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22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **FOR THE COUNTY OF SAN FRANCISCO**

24 **IN RE SEARCH OF SF BAY AREA**
25 **IMC (INDYBAY)**
26 **WWW.INDYBAY.ORG**

27 **Case No. 24500108**

28 **STIPULATED FACTS AND ~~(PROPOSED)~~ ORDER**

Hearing: March 7, 2024

Time: 9:00 a.m.

Dept: 23

Judge: Hon. Linda Colfax

The Parties, San Francisco Police Department ("SFPD") and IndyBay, hereby agree and stipulate to the following:

ENDORSED
FILED
San Francisco County Superior Court

MAR 07 2024

CLERK OF THE COURT
CECILLI NELSON
BY: _____ Deputy Clerk

1 1. On January 24, 2024, the Honorable Linda Colfax signed a warrant sought by SFPD to
2 search electronic data believed to be in the possession of IndyBay. The warrant ordered SFPD to
3 execute the search by January 31, 2024.

4 2. The warrant included an order prohibiting IndyBay from disclosing the existence of the
5 warrant for a period of ninety (90) days.

6 3. On January 24, 2024, SFPD served the warrant on IndyBay via e-mail.

7 4. On January 29, 2024, IndyBay requested that SFPD withdraw the warrant, citing
8 California Penal Code section 1524(g) and the federal Privacy Protection Act, 42 U.S.C. section
9 2000aa.
10

11 5. On January 31, 2024, SFPD informed IndyBay that they would take no further action on
12 the warrant. The warrant became void on February 3, 2024 as no search occurred and no records were
13 received.

14 6. On February 22, 2024, IndyBay lodged conditionally under seal a motion to quash the
15 warrant under California Penal Code sections 1524.3(f) and 1546.4(c) and to vacate the ninety-day
16 non-disclosure order as an unconstitutional content-based prior restraint on speech.

17 7. The Parties agree that the Court should vacate the non-disclosure order. The Parties
18 agree that the documents lodged with the Court should be unsealed.


19 Having reviewed and considered the motion and stipulation, the Court rules as follows:

20 **IT IS HEREBY ORDERED:**

21 1. The non-disclosure order is now vacated.

22 2. The motions lodged with the Court shall be filed by the clerk unsealed.

23 Dated: March 7, 2024

24
25 
26 The Honorable Linda Colfax
27 Judge of the Superior Court
28 County of San Francisco