

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

IN RE: *
COURT OPERATIONS UNDER THE EXIGENT * MISC. NO. 00-308
CIRCUMSTANCES CREATED BY COVID-19 *

STANDING ORDER 2021-15

In response to the COVID-19 pandemic, the Court drastically reduced its operations beginning in mid-March 2020 in order to protect the health and safety of the court participants, staff, and the public. The Court has modified its status under the phased recovery plan over time, both moving forward and rolling back as appropriate. Since March 1, 2021, the Court has been in Phase 3 of its recovery plan, as modified and described in Standing Order 2021-07, entered on May 26, 2021.

The Court developed its criteria for rolling back and resuming normal operations based on a variety of factors. In consultation with local public health experts, the Court has identified certain factors that may justify such action: (1) whether and by how much the 7-day test positivity rates for the State of Maryland and local jurisdictions surrounding each courthouse have exceeded 5.0%; (2) whether these relevant test positivity trend lines are significantly rising; (3) whether the State of Maryland and local jurisdictions surrounding each Courthouse have imposed new restrictions on travel or the operation of local business and institutions; and (4) other virus metrics including hospitalizations, 7-day average new cases, and 7-day average new deaths. The high rate of vaccination in the community has been a contributing factor to the Court's ability to operate fairly normally during recent months, but the introduction of the Omicron variant and the prevalence of vaccination breakthrough cases is an impediment to recovery.

In recent days, certain triggering criteria have once again been met. The 7-day test positivity rate for the State of Maryland exceeds 10.0% and appears to be on a significant upward

trajectory. While the Governor of the State of Maryland has not indicated an intention to impose new restrictions on the operations of businesses in the State, certain local jurisdictions are responding with new restrictions. There is also a significant increase in the number of patients currently hospitalized with COVID-19, along with a rapid rise in the average number of new cases reported.¹

In responding to these changing circumstances, the Court has already re-implemented virtual hearings in certain criminal cases pursuant to its authority under the CARES Act § 15002. *See* Standing Order 2021-14. Judges will also begin, where possible, holding remote hearings in civil cases and moving any pending hearings in civil cases to remote formats. While these steps are significant, they are insufficient to fully mitigate the risks posed by the present circumstances.

Accordingly, the Court finds that it is appropriate to reduce in-court operations, effective December 27, 2021. It is

ORDERED that, effective December 27, 2021, all jury selections will be POSTPONED until at least January 24, 2022. Judges in cases with jury trials scheduled to begin prior to January 24, 2022 will reschedule those cases to begin on or after that date, consistent with their respective calendars.

IT IS FURTHER ORDERED that the grand jury selection scheduled for January 5, 2022 is POSTPONED until at least January 24, 2022.

IT IS FURTHER ORDERED that all grand jury sessions scheduled for the week of January 3 are CANCELLED. The Court will review the relevant data on a week by week basis to determine whether further grand jury sessions in January will be held.

IT IS FURTHER ORDERED that staffing of all court operations shall continue under

¹ The Court's consulting epidemiologist is counseling the Court now to implement additional mitigative measures.

Phase 3 guidelines, but that Unit Executives may make modifications to normal practices including, but not limited to altering Clerk's Office intake counter hours and telework policies, as required by COVID-19 and staffing-related circumstances.

IT IS FURTHER ORDERED, that in addition to the above restrictions and the vaccination and testing mandates set forth in Standing Order 2021-10, the following persons shall not enter the U.S. Courthouses or U.S. Probation Offices in this District without the express permission of the Chief Judge:

- Unvaccinated persons who are unable to demonstrate a negative COVID-19 test within the preceding 72 hours;
- Persons who have been diagnosed with COVID-19 or told to presume they have COVID-19 by a health professional within the last 10 days;
- Unvaccinated persons who have had contact in the last 14 days with anyone who has been diagnosed with COVID-19 or told to presume they have COVID-19 by a health professional, unless the diagnosis was more than 14 days ago, the person diagnosed has been symptom-free for the past 72 hours, and the person seeking to enter has tested negative within the past 72 hours and can demonstrate the same;
- Persons who have been asked to self-quarantine by any physician, hospital, or health agency;
- Persons who have a temperature of 100.0 degrees or higher;
- Persons who have had fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting; or diarrhea within the last 10 days, unless the symptoms are attributable to another known condition;

- Unvaccinated persons who reside with someone who has had fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea within the last 14 days, unless the symptoms are attributable to another known condition;
- Unvaccinated persons who have returned from international travel or a cruise ship voyage within the past 14 days; and
- Unvaccinated persons who have been released from a federal, state or local jail, prison, or other correctional institution within the last 14 days, except those who are reporting to be fit with a location monitoring device or as otherwise ordered by the Court; and it is further

IT IS FURTHER ORDERED that the United States Marshal, his Deputies, the Court Security Officers, or a designated contractor, shall enforce the terms of this Order and shall deny entry to anyone attempting to enter in violation of this Order.

IT IS FURTHER ORDERED that the Court's ability to make more limited modifications to its operations despite present conditions is contingent upon a high rate of vaccination and strict compliance with mitigation protocols including masking and social distancing. All persons with authority to enforce those mitigation protocols should continue to do so strictly. All persons who interact with the Court are strongly encouraged to be fully vaccinated including, where appropriate, by obtaining a booster dose of the COVID-19 vaccine.

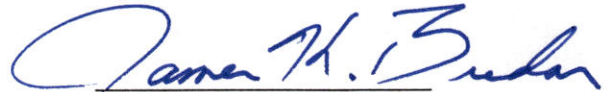
IT IS FURTHER ORDERED that Amended Standing Order 2020-07 is SUPERSEDED, effective December 27, 2021; and

IT IS FURTHER ORDERED that these restrictions shall remain in place for a minimum

of three weeks, until January 24, 2022. The Court shall review the relevant data on a regular basis to determine whether they have sufficiently improved to support rescinding this Order and resuming more in-court operations.

Dated this 22 day of December, 2021

By the Court:

A handwritten signature in blue ink, reading "James K. Bredar". The signature is written in a cursive style with a horizontal line underneath the name.

James K. Bredar
Chief Judge