

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE**

	)	
In re:	)	
	)	Chapter 11
GT ADVANCED TECHNOLOGIES,	)	Case No. 14-11916-HJB
INC., <i>et al.</i> ,	)	Jointly Administered
	)	
Debtors <sup>1</sup>	)	
	)	

**ORDER**

WHEREAS, it has been reliably reported to this Court that portions of this Court's hearings conducted on October 16, 2015 in Manchester, New Hampshire were surreptitiously recorded and broadcast on the internet by a person or persons as yet unknown; and

WHEREAS, a portion of those recordings were of a hearing with respect to which the Court had ordered, at the request of counsel (other than the United States trustee), that:

- (1) courtroom admittance and telephonic access be restricted on account of a concern that the bankruptcy estates might be harmed by the disclosure of confidential research, development, or commercial information; and
- (2) the transcript of the hearing be sealed;<sup>2</sup> and

---

<sup>1</sup> The Debtors in these chapter 11 cases, now jointly administered, are GT Advanced Technologies, Inc., case no. 14-11916; GT Equipment Holdings, Inc., case no. 14-11917; GTAT Corporation, 14-11919; GT Advanced Technologies Limited, case no. 14-11920; Lindbergh Acquisition Corp., case no. 14-11922; GT Sapphire Systems Group LLC, case no. 14-11923; GT Sapphire Systems Holding LLC, case no. 14-11924; GT Advanced Cz LLC, case no. 14-11925; GT Advanced Equipment Holding LLC, case no. 14-11929.

<sup>2</sup> 11 U.S.C. § 107(b) provides:

(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may—

- (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information . . . ;

WHEREAS, even if the Court had not limited access to a portion of the hearings, the recording and broadcast of any hearing in the federal court is prohibited by policy of the Judicial Conference of the United States;<sup>3</sup> and

WHEREAS, even if such recording and broadcasting were not prohibited by the Judicial Conference of the United States, they are prohibited by Administrative Order 5073-1 (Use of Electronic Devices in Courtrooms) of this Court;<sup>4</sup> and

WHEREAS, this Court has the responsibility to uphold its own Orders, the policies of the Judicial Conference of the United States, and the local rules of this Court, but cannot at this time identify the person or persons who conducted the recording and broadcasting of the October 16 hearings;

---

<sup>3</sup> Pursuant to the Guide to Judiciary Policy, Vol. 10, Ch. 4:

**§ 410.10 Authority**

Judicial Conference policy does not allow courtroom proceedings in civil and criminal proceedings in the district courts to be broadcast, televised, recorded, or photographed for the purpose of public dissemination. JCUS-SEP 94, pp. 46-47.

**§ 410.20 Applicability**

This policy is applicable to all U.S. district and appellate courts, including bankruptcy courts, which are units of the district courts, and applies when a federal judge uses a state facility to conduct a federal court proceeding and when a state judge uses a federal facility to conduct a state proceeding.

<sup>4</sup> Administrative Order 5073-1 Use of Electronic Devices in Courtrooms provides:

(a) *Unless otherwise prohibited by a judge or the clerk*, members of the bar and their agents may possess and use cell phones, computers, pagers, personal digital assistants, and similar electronic devices in the courtrooms. Such devices must be set on silence mode, and no telephone calls shall be made or received, while in any courtroom or judge's chambers without specific advance authorization by the presiding judge.

(b) Pro se litigants and others may be extended similar privileges upon application to the clerk of court and showing of good cause or particular need for an exception.

(c) *Consistent with the provisions of LR 83.7 and LBR 5073-1, in no event shall any device be employed by counsel or anyone else in any manner designed to photograph, record (audio or video), broadcast, transmit, or televise any proceeding, scene, discussion, or event.*

(d) *Use of an electronic device in violation of any of the above provisions may subject the electronic device holder to sanctions.*

It is hereby ORDERED that, until and unless the Court orders otherwise:

1. subject to Paragraph 2 below, the Court will not hereafter permit:
  - a. any electronic devices (including without limitation, cellular or so-called smart phones, tablets, and computers) to be retained by anyone attending a hearing in this case, regardless of whether the hearing is held in Manchester, New Hampshire, Springfield, Massachusetts, or elsewhere; and
  - b. anyone to appear at a hearing by telephone;
2. the Court will permit a person attending a hearing to retain an electronic device or to appear by telephone ONLY if the person
  - a. files a motion no later than 2 court days before the hearing and the Court allows the motion;
  - b. demonstrates in the motion a compelling need to retain an electronic device at the hearing or to appear by telephone; and
  - c. attaches to the motion an affidavit, signed under the pains and penalties of perjury, acknowledging that person's obligation not to record or broadcast any portion of any hearing in these cases and that the failure to comply with that obligation may result in significant monetary and/or non-monetary sanctions; and
3. within seven (7) days of the entry of this Order, CourtCall shall file with this Court a list of each person who contacted CourtCall to participate by telephone with respect to the October 16, 2015 hearings and the specific time period(s) in which that person's line was open to those hearings.

DATED: October 19, 2015

/s/ Henry J. Boroff

Henry J. Boroff  
United States Bankruptcy Judge