

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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DEMOCRACY PARTNERS, LLC, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-1047 (PLF)
	)	
PROJECT VERITAS ACTION FUND, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

ORDER

On June 22, 2022, the Court set oral argument on the five pending motions in limine for July 14, 2022, beginning at 1:00 p.m. See Order [Dkt. No. 155] at 1; see also Order [Dkt. No. 157] (“Procedures Order”) (setting forth the procedures for oral argument). There will be no witnesses testifying at this hearing. Furthermore, the Court will not be ruling on any of the motions at the hearing, but will take them under advisement and issue opinions at a later date.

The Court hereby notifies the parties that the following additional procedures and restrictions will govern the proceeding, consistent with the practices outlined in Appendices 7 and 8 of the Continuity of Operations Plan During the COVID-19 Pandemic. See Continuity of Operations Plan During the COVID-19 Pandemic (July 15, 2020), <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements>; id., Appendix 7 (updated Oct. 27, 2020); id., Appendix 8 (updated Mar. 2, 2022).

1. All persons who attend oral argument must wear face masks covering the mouth and nose throughout the entire proceeding, except as directed by the Court. The Court may provide participants with a clear protective facial mask. See Appendix 7 ¶ 4; Appendix 8 ¶

2(c)(iii). Participants are reminded that, pursuant to Standing Order No. 21-45, “[a]ll individuals, regardless of vaccination status, are required to wear a face mask, which must completely cover the nose and mouth, at all times while in the public and non-public areas” of the courthouse. In Re: Reinstatement of Mask Requirement for All Individuals in Public and Non-Public Areas of Courthouse, Standing Order No. 21-45 (BAH) (July 30, 2021), at 1-2, available at: <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements>; see also Mask Requirements in the Public Areas of the Courthouse and Courtrooms (Apr. 4, 2022), <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements>.

2. The number of individuals in the courtroom will be limited to the minimum necessary. Each party may have a maximum of three individuals seated at counsel table. A maximum of fifteen individuals, including any observers, may be seated on each side of the gallery in a physically distanced manner. See Appendix 7 ¶ 5(b), (d)-(e).

3. As previously ordered, defendants may present video exhibits to the Court during oral argument on three of the pending motions. See Procedures Order at 2. Counsel for the parties should contact John Cramer, who can be contacted at [John\\_Cramer@dcd.uscourts.gov](mailto:John_Cramer@dcd.uscourts.gov), in advance of the hearing to coordinate any IT issues, including with regard to the presentation of video evidence.

4. As previously ordered, the portion of the hearing regarding defendants’ sealed Motion in Limine to Exclude Plaintiffs’ Proposed Trial Exhibit 121 [Dkt. No. 128] shall be sealed with no public phone line or other means of public access. See Procedures Order at 2. Participants and observers shall be limited to attorneys representing parties in this case, paralegals working with attorneys on this case, the parties, and Court personnel. See id.

5. All participants and observers must remain at or near their assigned places

throughout the proceeding, except as directed by the Court. See Appendix 8 ¶ 2(c)(iv). Attorneys shall speak using the microphones at the podiums beside their respective counsel table, and they shall not move away from their assigned places at counsel table unless the Court authorizes them to do so. Attorneys may remove their marks while speaking. If the Court recesses for a break, all participants must return to their assigned places from before the break.

6. Any individual who has tested positive for COVID-19, is experiencing symptoms consistent with COVID-19, or learns of exposure to an individual who has tested positive for COVID-19, should not come to the courthouse and should contact the courtroom deputy clerk for further instructions. If during the proceeding any participant experiences symptoms consistent with COVID-19 or learns of exposure to an individual who has tested positive for COVID-19, that person should notify the courtroom deputy clerk immediately. See Appendix 7 ¶ 6; Appendix 8 ¶ 2(c)(i)-(ii).

7. As previously ordered, see Procedures Order at 3, the following schedule will govern oral argument:

Approximate Time	Motion	Movants' Time	Respondents' Time	Rebuttal Time
1:00 p.m. to 1:40 p.m.	Plaintiffs' Motion <u>in Limine</u> to Exclude Undercurrent Videos [Dkt. No. 119]	10 minutes	20 minutes	7 minutes
1:40 p.m. to 2:20 p.m.	Plaintiffs' Motion <u>in Limine</u> to Exclude Evidence Related to Exposure of Defendant Alison Maass' Subsequent Attempt to Secretly Record Another Organization [Dkt. No. 120]	10 minutes	20 minutes	7 minutes

2:20 p.m. to 2:40 p.m. – Break

2:40 p.m. to 3:20 p.m.	Plaintiffs' Motion <u>in Limine</u> to Exclude the Testimony of Aaron Black [Dkt. No. 118]	10 minutes	20 minutes	7 minutes
3:20 p.m. to 3:45 p.m.	Plaintiffs' Motion <u>in Limine</u> to Preclude Defendants from Making any Argument or Introducing Evidence for Purpose of Asserting a Journalism Defense [Dkt. No. 117]	10 minutes	10 minutes	5 minutes
3:45 p.m. to 4:10 p.m.	<b>**SEALED**</b> Defendants' Motion <u>in Limine</u> to Exclude Plaintiffs' Proposed Trial Exhibit 121 [Dkt. No. 128]	10 minutes	10 minutes	3 minutes

SO ORDERED.

/s/

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PAUL L. FRIEDMAN  
United States District Judge

DATE: July 13, 2022