

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FILED
MICHAEL J. MACK
CLERK OF COURT
2020 MAR 20 PM 6:19
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

In Re:

COURT OPERATIONS UNDER THE :
EXIGENT CIRCUMSTANCES : **GENERAL ORDER NO. 20-05**
CREATED BY COVID-19 :

GENERAL ORDER

This Court issues this General Order in response to the exponential spread of the Coronavirus Disease 2019 (COVID-19) in the Southern District of Ohio and elsewhere. There are multiple confirmed cases of COVID-19 throughout the Southern District of Ohio generally and in each seat of court in the Southern District of Ohio, Columbus, Cincinnati, and Dayton. President Trump has declared a national emergency, issued guidelines directing at-risk individuals to remain at home, mandated social distancing, mandated the discontinuance of discretionary travel, and mandated that people avoid social gatherings in groups larger than ten. The Governor of the State of Ohio, Michael DeWine, has also declared a state of emergency, which among other things, limits large indoor gatherings. The Governor’s Declaration follows the Centers for Disease Control and Prevention (“CDC”) “Interim Guidance,” recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials.¹

Given the outbreak of COVID-19 in this district, its exponential spread, the risk of exposure for the employees in each federal courthouse in the Southern District of Ohio, and in an effort to protect the safety and health of all those entering into said courthouses,

¹ *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), February 2020*, <https://www.cdc.gov/coronavirus2019-ncov/specific-groups/guidance-business-response.html> (last updated February 26, 2020).

IT IS ORDERED, effective immediately, the Joseph P. Kinneary Courthouse (Columbus), the Potter Stewart Courthouse (Cincinnati) and the Walter H. Rice Courthouse (Dayton) will be closed to the public except as stated below. This temporary closure will last a period of fourteen (14) days beginning March 23, 2020, and may be continued by this Court based upon federal and state public health requirements existing at that time. Pursuant to this Order:

- (1) The above-referenced federal courts will continue to hold criminal sentencings during this 14-day period. Sentencings will include only those defendants who are in custody. Defendants who are on bond pending sentencing will be subject to the extension period of this Order. Family members of the defendants may enter the courthouse to observe said sentencing hearings. Family is meant to include immediate family, spouses, or significant others. Consistent with public health and safety, the press may also attend public sentencing hearings.
- (2) All criminal and civil hearings and trial dates in those courthouses scheduled to proceed during the period of this fourteen-day continuance are continued pending further order of the Court. The Court may proceed with video/telephonic conferences as appropriate and at the discretion of individual judges. Scheduling orders in cases may need to be amended as appropriate on a case by case basis.
- (3) With regard to criminal matters, due to the public health concerns referenced above, the time period of the continuances implemented by this General 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 any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A);

- (4) All initial appearances, detention hearings and arraignments will take place in the same proceeding and will be conducted via Video Teleconferencing Capability (VTC). The defendant will appear via VTC from the interview room located in the United States Marshal Service Office. Pretrial Services will arrange to meet with the defendant, in person, by video, or by phone, prior to the initial appearance so that the Pretrial Services Officer will be able to make an oral recommendation to the Court regarding bond. Defense counsel will also arrange to meet with the defendant, in person, by video, or by phone, prior to the initial appearance. The judicial officer, Assistant U.S. Attorney and defense counsel will convene in the duty judge's courtroom for the proceedings. Courtsmart will be utilized to record the proceeding. Additionally, the presence of a CSO will not be necessary. At the discretion of the duty judge, these proceedings may take place remotely thereby enabling all parties to appear by VTC. The criminal docket will occur at a time designated by the duty judge that allows Pretrial Services and defense counsel sufficient time to meet with the defendant.
- (5) All Grand Jury proceedings are subject to this continuance except those that are 30-day cases or may be subject to the statute of limitations.
- (6) Individual judges may conduct emergency matters in the Columbus, Cincinnati and Dayton courthouses if necessary after considering the above public health situation. Those required to attend these matters shall be limited to the litigants

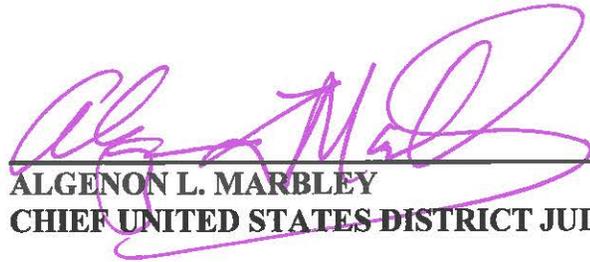
and their counsel. This Order does not affect the court's consideration of civil and criminal motions that can be resolved without in-court appearance.

- (7) Attorneys are encouraged to continue to file documents with the Court electronically through CM/ECF. Staff in each of the Clerk's offices will be available by telephone, mail will be received, and new filings will be processed. The Court's intake window, however, will be closed. Those wishing to make in-person filings, such as pro se parties, will be directed to leave such materials at drop boxes positioned at or near the entrances to the aforementioned courthouses.
- (8) All probation and pretrial offices will be closed to the public but will continue to conduct business. Drug testing will continue as directed by Probation and Pretrial. A probation or pretrial services duty officer at each seat of court will answer questions telephonically.
- (9) If you have a scheduled appointment or are otherwise required to appear but are denied entry, you should proceed as follows:
 - If you are represented by an attorney, please contact your attorney;
 - If you are an attorney or a pro se litigant and you are scheduled to appear in court before a judge, please contact that judge's chambers or courtroom deputy (see court websites at www.ohsd.uscourts.gov);
 - For all other matters or questions, please contact the Clerk's Office at (614) 719-3000 (Columbus), (513) 564-7500 (Cincinnati), or (937) 512-1400 (Dayton).

The Court will amend or vacate this General Order no later than April 6, 2020.

IT IS SO ORDERED.

DATED: March 20, 2020



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE