

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 25 2021

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

In re:

COURT OPERATIONS DURING THE
COVID-19 PANDEMIC

GENERAL ORDER 21-28

This General Order amends and supersedes General Orders 21-25 and 21-26. This General Order is being issued in response to the continuing outbreak of Coronavirus Disease 2019 (COVID-19). The Court incorporates here its prior findings regarding COVID-19 and the state of emergency declarations and public health guidelines as set forth in those prior General Orders.

Therefore, it is hereby ORDERED that the following procedures will be in effect from September 1, 2021 through September 30, 2021.

- 1) **CIVIL HEARINGS AND TRIALS.** The Court may conduct limited civil jury trials in September 2021. Any civil trial or hearings set remain in effect. All other scheduling order deadlines, including discovery cut-off and all motion, response, and reply deadlines, shall remain in effect. Telephonic or video hearings may be scheduled at the discretion of the judge. On-site hearings or jury trials may be held at the discretion of the Judge if the interests of justice outweigh the safety risks.
- 2) **CRIMINAL HEARINGS AND TRIALS.** The Court will conduct limited criminal jury trials in September 2021. Counsel will be advised by the presiding judge if their case is set on the September 2021 trial docket. All other criminal jury trials on the September 2021 trial docket are continued, to be reset by the presiding judge who will also address trial related deadlines. All other criminal hearings remain in effect. The criminal hearings may be held on-site or by video with the consent of the defendant. If the defendant consents to a hearing by video, counsel should contact the courtroom deputy of the assigned judge. Magistrate judges will continue to conduct preliminary criminal proceedings. All other scheduling order deadlines, including all motion and response deadlines, shall remain in effect. Due to the Court's reduced ability to obtain

an adequate spectrum of jurors, and the effect of the public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of September 1, 2021, inclusive, through the scheduled October trial docket starting October 18, 2021, 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). Telephonic or video hearings may be scheduled at the discretion of the judge, which may be conducted in a manner consistent with General Order 21-22. On-site hearings or jury trials may be held at the discretion of the judge if the interests of justice outweigh the safety risks.

- 3) **SETTLEMENT CONFERENCES.** All scheduled settlement conferences will proceed in-person as scheduled. However, in special circumstances the Court will consider requests to hold the settlement conference by video or telephonic means.
- 4) **GRAND JURY PROCEEDINGS.** Grand jury proceedings in this District will be held as scheduled.
- 5) **NATURALIZATION.** Naturalization ceremonies will be held but limited to no more than 20 new citizens per ceremony with no spectators.
- 6) **ON-SITE SAFETY PRECAUTIONS.** The U.S. Center for Disease Control has issued updated guidelines on mask wearing, social distancing, and other COVID-19 protocols. All visitors will be required to wear masks while on the 2nd, 3rd, or 4th floor of the Page Belcher Building. Visitors who do not have a mask will be provided one. Each court employee will be required to wear a mask when away from their personal office or workstation, when in common areas where two or more people are congregated. Each Judicial Officer will determine appropriate policies for their courtroom proceedings.

Individuals may not enter the courthouse if in the last 14 days they have been diagnosed with COVID-19, or in the last 14 days they have been in contact with anyone diagnosed with COVID-19 and they were not fully vaccinated prior to contact, or if they are currently experiencing signs of fever, a cough, shortness of breath, or a recent loss of smell or taste. Anyone attempting to enter in violation of these protocols will

be denied entry by a Court Security Officer or Deputy United States Marshal. Any attorney or party shall promptly notify opposing counsel and the Court if they reasonably suspect that a participant in any scheduled hearing, trial, conference, or other proceeding at the courthouse may come within any of the categories listed above. To the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they come within any of these categories. If you are scheduled or required to appear at the courthouse and are denied access or otherwise unable to attend because of the restrictions in this Order, you are directed to proceed as follows:

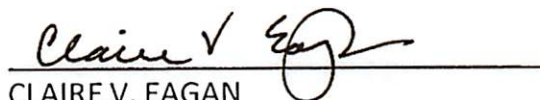
- If you are represented by an attorney, please contact your attorney;
- If you are an attorney and you are scheduled to appear in court before a judge, please contact the courtroom deputy of the presiding judge;
- If you are scheduled to meet with a pretrial services officer or a probation officer, please contact the Probation Office;
- For other District Court matters, please contact the Clerk's Office of the U.S. District Court.

The Court will vacate or amend this General Order no later than September 30, 2021.

IT IS SO ORDERED THIS 25th day of August, 2021.



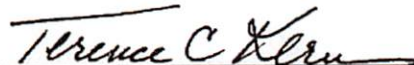
JOHN F. HEIL, III
CHIEF UNITED STATES DISTRICT JUDGE



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. PRIZZELL
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE