

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| IN RE: | : | |
| | : | |
| SECOND EXTENSION OF | : | STANDING ORDER |
| ADJUSTMENTS TO COURT | : | |
| OPERATIONS DUE TO THE | : | |
| EXIGENT CIRCUMSTANCES | : | |
| CREATED BY COVID-19 | : | |

This Order is issued in response to the ongoing coronavirus disease 2019 (COVID-19) outbreak in this district. In the interest of public health and safety, the Court has taken significant steps to limit operations due to the exigent circumstances created by the COVID-19 pandemic. Beginning on March 13, 2020, the Court issued a series of Standing Orders that continued all civil and criminal jury trials and certain other court proceedings and events; restricted access to courthouses, Court locations, and Court offices in the Eastern District of Pennsylvania; and made adjustments to the operations of the Clerk’s Office and the use of the Case Management/Electronic Case Filing (CM/ECF) system through April 13, 2020. On April 10, 2020, the Court issued a Standing Order extending the measures implemented pursuant to its prior Standing Orders through May 31, 2020. The Court continues to monitor the COVID-19 outbreak in this district and the guidance available from government officials and public health authorities at the Federal, State, and local levels. Upon consideration of the available guidance and the current circumstances with respect to COVID-19 in this district, including the ongoing circumstances outlined in the Court’s prior Standing Orders, the Court finds it is necessary and appropriate to further extend the measures previously implemented in order to protect public health and safety, including the safety of Court personnel and all persons entering courthouses, Court locations, and Court offices in this district.

Since the April 10, 2020, Standing Order was issued, the number of confirmed cases of COVID-19 in this district has increased to more than 50,000. The Governor of Pennsylvania and the Secretary of the Pennsylvania Department of Health have extended their orders directing individuals residing in the Commonwealth to stay at home, except as needed to access, support, or provide life sustaining business, emergency, or government services. Those orders remain in effect in all nine counties in this district through June 4, 2020. A separate stay-at-home order issued by the Mayor and the Health Commissioner also remains in effect in the City of Philadelphia. In addition, the Centers for Disease Control and Prevention (CDC) and State and local public health authorities continue to recommend that precautions be taken to avoid exposure to the virus and prevent its spread, including staying home as much as possible, refraining from gathering in groups, avoiding using public transportation, ridesharing, or taxis, refraining from non-essential travel, and maintaining at least six feet of physical distance from others outside the home.

It is anticipated that the stay-at-home orders issued by the Governor and the Secretary of Health may soon be lifted for the counties in this district. When these orders are lifted, the Court may begin the process of reconstituting on-site operations pursuant to the Federal Judiciary COVID-19 Recovery Guidelines issued by the Administrative Office of the United States Courts, provided the other gating criteria are met. However, this process must occur gradually and cautiously to protect the health and safety of Court employees and all those entering Court facilities and to mitigate the risk of a resurgence of new cases of COVID-19. In accordance with the Federal Judiciary COVID-19 Recovery Guidelines, in the initial phase of reconstituting, on-site staffing will be kept to a minimum, and the Court will continue to use video teleconferencing and telephone conferencing for court proceedings to the greatest extent possible. The Court will also consider

resuming a limited number of in-court proceedings in a limited range of critical criminal cases prior to June 30, 2020, if circumstances allow. Any in-court proceedings prior to June 30, 2020, will take place in a limited number of designated courtrooms to ensure adequate cleaning and the safety of all participants.

The circumstances regarding the COVID-19 pandemic continue to significantly impact court operations in this district, including the ability to proceed with jury selections and jury trials at this time. Jury selections in this district frequently involve the summoning of large numbers of prospective jurors, many of whom must travel significant distances and/or use public transportation. The venire pools typically include individuals in the age category identified by the CDC as being at higher risk for severe illness from COVID-19 as well as individuals who are parents and may have childcare issues as a result of closures of schools and other programs. In addition to raising health and safety issues, assembling a venire requires advance notice as summonses are mailed to prospective jurors at least 40 days before trial. It is impractical to summon jurors until conditions are such that jury trials can be safely resumed.

In light of the ongoing COVID-19 outbreak in this district and the circumstances described above and in this Court's prior Standing Orders, it is ORDERED as follows:

1. The United States District Court for the Eastern District of Pennsylvania will remain open for business in all Court locations (Philadelphia, Allentown, Reading, and Easton), subject to the following limitations.

Continuance of Jury Trials and Certain Other Court Proceedings and Events

2. All civil and criminal jury selections and jury trials scheduled to begin on or before August 31, 2020, before any district or magistrate judge in any courthouse or Court location in the Eastern District of Pennsylvania are CONTINUED pending further Court order. All jury

selections and trials impacted by this Standing Order will be rescheduled by the presiding judicial officer.

