

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

COVID-19 PANDEMIC PROCEDURES

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MISC. NO. 20-146

ORDER

Since March 16, 2020, this Court's operations have been limited as a result of the COVID-19 pandemic. During the first eight weeks of this period, the Court issued Standing Orders 2020-03, 2020-05, and 2020-07, imposing general postponements of all court proceedings and general extensions of all filing deadlines. On Friday, May 22, 2020, the Court issued Standing Order 2020-11, which ended those general postponements in favor of a presumption that the existing deadlines and court schedules remain valid, absent any changes made by a presiding judge. However, the Court is not yet in a position to resume its full complement of in-court proceedings. Instead, the Court will enter the earliest phase of a phased recovery process. As described below, in Phase One of recovery, the Courthouses will remain closed to the public. Any hearings held during Phase One will occur by audio or video conference. Phase Two, which will begin no earlier than fourteen days after the commencement of Phase One, may involve the resumption of some limited in-court proceedings. However, the Court will determine when it can enter Phase Two based on (1) the data regarding the COVID-19 pandemic, and its impact on Maryland citizens; and (2) the guidance of local public health officials. Accordingly, the Court cannot predict, at this time, when Phase Two might start, and when any limited in-court proceedings might be able to resume.

As explained in the attached recovery plan, Phase One will represent only a modest departure from the Court's existing level of operations. Although the number of staff present in the Courthouses will likely increase, most employees will continue teleworking, and proceedings will be conducted virtually. The Court will not resume petit jury proceedings during Phase One, although it is possible that some grand jury proceedings may occur if Phase One lasts for an

extended period of time. As noted above, the Courthouses will remain closed to the public, though self-represented litigants may continue to deposit and date-stamp papers in drop boxes at the entrance to each Courthouse between 9:00 a.m. and 4:00 p.m., Monday through Friday. Pursuant to Standing Order 2020-10, and continuing in Phase One, all persons seeking entry to, or occupying, Courthouses in this District must wear a face covering or masks at all times. In addition, all individuals present in the Courthouses for any reason should maintain at least six feet of physical distance from others (and more distance whenever possible). Elevators will be limited to one occupant at a time, and at least six feet of distance should be maintained on escalators, which will be reinforced with appropriate signage. Courthouse cafeterias and employee gyms will remain closed. Perhaps most significantly, progressing into Phase One allows the Court to begin preparing and planning for its operations under Phase Two, when some in-court proceedings may resume.

This Court has adopted gating criteria that must be met before proceeding to each successive phase of the recovery process. Provided there have been no confirmed or suspected COVID-19 cases in a Courthouse facility, or if appropriate “deep cleaning” has occurred after any such incident, the Court will equally weigh two factors in considering whether to proceed to the next recovery phase: sustained downward trending daily COVID-19 community case statistics over a 14-day period, and progressive rescission of local restrictive movement and/or shelter in-place orders. If these conditions are met, progressing into the next phase will likely be appropriate. If progress as to these factors stalls or reverses, such as if there is a resurgence of local COVID-19 cases resulting in increased hospitalizations, the Court will consider reverting to a lower phase of operations.

In terms of the factors motivating the Court’s decision to move to Phase One, first, COVID-19 case statistics from the Maryland Department of Health have demonstrated sustained downward

trends over a fourteen day period. In particular, current hospitalization rates for COVID-19 patients in acute and ICU beds, the statistics weighed most heavily by the Court, have declined over a period exceeding fourteen days. Although data for newly confirmed COVID-19 cases does not show the same downward trend, this data is not as reliable of an indicator for a number of reasons, such as its dependence on the number of tests conducted, and some inconsistencies as to how quickly positive test results are reported. On balance, then, the community COVID-19 case statistics support proceeding into Phase One.

Second, the Governor of the State of Maryland lifted his stay at home order, effective May 15, 2020 at 5:00 p.m., and the State has begun moving into its own phased recovery plan. Although some local jurisdictions have declined to ease their restrictions, the Governor's actions are sufficient to meet the Court's gating criteria for progressing into Phase One.

For these reasons, the Court will proceed into Phase One, effective at 8:30 a.m. on Tuesday, May 26, 2020.

It is SO ORDERED.

Date: May 22, 2020

/s/ JAMES K. BREDAR
James K. Bredar, Chief Judge
United States District Court