

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**THOMAS C. and PAMELA McINTOSH**

**PLAINTIFFS**

v.

**No. 1:06cv1080-LTS-RHW**

**STATE FARM FIRE & CASUALTY COMPANY**

**DEFENDANT**

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**OBJECTION OF GULF PUBLISHING COMPANY, INC.  
TO MOTION OF NON-PARTIES RICHARD F. SCRUGGS AND D. ZACHARY  
SCRUGGS FOR PROTECTIVE ORDER**

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COMES NOW Gulf Publishing Company, Inc. (“Gulf Publishing”), which publishes *The Sun Herald* newspaper in Gulfport, Mississippi, and files this its Objection to Motion of Non-Parties Richard F. Scruggs and D. Zachary Scruggs for Protective Order. In support, Gulf Publishing would show that the public and press have a qualified First Amendment and common law right of access to the courtroom and court file in this case and to reasonable advance notice of any motion or order to close the courtroom or court file. *Press Enterprise Co. v. Superior Court of California*, 464 U.S. 501, 507-11, 104 S.Ct. 819, 823-24, 78 L.Ed.2d 629 (1984) (*Press Enterprise I*); *Press Enterprise Co. v. Superior Court of California*, 478 U.S. 1, 13-15, 106 S.Ct. 2735, 2743, 92 L.Ed.2d 1 (1986) (*Press Enterprise II*); *United States of America v. Nix*, 976 F.Supp. 417, 419-20 (S.D. Miss. 1997); and Uniform District Court Rule 83.6.

Gulf Publishing would show that on the 25<sup>th</sup> day of July, 2008, non-parties Richard F. Scruggs and D. Zachary Scruggs filed a Motion of Non-Parties Richard F. Scruggs and D. Zachary Scruggs for Protective Order [Doc. 1232].

In further support of the motion, Gulf Publishing respectfully shows that pleadings submitted and/or filed under seal as well as any further closure of the court file or courtroom, particularly without reasonable advance notice to the public and press, are in violation of the First Amendment right of the press and public to an open courtroom and court file.

This motion is filed pursuant to Uniform Local District Rule 7.2(H) as an urgent and necessitous matter. An early hearing is in the best interest of the Court, the parties, the public, and Gulf Publishing.

Accordingly, Gulf Publishing requests that the Court schedule a hearing on this motion as soon as practical; and afterwards the Court should order the entire court file including the Motion of Non-Parties Richard F. Scruggs and D. Zachary Scruggs for Protective Order to be unsealed and to remain unsealed, that Gulf Publishing be furnished copies of any transcripts or oral argument on motions to seal the court file or close the courtroom, and that Gulf Publishing and the public be given reasonable notice of any motion or attempt to seal the court file or close the courtroom so that Gulf Publishing can object to any such sealing or closure.

Respectfully submitted this the 29<sup>th</sup> day of July, 2008.

**GULF PUBLISHING COMPANY, INC.**

By: s/Henry Laird  
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## CERTIFICATE OF SERVICE

I, Henry Laird, do hereby certify that I have this date electronically filed the foregoing Objection of Gulf Publishing Company, Inc. to Motion of Non-Parties Richard F. Scruggs and D. Zachary Scruggs for Protective Order with the Court using the ECF system which sent notification of such filing to the following:

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