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the Utah Headliners Chapter of the Society of  
Professional Journalists

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**IN THE FIFTH DISTRICT COURT IN AND FOR WASHINGTON COUNTY**

**STATE OF UTAH**

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STATE OF UTAH,

Plaintiff,

vs.

WARREN STEED JEFFS,

Defendant.

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ASSOCIATED PRESS, CNN, DESERET  
NEWS PUBLISHING COMPANY, publisher  
of the *DESERET MORNING NEWS*, *THE  
SALT LAKE TRIBUNE*, *THE SPECTRUM*,  
*THE DAILY HERALD*, BONNEVILLE  
INTERNATIONAL CORPORATION d/b/a  
KSL-TV, FOUR POINTS MEDIA GROUP  
OF SALT LAKE CITY, INC. d/b/a KUTV 2  
NEWS, THE UTAH MEDIA COALITION,  
and THE UTAH HEADLINERS CHAPTER  
OF THE SOCIETY OF PROFESSIONAL  
JOURNALISTS,

Intervenors.

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**[PROPOSED] ORDER  
CONCERNING BRIEFING AND  
HEARING ON CLOSURE  
MOTIONS**

Criminal No. 061500526

Judge James L. Shumate

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The Court, having considered the Media Intervenors' Motion for Entry of Order Concerning Briefing and Hearing of Closure Motions, and Request for Expedited Consideration and Ruling dated June 22, 2007 ("Motion"), for the reasons set forth in the Motion, and good cause appearing therefore, HEREBY ORDERS as follows:

1. Defendant Warren Steed Jeffs ("Defendant") has indicated an intent to file a motion to seal certain motions in limine, supporting memoranda, and documents related thereto in this case, and to file a motion to close to the public and the news media the pre-trial hearing on such motions currently scheduled for July 20, 2007 at 9:00 a.m. Plaintiff State of Utah ("State") also may seek to file certain materials under seal and to close the portion of the hearing relating to such matters. Any such motions or requests by the Defendant or State to seal court filings or close court hearings to the public and the news media, including any supporting memoranda and related materials, are collectively referred to herein as the "Closure Motions."

2. Consistent with the procedure set forth in Rule 4-202.04 of the *Utah Code of Judicial Administration*, *Kearns-Tribune Corp. v. Lewis*, 685 P.2d 515, 523 (Utah 1984), and *Society of Professional Journalists v. Bullock*, 743 P.2d 1177, 1178 n.15 (Utah 1987), the following procedure shall govern the briefing and hearing of any Closure Motions:

a. Any Closure Motions shall be filed with the Court and served upon counsel for the Media Intervenors, via e-mail or facsimile, on or before July 6, 2007. To the extent such Closure Motions reveal evidence or information that, if disclosed, the Defendant

and/or State claim would create a substantial probability of prejudice to Defendant's fair trial rights, the portions of such Motions may be filed provisionally under seal, with redacted versions filed in the public court file, provided that counsel for Defendant and/or the State serve complete and unredacted copies of such Motions upon counsel for the Media Intervenors. Counsel for the Media Intervenors shall treat the portions of these filings that reveal such evidence or information as if presented *in camera* and shall not disclose the content of those portions of such filings without permission of the Court.

b. Counsel for the Media Intervenors shall file their responses to any Closure Motions, and serve such responses on counsel for Defendant and the State via e-mail or facsimile, on or before July 16, 2007. To the extent the responses filed by the Media Intervenors reveal evidence or information that, if disclosed, the Defendant and/or State claim would create a substantial probability of prejudice to Defendant's fair trial rights, the portions of such responses shall be filed provisionally under seal, with redacted versions filed in the public court file. Counsel for the Media Intervenors shall treat the portions of these filings that reveal such evidence or information as if presented *in camera* and shall not disclose the content of those portions of such filings without permission of the Court.

c. Beginning at 9:00 a.m. on July 17, 2007, the Court shall hear argument on any Closure Motions (the "Closure Hearing"). The Closure Hearing shall be open to the public and the news media; provided, however, that the Court may allow counsel to make limited

argument, *in camera* if needed and if the court determines appropriate, of the information and evidence that, if disclosed, the Defendant and/or State claims would create a substantial probability of prejudice to Defendant's fair trial rights. Counsel for the Media Intervenors may attend any *in camera* proceeding related to the Closure Hearing and may participate in a manner consistent with *Society of Professional Journalists v. Bullock*, 743 P.2d 1166 (Utah 1987).

DATED this \_\_\_\_ day of June 2007.

BY THE COURT:

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Honorable James L. Shumate  
Fifth District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22 day of June 2007, a true and correct copy of the foregoing **[PROPOSED] ORDER CONCERNING BRIEFING AND HEARING ON CLOSURE MOTIONS** was sent via United States mail, postage prepaid, to:

Brock R. Belnap  
Ryan Shaum  
WASHINGTON COUNTY ATTORNEY'S OFFICE  
178 North 200 East  
St. George, UT 84770

Richard A. Wright  
WRIGHT, JUDD & WINCKLER  
Bank of America Plaza  
300 South Fourth Street, Suite 701  
Las Vegas, Nevada 89101

and served via hand-delivery to:

Walter F. Bugden  
Tara L. Isaacson  
BUGDEN & ISAACSON, LLC  
445 East 200 South, #150  
Salt Lake City, UT 84111

  
Jeffrey J. Hunt