

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

IN RE:	:	
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SEVENTH EXTENSION OF ADJUSTMENTS TO COURT OPERATIONS DUE TO THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19	:	STANDING ORDER
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This Standing Order is issued in furtherance of the Court’s prior Standing Orders issued on March 13, 2020, March 18, 2020, April 10, 2020, May 29, 2020, June 30, 2020, July 31, 2020, August 31, 2020, October 5, 2020, and October 30, 2020, which implemented and extended certain adjustments to Court operations due to the exigent circumstances created by the ongoing coronavirus disease 2019 (COVID-19) pandemic and in the interest of public health and safety. Although the most recent adjustments were intended to remain in effect through December 31, 2020, additional adjustments have become necessary due to the sustained and continuing increase in the number of COVID-19 cases in this district in recent weeks. This Standing Order is issued to implement these additional operational changes.

Since the onset of the pandemic, the Court has continued to closely 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. In June 2020, following the lifting of the stay-at-home orders previously in place in the counties in this district, the Court began the process of reopening pursuant to the Federal Judiciary COVID-19 Recovery Guidelines and its own COVID-19 Reopening Guidelines, gradually increasing the level of on-site activity in courthouses and Court locations as conditions have allowed. In late June, the Court resumed holding a limited number of essential in-person proceedings in a limited number of designated courtrooms,

prioritizing criminal proceedings and shorter proceedings with fewer participants. In July, impaneled grand juries resumed meeting on a limited basis, with special precautions and accommodations in place to protect the health and safety of all participants. In September, the Court resumed holding Central Violations Bureau proceedings, with appropriate health and safety precautions in place. Also in September, after extensive planning, the Court resumed holding criminal jury trials on a limited basis pursuant to its Initial Guidelines for the Reinstitution of Jury Trials, which include numerous precautions to allow jury trials to proceed safely and in accordance with public health guidance. Since then, the Court has remained in the initial test period for jury trials, during which only one jury trial may be conducted at a time. As a result, all civil jury trials and most criminal jury trials remain continued through December 31, 2020. Following the resumption of jury trials, the Court has also conducted grand jury selections in accordance with the jury selection provisions of the Initial Guidelines for the Reinstitution of Jury Trials.

Since the October 30, 2020, Standing Order was issued, conditions with regard to the COVID-19 outbreak in the Commonwealth of Pennsylvania and in this district have materially worsened. The number of cases of COVID-19 in Pennsylvania has increased to more than 314,000, including more than 165,000 cases in this district. Daily COVID-19 case counts and hospitalizations in Pennsylvania have risen sharply in recent weeks and are now higher than at any time since the beginning of the pandemic. New case counts, incidence rates per 100,000 residents, PCR testing positivity rates, and average daily COVID-19-specific hospitalizations have increased in all counties in this district, and all counties in this district are currently experiencing substantial levels of community transmission of the virus. As these numbers trend upwards, the Court has seen an increase in the number of employees needing to quarantine due to actual or likely

community exposure to COVID-19. The rise in COVID-19 cases has also impacted the Federal Detention Center in Philadelphia, where numerous inmates and staff have tested positive.

In response to the continued rise in COVID-19 cases in Philadelphia, the Mayor and the Health Commissioner have issued new restrictions on businesses, events and gatherings, and other activities to prevent the spread of the virus. The new restrictions prohibit indoor gatherings of persons from more than one household in public or private spaces; prohibit in-person operations in a range of indoor business, educational, and recreational settings; and impose density limits on certain businesses and other establishments that are permitted to continue operations, including houses of worship. Work in office-based settings must be conducted remotely whenever possible, with on-site business operations subject to density limits and masking and social distancing requirements.

The Governor and the Secretary of Health have also announced new mitigation measures to help stop the spread of COVID-19 as cases surge in Pennsylvania. These measures include a strengthened masking order, which requires that masks be worn indoors whenever persons from more than one household are present, irrespective of physical distance; an order requiring individuals traveling into or returning to Pennsylvania from outside the Commonwealth to have a negative COVID-19 test from a specimen collected within 72 hours prior to entering the Commonwealth or to quarantine for 14 days upon entering; and revised mitigation and enforcement orders for businesses maintaining in-person operations, which require all businesses to conduct their operations remotely, through individual teleworking of their employees, unless impossible, and require businesses maintaining in-person operations to comply with safety measures, public health guidance, and reduced capacity limits. The Governor and Secretary of Health have also issued limited-time stay-at-home advisories, urging all Pennsylvanians to leave

home only to go to work or school or for essential needs, to avoid having individuals in their homes who are not part of their immediate households, to limit holiday celebrations to members of their households or limit the number of people present at such celebrations, and to avoid unnecessary travel.

Upon consideration of the current circumstances with respect to the COVID-19 outbreak in this district, including the circumstances described above as well those described in the prior Standing Orders, the Court finds it is necessary and appropriate to temporarily reduce the level of on-site activity at courthouses and Court locations in this district and to postpone certain in-person proceedings, particularly those that require large numbers of people to gather for extended periods of time, in order to protect public health and safety, including the safety of Court personnel and all persons entering courthouses and Court locations in this district. It is therefore ORDERED as follows:

1. All civil and criminal jury selections and jury trials scheduled to begin on or before January 15, 2021, before any district or magistrate judge in any courthouse or Court location in this district are CONTINUED pending further Court order.

2. All jury selections and jury trials impacted by this Standing Order will be rescheduled by the presiding judge. 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.

3. 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 Court's prior Standing Orders, 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 worsening conditions with respect to the COVID-19 outbreak in this district and the new restrictions and advisories impede the Court's ability to obtain an adequate complement of trial jurors at this time and impact the ability of Court personnel, counsel, defendants, and other case participants to be present during trial. Given current conditions as well as the large number of people that must be assembled to conduct a jury trial, the Court has determined it is not possible to conduct jury trials safely and in accordance with available public health guidance at this time. In these circumstances, and given the seriousness of the ongoing COVID-19 outbreak in this district, failure to postpone jury trials through January 15, 2021, would be likely to make the continuation of such trials impossible or result in a miscarriage of justice. Accordingly, the additional time period from November 2, 2020, through January 15, 2021, 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 December 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.

4. Impaneled grand juries may continue to meet until December 7, 2020, with all health and safety precautions in place. Beginning December 7, 2020, impaneled grand juries shall not meet through January 15, 2021. Impaneled grand juries shall remain in session, and any subpoenas for ongoing and new investigations shall continue to be enforceable.

5. All Central Violations Bureau proceedings scheduled to occur on or before January 15, 2021, are CONTINUED pending further Court order.

6. Essential in-person proceedings may continue to be held in designated courtrooms in accordance with the current scheduling protocol, at the discretion of the presiding judge. Judges are encouraged to hold in-person proceedings only when absolutely necessary and to use video and telephone conferencing as much as possible.

Except as modified herein or by other Standing Orders issued since May 29, 2020, the May 29, 2020, Standing Order remains in effect.

IT IS SO ORDERED.

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

Date: November 25, 2020