

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: UPDATED GUIDANCE TO COURT OPERATIONS
UNDER THE EXIGENT CIRCUMSTANCES CREATED BY
COVID-19

GENERAL ORDER
No. 14

WHEREAS, the Court has issued a series of General Orders re: Court Operations Under the Exigent Circumstances Created by COVID-19, which are available on the Court's website at www.mnd.uscourts.gov;

WHEREAS, the President of the United States of America has declared a national emergency in response to COVID-19;

WHEREAS, the Governor of the State of Minnesota declared a peacetime emergency to coordinate Minnesota's strategy to protect Minnesotans from COVID-19 and extended the COVID-19 peacetime emergency through June 12, 2020;

WHEREAS, the Governor of the State of Minnesota has issued Emergency Executive Order 20-56, Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency, through May 31, 2020;

WHEREAS, the Emergency Executive Order 20-56, does not limit, prohibit, or restrict in any way the operations of the federal government, or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial staff and personnel;

WHEREAS, local detention facilities continue to implement several COVID-19 related restrictions that impact the ability of pretrial detainees to consult with legal counsel; and the Bureau of Prisons has implemented modified operations that suspends most inmate movement;

WHEREAS, the Judges of the United States District Court, District of Minnesota, have considered and extensively discussed the various interests implicated by the COVID-19 outbreak and any court response to the outbreak, including: the health of jurors, witnesses, parties, attorneys, the public, court staff, and judges; the constitutional rights of criminal defendants and other parties, and the ability to conduct certain criminal

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KATE M. FOGARTY

JUDGMENT ENTD
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proceedings via videoconference or telephone conference under the CARES Act; and the public's interest in, and the court's duty to ensure, the effective and expeditious administration of justice;

NOW THEREFORE, to continue to protect public health and respond to the COVID- 19 outbreak, **IT IS HEREBY ORDERED**, that:

Criminal Matters:

1. Criminal proceedings where a defendant declines to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, are continued until July 5, 2020.
 - a. Only the criminal proceedings outlined in General Order No. 5 may be conducted by videoconference, or telephone conference if videoconferencing is not reasonably available. Please consult General Order No. 5 for more information on using videoconferencing or telephone conferencing in criminal proceedings.
 - b. If the proceeding must be continued because a defendant declines to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, all existing pretrial deadlines remain in place, unless otherwise ordered by the Court.
 - c. If the proceeding must be continued, the Court finds that the time of the continuances implemented by this order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judge, the period of exclusion shall be from March 17, 2020, to July 5, 2020. The Court may extend the period of exclusion as circumstances may warrant.
 - d. Where appropriate, the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act. The presiding judge may extend deadlines and exclude time under the Speedy Trial Act in cases even when certain proceedings are held by video conference or telephone to address delays attributable to COVID-19.
2. All criminal jury trials are continued through July 5, 2020.
3. All trial-specific deadlines in criminal cases are continued through July 5, 2020.

4. All Central Violations Bureau or petty offense hearings are continued until July 5, 2020.

Civil Matters:

1. All civil jury trials are continued through July 5, 2020.
2. All civil trial-specific deadlines are continued through July 5, 2020.
3. All civil hearings that cannot be conducted using videoconference or telephone conference are continued through July 5, 2020.
4. Any requirement of the U.S. Marshals Service to effect personal service of process under Federal Rule of Civil Procedure 4(c)(3) or 28 U.S.C. § 1915(d) continues to be suspended from March 23, 2020, through July 5, 2020. This order does not apply to waivers of service under Federal Rule of Civil Procedure 4(d) or service by electronic means. In any case in which the U.S. Marshals Service has been ordered to serve process, the time for service under Federal Rule of Civil Procedure 4(m) will be tolled until this order has been vacated.

Other:

1. The Continuity of Operations (COOP) Plan for the United States District Court for the District of Minnesota continues to be activated, effective March 23, 2020, through and including July 5, 2020. The COOP Plan may be extended or inactivated as necessary. The activation of the COOP Plan is necessary to ensure the continuous performance of essential functions and operations of the Court.
2. Concerning the Clerk's Office:
 - a. The Clerk's Office intake desk will remain closed to the public.
 - b. The Clerk's Office continues to not accept cash payments; persons needing to make payment may do so by check, money order, or online (where applicable).
 - c. Please consult General Order No. 4 for guidance on how to conduct business with the Clerk's Office.
3. The requirement that the filing party must provide courtesy copies to the judge hearing the motion, as required in the Civil and Criminal ECF Guides, continues to be suspended from March 23, 2020, until further order of the Court.

4. In-person attorney admission ceremonies are continued through July 5, 2020; the Court will start to hold attorney admission ceremonies using videoconference in June. Attorneys that must be admitted on an emergency basis may contact the Clerk's Office for assistance.
5. Exceptions to this order may be approved by the Chief Judge or the presiding judge if special circumstances so require.
6. This order vacates General Order No. 9, entered on April 15, 2020; General Order Nos. 4-8, and 10-13 remain in effect, except for any changes addressed in this order.
7. The Court will vacate or amend this order no later than July 5, 2020.

Dated in Minneapolis, Minnesota, May 15, 2020 at 3:00 p.m.



JOHN R. TUNHEIM
Chief Judge
United States District Court