

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
COVID-19 AND RELATED CORONAVIRUS

General Order No. 2020-14B
(Second Amended
General Order No. 2020-14)

GENERAL ORDER

This Order EXTENDS General Order 2020-05, General Order 2020-06, General Order 2020-07, and General Order 2020-10. To the extent this Order differs from General Order 2020-05, General Order 2020-06, General Order 2020-07, and General Order 2020-10, this Order supersedes and replaces those Orders.

The Court continues to monitor the status of the COVID-19 pandemic in the United States of America and specifically within the Northern District of Indiana. The Court continues to consider guidance from a variety of sources including the Centers for Disease Control and Prevention as well as federal, state, and local public health authorities.

Based on the information available to date, including the estimated number of persons infected currently with COVID-19 and the number of cases projected to occur in the immediate future, the Court REAFFIRMS the following findings made in General Order 2020-05:

1. The gatherings of people in close proximity to one another that occur during Court operations presents substantial health risks to the public;
2. It is not possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff, and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;
3. Such risks may be significantly mitigated by temporarily modifying Court operations;
and
4. Good cause exists to implement temporary changes to Court operations.

Therefore, it is hereby ORDERED that the following provisions of General Order 2020-10 are EXTENDED, with some modification, from June 1, 2020, through and including at least **July 1, 2020**, in all of the Court's divisions:

1. All jury trials scheduled to begin before July 1, 2020, are **continued** and will be rescheduled by the presiding judge to a date after **July 1, 2020**.
2. In criminal proceedings:
 - a. For all **in-person** plea colloquies and sentencing hearings scheduled to begin before **July 1, 2020**, the assigned District or Magistrate Judge will proceed in accordance with General Order 2020-08 and Section 15002 of the CARES Act. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, plea colloquies and sentencing hearings may proceed in person after consultation with counsel and the United States Marshal Service.
 - b. Grand juries in the Northern District of Indiana remain **suspended** until after **June 9, 2020**. The Court will impose reasonable limits on grand jury meetings thereafter in consultation with the U.S. Attorney's Office.
 - c. To the extent criminal proceedings may be conducted via phone or videoconference in accordance with General Order 2020-08 and Section 15002 of the CARES Act, in-person proceedings may be converted to telephonic or videoconference proceedings by the assigned District or Magistrate Judge after consultation with counsel. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, criminal proceedings may be conducted in person after consultation with counsel and the United States Marshal Service.

General Order 2020-07 further addresses criminal proceedings held before the Magistrate Judges in light of the closing of court facilities under the exigent circumstances created by the COVID-19 pandemic.
 - d. For criminal trials and other criminal matters, delay caused by the continuances implemented by this General Order will be **excluded** under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial.
3. (a) In civil proceedings: All in-person civil court proceedings will be converted to telephonic or videoconference proceedings. Case-by-case exceptions to conduct non-jury, in-person proceedings will be at the discretion of the assigned District or Magistrate Judge after consultation with counsel.

(b) In bankruptcy proceedings: After June 1, 2020, the Bankruptcy Court may resume conducting in-person proceedings at the discretion of the assigned Bankruptcy Judge.

4. Counsel are encouraged to bring to the attention of the Court any concerns related to personal health issues, or the health issues of vulnerable family members. Counsel may do so simply by alerting the Court, via email to the chambers of the judicial officer presiding over a scheduled hearing and copying opposing counsel. In doing so, counsel need not disclose the precise nature of any medical condition, only that they, or a family member with whom they have regular contact, are of an age, or have medical conditions, that place them at an increased risk for COVID-19 complications.
5. All naturalization ceremonies are **anceled**. If an individual meets the criteria set forth in 8 U.S.C. § 1448(c) as qualifying for an expedited judicial oath administration ceremony, and if that individual is seeking a name change pursuant to 8 U.S.C. § 1448(e), the Court will make arrangements for naturalization of that individual by a judicial officer.
6. All non-core public events, such as continuing legal education programs, school visits, tours, and ceremonial functions, are **anceled**.

The Court further REAFFIRMS General Order 2020-06 and General Order 2020-07 and ORDERS that the divisional locations of the United States District Court for the Northern District of Indiana, including the United States Bankruptcy Court and the United States Probation Office for the Northern District of Indiana, REMAIN CLOSED TO THE PUBLIC, unless otherwise provided in the above paragraphs 2 and 3.

United States Marshals Service (“USMS”) law enforcement personnel and USMS-Deputized contract Court Security Officers shall deny building access to individuals who may be infected with COVID-19 or otherwise appear to pose a public health risk. Any individuals, including law enforcement officers, but not employees of the tenants of the courthouses in the Northern District of Indiana, who are seeking to enter courthouses within the Northern District of Indiana will be required to answer the following questions:

- **Have you been diagnosed with COVID-19?**
- **Have you been in close contact with and/or exposed to someone confirmed with having or who is being evaluated for COVID-19?**
- **Have you recently visited an area that is subject to quarantine because of COVID-19 infection?**

- Are you experiencing symptoms of fever, dry cough, shortness of breath, tiredness, chills, shaking with chills, muscle pain, headaches, sore throat, new loss of taste or smell?
- Have you been asked to self-quarantine by any doctor, hospital, or health agency?
- Have you travelled outside the United States within the last 14 days?
- Do you reside with or have you had close contact with someone who has travelled outside the United States within the last 14 days?

Persons who answer “yes” to any of the above questions will be denied courthouse access. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied courthouse access. USMS law enforcement personnel and USMS-Deputized Court Security Officers have the authority to deny courthouse access to persons who otherwise reasonably appear to present a health risk. Those denied access will be provided information regarding the appropriate individual or entity to contact as listed on Attachment A to this General Order.

Law enforcement officers will have access to the courthouses when and where necessary as directed by the Court or by a federal law enforcement agency.

For those persons without access to the Court’s electronic filing system, all filings for the District Court and Bankruptcy Court matters must be submitted via United States Mail to the relevant divisional mailing address.

This Order amends and replaces General Order 2020-14A entered May 12, 2020.

Dated this 18th day of May 2020.

/s/ Theresa L. Springmann
Theresa L. Springmann, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge