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September 15, 2009

Via CM/ECF, E-mail and First Class Mail

The Hon. Vincent J. Poppiti
Fox Rothschild LLP
P.O. Box 2323
Wilmington, DE 19801

Re: *Advanced Micro Devices, Inc. v. Intel Corporation*, C.A. No. 05-441-JJF
In re Intel Corporation Microprocessor Antitrust Litigation, MDL No. 05-1717-JJF
Paul v. Intel Corporation, C.A. No. 05-485-JJF

Dear Judge Poppiti:

I write on behalf of the Computer & Communications Industry Association (“CCIA”), the New York Times Company, Situation Publishing Ltd., Dow Jones & Co., Inc., The Washington Post, the Reporters Committee for Freedom of the Press (collectively, the “Access Movants”). As Your Honor may recall, the Access Movants intervened in the above-referenced action to challenge the extent of sealing of documents from the public record. The matter was resolved, with Your Honor’s assistance, by the entry of an Order on April 29, 2009 setting a protocol for dealing with sealed documents.

I have received from Your Honor Invoice 987854, assessing my clients \$591.75, and Invoice 993927, assessing my clients \$6,182.00, for Your Honor’s services. This letter is to request respectfully that Your Honor reallocate those costs away from the Access Movants.

In bringing their motion, the Access Movants were seeking to vindicate the public’s right of access to judicial records. While of course they have their own interests, nonetheless those interests are congruent with, and support and enforce the public’s right of access, whether such rights arise under the First Amendment or the common law.

It would create a chilling effect on the exercise of the public’s right of access if special masters’ fees were assessed for resolution of access motions. This is

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especially true since it was the actual parties' conduct in oversealing which necessitated the access motion in the first instance.

In *Joint Stock Society v. UDV North American, Inc.*, 104 F.Supp.2d 390 (D. Del. 2000), a reporter moved to intervene to unseal documents. Judge Sleet appointed a special master to deal exclusively with the access issues. The fees were allocated solely between the parties to the litigation, and the reporter was not assessed any part of the cost. *Id.* at 416-16.

The Access Movants also respectfully point out that Judge Farnan's Order of April 27, 2006 appointing a Special Master states, at paragraph 8, that the compensation of the Special Master is to be borne by the parties. The Access Movants were not "parties" with the contemplation of the Court at the time the Order was entered. More importantly, those seeking intervention for the limited purpose of unsealing judicial records do not become parties to the litigation. *See Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 776 (3rd Cir. 1990).

For these reasons, as a matter of public policy and judicial interpretation, the Access Movants respectfully request that Your Honor modify the invoices to delete the Access Movants as parties liable in any part for Your Honor's fees.

As always, I am available at the convenience of the Court to answer any questions Your Honor may have.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Finger', with a horizontal line extending to the left and a circular flourish at the end.

David L. Finger
(DE Bar ID #2556)

cc: Richard L. Horwitz, Esq. (via CM/ECF and e-mail)
Frederick L. Cottrell, Esq. (via CM/ECF and e-mail)
James L. Holtzman, Esq. (via CM/ECF and e-mail)