

**SUPERIOR COURT OF THE STATE OF DELAWARE**

SMARTMATIC USA CORP., )  
SMARTMATIC INTERNATIONAL )  
HOLDING B.V., and SGO )  
CORPORATION LIMITED, ) C.A. No.: N21C-11-028 EMD  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NEWSMAX MEDIA, INC., )  
 )  
Defendant. )

**PROTOCOL ORDER GOVERNING TRIAL**

On this 13<sup>th</sup> day of September 2024, to ensure that the proceedings are conducted in an orderly manner and that all parties receive fair adjudications, the following order is entered. The Court may rescind or modify this Order at any time.

The terms of this Order apply to the conduct of the trial and all trial related events (hereinafter "Trial") scheduled to begin jury selection at 9:00 a.m. on September 26, 2024, in Courtroom 7E of the Leonard L. Williams Justice Center ("Courthouse"), Wilmington, Delaware. During jury selection seating in Courtroom 7E will be limited to provide seating for potential jurors. The Trial will begin on September 30, 2024, in Courtroom 7E.

The provisions noted as "Mandatory" shall be applied by the Court and enforced accordingly by its officers and agents. The provisions noted as "Informational" are intended to provide meaningful structure and guidance to those Media Representatives and members of the general public who will be attending the Trial.

## MANDATORY

1. Media Representatives and the general public will be admitted to Courtroom 7E at 9:00 a.m. each day of Trial. A one-hour and fifteen-minute lunch recess will generally be taken each day at approximately 12:30 p.m. and the Court will provide mid-morning and mid-afternoon breaks.

2. Allocation of Seating in the Courtroom will be on a first come first serve basis. Row 1 on both sides will be reserved for additional party counsel. Row 2 on the right side (looking toward the bench) will also be reserved for additional party counsel. Row 2 and 3 on the left side and Rows 3 on the right side will be reserved for Media Representatives and the remaining rows will be for the General Public. Courtroom 7F will serve as an overflow courtroom for media and the General Public. Once capacity is reached, the courtrooms will be closed.

3. Policies and procedures for media access to court proceedings have been adopted by the Judicial Branch.<sup>12</sup> These policies and procedures are incorporated herein by reference.

4. To the extent that these policies and procedures conflict with this Order, this Order shall control. The ultimate authority to supervise the Trial, all associated events and the application of such policies and procedures rests exclusively with the Superior Court.

5. Media Representatives should obtain media credentials prior to seeking admittance to the Courtroom. Media credentials shall be worn and always noticeably displayed by the Media Representatives while in the Courthouse or on State property

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<sup>1</sup> Available at <https://courts.delaware.gov/aoc/operating-procedures/op-media.aspx#media>

<sup>2</sup> Available at <https://courts.delaware.gov/forms/download.aspx?id=254158>.

immediately adjacent to the Courthouse. Media Representatives may be required to show their media credentials upon request of the Capitol Police, Superior Court's Court Security Officers ("Court Security Officers") or Superior Court staff. Inquiries regarding media credentials are to be directed to Sean O'Sullivan, Chief of Community Relations, Administrative Office of the Courts.

6. No food or beverages are allowed in the Courtroom.

7. No person, except those immediately involved in the proceedings and designated court personnel, will be permitted beyond the attorney bar of the Courtroom at any time.

8. Neither the media nor the general public have standing to address the Court or speak during the time that Court is in session. Should anyone violate this Order, they may be asked to leave the Courtroom without further notice.

9. Attendees may not converse or make gestures that are disruptive to the proceedings or distracting to jurors or witnesses.

10. No one from the general public or Media Representatives may attempt to communicate with any party while Trial is in session.

11. The Capitol Police and the Court Security Officers will be responsible for maintaining order and decorum in the Courthouse. All orders given by the Capitol Police, or the Court Security Officers shall be deemed orders of this Court and must be complied with immediately. Failure by any person to do so may subject that person to sanctions (including being held in contempt) by the Court.

