

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA**

**IN THE MATTER OF**

**CHANGES TO COURT OPERATIONS  
DUE TO CORONAVIRUS DISEASE  
(COVID-19)**

**STANDING ORDER 20-03**

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The ongoing spread of the coronavirus, and the resulting outbreak of the respiratory disease COVID-19 in South Dakota and bordering states, has created an emergency situation. Both the President of the United States and the Governor of South Dakota have made emergency declarations due to the COVID-19 pandemic. The Center for Disease Control has recommended no gatherings larger than fifty people and social distancing efforts be undertaken by all. The executive branch has encouraged people to avoid any gathering larger than ten people. After consulting with representatives of numerous agencies, including but not limited to the Federal Public Defender's Office, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service, the Court finds that certain changes to court operations must be enacted to assist efforts to slow the transmission of the virus. Accordingly,

**IT IS ORDERED:**

1. All civil and criminal jury trials scheduled to commence on or before April 24, 2020, before any judge in the District of South Dakota will be continued pending further order of the Court. Because of the Court's inability to safely call and retain an adequate cross-section of jurors, and the impact of public health recommendations on the availability of clients, counsel, and court staff to be present in the courtroom, the Court specifically finds that the ends of justice served by continuing all criminal jury trials outweigh the best interests of the public and any defendant's right to a speedy trial, and the periods of delay occasioned by the continuances implemented by this Standing Order are therefore excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. Non-jury proceedings, such as bench trials and hearings, shall proceed as scheduled unless continued, on a case-by-case basis, by the presiding judge. However, parties are encouraged to consider participation by telephone or video conferencing when that option is permitted by law and technologically feasible.

3. All grand jury proceedings in the District of South Dakota between March 17, 2020, and April 24, 2020, are continued pending further order of the Court. Grand jury proceedings on or after April 24, 2020, remain set as previously scheduled, pending further order of the Court. The 30-day time period for filing an indictment or an information is hereby tolled as to each defendant during the time period between March 17, 2020, and April 24, 2020, pursuant to 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A). For the same reasons discussed above, the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and any defendant's right to a speedy trial. Therefore, the time period between March 17, 2020, and April 24, 2020, is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), and will not be considered in determining if an Indictment or Information is filed within the time limits set forth in 18 U.S.C. § 3161(b).

4. All deadlines established in civil cases will remain in place, although the Court will be receptive to motions from the parties to enlarge deadlines in civil cases due to disruption caused by social distancing requirements and travel restrictions. Parties are encouraged to consider conducting discovery through means that avoid unnecessary travel or personal contact, such as by telephone or video conferencing, and to consult and seek to agree, if possible, on any enlargement of civil case deadlines. Any dispute over whether discovery can be effectively accomplished consistent with applicable public health guidelines may be submitted to the Court by motion.

5. Except as set forth herein, Court business will proceed as usual to the extent possible consistent with public health guidelines.

6. The Court will vacate, extend, or amend this Order no later than April 24, 2020.

DATED this 17<sup>th</sup> day of March, 2020.



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ROBERTO A. LANGE, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA**

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LIMITED ACCESS TO COURTHOUSES     )  
UNDER EXIGENT CIRCUMSTANCES     )  
CREATED BY COVID-19/CORONAVIRUS    )

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STANDING ORDER  
20-2

This Standing Order is being issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19). The Centers for Disease Control and Prevention (CDC) has advised people to take precautions because the best way to prevent illness is to avoid being exposed to this virus. One way of avoiding exposure to the virus is to practice social distancing. Therefore, the United States District Court for the District of South Dakota is imposing visitor restrictions and temporary rules for all courthouses in the District during the COVID-19 outbreak.

IT IS HEREBY ORDERED, effective immediately:

That the following persons, including but not limited to federal employees and contractors, shall not enter any courthouse in the District of South Dakota:

1. Persons who have traveled to any of the following countries within the last 14 days:  
China, South Korea, Italy, or Iran;
2. Persons who reside or have had close contact with someone who has traveled to one of the countries listed above within the last 14 days;
3. Persons who have been asked to self-quarantine by any doctor or other medical provider, hospital, or health agency if they remain within that time of self-

quarantine;

4. Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19 unless and until they have completed a quarantine period;
5. Persons with fever, cough or shortness of breath.

Court Security Officers may question any courthouse visitor to determine whether they fall into any of these categories. Anyone attempting to enter in violation of these protocols will be denied entry by a Court Security Officer.

Anyone with a scheduled appointment or who is otherwise required to appear at one of the courthouses in the District of South Dakota, and is unable to appear because of the restrictions listed above, should proceed as follows:

- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and you are scheduled to appear in court before a judge, please contact chambers directly (contact information is on the Court's website);
- If you are scheduled to meet with a Pretrial/Probation officer, please contact the Probation office at (605) 977-8900;
- If you are a juror, please contact the Jury Administrator at (605) 330-6620;
- For Bankruptcy Court matters, please contact the Bankruptcy Clerk at (605) 357-2400;
- For all other matters, please contact the District Clerk of Court at (605) 330-6600.

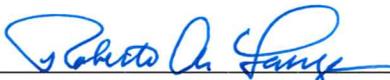
These restrictions will remain in place until the Court determines it is safe to remove

them. People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.

IT IS FURTHER ORDERED that, due to the fluid nature of the outbreak and need for flexibility in responding thereto, the judicial officer before whom any hearing is scheduled shall determine whether and how to conduct hearings during the COVID-19 outbreak.

DATED this 13<sup>th</sup> day of March 2020.

BY THE COURT:

  
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ROBERTO A. LANGE  
CHIEF JUDGE