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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 In Re:

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10 FOURTH EXTENSION OF MODIFIED  
11 COURT OPERATIONS UNDER THE  
12 EXIGENT CIRCUMSTANCES  
13 CREATED BY COVID-19 AND  
14 RELATED CORONAVIRUS

GENERAL ORDER NO. 13-20

15 This General Order is being issued in response to the continuing outbreak of Coronavirus  
16 Disease 2019 (COVID-19) in this District. On March 17 and 25, 2020, the Court entered General  
17 Orders 02-20 and 03-20 addressing, among other things, the closing of the Seattle and Tacoma  
18 Courthouses for at least 30 days and the procedures for conducting civil and criminal matters  
19 remotely. The Court incorporates here its prior findings regarding COVID-19 and the state of  
20 emergency declarations and public health guidelines as set forth in those prior General Orders.

21 On April 13, 2020, the Court continued the procedures established by General Orders 02-  
22 20 and 03-20 for 30 days. On May 13, the Court continued procedures established by General  
23 Orders 02-20 and 03-20 until July 31, and these procedures were later continued to September 8,  
24 2020. The Court has previously discussed permitting limited in-person proceedings, but this was  
25 contingent on improvements in the public health situation in this District.

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27 Unfortunately, there continues to be a significant number of positive cases in many of the  
28 counties of Western Washington. On August 28, the Washington State Department of Health

1 released the latest statewide Situation Report, which reflects an overall plateau and slight decline  
2 in COVID-19 cases in some areas.<sup>1</sup> King County is experiencing a plateau in the number of cases  
3 at a level high enough to prevent many kinds of public gatherings. Limiting the size and  
4 frequency of gatherings remains critical to preventing serious injury and death from COVID-19.

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6 Given all of the above, the Court finds that the guidance of local and national public  
7 health officials continues to require the Courthouses to remain closed.

8 Accordingly, the Court ORDERS that the procedures established by General Orders 02-  
9 20 and 03-20 will be continued until **October 5, 2020**. All District Court civil and criminal in-  
10 person hearings and trials in these Courthouses scheduled to occur before October 5, 2020, are  
11 continued pending a future general order from this Court. The Bankruptcy Court will continue  
12 with scheduled non-evidentiary hearings telephonically as posted on the Bankruptcy Court's  
13 website and announced by the individual judges and may conduct evidentiary hearings and trials  
14 by video/telephonic conferences.

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16 Individual judges may proceed with a very limited number of in-person hearings in felony  
17 criminal proceedings (*e.g.* evidentiary hearings, bench trials, and sentencings) by issuing orders  
18 on a case-by-case basis so long as such orders address the above public health concerns.

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20 Remote video proceedings are now permitted in civil cases, including jury trials with  
21 jurors participating remotely. Counsel in civil cases are strongly encouraged to confer with each  
22 other and to request to use such procedures to avoid a significant delay before in-person  
23 proceedings can resume. All participants, including the public and members of the press, are  
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<sup>1</sup> See New Report Shows COVID-19 Cases Hitting a Plateau in Some Areas of Washington State,"  
<https://coronavirus.wa.gov/news/new-report-shows-covid-19-cases-hitting-plateau-some-areas-washington-state>  
(Last accessed August 31, 2020).

1 strictly prohibited from recording or broadcasting any of the Court’s remote hearings, in whole  
2 or in part, in any fashion.

3 Courthouse lobbies will remain open for the public to use drop boxes to deposit  
4 documents for filing and payments for the District Clerk’s Office. A limited number of people  
5 may enter the courthouses to conduct official business provided they have scheduled  
6 appointments or notifications to do so.

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8 In-person trials continue to present an unacceptable public health risk. The Court  
9 continues to find that, due to the current inability to obtain an adequate spectrum of jurors and  
10 the effect of the above public health situation on the availability of witnesses, counsel, and Court  
11 staff to be present in the courtroom, the time period of the continuances implemented by this  
12 General Order will be excluded under the Speedy Trial Act, as the Court finds that the ends of  
13 justice served by ordering the continuances outweigh the best interests of the public and any  
14 defendant’s right to a speedy trial, pursuant to 18 U.S.C. §3161(h)(7)(A). For the same reasons,  
15 the Court finds under 18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires  
16 delay of all in-person criminal preliminary hearings during the time period of these continuances.  
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19 The Court further ORDERS the continuation of the following procedural changes:

20 1. In order to limit the physical exchange of documents, signatures on documents in civil  
21 and criminal proceedings conducted remotely will not be required. Instead, the Court  
22 will make a record that the document has been reviewed and authorized by the  
23 signatory and is fully binding. Such documents include, but are not limited to the  
24 following:  
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- 26 a. Financial affidavits. 28 U.S.C. 1746;
- 27 b. CJA Appointments;
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- c. Consents to proceed before a magistrate judge;
- d. Appearance bonds/Orders of release;
- e. Plea agreements;
- f. Jury verdicts; and
- g. Judgments.

2. Local Civil Rule 32 continues to include among the definitions of “Unavailable Witness” in FRCP 32(4)(C) the following: “concern about personal health risks from exposure to the COVID-19 virus.”

Other General Orders addressing particular COVID-19 issues have not expired and need not be modified at this time.

Dated this 4<sup>th</sup> day of September, 2020.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE