



SUPREME COURT COPY

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**SUPREME COURT
FILED**

July 24, 2019

'JUL 26 2019

The Honorable Tani Cantil-Sakauye, Chief Justice
and the Honorable Associate Justices of the California Supreme Court
Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797

Jorge Navarrete Clerk

Deputy

Re: *Facebook v. Superior Court (Touchstone)*, Case No. S245203
Real Party in Interest Touchstone's Letter Brief regarding Judicial Notice of the
Superior Court Preliminary Hearing Transcript and Unsealing of Touchstone's
April 21, 2017 Declaration

To the Honorable Chief Justice Cantil-Sakauye and Honorable Associate Justices:

The Court has informed the parties that it contemplates taking judicial notice under Evidence Code sections 459 subdivision (c), and 455, subdivision (a), of the underlying preliminary hearing transcript and additionally contemplates unsealing the April 21, 2017 declaration and related exhibits filed in opposition to Facebook's motion to quash pursuant to California Rules of Court, rule 8.46(f)(3).

Real Party in Interest Touchstone submits to the Court's taking judicial notice of the underlying preliminary hearing transcript. Real Party in Interest Touchstone does not object to or oppose the unsealing of the declaration and supporting exhibits filed with the Superior Court on April 21, 2017. A review of these records will reveal to parties that the underlying subpoena was supported by good cause, as found by the Honorable Judge Danielsen in issuing the subpoena in March 2017 and the Honorable Judge So in denying Facebook's motion to quash in April 2017.

Respectfully submitted,

Katherine I. Tesch, Esq.
Deputy Alternate Public Defender
For Real Party in Interest Touchstone

PROOF OF SERVICE

I, undersigned declarant, state that I am a citizen of the United States and a resident of the County of San Diego, State of California. I am over the age of 18 years and not a party to the action herein. My office address is 450 "B" Street, Suite 1200, San Diego, California 92101.

On August 8, 2018, I personally served the attached Letter Brief regarding Judicial Notice and Unsealing to the following parties via U.S. Postal Service:

San Diego Superior Court, *Respondent*
Hon. Kenneth So, Judge C/O Judicial Services
1100 Union Street, San Diego, CA 92101

Perkins Coie LLP for Facebook, Inc., *Petitioner*
Attn: James Snell and Christian Lee
3150 Porter Drive, Palo Alto, California 94304

Gibson, Dunn & Crutcher LLP for Facebook, Inc., *Petitioner*
Attn: Joshua Lipshutz and Michael Holecek
555 Mission Street, San Francisco, CA 94105
333 South Grand Avenue, Los Angeles, CA 90071

San Diego County District Attorney, *Intervenor*
Attn: Karl Husoe, Deputy District Attorney
330 W. Broadway, Suite 860, San Diego, CA 92101

Court of Appeal, Fourth Appellate District, Division One
750 B Street, Suite 300, San Diego, California 92101

Supreme Court of California, Clerks Office / Filings
350 McAllister Street, San Francisco, CA 94102-4797

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 24, 2018, in San Diego, California.

Signed: _____

Printed: _____

DECLARANT