

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY

**In Re:**

**COURT OPERATIONS RELATED  
TO COVID-19**

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**GENERAL ORDER  
No. 20-02**

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This Order is issued in response to the discovery of, and increases in, confirmed coronavirus (“COVID- 19”) cases within the Commonwealth of Kentucky. With respect to health risks created by those exposed to COVID-19, the Court also acknowledges state and local guidance regarding the need to limit large gatherings of persons. More specifically, the Court seeks to take immediate and necessary precautions to reduce the possibility of exposure to the virus and slow the spread of the disease, to the extent practical.

In support of the actions outlined below, the Court takes judicial notice of the following facts. On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for the novel COVID- 19. Thereafter, a state of emergency was declared by Andy Beshear, the Governor of the Commonwealth of Kentucky, *via* Executive Order 2020-215, in response to the spread of COVID-19. As noted in Executive Order 2020-215, the United States Center for Disease Control (“CDC”) has identified the potential health threat posed by COVID-19 both globally and within the United States as “high” and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States. Finally, on March 12, 2020, John Minton, Chief Justice of the Supreme Court of Kentucky, entered Order

No. 2020-08 captioned, "In Re: Kentucky Court of Justice Response to COVID-19 Emergency". Through this order, nearly all civil and criminal proceedings pending in the state justice system and which require in-person appearances have been canceled or continued generally.

Therefore, consistent with actions taken by numerous federal, state and local entities, it is hereby **ORDERED** as follows:

1. All courthouses in the district remain open for business. However, subject to the specific exceptions outlined in paragraph 2 below, civil and criminal trials scheduled to begin March 16, 2020, through April 17, 2020, before any district or magistrate judge in the Western District of Kentucky, are **CONTINUED FOR A MINIMUM PERIOD OF THIRTY (30) DAYS**, subject to further orders of the Court. Trials previously scheduled during this period shall be rescheduled by separate order of the district or magistrate judge assigned to the matter. All trials currently in progress shall be completed at the discretion of the presiding judge.

2. Criminal matters scheduled before magistrate judges, such as initial appearances, arraignments, detention hearings, and the issuance of warrants, shall continue to take place in the ordinary course of business. Likewise, hearings scheduled before district judges during the period identified in paragraph 1 shall proceed as scheduled, subject to intervening orders of the judge assigned to the matter.

3. Any matter involving an attorney or party who is ill or in a high-risk category may be rescheduled by the presiding judge. However, counsel shall be responsible for advising the presiding judge of such illness or high-risk by filing an appropriate notice or motion containing sufficient information to allow the presiding judge to make an informed decision regarding any cancellation or continuance.

4. All grand jury proceedings in this District are **CONTINUED** except those that are

30-day cases or are necessary to protect the safety of the community, pending further Order of the Court.

5. Regarding criminal trials set during the period identified in paragraph 1, due to the Court's reduced ability to obtain an adequate spectrum of jurors, counsel and Court staff to be present in the courtroom and based on public health recommendations and the severity of risk posed to the public<sup>1</sup> the time period of the continuance caused by this General Order shall be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuance outweigh the best interests of the public and the defendant's right to a more speedy trial. 18 U.S.C. § 3161(h)(7)(A). Subject to intervening orders, the period of exclusion shall be from March 16, 2020 to April 17, 2020. The district judge assigned to the matter may extend this period if circumstances warrant.

The Court recognizes the right of criminal defendants to a speedy and public trial under the Sixth Amendment to the United States Constitution, and the particular application of that right in cases involving defendants who are detained pending trial. Therefore, in the event any affected party disagrees with the Court's analysis regarding the time excluded under the Speedy Trial Act, he or she may move for reconsideration in the individual case. Likewise, the government may seek reconsideration. Any motion for reconsideration shall be directed to the district judge assigned to the matter.

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<sup>1</sup> *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), February 2020, <http://www.cdc.gov/coronavirus2019-ncov/specific-groups/guidance-business-response.html> (last updated February 26, 2020).*

6. As noted in paragraph 1 above, the office of the Clerk of the Court shall remain open for business. Likewise, the United States Probation Office, and all other court services shall remain open, subject to intervening orders of the Court. The United States Bankruptcy Court for the Western District of Kentucky may impose such restrictions on hearings, meetings, and other matters as that court unit determines to be necessary and appropriate.

Dated: March 13, 2020



Greg N. Stivers, Chief Judge  
United States District Court  
Western District of Kentucky

**ENTERED**

MAR 13 2020

VANESSA L. ARMSTRONG  
BY   
DEPUTY CLERK