

Dec 15, 2020

SEAN F. McAVOY, CLERK

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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON

5 In Re:

GENERAL ORDER NO. 20-101-15

6 COURT OPERATIONS UNDER
7 THE EXIGENT CIRCUMSTANCES
8 CREATED BY THE
CORONAVIRUS (COVID-19)

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

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

1 Courthouse in Yakima, Washington, will be closed to the public through January
2 31, 2021, with the exception of essential in-person hearings and functions, which
3 will be evaluated on a case-by-case basis at the discretion of the presiding judge.

4 Additionally, this Order amends and extends some aspects of General Order
5 Nos. 20-101-4 through 20-101-13, and clearly identifies those items/paragraphs
6 changed from General Order 20-101-13 as AMENDED. Therefore, **IT IS**
7 **FURTHER ORDERED** that, effective immediately:

8 1. *AFFIRMED* - All Spokane and Yakima grand jury sessions through
9 **January 31, 2021**, shall PROCEED AS SCHEDULED.

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

1 Hearing content provided in such manner must NOT be recorded or
2 rebroadcast.

3 3. *AFFIRMED* - The Court also finds current public health advisories
4 reduce the Court's ability to obtain an adequate spectrum of jurors and
5 curtails the availability of counsel and Court staff to be present in the
6 courtroom. Therefore, the Court finds, based on the risks posed by COVID-
7 19, that the ends of justice served by resetting jury trials in all pending
8 criminal cases during this period outweigh the best interest of the public and
9 each affected defendant in speedy trials, and the period between the date of
10 entry of this Order and **January 31, 2021**, may be excluded from Speedy
11 Trial Act calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of
12 excludable delay will be contemporaneously entered by the presiding judge
13 in each individual case when a jury trial is continued. Civil jury trials are
14 suspended during this time, as well.

15 4. *AFFIRMED* - The Clerk's Office in Spokane, Richland and Yakima
16 will not be physically accessible to the public through **January 31, 2021** but
17 will remain open. Staff will be available by telephone, mail will be received,
18 and new filings will be processed. Those seeking to make in-person filings
19 or payments are directed to leave such materials in designated drop-boxes at
20 the Court Security Officer locations (guard stations) in the entryway of each

1 courthouse. The Court encourages electronic filings made through the
2 CM/ECF filing system, use of the electronic payment system, and use of
3 mail and delivery services. The Clerk's Office is not closed, it is operational,
4 and you may contact the office by telephone during business hours.

5 5. *AFFIRMED* – The Probation and Pretrial Services Office in Spokane,
6 Richland and Yakima will be closed to the general public through **January**
7 **31, 2021**. Staff will be available by telephone; drug testing and supervision
8 will continue as directed by Probation and Pretrial Service officers.

9 6. *AFFIRMED* - STEP Court participants will be advised separately
10 when they are to appear for proceedings.

11 7. *AFFIRMED* - Naturalization Ceremonies are CANCELLED through
12 **January 31, 2021**. The Citizen and Immigration Service (CIS) is authorized
13 to administer the oath of Citizenship during this period of time.

14 8. *AFFIRMED* - Attendees of in-court proceedings and grand jury
15 proceedings are required to: wear masks according to State Health directives,
16 social distance, and follow public health advisories.

17 9. *AFFIRMED* - This Order does not pertain to Bankruptcy proceedings.
18 Please consult or contact the Bankruptcy Court for information and specific
19 directions.

20 The public is encouraged to use online Court resources, contact the

1 Court/Clerk's Office by telephone, and continue utilizing Court services while
2 following all applicable public health guidelines.

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

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

8 **DATED** this 15th day of December 2020.



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13 Stanley A. Bastian
14 Chief United States District Judge
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