
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

IN THE MATTER OF COURT
PROCEEDINGS AND COURT
OPERATIONS DURING THE
CORONAVIRUS (COVID-19)
PANDEMIC

**GENERAL ORDER
20-009**

The court enters this General Order in response to the outbreak of the Coronavirus Disease (COVID-19) in the District of Utah. President Trump on March 13, 2020 declared a National Emergency in response to the nationwide outbreak, which the World Health Organization has declared a global pandemic. Governor Herbert has declared a state of emergency in Utah, prompting the Utah Supreme Court to implement the Utah State Courts Pandemic Response Plan at level "Red." The Centers for Disease Control and Prevention has issued guidance to combat the spread of disease, and to promote the health and well-being of the nation.

Given the unprecedented severity of the risks presented by this national and local emergency to the public, litigants, counsel, court staff, and other agencies, the following protocol is hereby implemented immediately in the District of Utah:

1. All civil and criminal jury trials scheduled to begin between today and May 1, 2020 are CONTINUED pending further order of the court. The court may issue further orders concerning future continuances, as necessary and appropriate. Criminal jury trials already underway are not affected by this Order. Questions concerning prospective scheduling of trial dates should be directed to the assigned judge.
2. All trial-related deadlines in criminal trials (including, but not limited to, deadlines concerning motion cutoff dates, proposed jury instructions,

proposed voir dire, proposed verdict forms, etc.) scheduled to begin between today and May 1, 2020 are CONTINUED pending further order of the court. Criminal jury trials already underway are not affected by this Order. Individual judges may continue trial-related deadlines in civil cases at their discretion. Questions concerning trial-related deadlines should be directed to the assigned judge.

3. All grand jury proceedings in the District of Utah are SUSPENDED through May 1, 2020. Due to the unavailability of a grand jury in the District during this period, the 30-day time period for filing an indictment is tolled as to each defendant until this Order terminates. See 18 U.S.C. § 3161(b). Questions concerning grand jury scheduling should be directed to the United States Attorney's Office.

4. Due to the court's reduced ability to obtain an adequate spectrum of jurors, together with the effect of public health recommendations on the availability of counsel, witnesses, and court personnel to be present in the courtroom, all continuances implemented by this Order shall be excluded under the Speedy Trial Act. The court finds that the ends of justice served by ordering continuances of all grand jury proceedings and criminal jury trials outweigh each defendant's right to and the public's interest in speedy indictment and trial. For these reasons, all continuances implemented by this Order are ordered excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the assigned judge in each case. Judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties – particularly where defendants are detained pending trial. Any motion by a criminal defendant seeking an exception to any provision of this Order should be directed to the assigned judge. Absent further order of the court, the period of exclusion shall be from March 16, 2020, through May 1, 2020.

5. Between March 17, 2020 and May 1, 2020, all search warrants and other applications (including, among other things, trap/trace and pen registers), as well as new criminal complaints shall be submitted via email to the courtroom deputy of the duty Magistrate Judge (March: Teri Sparrow for Judge Pead; April: Kirsten Mumford for Judge Warner). The courtroom deputy will then communicate with the sender to arrange the resolution of such matters via electronic means (teleconference or video), as appropriate.
6. Between March 17, 2020 and May 1, 2020, all Title III applications shall be submitted via email to Chief Judge Shelby's courtroom deputy, Mary Jane McNamee. The courtroom deputy will then communicate with the sender to arrange the resolution of such matters via electronic means (teleconference or video), as appropriate.
7. All currently scheduled hearings in criminal cases, including all motion hearings, change of plea hearings, and sentencings are CONTINUED, except that the assigned judge in each case may exercise discretion to proceed with affected hearings at the scheduled time or otherwise by telephone, video conference, or other means that do not require personal appearance at the courthouse.
8. To the extent possible, future criminal hearings will be set for a date after April 15, 2020, but they will be set at the discretion of the judge conducting the hearing. Questions concerning hearings in criminal cases should be directed to the judge conducting the hearing.
9. Initial appearances on indictments and complaints, as well alleged violations of pretrial or supervised release or probation, and detention hearings will proceed as usual. However, appearances in any such matters ordered by summons will be continued to a date after May 1, 2020.

10. The Central Violations Bureau (CVB) calendars set for March and April are CANCELED. The court will direct that new hearing notices for mandatory appearances be delivered for May or later, at the discretion of the assigned judge.
11. In-court reentry (specialty court) hearings and activities are SUSPENDED until after May 1, 2020.
12. The United States Marshals Service (USMS) is directed ensure that new arrestees are taken to jail and screened prior to appearing in court. If a jail informs the USMS that an inmate is sick, that inmate should not be brought to court that day, and the USMS should inform the magistrate judge on duty.
13. Subject to the exception below for temporary restraining orders and other emergency matters, all in-person hearings in civil cases scheduled between March 17, 2020 and March 31, 2020, are VACATED. The assigned judge in each case may exercise discretion to proceed with the hearing at the scheduled time or otherwise by telephone, video conference, or other means that do not require personal appearance at the courthouse.
14. Absent exceptional and unavoidable circumstances, all hearings in emergency matters, including on applications for temporary restraining orders, shall be conducted by telephone, video conference, or other means that do not require in-person attendance of parties, counsel, and witnesses.
15. All settlement conferences scheduled between today and May 1, 2020 are VACATED. Questions concerning rescheduling settlement conferences should be directed to the judge assigned to conduct the settlement conference.

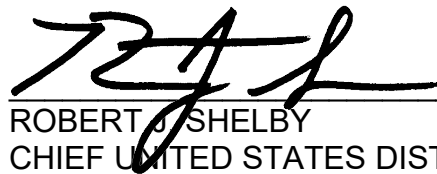
16. All public and bar-related functions scheduled to take place at the federal courthouse between today and May 1, 2020, are CANCELED. This includes meetings of the American Inns of Court, continuing education events, school tours, informational meetings, social functions, and Immigration and Naturalization ceremonies. Questions concerning rescheduling these events should be directed to the Clerk's Office.

17. The courthouse shall remain open for mission-critical functions of the judiciary, but the public and members of the bar are encouraged to come to the courthouse only as necessary for official court-related activities, including case filings that cannot be submitted electronically, attendance for in-person criminal hearings described above, and the like.

18. The Clerks' Office, United States Probation, the United States Bankruptcy Court for the District, and all other court services shall remain open pending further order of the court, but business hours may be limited. Specific information about business hours will be available on each court unit's internet site.

SO ORDERED this 16th day of March, 2020.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE