

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

**In Re: SIXTH EXTENSION OF AUTHORIZATION
TO USE VIDEO AND TELEPHONE
CONFERENCING FOR CRIMINAL
PROCEEDINGS PURSUANT TO THE CARES ACT**

**GENERAL ORDER
NO. 21-17**

On March 30, 2020, this Court entered General Order 20-5, authorizing 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. As Chief Judge, I reviewed and extended this authorization on June 29, 2020, September 25, 2020, December 24, 2020, March 24, 2021, and June 22, 2021 by way of General Orders 20-13, 20-20, 20-28, 21-09, and 21-12.

Just under 90 days have passed since the issuance of GO 21-12, and in the interim, the undersigned judge has continued to monitor COVID-19 data from within and outside this District, as well as the developing guidance from the Centers for Disease Control and Prevention (CDC) and state and local health authorities. During this time, and in light of the increased circulation of the Delta variant of the coronavirus within the United States, the CDC revised its Interim Public Health Recommendations for Fully Vaccinated People, recommending that fully vaccinated people wear masks while in public indoor settings located in areas of “substantial or high transmission” of COVID-19.¹ This currently includes every county within the Western District of Kentucky.²

Cases of COVID-19 are surging within the Commonwealth. In order to assist area hospitals in dealing with an increasing number of COVID-19, patients, the Kentucky National Guard has activated more than 400 Soldiers and Airmen to support 25 Kentucky hospitals.³

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

² See the CDC’s [COVID Data Tracker](#).

³ KY. *National Guard activated to help 21 more hospitals, including 2 in Louisville*, WDRB (Updated September 13, 2021)


The current overall COVID-19 incidence rate stands at 84.65 per 100,000 people and the positivity rate is 12.88%.⁴ As a result, Kentucky is presently ranked fifth in the nation for COVID-19 incidence rates.⁵ Four of the top 10 counties nationwide, and 8 of the top 20, reporting the highest number of new cases are in Kentucky.⁶

While roughly 59% of those in the Commonwealth have been vaccinated against COVID-19, the vaccination rates within the Western District vary dramatically. For instance, 67% of Jefferson County's population has received at least one dose of the vaccine while locations such as Spencer and Christian County only have a 31% vaccination rate.⁷ Moreover, according to the United States Marshal Service for this District, of the 267 criminally charged defendants in custody, only 19 have been vaccinated.

Although the Court continues to hold in-person court proceedings in a manner that prioritizes the health and safety of all participants, in light of the aforementioned circumstances, this Court concludes that conditions warrant an additional extension of the video and teleconferencing authorization under the CARES Act.

NOW THEREFORE, acting pursuant to section 15002(b) of the CARES Act and having conducted the necessary review, I hereby extend all findings and authorizations made in General Orders 20-13, 20-20, 20-28, 21-09, and 21-12 for an additional 90 days, unless earlier terminated. The authorization allowed by this general order will be again reviewed at or near its date of termination to determine if a further extension is warranted based on conditions existing at that time. Should the President's National Emergency declaration, or the Judicial Conference's finding that this national emergency materially affect the function of the federal courts, terminate or be revoked prior to the expiration of 90 days from the date of this Order, then this Order may then be vacated according to law.

DATED: September 20, 2021



Greg N. Stivers, Chief Judge
United States District Court

⁴ See the Kentucky Cabinet for Health and Family Service's [Daily Report](#) for September 17, 2021.

⁵ *Coronavirus in the U.S.: Latest Map and Case Count*, New York Times (Updated September 16, 2021), <https://www.nytimes.com/interactive/2021/us/covid-cases.html>


⁶ *Id.*

⁷ Kentucky [COVID-19 Vaccination Dashboard](#) (Updated September 17, 2021)

ENTERED

JAMES J. VILT JR., CLERK

9/20/2021


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