

Interlocutory Orders, Etc.

IN THE MATTER OF
**AXON ENTERPRISE, INC.,
AND
SAFARILAND, LLC**

Docket No. 9389. Order, September 1, 2020

Supplemental Order governing public accessibility to evidentiary hearings during the pandemic.

SUPPLEMENTAL COMMISSION ORDER ON PUBLIC ACCESS TO THE EVIDENTIARY HEARING IN LIGHT
OF THE PUBLIC HEALTH EMERGENCY

Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2, and because it has been advised that gatherings of people in close proximity may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to issue an order addressing public access to the evidentiary hearing pursuant to Commission Rule 3.41(a), 16 C.F.R. § 3.41(a). Accordingly,

IT IS HEREBY ORDERED THAT:

- (1) public access to the evidentiary hearing in this proceeding, to the extent permitted by any *in camera* orders, shall be allowed only via telephone or live web streaming (audio and/or video), in either instance, only for monitoring purposes;
- (2) all hearings in this proceeding before the Chief Administrative Law Judge that involve the testimony of witnesses will take place in Room 532 of the Federal Trade Commission Headquarters Building or virtually via live web streaming (audio and/or video), as determined by the Chief Administrative Law Judge; and
- (3) no more than ten people will be allowed in Room 532 during the taking of witness testimony, limited to:
 - i. the Chief Administrative Law Judge and his two Attorney Advisors;

¹ Pursuant to the Public Health Services Act, 42 U.S.C. § 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).

FEDERAL TRADE COMMISSION DECISIONS
VOLUME 170

Interlocutory Orders, Etc.

- ii. the testifying witness;
- iii. Complaint Counsel (no more than two people);
- iv. Respondent's counsel (no more than two people);
- v. the witness' counsel (no more than one person); and
- vi. a court reporter.

By the Commission, Commissioner Slaughter not participating.