

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

ETHAN NORDEAN et al.,

Defendants.

Criminal Action No. 21-175 (TJK)

ORDER

To ensure that the proceedings in this matter are conducted in a fair and orderly manner, it is hereby ordered that the following rules shall govern these proceedings:

- I. Schedule: Trial in this matter shall begin with jury selection on December 19, 2022, at 9:30 a.m. in Courtroom 24. Trial will be held on Monday through Friday from 9:00 a.m. to 5:00 p.m., unless a different schedule is announced. The doors to Courtroom 24 will open approximately 30 minutes before proceedings begin.

The court will not sit for the week of December 26–30, 2022, on January 2, 2023, or on January 16, 2023. Trial is expected to last at least six weeks.

II. Courtroom 24

A. Reserved Seating

1. The first row of the right side of the courtroom gallery (facing the bench) is reserved for government counsel and personnel.
2. The first row of the left side of the courtroom gallery (facing the bench) is reserved for members and representatives of the defense team and Defendants' family members.
3. The second row of the right side of the courtroom gallery (facing the bench) is reserved for members of the media.
4. The second row of the left side of the courtroom gallery (facing the bench) is reserved for court staff and others as designated by the Court.
5. The third through fifth rows of the courtroom gallery will be open to members of the public and the media and will be filled on a first-come, first-served basis,

as directed by court staff. Interested parties may wait in line at a designated location outside of the courtroom.

6. Seating for sketch artists will be identified by the Court.
- B. All electronic devices must be turned completely off and stored while in Courtroom 24, except that attorneys representing the parties in this matter may use their laptops and electronic devices as necessary and authorized by the Court during the proceedings. No person may use an electronic device within the gallery of the courtroom unless explicitly authorized by the Court.
 - C. No conversations, inappropriate gestures, or activities that would disrupt the proceedings are permitted. The Court will enforce the U.S. Courts of the D.C. Circuit Courthouse Decorum Policy, which is incorporated into this Order (available at <https://www.dcd.uscourts.gov/sites/dcd/files/Courthouse%20Decorum%20Policy%20Final%20Version.pdf>).

III. Remote Locations

- A. Overflow Courtroom: As needed, and to the extent courthouse space allows, there will be a designated “overflow courtroom” to allow members of the public and media to watch a live audio/video feed of proceedings in Courtroom 24. The location of the overflow courtroom, if available, will be posted outside Courtroom 24.
 1. Seating in the overflow courtroom will be on a first-come, first-served basis.
 2. The live audio/video feed from Courtroom 24 will be fixed on the witnesses, counsel, and the Court, with no focus on the jury.
 3. No cameras, cellular telephones, or video or audio recording devices may be used in the overflow courtroom. All electronic devices must be turned off and stored.
 4. Exhibits admitted into evidence and published to the jury will be shown to the extent technical capabilities allow.
- B. Media Room (Prettyman Courthouse – Room 1206): Members of the media may view a live audio/video feed from Courtroom 24 in the Media Room, located in Room 1206 on the first floor of the Courthouse.
 1. The live audio/video feed from Courtroom 24 will be fixed on the witnesses, counsel, and the Court, with no focus on the jury.
 2. Members of the media may use electronic devices in Media Room for notetaking, live written reporting, blogging, and tweeting, but photographs, video and audio recordings, and transmission of court proceedings are strictly

prohibited. There shall not be broadcasting of any kind from the Media Room. Any violation of this policy may result in the banning of all laptops and electronic devices from the Media Room, the closing of the Media Room, the imposition of contempt sanctions against the violator individually, and, if attending in the capacity of an employee or agent, against the employer or principal. In addition, any members of the media who violate this policy will be prohibited from entering the courthouse with electronic devices in the future.

3. Members of the media who wish to use the Media Room must sign in each day and comply with the Media Room Rules of Use, as posted in the Media Room.

- C. No Remote Audio Access: There will not be a public telephone line to call in to listen to the proceedings.
- IV. Compliance with Court Staff Requests: Members of the public or press who wish to view the proceedings from Courtroom 24, the overflow courtroom, or the Media Room must comply with any requests made by any Court Security Officer, personnel of the United States Marshal Service, or court staff. Members of the media must display credentials upon request.
 - V. Access to Admitted Exhibits: Upon consideration of the Press Coalition’s Motion for Access to Trial Exhibits, ECF No. 565, the admitting party shall make available to the media at the end of each trial day a copy of any admitted exhibit that has been published to the jury and not restricted by the Court for dissemination. The government may make exhibits available using the “drop box” technical solution described in *In re: Media Access to Video Exhibits in Pretrial Hearings During the COVID-19 Pandemic*, Standing Order No. 21-28 (BAH) (May 14, 2021).
 - VI. Prohibition on Recording, Transmission and Broadcasting: Consistent with this Court’s Local Rules and the Media Policy of the U.S. Courts of the D.C. Circuit (*available at*: <https://www.cadc.uscourts.gov/internet/home.nsf/Content/VL++Rules+Policies+Procedures++Media%20Information++Media+Policy>), the use of electronic devices to take photographs, make audio or video recordings, or transmit live audio or video is strictly prohibited at all times. *See* LCrR 53.1.1.
 - VII. Press Conferences and Interviews: Interviews and press conferences may not be conducted inside the Courthouse. Members of the media, including camera crews, must not block or crowd entrances to the courthouse or annex as people are attempting to enter or exit, or in any other manner impede passage by any person who has business with the Courts.
 - VIII. Access to Jury Selection and Juror Contact and Security
 - A. Limited seats will be available for members of the public and media to observe jury selection and the individual *voir dire* process.
 - B. Except as authorized by the Court, any attempt to contact or interact with jurors, to

obtain the location of jurors' places of employment, or to otherwise ascertain jurors' identities in any way, before the juror is dismissed from service by the Court, is strictly prohibited

- C. Sketch artists preparing drawings of court proceedings are prohibited from drawing detailed sketches of any member of the jury. Silhouettes with no distinguishing features are permitted.
 - D. Conversations, interviews, and written communication with jurors or prospective jurors before they are dismissed from service is prohibited. This includes communication with (1) prospective jurors before completion of *voir dire* and (2) selected jurors, including alternate jurors, before the Court has discharged the members of the jury at the conclusion of their jury service.
 - E. After the Court has discharged the jury for the final time, any selected juror may consent to speak with whomever they wish concerning the case; however, no selected juror is obligated to do so and there must not be further attempts to talk to a juror who has indicated a desire not to discuss the case. **Counsel shall familiarize themselves with Local Criminal Rule 24.2 concerning communications with jurors.**
- IX. Courthouse Masking Rules: Consistent with the policy of the U.S. Courts of the D.C. Circuit, masks are optional in all public areas of the courthouse, including in the courtroom, overflow courtroom, and Media Room, except as otherwise provided by the Court.

SO ORDERED.

/s/ Timothy J. Kelly _____
TIMOTHY J. KELLY
United States District Judge

Date: December 13, 2022