trial Exhibits (Dkt. No. 714), Submission re: Confidentiality of Apple Testimony (Dkt. No. 716); Public Posting of Trial Exhibits (Dkt. No. 725), and at this time takes no further position on intervenor’s requests.”

Google opposes The Times’s requests to unseal two specific exhibits and any declarations submitted in connection with sealing requests. It also opposes The Times’s requests to unseal the Cue and Dischler transcripts and any briefs submitted in connection with requests to seal portions of those witnesses’ testimony. As to The Times’s request that the Court modify its September 28, 2023, Order on Posting Trial Materials, Google said it “believe[s] the existing processes are adequate and consistent with appropriate public access in this matter” and would not comment further without seeing The Times’s motion.

The State Plaintiffs and Apple did not respond with their position on The Times’s motion.

Dated: October 16, 2023

Respectfully submitted,

/s/ Al-Amyr Sumar

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