

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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IN RE:
COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY COVID-19

SUPERSEDING
GENERAL ORDER

WHEREAS, the President of the United States has declared a national emergency, and the Governor of the State of Connecticut has declared a public health emergency throughout the State;

WHEREAS, the U.S. Centers for Disease Control and Prevention has advised people to take precautions in light of the COVID-19 virus (coronavirus) outbreak, and has noted that the best way to prevent illness is to avoid being exposed to the virus, through, among other means, social distancing;

AND

WHEREAS, the District Court continues to review its operations to identify measures that will help slow the spread of the virus by minimizing contact between persons, while at the same time preserving its core mission of serving the public through the fair and impartial administration of justice;

IT IS HEREBY ORDERED, **effective immediately and through June 15, 2020**, that:

- 1) All in-court (in-person) civil and criminal proceedings scheduled to commence on or before June 15, 2020, before any district or magistrate judge in any courthouse in the District of Connecticut shall be CONTINUED pending further Order of the Court, with the exceptions and under the procedures noted in paragraphs 2 and 3 below;
- 2) During this period, the District Court will handle, in court or by video conference, presentment of new arrests, detention hearings, grand jury returns, and civil matters requiring a prompt hearing under Fed. R. Civ. P. 65; in addition, each district or magistrate judge may, in his or her discretion, choose to handle other matters in court (as opposed to continuing the matter or handling it via video or teleconference) whenever the judge considers it to be in the interests of justice to do so, after giving due consideration to the public health risks presented by in-court appearances; each judge will notify the parties through the CM/ECF system whether a particular proceeding assigned to that

judge and scheduled to occur on or before June 15, 2020, will take place as scheduled and, if so, whether the proceeding will occur in court or through remote communication (i.e., video or telephone conference);

3) Because the grand jury performs an essential service that can safely be performed in a courtroom without anyone breaching social distancing, the U.S. Attorney's Office may conduct grand jury proceedings in person beginning May 18, 2020. Until further order of the Court, grand jury proceedings will take place only in the New Haven courthouse. All grand jurors shall observe appropriate social distancing and shall wear masks while present in the courthouse. Additional precautions shall be undertaken as necessary to promote safety and encourage grand juror participation.

4) During this period, staff in the Clerk's Office will continue to telework to the maximum extent possible consistent with serving the needs of the public, except that limited staff will be present at the Clerk's office at each seat of court to process filings and answer telephonic questions from the public during normal business hours. Telework policies applicable to judges' chambers will be decided by each judge;

5) With regard to criminal trials, due to: the public health risks associated with summoning groups of jurors who would be required to sit in close proximity to each other during jury selection, trial, and deliberations; the Court's reduced ability to obtain an adequate spectrum of jurors due to the public's perceptions of the risks associated with jury service; and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom; the time period of the continuances implemented by paragraph 1 of this Superseding General Order will be excluded under the Speedy Trial Act. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A); and

6) The Bankruptcy Court will issue additional orders that relate specifically to the Bankruptcy Court.

The District of Connecticut courthouses (including the facilities at 157 Church Street, New Haven) remain open for business. Court staff not physically present at the courthouse are equipped to work remotely, and will work normal hours during each business day. Staff in the Clerk's Office are available by telephone, mail will be received, and paper filings can be made at the entrance to each courthouse. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.

The following General Orders are superseded by this Order:

3/11/20 In re: Court Operations Under the Exigent Circumstances Created by COVID-19;

3/11/20 In re: Restriction on Visitors to Courthouses, to the extent that order restricts access to courthouses by persons who have visited various locations within the past 14 days;

3/16/20 COVID-19 Order Re: Court Matters;

3/16/20 COVID-19 General Order Re: Probation, Compliance Hearings, & Attorney Admissions, to the extent that order suspends Compliance Review Hearings;

3/24/20 COVID-19 Jury Suspension Order;

3/24/20 COVID-19 Hearing Continuation Order; and

4/2/20 Superseding General Order Re: March 24, 2020 Jury Suspension Order.

SO ORDERED:

s/Stefan R. Underhill

Dated: April 27, 2020
Bridgeport, CT

Stefan R. Underhill
Chief United States District Judge