

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

FILED
RICHARD W. NAGEL
CLERK OF COURT

2020 NOV 25 PM 2: 02

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

In Re:

**FURTHER ORDER REGARDING COURT
OPERATIONS UNDER THE ONGOING
EXIGENT CIRCUMSTANCES
CREATED BY COVID-19**

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GENERAL ORDER NO. 20-36

The Court issues this General Order in the interests of public health, and in accordance with current determinations by the Ohio Department of Health and the Governor of the State of Ohio, the Centers for Disease Control and Prevention (CDC) guidelines, the Administrative Office of the United States Courts (AO) guidelines (the Federal Judiciary COVID-19 Recovery Guidelines and the COVID-19 Judicial Task Force Jury Subgroup Report), and the recommendations of its Ad Hoc Committee about appropriate measures to be taken to prevent the further spread of COVID-19 in Ohio.

In General Order 20-17, the Court adopted a Reconstitution Plan for reopening the courthouses in this District as of June 1, 2020. The Reconstitution Plan was attached to and incorporated in General Order 20-17. Based on sustained high levels of COVID-19 infections in the District and the November 18, 2020, report of its Ad Hoc Committee on Gating Criteria, the Court finds it necessary to further adjust the Reconstitution Plan as set forth herein:

1. All civil and criminal jury trials scheduled between the date of this Order and December 31, 2020, are continued until a future date to be set by the assigned judge, except that, for criminal defendants in custody, a jury trial prior to December 31, 2020, may proceed, but only if the assigned judge deems that, in the interests of justice, it is absolutely necessary that the trial go forward. Such proceedings shall take place only in a courtroom that has

been outfitted with plexiglass shielding. In connection with any criminal jury trial continued pursuant to this General Order, the order re-setting the date for the continued trial shall include the requisite findings under the Speedy Trial Act.

2. Naturalization ceremonies, whether scheduled to occur in the courthouse or at off-site locations, are suspended until further order of this Court. The Court takes this step to comply with the November 15, 2020, Order of Ohio Interim Director of Public Health, Lance D. Himes, limiting gatherings of greater than ten people.
3. No Grand Jury proceedings shall be conducted for sixty days from the date of this General Order, except that the Grand Jury may meet once a month during the pendency of this General Order in any of the three locations of Court. Presentations to those sessions shall be limited to cases facing an imminent statute of limitations expiration date, or to consider anyone arrested or served with a summons prior to the date of this General Order. Due to the unavailability of a Grand Jury in this District pursuant to this General Order to consider matters other than those set forth above, the thirty day time period for filing an indictment is hereby extended an additional thirty days as to each defendant during the time period set forth herein in alignment with 18 U.S.C. §3161(b).
4. Other in-court proceedings scheduled between the date of this General Order and December 31, 2020, shall occur in person only upon a determination by the assigned judge that the interests of justice require that the proceedings be conducted in that manner. In exercising their discretion in setting such proceedings, judges will weigh heavily the need to reduce courthouse traffic in the interest of public health. To the extent that a judicial officer concludes that a given in-person proceeding must go forward, the proceeding shall take place in a courtroom that has been outfitted with plexiglass shielding.

5. This General Order does not prevent any proceedings from occurring through use of video- or audio-conferencing capabilities insofar as the same are authorized by law. The fact that, absent a sealing order by the presiding judge, these will be public proceedings, does not authorize their broadcasting by anyone. S. D. Ohio Civ. R. 83.2 applies to these proceedings.

This General Order does not change any of the preventive measures specified in the Reconstitution Plan including, without limitation:

- a. Screening all visitors to the courthouses for indications of COVID-19 infection;
- b. Requiring all Court personnel and visitors to wear face masks in specified locations in the courthouses;
- c. Requiring all persons in the courthouses to maintain a physical distance of at least six feet from other persons ("social distancing"); and
- d. Responding to any reported COVID-19 infection in one of the courthouses according to the detailed protocol provided in the Reconstitution Plan.

IT IS SO ORDERED.

November 25, 2020.


Algenon L. Marbley, Chief Judge