3. Grand jury selections are also CONTINUED through August 31, 2020.

4. The Court having determined that it will not be possible to obtain a quorum for any of the existing grand juries in this district in the month of June due to the current public health situation, impaneled grand juries will not meet through June 30, 2020. All existing grand juries shall remain in session, and any subpoenas for ongoing and new investigations are enforceable.

5. Aside from ordering a jury trial, individual judges presiding over criminal proceedings may take such actions consistent with this Standing Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

6. With respect to criminal trials continued by this Standing Order, the Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment and the particular application of that right in cases involving defendants who are detained pending trial. In light of the circumstances regarding the COVID-19 outbreak in this district outlined above and in the Standing Orders issued on March 13, 2020, March 18, 2020, and April 10, 2020, the Court finds the ends of justice served by granting a continuance outweigh the best interest of the public and each defendant in a speedy trial. The circumstances with regard to the COVID-19 outbreak in this district continue to impede the Court's ability to obtain an adequate complement of trial jurors due to concerns regarding health and safety, and impact the ability of Court personnel, counsel, and other participants to be present during trial. It is not possible for the Court to proceed with jury selections and jury trials at this time consistent with the restrictions and public health guidance described above. In these circumstances and given the seriousness of the ongoing COVID-19 outbreak in this district, failure to postpone jury trials through August 31,

2020, would be likely to make the continuation of such trials impossible or result in a miscarriage of justice. Accordingly, the additional time period from May 31, 2020, through August 31, 2020, shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), for all criminal cases impacted by this trial continuance. This period of exclusion is in addition to the period of exclusion previously granted for the time period from March 13, 2020, through May 31, 2020. The Court may extend the period of exclusion by further order as circumstances may warrant, and the presiding judge in any criminal case for which trial is continued under this Standing Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial. Any motion by a criminal defendant seeking an exception to this Standing Order for the purpose of exercising the defendant's speedy trial rights shall be referred to the Chief Judge.

7. The circumstances regarding the COVID-19 outbreak in this district outlined above and in the Standing Orders issued on March 13, 2020, March 18, 2020, and April 10, 2020, also prevent the continued operation of grand juries at this time. Grand juries have not met in this district since March 17, 2020, and will not meet through June 30, 2020, as health and safety concerns make it impossible to obtain a quorum for any of the existing grand juries during the month of June. Due to the continued unavailability of a grand jury in this district during this period, the deadlines for filing an indictment or information under 18 U.S.C. § 3161(b) and (d)(1), which were previously continued in the March 18 and April 10 Standing Orders, shall remain continued through June 30, 2020. The Court finds the ends of justice served by granting a continuance outweigh the best interest of the public and each defendant in a speedy trial. Because of the temporary unavailability of a grand jury in this district due to ongoing COVID-19 public health emergency, it is unreasonable to expect return and filing of an indictment within the period

specified under § 3161(b). *See* 18 U.S.C. § 3161(h)(7)(B)(iii). In computing the time within which an indictment or information must be filed under 18 U.S.C. § 3161(b) or (d)(1), the additional period of time from May 31, 2020, through June 30, 2020, shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in all cases in this district. This period of exclusion is in addition to the period of exclusion previously granted for the time period from March 18, 2020, through May 31, 2020. The Court may extend the period of exclusion as circumstances warrant. Any motion by a criminal defendant seeking an exception to this Standing Order for the purpose of exercising the defendant's speedy trial rights shall be referred to the Chief Judge.

8. All Central Violations Bureau proceedings scheduled to occur on or before June 30, 2020, are CONTINUED pending further Court order.

9. All arbitration hearings pursuant to Local Civil Rule 53.2 scheduled to occur on or before June 30, 2020, are CONTINUED pending further Court order.

10. All public gatherings, other than court proceedings, are SUSPENDED at all courthouses and Court locations within the Eastern District of Pennsylvania pending further Court order. This includes, but is not limited to, group tours and visits, moot courts and mock trials, bar group meetings, seminars, naturalization ceremonies, and attorney admission ceremonies. Attorneys seeking admission to practice in the Eastern District of Pennsylvania pursuant to Local Civil Rule 83.5(a) may be admitted upon completion and submission of the application and fee, subject to review by the Court. Attorneys seeking admission pursuant to Local Civil Rule 83.5(f) will be notified of a hearing date at an appropriate time.

