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July 9, 2021

The Hon. Robert D. Drain  
United States Bankruptcy Court for the Southern District of New York  
300 Quarropas Street, Room 248  
White Plains, NY 10601

**RE: *In re Purdue Pharma, L.P.*, No. 19-23649**

Dear Judge Drain:

Dow Jones & Company, Inc., publisher of *The Wall Street Journal* and other publications, including *WSJ Pro Bankruptcy* and Dow Jones Newswires, Boston Globe Media Partners, LLC, publisher of *The Boston Globe* and *STAT*, and Reuters News & Media, Inc. (collectively the “Media Intervenors”), write to respectfully request that the Court provide increased remote access for the press and the public to the August 9, 2021 confirmation hearing regarding the *Fifth Amended Joint Chapter 11 Plan of Reorganization of Purdue Pharma L.P. and Its Affiliated Debtors* (the “Confirmation Hearing”).

These Chapter 11 proceedings, including the proposed reorganization plan and forthcoming Confirmation Hearing, have been the focus of significant news coverage. *See, e.g.*, Jonathan Randles, *Purdue Pharma Preparing to Poll Creditors on Bankruptcy Exit Plan*, Wall St. J. (May 26, 2021), <https://perma.cc/F2NW-GBLK>; Mike Spector, *15 More U.S. States Reach Settlement in OxyContin Maker Purdue Bankruptcy*, Reuters (July 8, 2021), <https://www.reuters.com/legal/transactional/15-more-us-states-reach-settlement-oxycontin-maker-purdue-bankruptcy-2021>.

The Court has indicated that the Confirmation Hearing will be conducted via Zoom videoconference, but all non-participants, including members of the press, will be limited to a listen-only telephonic line. *Notice of Hearing to Consider Confirmation of the Fifth Amended Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Deadlines* at 2 & n.3.

The Media Intervenors are mindful of the health and safety reasons underlying the United States Bankruptcy Court for the Southern District of New York’s decision that hearings be conducted remotely until further notice in light of the ongoing COVID-19 pandemic.<sup>1</sup> However, restrictions on the public’s presumptive right to attend and observe judicial proceedings must be no broader than necessary to preserve “higher values,” *Press-Enter. Co. v. Superior Court*, 464 U.S. 501, 510 (1984), and should take into account the news media’s ability to “function as surrogates for the public,” *Richmond*

<sup>1</sup> *General Order M-543* (Mar. 20, 2020), <https://www.nysb.uscourts.gov/news/general-order-m-543-court-operations-under-exigent-circumstances-created-covid-19>.

*Newspapers v. Virginia*, 448 U.S. 555, 572–73 (1980). Public access “helps safeguard ‘the integrity, quality, and respect in our judicial system’ and permits the public to ‘keep a watchful eye on the workings of public agencies.’” *In re Orion Pictures Corp.*, 21 F.3d 24, 26 (2d Cir. 1994) (quoting *In re Analytical Sys.*, 83 B.R. 833, 835 (Bankr. N.D. Ga. 1987); *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)).

But for the COVID-19 pandemic, the Confirmation Hearing would take place in an open courtroom, allowing interested members of the public as well as members of the press to attend in person. The Confirmation Hearing is an event of significant public interest, and in order to report on it as accurately and comprehensively as possible, the Media Intervenors seek access akin to what they would have were they present in the courtroom during an in-person proceeding. Specifically, the Media Intervenors request:

- A live video stream of the Confirmation Hearing. Zoom video may be shared with the public via a livestream on a website such as YouTube. *See Live Streaming Meetings or Webinars on YouTube*, Zoom Help Center, <https://support.zoom.us/hc/en-us/articles/360028478292-Streaming-a-Meeting-or-Webinar-on-YouTube-Live>;
- Alternatively—in the event the Court is unable to provide a public livestream of the Confirmation Hearing—permission for members of the news media to join the Zoom proceeding as non-participants;
- Alternatively—in the event the Court is unable to provide a public livestream of the Confirmation Hearing, and unable to provide non-participant access to members of the news media to that Zoom proceeding—same-day public access to a video recording of the Confirmation Hearing as soon as practicable following the proceeding. Zoom video may be recorded and thus may be posted online and shared with the public. *See Local Recording*, Zoom Help Center, <https://support.zoom.us/hc/en-us/articles/201362473-Local-recording>.

On July 6, 2021, counsel for the Media Intervenors contacted counsel for all parties to this matter via email to seek their position(s) on this request. As of the date of the filing of this letter, no party has stated any objection or indicated any opposition to this request. Accordingly, for the reasons herein, the Media Intervenors respectfully request the Court provide a livestream of the Zoom videoconference Confirmation Hearing scheduled for August 9, 2021, or in the alternative, provide limited non-participant Zoom access for members of the news media and/or make a recording of the Confirmation Hearing available to the public shortly following the hearing. Counsel for the Media Intervenors is willing to work with counsel for the parties to efficiently facilitate such access.

Date: July 9, 2021

Respectfully submitted,

/s/ Katie Townsend  
Katie Townsend

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