IN THE DISTRICT COURT OF COMANCHE COUNTY
STATE OF OKLAHOMA

FILED
DISTRICT COURT
COMANCHE COUNTY, OKLAHOMA
November 13, 2026 6:06 AM
ROBERT MORALES, COURT CLERK
Case Number CJ-2025-135

NEIL WEST AND LACY WEST,	)	
	)	
Plaintiffs,	)	
	)	
	)	
v.	)	Case No. CJ-2025-135
	)	The Hon. G. Sheperd
STATE FARM FIRE AND CASUALTY CO.,	)	
And **NANCY HOLCOMB INS. AGENCY, INC.,**	)	
	)	
Defendants.	)	
	)	

NON-PARTY APPLICANT THE LAWTON CONSTITUTION'S REPLY IN SUPPORT OF ITS APPLICATION FOR PERMISSION TO CONDUCT ELECTRONIC MEDIA COVERAGE OF JURY TRIAL

COMES NOW The Lawton Constitution ("Applicant"), a nonparty news organization, and submits this Reply in Support of its October 13, 2026, Application for Permission To Conduct Electronic Media Coverage of Jury Trial, and in response to the November 9, 2026, Response in Opposition filed by Defendant State Farm Fire and Casualty Company ("State Farm").

INTRODUCTION

State Farm does not contend that the Court lacks power to permit electronic coverage, and it cannot. Rule 25 expressly reserves that power to the trial judge and the governing authority confirms there is no constitutional or categorical bar to cameras in the courtroom *Chandler v. Fla.*, 449 U.S. 560, 573–574, 101 S. Ct. 802, 809, 66 L. Ed. 2d 740 (1981). State Farm instead asks the Court to exercise its discretion against coverage. Its argument fails for three reasons.

- First, State Farm applies the wrong legal standard. It treats prejudice from broadcasting as presumed. Nearly every authority State Farm cites is a criminal case protecting an accused's Sixth Amendment and due-process rights- interests a civil corporate defendant does not hold.
- Second, State Farm's central fear- prejudice to roughly 300 related cases that remain to be tried- is speculative and, under settled law, is addressed by voir dire, not by banning cameras. That is especially so where, as State Farm's own exhibits

show, the prospective jury pool has already been exposed to extensive national and local coverage of these allegations.

- Third, State Farm's remaining concerns- witness safety and an assertedly "incomplete" broadcast- are managed by the Applicant's proposed protocol and the Court's continuing, immediate control over coverage. They are reasons to grant the Application subject to conditions, not to deny it outright.

ARGUMENT

I. State Farm invokes a presumption of prejudice that the governing law rejects, and its criminal authorities do not control a civil defendant

A. The standard is actual prejudice shown on this record, not presumed prejudice.

State Farm's opposition rests on the proposition, drawn from *Estes v. State of Tex.*, 381 U.S. 532, 85 S. Ct. 1628, 14 L. Ed. 2d 543 (1965), that broadcast coverage "will inevitably result in prejudice". The Supreme Court repudiated exactly that reading of Estes. In *Chandler v. Fla.*, the Court held that Estes "is not to be read as announcing a constitutional rule barring still photographic, radio, and television coverage in all cases and under all circumstances" and "did not announce a constitutional rule that all photographic or broadcast coverage of criminal trials is inherently a denial of due process." *Chandler v. Fla.*, 449 U.S. 560, 573–574, 101 S. Ct. 802, 809, 66 L. Ed. 2d 740 (1981). The sweeping "inevitable prejudice" language on which State Farm relies came from a four-Justice plurality; Justice Harlan supplied the fifth, controlling vote and expressly limited his concurrence to notorious, media-saturated trials "like this one." *Chandler* at 570–571, and 807–808. Later decisions have confined *Estes* to trials whose atmosphere was "utterly corrupted by press coverage," prompting the Court to observe that "[t]here is no need to 'overrule' a 'holding' never made by the Court." *Chandler* supplies the operative rule. The risk that broadcasting "may impair the ability of jurors to decide the issue" does not justify a ban; "the appropriate safeguard against such prejudice is the [objecting party's] right to demonstrate that the media's coverage of his case ...compromised the ability of the particular jury that heard the case

to adjudicate fairly." *Chandler* at 574–575, 101 S. Ct. 802, 809–810. No party may rest on generalized assertions: and a showing of prejudice requires "something more than juror awareness that the trial is such as to attract the attention of broadcasters" *Chandler* at 581–582, 813.

B. State Farm's authorities protect a criminal accused, not a civil defendant.

State Farm's principal cases turn on the fair-trial rights of a criminal defendant. State Farm is a civil corporate defendant. It has no Sixth Amendment right to a criminal "public trial," and the due-process interest that drove *Nichols v. Dist. Ct. of Oklahoma Cnty.*, 2000 OK CR 12, 6 P.3d 506, is not its interest. The question here is simply whether the Court should exercise the discretion Rule 25 commits to it- a discretion Oklahoma law describes as "the sound discretion of the trial judge," with any abuse to be reviewed "on appeal and not in a manner of preconception and on a basis of unrealistic presumption." *Lyles v. State*, 1958 OK CR 79, ¶ 14, 330 P.2d 734, 745. Courts applying that standard in civil cases have permitted camera coverage over a party's objection, holding that "the relevant question is whether the objecting party has shown any prejudice." *E*Trade Fin. Corp. v. Deutsche Bank AG*, 582 F. Supp. 2d 528, 529–535 (S.D.N.Y. 2008).

