

**SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY**

STATE OF WASHINGTON,
Plaintiff,
v.
THE KROGER CO., *ET AL.*,
Defendants.

No. 24-2-00977-9 SEA

MEDIA COVERAGE ORDER

The following order applies to all future Superior Court proceedings in the above-captioned cause of action. The purpose of this order is to provide the parties a fair trial, to preserve the dignity of these proceedings, to protect jurors' privacy, and to allow the media reasonable access.

1. For purposes of this order and any other orders regarding media coverage, the word "camera" applies to still cameras, television cameras, and video recording devices. "Television camera" applies to a video camera and all other video or moving picture recording devices. "Photograph" applies to still photography, televising, and videotaping.
2. One television camera is allowed in the courtroom on a daily rotation to be arranged by members of the media. Only high definition broadcast cameras are allowed for this purpose. The courtroom television camera will be a "pool" camera. The pool camera operator shall share its video feed with other media outlets who request it. The television camera shall be mounted on a stationary tripod in a fixed location approved in advance by the Court. Any cables needed to operate the television camera shall run through the courtroom and courthouse hallways in a manner that does not interfere with public ingress and egress or courtroom and courthouse operations.
3. One still camera is allowed in the courtroom on a daily rotation to be arranged by members of the media. The courtroom still camera will be a "pool" camera. Its

operator shall share its photographs with other media outlets who request them. The still camera shall, at a minimum, be a professional grade DSLR camera operated by a photographer with experience in courtroom photography. It shall be mounted on a stationary tripod in a fixed location approved in advance by the Court.

4. The media are responsible to confer and make “pooling” arrangements for cameras and other equipment that comply with this order.
5. Except as otherwise provided in this order, no camera or recording device shall be permitted in the courtroom without the advance express permission of the Court.
6. Camera and recording device operators must be representatives of the media who have obtained the Court’s advance permission to record in the courtroom. Camera and recording device operators must be familiar with and abide by the contents of this order, as well as the Bench-Bar-Press Principles & Considerations and GR 16.
7. If the Court determines on the record that there is a compelling reason why a witness or participant should not be photographed in the courtroom, camera operators shall abide by the Court’s direction. Unless limited by the Court, camera operators may photograph persons participating in the trial while Court is in session, subject to the terms of this order.


[Note: If raised by the Court or counsel, an order can be entered that protects the identities and facial photography of veniremen and jurors. The Court, however, must make findings on the record of the specific need to protect the venire/jurors’ privacy in this case and tailor the limitations to that need. See, e.g., *State v. Bone Club*, 128 Wn.2d 254 (1995); *Seattle Times v. Ishikawa*, 97 Wn.2d 30 (1982). If such a limitation is ordered, it should be included in this general order.]

8. No interviews of parties, witnesses, attorneys, or others shall be permitted in the courtroom during court proceedings. The Court will designate and inform the media of locations for the purpose of these interviews.
9. Cellular phones, pagers, and other devices that produce audible alerts/sounds shall be set to silent mode in the courtroom. If the use of any cellular phone or other electronic device becomes disruptive to the proceedings, the individual in possession of the device will be asked to leave the courtroom.

10. No camera shall focus on the papers, exhibits, or other documents or computers of counsel in a way that records or displays the contents of these materials so they can be read or otherwise discerned by a viewer. This restriction does not apply to documents displayed in open court while court is in session, or if the Court gives advance permission to film exhibits when court is not in session.
11. Sidebar conferences shall not be recorded or photographed.
12. No flashbulbs, strobe lights, or other artificial lights shall be used in the courtroom.
13. One audio system for radio broadcast purposes will be allowed in the courtroom on a daily rotation pursuant to pooling arrangements by members of the media. The courtroom audio system will be a “pool” system and its operator shall share its recordings with the media outlets who request it. The audio system shall be set up in a fixed location approved in advance by the Court. Any cables needed to operate the audio system shall run through the courtroom and courthouse hallways in a manner that does not interfere with public ingress and egress or courtroom and courthouse operations
14. Television equipment, audio equipment, and tripod-mounted cameras shall not be placed in or removed from the courtroom while court is in session.
15. Any camera, radio, or recording equipment that is permitted in the courtroom shall operate only while the court is in session. Live streaming and coverage is permitted, so long as it does not disrupt court proceedings. Live blogging of courtroom events may be conducted only in the overflow courtroom so as not to disrupt court proceedings.
16. Microphones used by members of the media will be allowed at the bench, the lower bench, and near the witness stand. No media microphones are allowed at counsel table or in a location capable of recording conversations occurring between counsel and/or their clients at counsel table.
17. Media representatives are expected to present a neat appearance in keeping with the dignity of the court, and to be sufficiently familiar with court proceedings to conduct themselves in a manner that does not distract counsel, witnesses, jurors, and court personnel or otherwise interfere with proceedings
18. Counsel’s conduct is governed by Rules 3.6 and 3.8 of the Rules of Professional Conduct.

19. Courtroom seating is limited. Approximately three (3) seats will be reserved for media who will obtain their credentials from the Court's Bailiff. With the exception of engineers and pool camera and audio operators, media courtroom passes will be limited to one per organization. Other media representatives will be seated in the overflow courtroom.
20. Communication between the Court and media representatives shall be initiated through the Court's Bailiff.
21. Court proceedings may be observed via Zoom at the following link: <https://kingcounty.zoom.us/j/83015779599>. The Court might change the link as needed. Check with Judge Ferguson's Bailiff regarding updated link information.
22. Recording, taking screenshots, or rebroadcasting of any Zoom proceedings without the Court's advance permission is strictly prohibited.

Dated: September 13, 2024.



Judge Marshall Ferguson
King County Superior Court