

Jan 14, 2021

SEAN F. McAVOY, CLERK

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4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

5 In Re:

6 Court Operations Under the Exigent
7 Circumstances Created by the
8 Coronavirus (COVID-19)

GENERAL ORDER NO. 2021-1

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10 This General Order is being issued pursuant to 28 U.S.C. § 2071(e) and in
11 response to the evolving public health crisis caused by the outbreak of the
12 Coronavirus Disease (COVID-19), and the recent surge of COVID-19 cases
13 reported in each of the Court's divisions. Paralleling the mandates issued by
14 Washington State Governor Inslee, the Court finds it necessary in the interest of
15 justice to take proactive measures to slow the spread of the virus and ensure the
16 safety of litigants, counsel, Court staff, grand jurors, petit jurors, witnesses, and the
17 public.

18 Accordingly, **IT IS HEREBY ORDERED**, effective immediately that the
19 court offices and courtrooms on the fifth, seventh, eighth, and ninth floors of the
20 United States Courthouse in Spokane, Washington, the courthouse floors of the

1 United States Courthouse in Richland, Washington, and the United States
2 Courthouse in Yakima, Washington, will be closed to the public through **February**
3 **28, 2021**, with the exception of essential in-person hearings and functions, which
4 will be evaluated on a case-by-case basis at the discretion of the presiding judge.

5 Therefore, **IT IS FURTHER ORDERED THAT**, effective immediately:

6 **1.** All Spokane and Yakima grand jury sessions through **February 28, 2021**
7 shall PROCEED AS SCHEDULED.

8 **2.** As to pending criminal cases (District Court and Magistrate Court), the
9 Court finds that using videoconferencing or telephone conferencing when necessary
10 would result in minimizing undue risk to defendants, counsel, law enforcement,
11 Court staff, witnesses, and the public at large. Accordingly, the Court will continue
12 to encourage and use these tools for those hearings allowed by General Order 20-
13 101-3, 20-101-3 Extended, and the CARES Act, Pub. L. No. 116-136, when ordered
14 by the presiding judge. The live audio content of these hearings will be available in
15 real-time to members of the public and press, via a dedicated teleconference line.
16 Dial-in information will be available on the PACER system in the docket of each
17 scheduled case that is not held in open court. Hearing content provided in such
18 manner must NOT be recorded or rebroadcast.

19 **3.** The Court also finds current public health advisories reduce the Court's
20 ability to obtain an adequate spectrum of jurors and curtails the availability of

1 counsel and Court staff to be present in the courtroom. Therefore, the Court finds,
2 based on the widespread nature of the risks posed by COVID-19, that the ends of
3 justice served by resetting jury trials in all pending criminal cases during this period
4 outweigh the best interest of the public and each affected defendant in speedy trials,
5 and the period between the date of entry of this Order and **February 28, 2021**, may
6 be excluded from Speedy Trial Act calculations. *See* 18 U.S.C. § 3161(h)(7)(A).
7 Findings of excludable delay will be contemporaneously entered by the presiding
8 judge in each individual case when a jury trial is continued. Civil jury trials are
9 suspended during this time as well.

10 4. The Clerk's Office in Spokane, Richland, and Yakima will not be
11 physically accessible to the public through **February 28, 2021** but will remain
12 open. Staff will be available by telephone, mail will be received, and new filings
13 will be processed. Those seeking to make in-person filings or payments are directed
14 to leave such materials in designated drop-boxes at the Court Security Officer
15 locations (guard stations) in the entryway of each courthouse. The Court encourages
16 electronic filings made through the CM/ECF filing system, use of the electronic
17 payment system, and use of mail and delivery services. The Clerk's Office is not
18 closed, it is operational, and you may contact the office by telephone during
19 business hours.

1 **5.** The Probation and Pretrial Services Office in Spokane, Richland, and
2 Yakima will be closed to the general public through **February 28, 2021**. Staff will
3 be available by telephone. Drug testing and supervision will continue as directed by
4 Probation and Pretrial Services officers.

5 **6.** STEP Court participants will be advised separately when they are to appear
6 for proceedings.

7 **7.** Naturalization Ceremonies are CANCELLED through **February 28,**
8 **2021**. The Citizen and Immigration Service (CIS) is authorized to administer the
9 oath of Citizenship during this period of time.

10 **8.** Attendees of any in-court proceedings and grand jury proceedings are
11 required to wear masks, social distance, and follow public health advisories.

12 **9.** This Order does not pertain to Bankruptcy proceedings. Please consult or
13 contact the Bankruptcy Court for information and specific directions.

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1 The public is encouraged to use online Court resources, contact the
2 Court/Clerk's Office by telephone, and continue utilizing Court services while
3 following all applicable public health guidelines.

4 The District Court Executive is directed to post this General Order to the
5 Court's website and distribute a copy to each attorney registered in the CM/ECF
6 system and each pro se litigant with a case pending before this Court.

7 This Order is subject to public comment by directing all concerns to the
8 District Court Executive.

9 **DATED** this 14th day of January 2021.



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13 Stanley A. Bastian
14 Chief United States District Judge
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