

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

**In Re: SIXTH SUPPLEMENTAL ORDER
CONCERNING COURT OPERATIONS
RELATED TO COVID-19**

**GENERAL ORDER
NO. 20-25**

This General Order is issued in response to the continuing surge in the number of individuals testing positive for the COVID-19 virus within the Western District of Kentucky. On December 1, 2020, Governor Andy Beshear announced that there were 4,151 new COVID-19 cases, and 1,777 people hospitalized with the virus, a record high in the Commonwealth.¹ 114 of Kentucky's 120 counties are currently in the "red zone."² Official recommendations for reducing the number of COVID-19 cases within red zones include rescheduling any public events, avoiding non-essential activities outside the home, and avoiding gatherings of any size.³

While the Court has implemented a variety of measures designed to protect the public, counsel, litigants, and Court staff, in order to limit the number of persons whose presence is required in its Courthouses, the Court hereby **ORDERS** as follows:

1. TRIALS. All civil and criminal jury trials scheduled to begin on or before February 26, 2021, are continued and shall be rescheduled by separate order of the presiding judge. No jury trial shall be scheduled to begin on or before February 26, 2021.

2. TRIAL DEADLINES. All trial-specific deadlines in criminal cases scheduled for trial on or before February 26, 2021, are continued pending further order of the Court. Individual judges may continue trial-specific deadlines in civil cases at their discretion.

3. COURT HEARINGS. Each presiding judge shall retain the discretion to conduct hearings in-person or by way of video or telephone conferencing, consistent with the provisions of Sections 15002(b)(1) and 15002(b)(2) of the CARES Act and General Order 20-20, along with any extensions thereof.

4. GRAND JURY. All grand jury proceedings are continued through February 26, 2021, 2020.

¹ Emma Austin, *COVID-19 'is spreading like wildfire': Kentucky reports worst day for new cases and deaths*, LOUISVILLE COURIER JOURNAL.

² See Kentucky's COVID-19 current incidence rate at <https://govstatus.egov.com/kycovid19>. A county is classified as a red zone when it reports more than 25 new daily cases of COVID-19 per every 100,000 people.

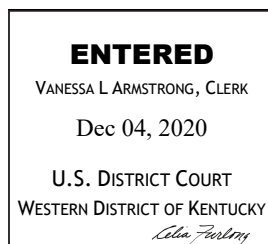
³ Kentucky Cabinet for Health and Family Services, *Red Zone Reduction Recommendations*, (Announced November 19, 2020),

5. SPEEDY TRIAL ACT CONSIDERATIONS. The Court finds that due to the public health risks associated with summoning large groups of prospective jurors, the public's perceptions of the risks associated with jury service, and its reduced ability to obtain an adequate spectrum of jurors, the time period of the continuance caused by this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court specifically finds that the ends of justice served by taking this action outweigh the interests of the parties and the public in a speedy trial. Subject to intervening orders, the period of exclusion shall be from the date of this Order through February 26, 2021. The district judge assigned to the matter may extend this period as circumstances may warrant. This Order and period of exclusion is incorporated by reference as a specific finding pursuant to 18 U.S.C. § 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies. *See Zedner v. United States*, 547 U.S. 489, 506-07 (2006).

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. No party impacted by the Court's analysis regarding the time excluded under the Speedy Trial Act is foreclosed from seeking relief from this General Order.

This Order shall be effective upon entry. The Court shall vacate, amend, or extend this Order no later than February 26, 2021. All provisions of previous General Orders concerning court operations that are not inconsistent with this Order shall remain in effect.

DATED: December 4, 2020



Greg N. Stivers, Chief Judge
United States District Court

A circular seal of the United States District Court for the Western District of Kentucky is partially visible in the background. Overlaid on the seal is a handwritten signature in black ink. Below the signature, the text "Greg N. Stivers, Chief Judge" and "United States District Court" is printed.