



STATE OF OKLAHOMA } S.S.
IN THE DISTRICT COURT OF CLEVELAND COUNTY }
STATE OF OKLAHOMA }
FILED

APR 16 2019

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER, ATTORNEY GENERAL)
OF OKLAHOMA,)
Plaintiff,)
)
vs.)
)
(1) PURDUE PHARMA L.P.;)
(2) PURDUE PHARMA, INC.;)
(3) THE PURDUE FREDERICK COMPANY;)
(4) TEVA PHARMACEUTICALS USA, INC.;)
(5) CEPHALON, INC.;)
(6) JOHNSON & JOHNSON;)
(7) JANSSEN PHARMACEUTICALS, INC.;)
(8) ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC., a/k/a)
JANSSEN PHARMACEUTICALS;)
(9) JANSSEN PHARMACEUTICA, INC, a/k/a)
JANSSEN PHARMACEUTICALS, INC.;)
(10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,)
f/k/a ACTAVIS, INC., f/k/a WATSON)
PHARMACEUTICALS, INC.;)
(11) WATSON LABORATORIES, INC.;)
(12) ACTAVIS LLC; and)
(13) ACTAVIS PHARMA, INC., f/k/a)
WATSTON PHARMA, INC.,)
Defendants.)

In the office of the
Court Clerk MARILYN WILLIAMS

Case No: CJ-2017-816
Judge Thad Balkman

ADMINISTRATIVE ORDER

On August 22, 2018, the Court entered an order allowing the presence of cameras in the courtroom during the trial of this matter. The following policies, procedures, and deadlines shall be followed:

Definitions

1. For purposes of this Order, and any subsequent orders regarding news media coverage of this case, “camera” includes television cameras, and other video recording devices. “Still camera” includes cameras, cell phones, or other devices capable of producing a still photograph.

2. The term “news media” includes a member of the journalism profession that regularly engages in the collection and dissemination of information to the public.

3. The term “video recording” includes the audio associated with a video recording and any other contemplated audio recording.

Policies

1. If the testimony of a witness, the introduction of evidence, or any proceeding would clearly constitute a substantial invasion of a recognizable privacy interest, a party or the person whose interest would be invaded may request the use of cameras be terminated or restricted. The Court, upon proper showing, or *sua sponte*, shall terminate or restrict the use of cameras for the least amount of time and in the least restrictive way to protect that specific privacy interest. The burden of proof shall be on the requesting party.

2. No person, as an individual, or as a representative of the media, may transmit video of any aspect of the trial, video record any part of the proceeding, or use a still photograph or photographs taken in the courtroom during the proceeding, unless a one-time request is made to the Court in compliance with the provisions of this Administrative Order. Any post-trial, auxiliary and/or subsequent use of any video or audio recording from the trial must be approved, in advance, by the Court. The parties shall be allowed to review requests and file an objection to post-trial use of the video or audio recording.

3. If a party wishes to object to the presence of cameras during the testimony of a particular witness, such objection must be made in compliance with the provisions of this Administrative Order.

4. The Court shall approve the specific video cameras, other necessary digital video equipment, and still cameras to be used during the trial. Such use of the approved equipment shall take into consideration the use of video display of photographs, documents, and other visual evidence, and audio evidence. The Court shall also approve the location of cameras in the courtroom as to not distract from the solemnity of the proceeding, including the placement of wires, cables, or wireless transmission equipment. The cameras and equipment shall be deployed in a discreet and unobtrusive fashion.

5. Recognizing the presence of cameras in the courtroom, all counsel shall abide by provisions of the Oklahoma Code of Professional Conduct and instruct representatives of the parties present in the courtroom to act in a proper manner as not to distract from the proceeding.

6. Credentialed media approved for digital recording of the trial or for still photography shall refrain from distracting participants or impair the dignity of the proceedings. If an offending person refuses to cease and desist objectionable behavior, the Court may act to end any activity, including the withdrawal of the credential of that person or media organization.

7. There shall be no video transmission, video recording, or still photography of any proceeding during the trial which the laws of the State of Oklahoma require to be held in private.

Procedures

1. The Oklahoma Publishing Company (OPUBCO) is hereby designated as the sole, single-source provider of all video transmission or recording of the proceedings as authorized by

the Court. On or before May 10, 2019, OPUBCO shall submit to the Special Master, by mail; Bob Burke, Esq., 308 N.W. 13th Street, Suite 200 B, Oklahoma City, Oklahoma, 73103; or by email; bob@bobburkelaw.com. a proposal that contains a specific description of cameras and other equipment proposed to be placed in the courtroom, a description of the capability of integrating the video presentation of a witness with the visual presentation of evidence, the number and placement of personnel necessary to operate cameras and other equipment, and the placement of cameras as to properly portray all participants in the trial and the Court.

2. OPUBCO shall provide the entire video transmission or recording, without charge, to any news media that has properly applied for, and approved for, credentials to access the video transmission or recording. Arrangements for the sharing of the video and audio fee are the sole responsibility of credentialed media. In the absence of a media agreement in regard to access of the video transmission or recording, the Court may designate the arrangements of such sharing.

3. In regard to still photography, there shall be only one credentialed media member at any one time allowed to take still photographs during the proceedings. Media members are encouraged to develop a plan for alternating access for still photography in order to give all media fair access to the courtroom and the proceedings. In the absence of an agreement, the Court may develop a rotating plan of access.

4. All requests for a media credential allowing for the use of the video and audio content, or still photographs, shall include the name of the media company, the individual making such request, the type of access or use desired, and the date of the request. All requests shall be received by the Special Master by May 10, 2019, The Special Master shall notify the Court and the parties by May 13, 2019, as to what media has made such application. The parties shall review the application list and provide any objection to any person on such list to the Special

Master by May 18, 2019. The Special Master then shall decide any objections. The parties may appeal any decisions of the Special Master to Judge Balkman.

5. After review of the applications and determination of any objections, the Special Master shall issue media credentials to any approved media seeking to access the video feed or use still photography.

6. All requests for terminating or otherwise restricting the use of cameras during the testimony of a particular witness, or any portion thereof, shall be made by counsel for a party or by the witness (or counsel for the witness) in writing, and shall include the name of the witness, the date of appearance of said witness, and the specific reasons for the request. If practicable, any such request shall be made at least 24 hours in advance of the appearance of the witness; and a copy of the request shall be provided to each credentialed media company.

7. Subject to the other requirements of this Order, or specific direction from the Court, camera operators are free to photograph or record anyone who participates in the trial. No camera shall focus on the papers, notes, or other documents of counsel or other trial participants in such a manner that the contents of the materials can be discerned by the viewer. No camera shall focus on exhibits until an exhibit is presented to a witness or introduced into evidence. Sidebar conferences among counsel and the Court can be photographed but shall not be audio recorded without express permission of the Court. No flash, strobe, or other artificial lights shall be used anywhere in the courtroom. Tripod-mounted cameras shall not be moved while the Court is in session.

8. The Court shall designate reserved seating for members of the news media. It is anticipated that members of the media who are seated in the courtroom may desire to use electronic devices to communicate with their organizations or to prepare and post online news

accounts and commentary during the proceedings. Media representatives may use an electronic device to silently take notes and transmit and receive data communications. A device shall not be used for audible communication or to live stream the proceedings via social media. The Court may prohibit or restrict such use if it interferes with the administration of justice, poses any threat to safety or security, or compromises the integrity of the proceedings.

9. Counsel for the parties shall give any witness called to testify in the proceeding advance notice of the presence of cameras in the courtroom and the applicable provisions of this Administrative Order.

IT IS SO ORDERED this 15th day of April, 2019.


Thad Balkman, District Judge