

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

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

**GENERAL ORDER  
NO. 21-22**

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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, June 22, 2021, and September 20, 2021 by way of General Orders 20-13, 20-20, 20-28, 21-09, 21-12, and 21-17.

Just under 90 days have passed since the issuance of GO 21-17, and in the interim, the undersigned judge has continued to monitor COVID-19 data from within and outside this District, as well as guidance from the Centers for Disease Control and Prevention (CDC) and state and local health authorities. The current overall COVID-19 incidence rate in the Commonwealth of Kentucky stands at 43.53 per 100,000 people and the positivity rate is 8.84%.<sup>1</sup> The Centers for Disease Prevention and Control has deemed all but one county within the Western District as being in an area of “substantial or high transmission” of COVID-19.<sup>2</sup>

While COVID-19 cases have begun to trend slightly downward within the Commonwealth, COVID-19 related hospital admissions are on the rise.<sup>3</sup> Moreover, top federal health officials have warned that the omicron variant is rapidly spreading in the United States and could peak in a massive wave of infections as soon as January, according to new modeling analyzed by the CDC.<sup>4</sup>

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<sup>1</sup> See the Kentucky Cabinet for Health and Family Service’s [Daily Report](#) for December 16, 2021.

<sup>2</sup> See the CDC’s [COVID Data Tracker](#). Updated December 17, 2021.


<sup>3</sup> Rickert, Aprile. [KY COVID-19 Cases Dip, Hospitalizations Still Up](#), WFPL (December 15, 2021)

<sup>4</sup> Lena H. Sun, Joel Achenbach, Laurie McGinley, and Tyler Page. [Omicron Spreading Rapidly in U.S. and Could Bring Punishing Wave as Soon as January, CDC Warns](#). Washington Post (Updated December 14, 2021 at 8:02 p.m.).


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 ongoing COVID-19 pandemic, the emergence of new variants, and the continued high rate of infections throughout the United States and the Western District of Kentucky, the continued ability to use video teleconferencing or telephone conferencing for hearing certain criminal matters is imperative for public safety and to minimize the risk of exposure to the public, detention facilities, defendants, staff, and counsel.

**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, 21-12, and 21-17 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:** December 17, 2021



Greg N. Stivers, Chief Judge  
United States District Court

**ENTERED**  
JAMES J. VILT JR., CLERK  
12/17/2021  
  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY