

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 20 2020

Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

In re:	)	
	)	
COURT OPERATIONS UNDER THE	)	
EXIGENT CIRCUMSTANCES	)	GENERAL ORDER
CREATED BY THE NOVEL	)	NO. <u>20-06</u>
CORONAVIRUS AND	)	
ASSOCIATED DISEASE (COVID-19)	)	

This General Order amends and supersedes General Order 20-05. This General Order is being issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19). For many, this disease appears to cause only flu-like symptoms, but for others, particularly older adults, it can be fatal.

The number of confirmed cases continues to grow. Nationally, the Centers for Disease Control and Prevention (CDC) had confirmed about 1,600 cases as of Friday, March 13, 2020. By Monday, March 16th, the number had risen to 3,487. As of the writing of this Order, it stands at 4,226.<sup>1</sup> Relatively few of these cases are in Oklahoma, but the virus has clearly gained a foothold in the state. Currently, about 348 people in Oklahoma have been tested for the virus that causes COVID-19. Of those, 19 tested positive, and 82 were awaiting results.<sup>2</sup> Three of the confirmed cases are in Tulsa County. At least one of the Oklahoma residents who has tested positive appears to have contracted the virus via exposure within the state, an indication that the virus is circulating in the community.

<sup>1</sup> *Coronavirus Disease 2019 (COVID-19) Cases in U.S.*, CDC (March 17, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>.

<sup>2</sup> *Current Situation*, Oklahoma State Department of Health (March 17, 2020, 11:00 AM) <https://coronavirus.health.ok.gov/>. Two of 19 individuals who tested positive were not Oklahoma residents. *Id.*

In order to prevent further spread of the disease, public health officials have recommended measures designed to limit interpersonal contact. In February of this year, the CDC issued "Interim Guidance" recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials.<sup>3</sup> On March 15th, the CDC recommended that any private gatherings involving 50 or more people be canceled or postponed for the next eight weeks.<sup>4</sup> Tulsa Mayor G.T. Bynum has since prohibited such gatherings on public property and signed an executive order closing bars, movie theaters, exercise facilities, and other places where groups congregate.<sup>5</sup>

Given the rapidly increasing number of confirmed cases in the state of Oklahoma and the severity of the risk posed to the public, and given the above recommendations from local public health authorities, it is hereby ORDERED that, effective Friday, March 20, 2020:

- 1) All civil hearings and trials before any district or magistrate judge scheduled before April 30, 2020, are CONTINUED pending further Order of the Court. However, all other scheduling order deadlines, including discovery cut-off and all motion, response, and reply deadlines, shall remain in effect. Telephonic hearings may be scheduled at the discretion of the judge.

---

<sup>3</sup> *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)*, CDC <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>.

<sup>4</sup> *Get Your Mass Gatherings or Large Community Events Ready, Interim Guidance for Coronavirus Disease 2019 (COVID-19)*, CDC <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>.


<sup>5</sup> *Coronavirus, COVID-19 Update in Tulsa—March 16*, City of Tulsa <https://www.cityoftulsa.org/press-room/coronavirus-covid-19-update-in-tulsa-march-16/>; *Businesses Closed Under Civil Emergency*, City of Tulsa <https://www.cityoftulsa.org/residents/coronavirus-covid-19/businesses-closed-under-civil-emergency/>.

- 2) All criminal hearings and trials scheduled before any district judge scheduled before April 30, 2020, are CONTINUED pending further Order of the Court. All other scheduling order deadlines, including all motion and response deadlines, shall remain in effect. Magistrate judges will continue to conduct preliminary criminal proceedings. Magistrate judges will exercise discretion as to the timing, frequency, and manner of conducting such proceedings.
- 3) All Court-ordered settlement conferences scheduled before April 30, 2020, whether scheduled before a magistrate judge or adjunct settlement judge, are CONTINUED pending further Order of the Court.
- 4) All grand jury proceedings in this District are CONTINUED pending further Order of the Court;
- 5) With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A);
- 6) Case-by-case exceptions to the continuances provided herein may be ordered for non-jury matters at the discretion of the Court after consultation with counsel;
- 7) This Order does not affect the Court's consideration of civil or criminal motions that can be resolved without oral argument.


The courthouse remains open. Staff in the Clerk's Office will be available by telephone, mail will be received, and intake desks remain open for filings. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.

The Court will vacate or amend this General Order no later than April 30, 2020.

SO ORDERED this 20th day of March, 2020.

  
\_\_\_\_\_  
JOHN E. DOWDELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
TERENCE C. KERN, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
CLAIRE V. EAGAN  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
GREGORY K. FRIZZELL  
UNITED STATES DISTRICT JUDGE