

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

Miscellaneous Case No. 2:20-mc-00052

**IN RE: COURT OPERATIONS IN LIGHT OF
THE EXIGENT CIRCUMSTANCES
PRESENTED BY THE COVID-19 PANDEMIC**

GENERAL ORDER #6

On March 13, 2020 a General Order was entered recognizing the exigent circumstances created by the COVID-19 pandemic and continuing all jury matters in the District for a period of two weeks. On March 18, 2020, General Order #2 was entered that imposed certain restrictions upon entry to the courthouses in the District, in light of guidance issued by local and national public health authorities. On March 23, 2020, the Court entered General Order #3, which expanded and extended the measures set forth in the first two orders and made further findings regarding the serious circumstances presented by the pandemic. General Order #3, among other things, postponed or canceled all in person court proceedings and other gatherings in this court and its courthouses through April 24, 2020, and generally closed to the public the courthouses of this district, subject to some exceptions to allow for necessary court business. On March 30, 2020, the Court entered General

Order #4, relating to the expanded ability to conduct certain criminal proceedings using videoconferencing technology. Finally, on April 14, 2020, the Court entered General Order #5, which extended the previous postponement of all in-person court proceedings and other gatherings in this court and its courthouses through May 31, 2020, and generally closed to the public the courthouses of this district, subject to some exceptions to allow for necessary court business.

The Court now adopts its previous findings on this matter contained in the prior orders. The Court further finds that state and local officials, including the state court system, have begun efforts to gradually re-open while maintaining social distancing, hygiene precautions, and implementing protocols to resume activities without requiring a large number of individuals to gather in an enclosed location. This gradual approach appears to be having a beneficial effect on the spread of the virus, and the Court is mindful of the need to use the same approach while gradually resuming court activities. Petit jury trials, in particular, require large groups of individuals from throughout the district to travel and assemble, often in close proximity to each other. Other court proceedings that involve fewer individuals may continue to be conducted remotely using videoconferencing and other technologies, or, in the discretion of the presiding judicial officer, may be conducted in-person in accordance with social distancing guidelines.

IT IS THEREFORE ORDERED, that all civil and criminal petit jury selections and trials scheduled to commence now through June 30, 2020 before any

district or magistrate judge in the Southern District of West Virginia are
CONTINUED until further order of the Court; and it is further

ORDERED that with regard to criminal trials, due to the Court's reduced ability to obtain an adequate spectrum of petit 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 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 each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A); and it is further

ORDERED that with respect to grand jury meetings currently scheduled in the month of June, the Court will make a subsequent determination as to whether it is possible to obtain a quorum of grand jurors and provide a location for grand jury meetings that complies with social distancing guidelines; and it is further

ORDERED that beginning on June 1, 2020, all other civil and criminal proceedings in the U.S. District Court for the Southern District of West Virginia, may be conducted in-person in the discretion of the presiding judicial officer, provided that the in-person proceeding is conducted in a manner that complies with social distancing guidelines. The courtrooms of the district will all be marked with social distancing locations, and the presiding judicial officer has authority and discretion to require the participants and officials who are present at any in-person court proceeding to comply with any additional precautions that are deemed

necessary under the circumstances. Where practical, presiding judicial officers may continue the use of existing videoconferencing and other technologies to conduct court proceedings in accordance with prior directives of the Court; and it is further

ORDERED that in order to reduce the necessity of handling mail, the requirements of Local Rule of Civil Procedure 7.1(a)(5) and Local Rule of Criminal Procedure 49.1 are hereby suspended through June 30, 2020, and it is therefore unnecessary during this period for counsel to provide a paper courtesy copy to the assigned judicial officer of a document over fifty pages in length that is filed electronically; and it is further

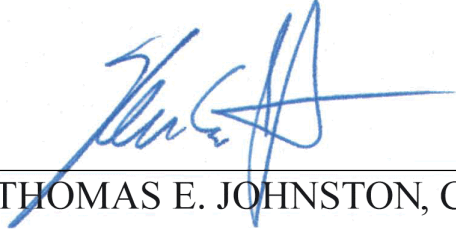
ORDERED, pursuant to 41 C.F.R. 102-74.375, in order to provide for the orderly conduct of government business, the U.S. Courthouses in the Southern District of West Virginia continue to be closed to the general public. Only litigants with scheduled in-person proceedings, family members of litigants with scheduled in-person proceedings, parties who must appear in the courthouse as a direct consequence of a court ruling, counsel of record, investigators or employees of counsel, credentialed press, persons specifically authorized by a presiding judicial officer in connection with an in-person proceeding, and authorized persons who display government or other identifying credentials to Court Security Officers may be present in the courthouses. Masks or facial coverings are strongly encouraged to be worn by all persons entering the courthouse, especially while in the common areas of the courthouse. Persons seeking entry to the courthouse are required to provide their own masks or appropriate facial coverings. Presiding judicial officers

have the discretion to require masks or facial coverings to be worn while in their courtrooms or chambers. Members of the public will retain access to drop boxes at the entrance of each courthouse to deposit papers between 8:30 a.m. and 5:00 p.m. Monday through Friday. Members of the public will have access to in-person proceedings by means of remote online video and/or audio means. Postal and common courier deliveries will continue to be processed as they have been under General Orders #3 and #5; and it is further

ORDERED that this Order does not toll any applicable statute of limitations. Electronic filing through CM/ECF will remain available, and self-represented litigants may deposit papers in drop boxes at each courthouse between 8:30 a.m. and 5:00 p.m., Monday through Friday. For emergency criminal matters, please contact the assigned magistrate judge. For emergency civil matters, please contact the Clerk's Office at (304) 347-3000. For emergency bankruptcy matters, please contact the Bankruptcy Court Clerk's Office at (304) 347-3003; and it is finally

ORDERED that the courthouse entry restrictions set forth in General Order #2 continue to remain in effect for any person authorized to enter a courthouse in this District, and General Order #4 relating to use of videoconferencing in criminal proceedings remains in effect unchanged.

SO ORDERED this 22nd day of May, 2020.



THOMAS E. JOHNSTON, CHIEF JUDGE