

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

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

**GENERAL ORDER
NO. 21-11**

*** **

On May 13, 2021, the Centers for Disease Control and Prevention (CDC) issued Interim Public Health Recommendations for Fully Vaccinated People that provide that those who have been fully vaccinated for COVID-19 can resume activities without wearing masks or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules and regulations, including local business and workplace guidance¹. Pursuant to the CDC's recommendations, people are considered fully vaccinated for COVID-19 two (2) weeks after receiving the second dose in a 2-dose series (Pfizer-BioNTech or Moderna) or two (2) weeks after receiving a single-dose vaccine (Johnson and Johnson or Janssen²).

Governor Andy Beshear has indicated that the Commonwealth will “immediately follow” the new rules³. Accordingly, the Court hereby **ORDERS** as follows:

1. **COURTHOUSE ACCESS.** Effective May 14, 2021:
 - a. **Public Entry Hours.** All Courthouses within the Western District of Kentucky shall be open to the public from 8:00 a.m. until 5:00 p.m.
 - b. **Face Coverings.** Only those individuals who have not been “fully vaccinated,” as that term is defined by the CDC, shall be required to wear face covering in order to enter a courthouse. Nothing in this Order shall be deemed to prevent any individual from wearing a face covering, regardless of their vaccination status.
 - c. **Entry Restrictions.** The following individuals shall not enter the Courthouses:
 - i. Individuals who have been diagnosed with COVID-19.
 - ii. Individuals who have been asked to self-quarantine by any doctor, hospital, or health agency.
 - d. **Notice.** The Clerk shall cause to have a summary of this Order's requirements prominently posted on the entryway to each courthouse.

¹ See [CDC Interim Public Health Recommendations for Fully Vaccinated People](#), Updated May 13, 2021.

² Id.

³ John Bacon, Jorge L. Ortiz, Elinor Aspegren, and Emma Austin, [Gov. Beshear says Kentucky will follow CDC's new mask guidelines 'immediately'](#) (published may 13, 2021)

2. **COURT PROCEEDINGS GENERALLY.** Each presiding judge shall retain the discretion to require those persons present at a court proceeding to wear a face covering and to establish social distancing requirements.

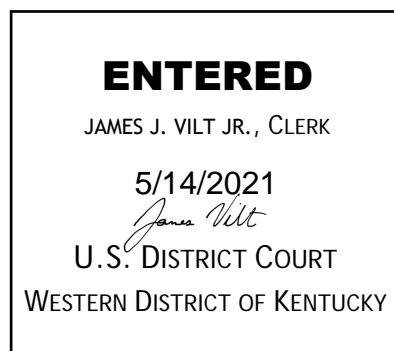
3. **CLERK'S OFFICE HOURS OF OPERATION.** The Clerk's office shall be open to the public from 8:30 a.m. through 4:30 p.m., local time.

4. **AUTHORIZATION TO USE VIDEO AND TELEPHONE CONFERENCING FOR CRIMINAL PROCEEDINGS PURSUANT TO THE CARES ACT.** On March 24, 2021, the Court entered General Order 21-09, extending its previously entered authorizations for the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES ACT"), P.L. 116-136, H.R. 748. The Court has been informed by the United States Marshal Service that, as of May 12, 2021, it has 262 individuals in custody. Of those individuals, roughly 100 have been offered the COVID-19 vaccination but that only 32 have chosen to be vaccinated.

Were the Court to exclusively conduct in-person criminal hearings, many unvaccinated individuals would come together in closed spaces. The Court recognizes that each criminal proceeding conducted in our Courthouses is unique, and a review of the hurdles faced over the course of the last year reveals a wide spectrum of scenarios, some in which in-person proceedings are prudent and can be safely conducted, and others in which they are not. As such, General Order 21-09 shall remain in effect until June 22, 2021, unless terminated earlier.

This Order shall be effective immediately. All previously entered general orders concerning court operations related to COVID-19 shall remain in effect to the extent they are not inconsistent with the instant Order.

DATED this 14th day of May, 2021.



Greg N. Stivers, Chief Judge
United States District Court