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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

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9 In Re:

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

GENERAL ORDER NO. 11-20

15 This General Order is being issued in response to the continuing outbreak of Coronavirus
16 Disease 2019 (COVID-19). On March 17 and 25, 2020, the Court entered General Orders 02-20
17 and 03-20 addressing, among other things, the closing of the Seattle and Tacoma Courthouses
18 for at least 30 days and the procedures for conducting civil and criminal matters remotely. The
19 Court incorporates here its prior findings regarding COVID-19 and the state of emergency
20 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, 2020, the Court continued procedures established by
23 General Orders 02-20 and 03-20 until July 31, 2020. The Court also discussed the possibility of
24 permitting limited in-person proceedings in August. At the time, the public health situation in
25 this District was improving with fewer daily positive COVID-19 test results.
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27 Unfortunately, there has been a significant increase in the daily numbers in June and July.
28 On July 23, 2020, the Governor acknowledged this trend by announcing new changes to the Safe

1 Start Order designed to limit indoor interactions. Secretary of Health John Wiesman stated at
2 the time, “[w]e’re losing the momentum we had during the early months of this response,” and
3 that “[f]ewer, shorter, and safer interactions are crucial.” On July 28, 2020, the Governor also
4 extended indefinitely a pause on counties moving ahead in the Safe Start Washington plan.

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

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8 Accordingly, the Court ORDERS that the procedures established by General Orders 02-
9 20 and 03-20 will be continued until September 8, 2020. All District Court civil and criminal in-
10 person hearings and trials in these Courthouses scheduled to occur before September 8, 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. After September 8, 2020, individual judges, including
15 bankruptcy judges, may proceed with a very limited number of in-person hearings and bench
16 trials by issuing orders on a case-by-case basis so long as such orders address the above public
17 health concerns.
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20 Courthouse lobbies will remain open for the public to use drop boxes to deposit
21 documents for filing and payments for the District Clerk’s Office. A limited number of people
22 may enter the courthouses to conduct official business provided they have scheduled
23 appointments or notifications to do so.
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25 The Court continues to successfully conduct civil and criminal proceedings via video
26 conference and teleconference. A recent civil bench trial was successfully conducted using
27 remote video and audio technology. The Court is developing procedures for remote video civil
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1 jury trials. Counsel in civil cases are strongly encouraged to confer with each other and work
2 with the Court to use such procedures to avoid a significant delay before in-person proceedings
3 can resume.

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

- 16 1. In order to limit the physical exchange of documents, signatures on documents in
17 criminal proceedings conducted remotely will not be required. Instead, the Court will
18 make a record that the document has been reviewed and authorized by the signatory
19 and is fully binding. Such documents include, but are not limited to the following:
 - 20 a. Financial affidavits. 28 U.S.C. 1746;
 - 21 b. CJA Appointments;
 - 22 c. Consents to proceed before a magistrate judge;
 - 23 d. Appearance bonds/Orders of release;
 - 24 e. Plea agreements;
 - 25 f. Judgments.
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1 2. Local Civil Rule 32 is hereby amended by including among the definitions of
2 “Unavailable Witness” in FRCP 32(4)(C) the following: “concern about personal
3 health risks from exposure to the COVID-19 virus.”

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

6 Dated this 30th day of July, 2020.
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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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