

FILED

Marilyn Burgess
District Clerk

FEB 24 2022

Time: 11:13 Am
Harris County, Texas
By: Ani Aguirre
Deputy

MASTER DOCKET NO. 2021-79885

p. 4

IN RE ASTROWORLD LITIGATION

§
§
§
§
§

IN THE DISTRICT COURT
11TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

**FIRST AMENDED ORDER CONCERNING THE
RECORDING AND BROADCASTING OF COURT PROCEEDINGS**

This Court has a duty to preserve each party's right to a fair trial by an impartial jury and, if possible, to ensure that potential jurors will not be prejudiced by pretrial publicity. Rule 18c of the Texas Rules of Civil Procedure, as well as the local rules for "Recording and Broadcasting of Proceedings" as adopted by Civil Trial Division of the District Courts of Harris County, set out the procedures for when and how a court proceeding may be recorded and broadcast by media.

The default rule is that the recording and broadcasting of court proceedings are prohibited. See Local Rule 5.1 of the "Recording and Broadcasting of Proceedings" as adopted by Civil Trial Division of the District Courts of Harris County. The Court, upon request, may allow for recording and/or broadcasting of proceedings.

The purposes of requiring court approval are to maintain the dignity, decorum and impartiality of the court proceedings, and to preserve and protect the participants' rights and interests. Further, in high profile cases, it is important to guard against excessive and prejudicial pretrial publicity. This Court takes judicial notice of

1. the unusually emotional nature of the issues involved in these cases; and
2. the extensive local and national media coverage these cases have already generated.

Local Rule 7 of the "Recording and Broadcasting of Proceedings" as adopted by Civil Trial Division of the District Courts of Harris County, addresses how the media may request permission to record and broadcast court proceedings. If more than one media

station desires to record or broadcast proceedings, the media is required to make pool arrangements. *See* Local Rule 7.2.6.

In recognition of extreme interest in this matter, the nature of the allegations being considered, and to ensure the fair, orderly administration of justice in this case and in other cases currently before our sister courts in the Harris County Civil Courthouse, the Court finds it necessary to issue the following **ORDER**:

1. After proceedings commence, all spectators and media representatives present in the courtroom shall be seated and shall not stand in the back of the Courtroom. No one shall be permitted to enter or exit the courtroom while proceedings are in progress without Court permission.
2. No video, sound recording, or still photography of any type will be permitted inside the courtroom during any proceeding in this matter.
3. Members of the media are only permitted to use cameras to record video through the windows in the ante chamber of the courtroom.
4. After proceedings are concluded, all spectators and media representatives shall immediately leave the Courtroom.
5. Members of the public and media personnel outside the courtroom shall not create distractions and shall avoid restricting movement of persons passing through the halls and/or the doors to the courtroom.
6. Any person having notice of this Order who violates it shall be subject to the Court's contempt power.
7. If an employee of a media organization or company violates this Order, they shall be subject to immediate removal from the courtroom and, if appropriate, from the Harris County Civil Courthouse.
8. All persons employed by a media organization, company or entity shall be presumed to have notice of all the provisions of this Order.

The current pandemic, COVID-19, has added additional layers of complexity to the issues of open courts, public access, and the broadcasting of court proceedings. While the Court may hold in-person proceedings, the Court may determine that it is in the best interests of the participants, the court staff, and the public to hold remote proceedings.

When the Court holds remote proceedings, the Court will make arrangements for public access to the Court's proceedings, except when the interests of the fair administration of justice dictate otherwise. *See generally, Waller v. Ga.*, 467 U.S. 39, 45-46, 104 S. Ct. 2210, 81 L.Ed.2d 31 (1984).

When this Court holds remote proceedings, the restrictions remain upon the press and/or the public that prohibit them from recording and/or re-broadcasting the Court's proceedings without prior Court authorization.


To ensure the fair, orderly administration of justice in these cases, the Court finds it necessary to issue the following **ORDER**:

1. No sound recordings or sound transmission of any type shall be permitted in the courtroom or antechamber of any courtroom in which the 11th District Court may conduct proceedings in this matter.
2. Members of the public and media personnel outside of the courtroom shall not create distractions and shall avoid restricting movement of persons passing through the halls and/or the doors to any courtroom in which the 11th District Court may conduct proceedings in this matter.
3. Members of the public, the parties, the parties' attorneys, and media observing proceedings remotely are prohibited from recording any of the video, audio, or still photos from the Court's remote proceeding.
4. Members of the public, the parties, the parties' attorneys, and media observing proceedings remotely are prohibited from re-broadcasting any of the video, audio, or still photos from the Court's remote proceeding.
5. Any person having notice of this Order who violates it shall be subject to sanctions or contempt pursuant to the Court's inherent powers.
6. If an individual or employee of a media organization or company violates this Order, they shall be subject to immediate removal from the courtroom and, if appropriate, from the Harris County Civil Courthouse.
7. All persons employed by a media organization, company, or entity shall be presumed to have notice of all the provisions of this Order.

The Court **FURTHER ORDERS** that a copy of this Order is to be posted on the District Courts' Website and distributed to all media outlets.

This Court shall entertain reasonable request, including those from the media to modify this Order as the need arises.

SIGNED FEBRUARY 24, 2022

A handwritten signature in black ink, appearing to read "Kristen Brauchle Hawkins", written over a horizontal line.

KRISTEN BRAUCHLE HAWKINS

PRESIDING JUDGE, 11TH JUDICIAL DISTRICT COURT