12. Except as set forth in paragraph 13 of this Order, no electronic transmission, video recording, photography, sound recording or any other electronic duplication of the

proceedings of any type is permitted in either Courtroom 7E or 7F.

13. Media Representatives will be permitted to use electronic devices in the Courtroom, but solely for the purpose of notetaking, and only if the use does not cause a distraction. No electronic device brought into the Courtroom 7E may be used during the Trial for electronic-based communications, including posting on social media, and electronic-based communication should be disabled to the extent practicable while the device is in the Courtroom. All sound or vibration notifications must be disabled while the device is in the Courtroom 7E.

14. Any Media Representative who violates the provisions of this Order regarding the use of electronic devices may be subject to sanctions.

#### **MANDATORY JUROR LOGISTICS**

15. The identities of the jurors shall not be revealed to the public or media. Any references to the jurors in public, including within the courtroom, shall be by juror number only.

16. Unless otherwise ordered by the Court, jury *voir dire* will be conducted in Courtroom 7E.

17. All rules enumerated herein, including seating arrangements, apply to the Trial as well as to *voir dire*.

18. Any attempt to contact the jurors or to interact with the jurors in any way or to obtain any personal information about the jurors is strictly prohibited. In the event of contact with any juror, the Court will inquire into how the juror information became available. Anyone violating this Order may be subject to criminal contempt proceedings.

19. Conversations, interviews, and written communications with prospective

jurors before the completion of *voir dire* and with selected jurors, including alternates, before the Court discharges the jury at the conclusion of the Trial, are prohibited.

20. After the jury renders a verdict and the Court discharges the jury, jurors may consent to talk with the news media concerning the case. However, jurors are not obligated to discuss this case with anyone at the Trial's conclusion, and once a juror indicates his or her desire not to discuss the case, there can be no further attempts to contact that juror. Under the Rules of Professional Responsibility, Counsel is prohibited from contacting jurors or discussing the case with them.

21. The Court will not permit any depictions or identification of individual jurors in any manner including, but not limited to, photos, videos, artist renditions or written descriptions.

22. Media Representatives and the General Public shall not capture any juror's image on any device at any time.

23. Any Media Representative or member of the General Public who violates the provisions of this Order regarding contact with jurors, depictions or identification of jurors or the capturing of any juror's image may be subject to sanctions.

#### **INFORMATIONAL**

24. The Courthouse public entrance opens at 8:30 a.m. All persons entering the Courthouse must pass through security screening.

25. To locate parking near the Courthouse, please contact Wilmington Parking Authority at <http://www.wilmingtonparking.com/> or Colonial Parking at <http://colonialparking.com/>. Many of the lots surrounding the Courthouse are reserved for Courthouse employees. There will be signs, cones, ropes or other obvious indicators

distinguishing employee spots from those available to the public. Any unauthorized vehicle parked in employee spots may be towed.

26. Access to power outlets will not be available in the Courtroom.

27. The Media Room on the First (1<sup>st</sup>) Floor of the Courthouse is available for Media Representatives to work. Please contact Sean O’Sullivan for access to the Media Room. In addition, the Courthouse law library located on the Second (2<sup>nd</sup>) Floor will be available for Media Representatives to work. Workspace, power outlets and Wi-Fi are available in both locations.

28. All media inquiries or request for information should be directed to Superior Court's Public Information Officer:

Katelyn Will, Esquire - Staff Attorney  
[Katelyn.will@delaware.gov](mailto:Katelyn.will@delaware.gov)

Nothing in this Order shall limit or restrict the power, authority or responsibility otherwise vested in the presiding judge to control the conduct of any proceeding, maintain decorum and prevent distractions, guarantee the safety of the courtroom, including any party, witness, or juror, and ensure the fair and impartial administration of justice in the pending cases.

**IT IS SO ORDERED.**

Dated: September 13, 2024  
Wilmington, Delaware

/s/ Eric M. Davis  
Eric M. Davis, Judge

cc: File&ServeXpress