

DISTRICT COURT, BOULDER COUNTY, COLORADO 1777 6th St. Boulder, CO 80302	DATE FILED September 23, 2025 2:08 PM ▲ COURT USE ONLY ▲
IN RE MARSHALL FIRE LITIGATION	Case Number: 2022CV30195 (and consolidated cases) Courtroom: G
ORDER GRANTING IN PART EXPANDED MEDIA VIA LIVESTREAM	

THIS MATTER comes before the Court for consideration of Petitioners KUNC’s, Colorado Public Radio’s, and Boulder Reporting Lab’s requests for expanded media coverage of the trial set to begin September 25, 2025. The Court has also considered objections to KUNC’s request filed by Defendants Qwest Corporation and Teleport Communications America LLC. The Court rules as follows:

Standards for Authorizing Coverage

Chapter 38, Rule 3 of the Colorado Supreme Court Rules provides the standard of authorizing expanded media coverage. In determining whether expanded media coverage should be permitted, a judge shall consider the following factors:

1. Whether there is a reasonable likelihood that expanded media coverage would interfere with the rights of the parties to a fair trial;
2. Whether there is a reasonable likelihood that expanded media coverage would unduly detract from the solemnity, decorum, and dignity of the Court; and
3. Whether expanded media coverage would create adverse effects that would be greater than those caused by traditional media coverage.

However, Rule 3 also describes that notwithstanding “an authorization to conduct expanded media coverage of a proceeding, there shall be no . . . [e]xpanded media coverage of jury voir dire.” *Id.* R. 3(a)(3)(B).

Here, the Court GRANTS IN PART the motions to allow expanded media for the trial, which will be broadcast by Livestream, as described below.

The expanded media coverage for the trial is subject to the parameters below:

Discussion / Analysis

After consideration of the above listed three factors, as well as Defendants Qwest’s and Teleport’s objections, this Court believes that expanded media coverage should be permitted. However, this Court

will require strict adherence to the parameters outlined in Chapter 38, Rule 3 of the Colorado Supreme Court Rules.

A judge may restrict or limit expanded media coverage as may be necessary to preserve the dignity of the court or to protect the parties, witnesses, or jurors. A judge may terminate or suspend expanded media coverage at any time upon making findings of fact that: (1) rules established under this Rule or additional rules imposed by the judge have been violated; or (2) substantial rights of individual participants or rights to a fair trial will be prejudiced by such coverage if it is allowed to continue.

Here, the Court first notes that parties to this litigation have agreed that the trial shall be Livestreamed via the standard Webex-based platform: <https://live.coloradojudicial.gov/> (select Boulder Courtroom G). Given the availability of this medium, the further step of in-court audio and/or video recording is not necessary to ensure public access in receiving trial information.

Thus, the expanded media coverage is subject to potential revocation by this Court.

No Expanded Media for Jury Selection or Bench Conferences

The Court concludes that Livestreaming is necessary and valuable for public access to the Courtroom, especially in matters of high public interest. However, certain portions of the trial are not appropriate to record and rebroadcast. For instance, there is a possibility that broadcasting of jury selection risks having undue influence of, and personal information broadcast about, potential jurors thus jeopardizing their safety. Likewise, during sensitive matters discussed at the bench, the Court does not have the ability to broadcast the material while simultaneously keeping it, as needed, from the jury.

Accordingly, the Court will Livestream the trial except for bench conferences. These proceedings may be recorded and rebroadcast by credentialed media representatives with the exception of jury selection proceedings, which shall be neither recorded nor rebroadcast.¹

This Court's Conditions for Coverage

Expanded media coverage shall be conducted only under the following conditions. The Court maintains final approval of all arrangements:

1. Livestream Audio and Video. KUNC, Colorado Public Radio, and Boulder Reporting Lab shall be allowed to record and rebroadcast both audio and video of the trial proceedings through the **Livestream only.** **KUNC, Colorado Public Radio, Boulder Reporting Lab, and other media and members of the public shall not be permitted to enter the court's Webex courtroom, but rather, may observe the Livestream feed.**
2. No Recording or Rebroadcast of Jury Selection. To prevent risks to the safety and/or privacy of jurors, KUNC, Colorado Public Radio, and Boulder Reporting Lab are **not** allowed to record or rebroadcast either the audio or video of jury selection proceedings.

¹ The Court anticipates that most or all of September 25 and 26 will be needed for the jury selection process. Opening statements are not anticipated on either day.

3. Other Media Outlets. Other credentialed media outlets may also record and rebroadcast both audio and video of the trial through Livestream, subject to the terms and conditions of paragraphs 1 and 2 above.
4. No In-Courtroom Audio, Video or Still Photography. Given the availability of Livestreaming and the nature of the Boulder County District Courthouse, the Court does not authorize any audio, video, or still picture photography in the courtroom. **Any Courthouse audio or video recording must be conducted within a Media Pool Location, more fully described in the Court's Standing Decorum Order issued September 22, 2025.**
5. No Audio, Video or Still Photography Inside Courthouse. Given the availability of Livestreaming and the nature of the Boulder County District Courthouse, the Court does not authorize any audio, video, or still picture photography inside the Courthouse. **Any Courthouse audio or video recording must be conducted within a Media Pool Location, more fully described in the Court's Standing Decorum Order issued September 22, 2025.**
6. Pooling Arrangements. KUNC, Colorado Public Radio, and Boulder Reporting Lab shall share content per any applicable pool arrangements.
7. Courtroom and Courthouse Decorum. As noted above, a separate decorum order has been issued and must also be complied with.

ACCORDINGLY, this Court hereby GRANTS IN PART Petitioners' requests for expanded media coverage as described herein.

The media and all parties are reminded that they must strictly adhere to the Court's Standing Decorum Order issued September 22, 2025.

Done in Golden, Colorado this 23rd day of September, 2025.

BY THE COURT:



Christopher C. Zenisek
District Court Judge