

FILED

Apr - 15 2020

Robert R. Carr
Clerk, U.S. District CourtUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY**In Re:****COURT OPERATIONS RELATED
TO COVID-19****GENERAL ORDER
No. 20-08**

*** **

On March 13, 2020, by General Order No. 20-02, trials in this district were continued through April 17, 2020, due to health risks created by the COVID-19 pandemic. In relevant part, the Court acknowledged federal, state and local guidance regarding the need to limit large gatherings of persons as a necessary precaution to reduce the possibility of exposure to the novel coronavirus. The jury selection process presents specific risks to potential jurors, parties, attorneys and Court personnel.

Later, by General Order No. 20-03, trials were further continued through May 1, 2020. The Court continues to monitor national, state and federal restrictions and guidance regarding the health and safety of the general population, while maintaining operations to the extent practical. Therefore, in further response to the COVID-19 pandemic referenced in General Order Nos. 20-02 and 20-03, and consistent with actions taken by numerous federal, state, and local entities, it is hereby

ORDERED as follows:

1. The continuation of all civil and criminal trials in this judicial district shall be extended through **May 17, 2020**.

2. With respect to criminal trials continued by this order, the Court again incorporates the reasons outlined in General Order Nos. 20-02 and 20-03 in finding that, based on public health recommendations and the severity of risk posed to the public the time period of the continuance caused by this general order shall be excluded under the Speedy Trial Act. Present conditions continue to warrant a general continuance of all trials in this district through at least May 17, 2020.¹ Therefore, with respect to criminal actions, the Court specifically finds

¹ The President and the White House Coronavirus Task Force previously issued guidance recommending that Americans “[w]ork or engage in schooling from home whenever possible.” See *Coronavirus Guidelines for America*, <https://www.whitehouse.gov/briefings-statements/coronavirus-guidelines-america/> (issued Mar. 16, 2020). The Task Force recently observed that coronavirus mitigation efforts should not be halted at this time and Americans should continue to stay home, if possible. See *Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing*, <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-24/> (issued Apr. 10, 2020). Additionally, the Centers for Disease Control and Prevention (“CDC”) continues to recommend social distancing, indicating that limiting face-to-face contact is the best way to reduce the spread of COVID-19. See *Social Distancing, Quarantine, and Isolation*, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> (last accessed Apr. 14, 2020).

These statements, declarations, recommendations, and guidance further support the Court’s finding that “the ends of justice served by [this general order] outweigh the best interest of the public and the defendant” (or defendants) in a speedy trial.” See 18 U.S.C. § 3161(h)(7)(A); cf. *United States v. Scott*, 245 F. App’x 391, 394 (5th Cir. 2007) (affirming excludability of “Hurricane-Katrina-related continuance”); *In re Extension of Certain Deadlines in Criminal Cases as a Result of Hurricane Sandy & Court Closure*, 2012 WL 5359631, at *1 (S.D.N.Y. Oct. 29, 2012) (excluding delay attributable to Hurricane Sandy for “any pending criminal cases requiring action by a grand jury[.]”). The judge assigned to the respective matter will re-set proceedings as soon as the concerns motivating the general continuance sufficiently dissipate.

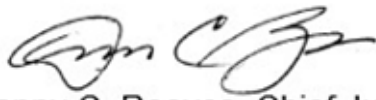
that the ends of justice served by ordering the continuance outweigh the best interests of the public and the defendant's right to a more speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3. Subject to intervening orders, the period of exclusion shall be from March 16, 2020, through May 17, 2020. And as previously acknowledged, the district judge assigned to a specific criminal matter may further extend this period if circumstances warrant.

4. Except as amended by this order, all other provisions of previously-entered general orders captioned "In re: Court Operations Related to COVID-19" remain in effect.

Dated: April 15, 2020.




Danny C. Reeves, Chief Judge
United States District Court
Eastern District of Kentucky