UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

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U.S. DISTRICT COURT
N.D. OF ALABAMA

In re: COURT OPERATIONS DURING
THE PUBLIC HEALTH EMEREGENCY
CAUSED BY THE COVID-19 VIRUS

GENERAL ORDER

The Court continues to monitor the public health emergency resulting from the COVID-19 virus. To date, more than a dozen persons within this district have tested positive for the virus. In line with the guidance provided by the President of United States and the Centers for Disease Control and Prevention, the Court hereby adopts the following rules, which are designed to protect public health by reducing the number of persons who congregate within the district courthouses.

IT IS HEREBY ORDERED:

1. Jury proceedings: All civil and criminal jury trials, and any other proceeding that requires jurors (grand or petit), are hereby **continued** pending further court order.

    - Grand Jury Indictment Period: The above order applies to grand juries. Because jurors will not be available to empanel during the pendency of this General Order, the 30-day time period for filing an indictment is tolled as to each defendant until this order terminates. *See* 18 U.S.C. § 3161(b). In the event that a grand jury was empaneled before the date of this Order and that previously-empaneled grand jury is able to gather to take testimony and deliberate, such proceedings and their results shall be deemed valid and not in violation of this Order.

    - Speedy Trial Act: The Court notes that, due to the growing number of persons in this district who have tested positive for COVID-19, the possibility of gathering an adequate spectrum of jurors could be difficult and could expose more persons to the virus. The Court thus finds that the ends of justice are served by continuing all criminal jury trials to protect the public, and that these public health concerns outweigh the best interests of the public and any defendant's right to a speedy trial. Therefore, the time period resulting from the continuances created by this General Order will be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A). Individual judges presiding over criminal proceedings may take such actions consistent with this General Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties, particularly where defendants are detained pending trial. This includes, but is not limited to, continuing all trial-specific deadlines in criminal proceedings.

    - Exceptions: If a criminal defendant seeks an exception to this order to exercise his/her speedy trial right, the defendant shall file a motion for an exception with the District Judge assigned to the case. The District Judge retains the discretion to grant the requested exception in exigent circumstances.

2. Non-jury trials: All non-jury trials scheduled to commence before any district or magistrate judge are hereby **continued** pending further Court order.

3. Other in-court criminal proceedings: Despite the terms of this Order, the individual judges assigned to a criminal case retain the ability to conduct all other criminal proceedings, including but not limited to, initial appearances, preliminary hearings, detention hearings, the acceptance of guilty pleas, and sentencing. The Court remains mindful of the balance between Defendants' constitutional rights and the present Public Health Emergency and will thus utilize telephone and/or video technology to conduct its proceedings when it is feasible. Before the Court will conduct a guilty plea or supervised release violation hearing, it will first discuss the matter with the attorneys involved in the case to ascertain any concerns they have.

4. Other in-court civil proceedings: All other civil proceedings scheduled to be conducted in court (*e.g.* motion hearings and status conferences) shall be conducted as scheduled by phone, video conferencing, or other electronic means. Hearings and conferences will not be held in the district courthouses pending further Court order. The Court will contact counsel with instructions on how to participate in these proceedings.

5. Court Operations: The Hugo L. Black and Robert S. Vance Courthouses in Birmingham, as well as the United States Courthouses in Tuscaloosa, Huntsville, and Anniston, will remain **open** for all other business. This includes the Clerk's Office, United States Probation, and United States Pretrial Services. Entry into these buildings during the Public Health Emergency is governed by the General Order this Court entered on March 11, 2020 (and any amendments).

    - The following activities scheduled in the buildings listed above are **cancelled** until further notice: naturalization ceremonies, attorney admission ceremonies, mock trials, CLE events, and any other non-case-related gatherings.

6. Discovery Deadlines and Depositions: All currently unexpired deadlines and briefing schedules are hereby stayed for 14 days, as this Court understands that the COVID-19 Public Health Emergency may impact attorneys' ability to comply with certain deadlines, such as the production of documents, the filing of briefs, and depositions. This Court will continue to monitor the situation and, unless modified by further Order of this Court, these deadlines shall be automatically stayed for an additional 14 days. Regardless, the district and magistrate judges are free to make exceptions to this stay in extraordinary circumstances. Further, all attorneys and parties are encouraged to continue discovery and briefing when appropriate (for example, when such can be conducted by telework).

7. Effect on Statutory and/or Rules-based Requirements: Unless otherwise noted above, this Order **does not** toll or otherwise affect the applicability of any statutory or rules-based requirements or deadlines, including but not limited to, statutes of limitation and deadlines for filing appeals.

8. Exigent Circumstances: The Court retains the ability to grant exceptions to this order upon the showing of exigent circumstances. Any requested exception must be electronically filed as a motion in the case in which the exception is requested.

9. Duration: Due to the uncertain length of the Public Health Emergency, this General Order will remain in effect until revoked by further order of the Court.

IT IS SO ORDERED on the 17th day of March, 2020.

L. Scott Coogler
Chief U.S. District Judge
Northern District of Alabama