

May 29, 2020

SEAN F. McAVOY, CLERK

1  
2  
3 UNITED STATES DISTRICT COURT  
4 EASTERN DISTRICT OF WASHINGTON

5 In Re:

GENERAL ORDER NO. 20-101-6

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). Washington State Governor Inslee has  
12 extended the “Stay Home-Stay Healthy” proclamation through May 31, 2020, with  
13 limited exceptions and a phased “Safe Start” approach to reopening. Not all  
14 counties within the Eastern District of Washington have begun the phased “Safe  
15 Start” protocol to reopening. Indeed, the counties surrounding Yakima and  
16 Richland, Washington are still in the “Stay Home-Stay Healthy” mode. The Court  
17 finds it necessary in the interest of justice to take proactive measures to slow the  
18 spread of the virus and ensure the safety of litigants, counsel, Court staff, grand  
19 jurors, petit jurors, witnesses, and the public.

1 This Order amends and extends some aspects of General Order Nos. 20-101-  
2 4 and 20-101-5. Accordingly, **IT IS HEREBY ORDERED** that, effective  
3 immediately:

4 **1.** All Yakima grand jury sessions through **June 30, 2020** are  
5 **VACATED**;

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

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

1 Yakima and Richland, Washington. Therefore, the Court finds, based on the  
2 risks posed by COVID-19, that the ends of justice served by resetting jury  
3 trials in pending criminal cases at these two locations during this period  
4 outweigh the best interest of the public and each affected defendant in  
5 speedy trials, and the period between the date of entry of this Order and **June**  
6 **30, 2020**, may be excluded from Speedy Trial Act calculations. *See* 18  
7 U.S.C. § 3161(h)(7)(A). Findings of excludable delay will be  
8 contemporaneously entered by the presiding judge in each individual case,  
9 when a jury trial is continued;

10 **4.** Effective **June 1, 2020**, the Clerk's Office in Spokane is open and  
11 physically accessible to the public. Through **June 30, 2020**, the Clerk's  
12 Office in Yakima and Richland, Washington will not be physically  
13 accessible to the public, but will remain open. Staff will be available by  
14 telephone, mail will be received, and new filings will be processed. Those  
15 seeking to make in-person filings or payments are directed to leave such  
16 materials in designated drop-boxes at the Court Security Officer locations  
17 (guard stations) in the entryway of each courthouse. The Court encourages  
18 electronic filings made through the CM/ECF filing system, use of the  
19 electronic payment system, and use of mail and delivery services. The  
20

1 Clerk's Office is not closed, it is operational, and you may contact the office  
2 by telephone during business hours;

3 **5.** Effective **June 1, 2020**, the Probation and Pretrial Services Office in  
4 Spokane is open and physically accessible to the public. Through **June 30,**  
5 **2020**, the United States Probation and Pretrial Service Office in Yakima and  
6 Richland, Washington will be closed to the general public. Staff will be  
7 available by telephone; drug testing and supervision will continue as directed  
8 by Probation and Pretrial Service officers;

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

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

14 **8.** Attendees of in-court proceedings and those seeking services at the  
15 Clerk's Office and Probation Office are required to: wear masks according  
16 to the Spokane County Health District directive, social distance, and follow  
17 public health advisories; and

18 **9.** This Order does not pertain to Bankruptcy proceedings. Please consult  
19 or contact the Bankruptcy Court for information and specific directions.  
20

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 29th day of May 2020.



12  
13

A handwritten signature in blue ink that reads "Thomas O. Rice".

14  
15  
16  
17  
18  
19  
20

THOMAS O. RICE  
Chief United States District Judge  
on behalf of the full Court