Access to Courthouses, Court Locations, and Court Offices

11. The restrictions on access to courthouses, Court locations, and Court offices in the Eastern District of Pennsylvania set forth in the Standing Orders issued on March 17, 2020, March 20, 2020, and April 10, 2020, shall remain in effect until further notice:

a. Access to courthouses and other Court locations in this district is limited to judges, Court personnel, and persons attending court proceedings or having other official business with the Court.

b. Persons otherwise authorized to enter are, nonetheless, prohibited from entering if: (1) because of exposure to COVID-19 or travel to a country or region with an outbreak of COVID-19, they have been advised to self-quarantine by any doctor, hospital, or health agency; (2) they reside with or have had close contact with someone who has been advised to self-quarantine by any doctor, hospital, or health agency; (3) they have been diagnosed with, or have had known contact with anyone who has been diagnosed with, COVID-19; or (4) they are experiencing symptoms of respiratory illness such as fever, severe cough, or shortness of breath.

Clerk's Office Operations and Electronic Filing

12. The Clerk's Office in the Edward N. Cahn U.S. Courthouse in Allentown will remain closed until further notice. No paper filings will be accepted at the Cahn Courthouse.

13. The Clerk's Office in the James A. Byrne U.S. Courthouse in Philadelphia will remain open and operational, but public access to the Clerk's Office will continue to be restricted until further notice.

14. All registered users of the CM/ECF system are required to electronically file any case-related documents that can be filed electronically through the CM/ECF system, including

complaints, amended complaints, and third-party complaints in civil cases; notices of removal; and petitions for writs of habeas corpus. The restrictions set forth in Local Civil Rule 5.1.2, subsection 2(b), stating that initial papers in civil cases cannot be electronically filed by counsel shall remain suspended until further notice.

15. Any document that cannot be electronically filed should be emailed in PDF format to the following address: PAED_DOCUMENTS@PAED.USCOURTS.GOV. When emailing documents, filers should indicate the case number and the title of the document or pleading in the subject line of the email.

16. Pro se litigants with pending cases or matters in the Eastern District of Pennsylvania are encouraged to provide their current email address, which will appear on the public docket of record, to PAED_DOCUMENTS@PAED.USCOURTS.GOV. The email address that is provided will be used to serve copies of orders on the pro se litigant. Pro se litigants who provide their email address should be sure to include in the email (1) their name exactly as it appears on the docket(s); (2) the case number(s) for the case(s) in which they are a party; and (3) their current email address. Pro se litigants are also encouraged to use the same court email address, PAED_DOCUMENTS@PAED.USCOURTS.GOV, to submit any documents for filing. Documents submitted by email should be in PDF format, if possible. Procedural rules concerning the form and content of filings are still in effect, and litigants are encouraged to review the Pro Se Notice of Guidelines on the Court website, <http://www.paed.uscourts.gov/documents2/forms/forms-pro-se>, for more information.

17. Paper filings are strongly discouraged at this time. When necessary, paper filings, including sealed filings, should be left in the drop box in the lobby of the James A. Byrne U.S. Courthouse in Philadelphia. Sealed filings should be clearly marked as such. All payments should

also be left in the drop box in the lobby of the Byrne Courthouse. Payments must be by check payable to “Clerk, USDC.” No cash will be accepted.

18. Filers with an emergency matter should inform the Clerk’s Office by emailing PAED_DOCUMENTS@PAED.USCOURTS.GOV and by calling one of these numbers: (215) 597-0374, (800) 525-5726, or (877) 437-7411. In the email, filers should (1) indicate in the subject line the type of pleading and nature of relief sought; (2) include all relevant telephone and email contact information; and (3) attach a PDF version of the filing to the email. Filers who send their pleading via email should NOT place a paper copy of the filing in the drop box unless their individual circumstances require the time stamp. Filers who believe they need to use the time stamp and the drop box should note in their email that a paper copy of the filing was placed in the drop box. Filers who are unable to provide their emergency pleading as a PDF via email should use the time stamp and the drop box and notify the Clerk’s Office by calling one of the phone numbers listed above.

19. Clerk’s Office staff will be continuing to work mostly remotely but will be retrieving voicemail and responding to messages. When leaving a voicemail message, please supply an email address when possible. Mail and other deliveries will be received and processed on a limited schedule. However, paper filings and payments will not be accepted in person in the Clerk’s Office until further notice. For a directory of Clerk’s Office employees, please see the Court’s website: <http://www.paed.uscourts.gov/documents/directry/directry.pdf>.

20. This Standing Order may be extended or supplemented by further Court order as circumstances may warrant.

/s/ Juan R. Sánchez
Juan R. Sánchez
Chief Judge

Date: May 29, 2020