

**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

On May 26, 2020, the Court progressed into Phase One of its recovery plan, which represented only a modest change in the Court's then greatly reduced level of operations. On June 22, 2020, the Court entered Phase Two, a more significant benchmark, and witnessed the limited resumption of in-court proceedings, including jury trials. As discussed below, the Court's gating criteria for phase advancement have again been met, and the Court is now prepared to enter Phase Three of its recovery plan.

Unlike Phase Two, Phase Three will not result in immediate increased operational capacity for the Court. Instead, as detailed in the attached recovery plan, Phase Three will permit the Court to bring additional staff back into its offices, which may gradually allow accommodation of additional in-court proceedings. Public facing activities may be resumed under the direction of the supervisor of a particular unit. However, the Court will continue to rely heavily on proceedings conducted virtually, as many proceedings still cannot be conducted in person without jeopardizing the health and safety of certain judges, staff, and court participants. Rigorous safety precautions will remain in place, including mandatory mask usage, six-foot physical distancing requirements, and other limits on occupancy in certain areas such as courtrooms and elevators.

This Court has adopted gating criteria that must be met before proceeding to each successive phase of the recovery process. The Court equally weighs two factors in considering whether to proceed to the next recovery phase: significant change in multiple COVID-19 case statistics over a period of time (at least fourteen days) as interpreted by the District's Pandemic

Planning Committee, and progressive rescission of local restrictive movement and/or shelter in-place orders. If these conditions are met, moving to the next phase will likely be appropriate. If progress as to these factors reverses, such as if there is a resurgence of local COVID-19 cases resulting in increased hospitalizations, the Court will revert to a lower phase of operations.

In terms of the factors motivating the Court's decision to move to Phase Three, first, multiple COVID-19 case statistics from the Maryland Department of Health have demonstrated significant and sustained downward trends over a period of time exceeding fourteen days. In particular, current hospitalization rates for COVID-19 patients in acute and ICU beds, the statistics weighed most heavily by the Court, have significantly declined over many weeks and now are at their lowest levels since the beginning of the crisis. Maryland's test-positivity rate has also reached a record low. Additionally, new confirmed death data remains very low, and new confirmed case statistics show a significant downward trend. It is clear in the judgment of the District's Pandemic Planning Committee that the community COVID-19 case statistics support proceeding into Phase Three.

Second, the State of Maryland has continued to progress through its own phased recovery plan, and entered Phase Three on September 4, 2020, further easing restrictions. Local jurisdictions have now all progressed into at least Phase Two, and most have followed the State into Phase Three. These actions are sufficient to meet the Court's gating criteria for progressing into Phase Three.

For these reasons, the Court will proceed into Phase Three, effective at 8:30 a.m. on Monday, September 28, 2020.

It is SO ORDERED.

Date: September 23, 2020

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