II. The risk of prejudice to related trials is speculative and is cured by voir dire, not by prohibiting cameras.

State Farm's lead concern is that broadcasting West could taint prospective jurors in the roughly 300 related homeowner cases that remain to be tried. The law does not presume that harm, and it supplies the remedy.

Juror exposure to publicity does not presumptively deprive a party of a fair trial; "a presumption of prejudice …attends only the extreme case," because juror impartiality does not require ignorance. *Skilling v. United States*, 561 U.S. 358, 380–381, 130 S. Ct. 2896, 2914–2915, 177 L. Ed. 2d 619 (2010). Even pervasive, adverse publicity does not inevitably lead to an unfair trial, and a large, diverse venire dilutes any media impact. *Skilling* at 384, 130 S. Ct. 2916–2917.

Where exposure exists, the answer is "careful identification and inspection of prospective jurors" through questionnaires and voir dire, which are "well suited to that task"- not a presumption of prejudice. *Skilling* at 384-385, 130 S. Ct. at 2917. If those devices suffice in a criminal case like *Skilling*, they suffice a fortiori for the civil trials State Farm invokes. Courts have applied that principle to reject precisely the "future jury pool" theory State Farm advances. In a civil case, a federal court held that the threat of a biased jury pool was insufficient to restrict disclosure because the Court has methods to ensure a fair trial, such as voir dire, the trial was far in the future, and "the harm is also not unique …in light of the significant press already generated." *Perez v. City of Fresno*, 482 F. Supp. 3d 1037, 1043 (E.D. Cal. 2020).

The Applicant's protocol forecloses the very exposure State Farm fears to the extent it concerns jurors: it bars all photography, recording, and broadcast of jurors and prospective jurors, prohibits any coverage of *voir dire*, and excludes jury deliberations entirely under 21 O.S. § 588. Coverage is confined to public evidentiary portions opening statements, witness testimony, closing arguments, and the verdict. Second, State Farm's own exhibits establish that the pool is already saturated. State Farm documents national NBC coverage, repeated KFOR broadcasts, and extensive Oklahoman reporting, much of it quoting Plaintiffs' counsel's characterizations of the disputed documents. Against that backdrop, the incremental effect of a single fixed camera recording the public portions of one trial is marginal, and "not unique" in the sense *Perez* requires.

III. State Farm's witness-safety and "incomplete broadcast" concerns are addressed by the protocol and the Court's continuing control.

A. Witness safety.

State Farm's own filing concedes that "no physical threats have occurred". Its reliance on *Hollingsworth v. Perry*, 558 U.S. 183, 130 S. Ct. 705, 175 L. Ed. 2d 657 (2010) is misplaced. The Supreme Court there confined its review to "a narrow legal issue: whether the District Court's

amendment of its local rules to broadcast this trial complied with federal law," expressly declining to "express any views on the propriety of broadcasting court proceedings generally." *Hollingsworth v. Perry*, 558 U.S. 183, 189–190, 130 S. Ct. 705, 709, 175 L. Ed. 2d 657 (2010). This is a civil insurance dispute, not a capital terrorism trial.

B. In-person access is not a complete substitute, but the Applicant does not claim a right.

State Farm urges that public attendance alone suffices. The Applicant does not assert a First Amendment right to televise this trial. The Applicant rests instead on the Court's discretionary authority under Rule 25. That those cases deny a constitutional entitlement does not diminish the Court's power to grant coverage; as *Westmoreland v. Columbia Broad. Sys., Inc.*, recognized, televising "is a right created by consent of the judiciary, which has always had control over the courtrooms." *Westmoreland v. Columbia Broad. Sys., Inc.*, 752 F.2d 16, 23–24 (2d Cir. 1984). The Supreme Court has observed that media presence in the courtroom "historically has been thought to enhance the integrity and quality of what takes place" and that "historically both civil and criminal trials have been presumptively open" Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555, 577–579, 100 S. Ct. 2814, 2827–2828, 65 L. Ed. 2d 973 (1980). Carefully controlled coverage of this civil trial serves that interest in a community with a demonstrated stake in how these disputes are resolved.

CONCLUSION

State Farm identifies no concrete prejudice to this proceeding, substitutes a presumption the governing law forbids, and relies on criminal authorities that do not govern a civil defendant. Its genuine concerns- future juries and particular witnesses- are addressed by *voir dire* and by the protocol's safeguards and the Court's continuing control. The Applicant respectfully requests that the Court grant the Application, approve Exhibit Ato the Application, subject to any modifications

the Court requires, permit pretrial coordination with designated court personnel, and enter the proposed order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 13th day of November, 2026, the above and forgoing document was sent via first class U.S. Mail, postage prepaid, to:

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