

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

IN RE:

**EIGHTH EXTENSION OF
ADJUSTMENTS TO COURT
OPERATIONS DUE TO THE
EXIGENT CIRCUMSTANCES
CREATED BY COVID-19**

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STANDING ORDER

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, October 30, 2020, and November 25, 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.

The COVID-19 pandemic continues to significantly impact Court operations in this district, as outlined in the Court’s prior Standing Orders. The Court continues to closely monitor the outbreak in this district and the guidance available from government officials and public health authorities at the Federal, State, and local level. In November 2020, worsening conditions with regard to the COVID-19 outbreak in the Commonwealth of Pennsylvania and in this district—including increasing daily new case counts, incidence rates, PCR testing positivity rates, and COVID-19-specific hospitalizations, as well as new restrictions and mitigation measures imposed on the State and local level—led the Court to take steps 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 requiring large numbers of people to gather for extended periods of time. On November 25, 2020, the Court issued a Standing Order continuing all civil and criminal jury selections and jury trials and Central Violations Bureau proceedings through January

15, 2021, and directing that impaneled grand juries would not meet from December 7, 2020, through January 15, 2021. The Standing Order also encouraged judges to hold in-person proceedings only when absolutely necessary and to use video and telephone conferencing as much as possible. Because conditions continued to worsen following the issuance of the November 25 Standing Order, the Court reverted to Phase One of its COVID-19 Reopening Guidelines, effective December 17, 2020.

Since the November 25 Standing Order was issued, the number of COVID-19 cases in Pennsylvania has more than doubled, and the number of COVID-19 cases in this district has nearly doubled. To date, there have been more than 748,000 cases of COVID-19 in Pennsylvania and more than 343,000 cases in this district. While average daily new case counts for the district as a whole have declined somewhat from peak levels in mid-December, new case counts remain higher than they were when the November 25 Standing Order was issued, and cases are again beginning to increase. Incidence rates, positivity rates, and COVID-19-specific hospitalizations also remain above November levels in most counties in this district, and all counties in this district continue to experience substantial levels of community transmission of the virus. Although some of the more recently imposed State and local restrictions have been or will soon be lifted, many restrictions remain in place. And public health authorities at the Federal, State, and local level continue to emphasize the need for precautions to avoid exposure to the virus and prevent its spread.

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 extend the existing continuance of all jury selections and jury trials for an additional month 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 February 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. Existing conditions with respect to the COVID-19 outbreak in this district 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 February 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 January 15, 2021, through February 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 January 15, 2021. 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. Meetings of impaneled grand juries and Central Violations Bureau proceedings may resume beginning the week of January 19, 2021, if conditions allow and with appropriate health and safety precautions in place.

5. 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: January 15, 2021