

SHORT FORM ORDER

INDEX NO. 400000/2017

**E-FILE**

**SUPREME COURT - STATE OF NEW YORK  
NEW YORK STATE OPIOID LITIGATION PART 48 - SUFFOLK COUNTY**

**PRESENT:**

**HON. JERRY GARGUILO  
SUPREME COURT JUSTICE**

**ORDER CONCERNING  
PUBLIC ACCESS TO FRYE  
HEARINGS**

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**IN RE OPIOID LITIGATION**

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**ALL PARTIES VIA NYSCEF  
(FULL PARTICIPATION RECORDED)**

During the August 4, 2020 status conference, the Court tabled its determination concerning a broadcast of the upcoming Frye hearings. Both sides appear to be 180° apart.

This Court being mindful of the New York Judiciary Law § 4 which notes all court proceedings must be public with the following exceptions:

The sittings of every court within this state shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, seduction, abortion, rape, assault with intent to commit rape, criminal sexual act, bastardy or filiation, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

Clearly those exceptions do not apply in these circumstances.

The Court will allow meaningful public access to the Frye hearings. The means and methods will include a second remote audio and visual feed into another courtroom. That courtroom will accommodate citizens, journalists, and counsel for any party. This, of course, within the confines of available seating.

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In addition, the Court is exploring availability of an internet streaming video and audio. The link and password to be provided.

The foregoing constitutes the **ORDER** of this Court.

**Dated: August 10, 2020**

  
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**HON. JERRY GARGUILO, JSC**