

May 11, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

GENERAL ORDER NO. 20-101-5

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

This General Order is being issued pursuant to 28 U.S.C. § 2071(e) and in response to the evolving public health crisis caused by the outbreak of the Coronavirus Disease (COVID-19). Washington State Governor Inslee has extended the “Stay Home-Stay Healthy” proclamation through May 31, 2020, with limited exceptions and a phased “Safe Start” approach to reopening. The Court finds it necessary in the interest of justice to take proactive measures to slow the spread of the virus and ensure the safety of litigants, counsel, Court staff, grand jurors, petit jurors, witnesses, and the public.

This Order amends and extends some aspects of General Order No. 20-101-

4. Accordingly, **IT IS HEREBY ORDERED** that, effective immediately:

1. All grand jury sessions through **May 31, 2020** are VACATED.

Determinations of excludable delay for the time period in which to file an

1 Indictment will be made in each individual case according to 18 U.S.C.
2 § 3161(b) and (h);

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

15 **3.** The Court also finds current public health advisories reduce the
16 Court's ability to obtain an adequate spectrum of jurors and curtails the
17 availability of counsel and Court staff to be present in the courtroom.
18 Therefore, the Court finds, based on the widespread nature of the risks posed
19 by COVID-19, that the ends of justice served by resetting jury trials in all
20 pending criminal cases during this period outweigh the best interest of the

1 public and each affected defendant in speedy trials, and the period between
2 the date of entry of this Order and **May 31, 2020**, may be excluded from
3 Speedy Trial Act calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of
4 excludable delay will be contemporaneously entered by the presiding judge
5 in each individual case, when a jury trial is continued;

6 **4.** Through **May 31, 2020**, the Clerk's Office in each of the three court
7 locations will not be physically accessible to the public, but will remain
8 open. Staff will be available by telephone, mail will be received, and new
9 filings will be processed. Those seeking to make in-person filings or
10 payments are directed to leave such materials in designated drop-boxes at
11 the Court Security Officer locations (guard stations) in the entryway of each
12 courthouse. The Court encourages electronic filings made through the
13 CM/ECF filing system, use of the electronic payment system, and use of
14 mail and delivery services. The Clerk's Office is not closed, it is operational,
15 and you may contact the office by telephone during business hours;

16 **5.** Through **May 31, 2020**, the United States Probation and Pretrial
17 Service Office in each of the three court locations will be closed to the
18 general public. Staff will be available by telephone; drug testing and
19 supervision will continue as directed by Probation and Pretrial Service
20 officers;

