

Aug 21, 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. 20-101-9

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). Paralleling the mandates issued by Washington
12 State Governor Inslee, the Court finds it necessary in the interest of justice to take
13 proactive measures to slow the spread of the virus and ensure the safety of litigants,
14 counsel, Court staff, grand jurors, petit jurors, witnesses, and the public.

15 This Order amends and extends some aspects of General Order Nos. 20-101-
16 4 through 20-101-8. Accordingly, **IT IS HEREBY ORDERED** that, effective
17 immediately:

- 18 1. All Yakima grand jury sessions through **September 30, 2020**, are
19 VACATED;

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

13 **3.** The Court also finds current public health advisories reduce the
14 Court's ability to obtain an adequate spectrum of jurors and curtails the
15 availability of counsel and Court staff to be present in the courtroom.
16 Therefore, the Court finds, based on the risks posed by COVID-19, that the
17 ends of justice served by resetting jury trials in all pending criminal cases
18 during this period outweigh the best interest of the public and each affected
19 defendant in speedy trials, and the period between the date of entry of this
20 Order and **September 30, 2020**, may be excluded from Speedy Trial Act

1 calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of excludable delay
2 will be contemporaneously entered by the presiding judge in each individual
3 case, when a jury trial is continued. Civil jury trials are suspended during
4 this time, as well;

5 **4.** Effective **June 1, 2020**, the Clerk's Office in Spokane has been open
6 and physically accessible to the public. Through **September 30, 2020**, the
7 Clerk's Offices in Yakima and Richland, Washington will not be physically
8 accessible to the public, but will remain open. Staff will be available by
9 telephone, mail will be received, and new filings will be processed. Those
10 seeking to make in-person filings or payments are directed to leave such
11 materials in designated drop-boxes at the Court Security Officer locations
12 (guard stations) in the entryway of each courthouse. The Court encourages
13 electronic filings made through the CM/ECF filing system, use of the
14 electronic payment system, and use of mail and delivery services. The
15 Clerk's Office is not closed, it is operational, and you may contact the office
16 by telephone during business hours;

17 **5.** Effective **June 1, 2020**, the Probation and Pretrial Services Office in
18 Spokane has been open and physically accessible to the public. Through
19 **September 30, 2020**, the United States Probation and Pretrial Service Office
20 in Yakima and Richland, Washington will be closed to the general public.

1 Staff will be available by telephone; drug testing and supervision will
2 continue as directed by Probation and Pretrial Service officers;

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

5 **7.** Naturalization Ceremonies are CANCELLED through **September 30,**
6 **2020.** The Citizen and Immigration Service (CIS) is authorized to
7 administer the oath of Citizenship during this period of time;

8 **8.** Attendees of in-court proceedings and those seeking services at the
9 Clerk's Office and Probation Office are required to: wear masks according
10 to State Health directives, social distance, and follow public health
11 advisories; and

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

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

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

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

3 **DATED** this 21st day of August 2020.



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8 Stanley A. Bastian
9 Chief United States District Judge
10 on behalf of the full Court