



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE OPIOID LITIGATION

Civil Action No. 21-C-9000 PHARM

THIS DOCUMENT APPLIES TO:

**STATE OF WEST VIRGINIA ex rel.
PATRICK MORRISEY, Attorney General,
Plaintiff,**

v.

Civil Action No. 22-C-111 PNM

**THE KROGER CO., et al
Defendants.**

ORDER REGARDING MEDIA AND COURTROOM DECORUM

Due to limited space in the Courtroom and high media interest in this matter, the Court finds good cause to enforce the provisions of Rule 8 of the West Virginia Trial Court Rules.¹ It is therefore **ORDERED** that:

1. Courtroom View Network (“CVN”) shall be permitted to provide livestream coverage of the trial proceedings. Media representatives or members of the public may contact David Siegel, CVN National Editor, at dsiegel@cvn.com regarding access to livestream coverage.
2. There will be no more than one still photographer with one camera and not more than two lenses and necessary related equipment in the Courtroom.
3. CVN’s camera and the still camera equipment shall not produce distracting sound or light in the Courtroom. If the Court is made aware of any complaints regarding the placement of CVN’s equipment or the still camera equipment, noise, distraction, or interference by CVN or the still camera in Court proceedings, the Court reserves the right to change the placement of CVN’s equipment or the placement of the still camera, or to discontinue coverage of Court proceedings.

¹ Pursuant to Rule 8.02, media personnel have an affirmative duty to read and abide by these rules, including those not specifically referenced in this Order.

4. The Court has full and final authority regarding the location and placement of CVN's camera and the still camera in the Courtroom, as well as what may be viewed in CVN's livestream of Court proceedings.
5. The Court has full and final authority regarding when CVN may begin its livestream of Court proceedings and when CVN's livestream concludes.
6. Any pooling arrangements among media representatives seeking to provide camera coverage that are required by these limitations on equipment and personnel shall be the sole responsibility of the media representatives. The Court will not resolve any dispute regarding the same. In the absence of an advance agreement on pooling by media representatives, the Court may exclude all contesting media equipment from the Courtroom.
7. ***No video recording, sound recording, or any other electronic duplication of Court proceedings is permitted in the Courtroom, other than the official Court Reporter's recording device(s). The only record of the Court's proceedings is the transcript taken by the official Court Reporter.***
8. To protect the attorney-client privilege and the right to effective assistance of counsel, there shall not be any broadcast of conferences occurring between or among attorneys and their clients, or between and among attorneys, their clients, and the Court. CVN cannot livestream anything other than opening statements, presentation of evidence, motions for directed verdict, and closing arguments.
9. No one except the parties or their attorneys have standing to address the Court or speak during the time that Court is in session. Should anyone violate this Order, they will immediately be asked to leave the Courtroom without further notice.

10. Media representatives and members of the public may carry cell phones or similar devices into the Courtroom. However, all cell phones or similar devices must be turned off (not merely set to vibrate mode) and out of sight while in the Courtroom. Use of the internet or telephone service for transmitting in any way from the Courtroom is prohibited.
11. Media representatives will be permitted to use laptops, tablets, or similar devices in the Courtroom *solely for the purpose of note taking*. Such devices shall not be used during the hearing for electronic based communications and shall not be set in a mode that permits transmission of any form of communication to any person or device either inside or outside of the Courthouse.
12. There will be no interviews, commentary, or interruptions of any kind in the Courtroom by any media representative.
13. No news media interviews whatsoever shall be conducted in the Courtroom or the immediate vicinity of the Courtroom.
14. Any person who violates the provisions of this Order regarding the use of electronic devices will be subject to sanctions, as appropriate.

A copy of this Order has been electronically served on all counsel of record via File & ServeXpress.

It is so **ORDERED**.

ENTERED: March 29, 2023.

/s/ Alan D. Moats
Lead Presiding Judge
Opioid Litigation

/s/ Derek C. Swope
Presiding Judge
Opioid Litigation