

**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. 17**

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 July 13, 2020;

WHEREAS, the Governor of the State of Minnesota has issued Emergency Executive Order 20-74, Continuing to Safely Reopen Minnesota's Economy and Ensure Safe Non-Work Activities during the COVID-19 Peacetime Emergency, which continues to place several restrictions on Minnesota residents;

WHEREAS, the Emergency Executive Order 20-74, 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 appear in-person at a U.S. Courthouse; 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

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KATEM. FOGARTY

JUDGMENT ENTD
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of criminal defendants and other parties, and the ability to conduct certain criminal 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. The Court will continue to hold criminal proceedings using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, when the defendant consents to appearing at the proceeding remotely. Unless otherwise authorized by law, only the criminal proceedings outlined in General Order No. 16 may be conducted by videoconference, or telephone conference if videoconferencing is not reasonably available. The Court encourages the use of videoconferencing in criminal proceedings.
2. For criminal proceedings where a defendant declines to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, the Court will begin to hold limited in-person proceedings on July 13, 2020.
 - a. In-person criminal proceedings may only take place when proper social distancing can be maintained for all courtroom participants and when masks are worn when social distancing cannot be maintained. The Court is developing a protocol for the courtroom to ensure the health and safety of all participants and that protocol must be followed.
 - b. In order to safely conduct in-person court proceedings and to comply with the COVID-19 restrictions in place at local detention facilities, only a limited number of in-person criminal proceedings may be held each day. Accordingly, criminal proceedings may be continued until the date that the criminal proceeding takes place. All existing pretrial deadlines remain in place, unless otherwise ordered by the presiding judge.
 - 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 the date that the criminal proceeding takes place.

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 using videoconferencing or telephone conferencing to address delays attributable to COVID-19.
3. The Court is engaged in planning to resume criminal jury and bench trials sometime after July 6, 2020. All jury trials must be conducted with appropriate safeguards, including social distancing and personal protective equipment. The Court is developing a protocol for jury trials to ensure the health and safety of all participants and that protocol must be followed.
 - a. In order to safely conduct criminal jury trials and to comply with the COVID-19 restrictions in place at local detention facilities, only a very limited number of jury trials may take place at the same time. Accordingly, criminal jury trials may be continued until the date that the criminal jury trial commences.
 - b. If the criminal jury trial 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 the date that the criminal jury trial commences.
 - c. Where appropriate, the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act.
 4. All trial-specific deadlines in criminal cases may be continued as ordered by the presiding judge.
 5. Central Violations Bureau or petty offense hearings may commence on July 6, 2020, provided that appropriate safeguards have been implemented for hearing participants. Such proceedings may also take place using videoconferencing.

Civil Matters:

1. The Court is engaged in planning to resume civil jury trials sometime after July 6, 2020. All jury trials must be conducted with appropriate safeguards, including social distancing and personal protective equipment. The Court is developing a protocol for the courtroom to ensure the health and safety of all participants and that protocol must be followed.
2. All civil jury trial-specific deadlines may be continued as ordered by the presiding judge.
3. All civil hearings or bench trials that cannot be conducted using videoconferencing or telephone conferencing are continued as ordered by the presiding judge.
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 August 30, 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 August 30, 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 reopen on July 6, 2020 and be open during normal business hours (8:00 a.m.-4:30 p.m., Monday-Friday).
 - b. The Clerk's Office will continue to not accept cash payments; persons needing to make payment may do so by check, money order, or online (where applicable).
 - c. The Clerk's Office will continue to accept electronic filings in civil and criminal cases through electronic case filing system (CM/ECF) and online payments through www.pay.gov.
 - d. Mail to the District Court should be directed to:

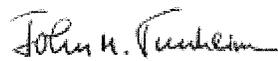
Diana E. Murphy U.S. Courthouse
300 South Fourth Street, Suite 202
Minneapolis, MN 55415

e. To reach the Clerk's Office:

- Main line: 612-664-5000
- Electronic Case Filing (ECF) Helpdesk: 866-325-4975 or 612-664-5155
- Electronic Case Filing (ECF) Helpdesk email:
ecfhelpdesk@mnd.uscourts.gov
- Online chat: www.mnd.uscourts.gov

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 August 30, 2020; the Court will continue to hold attorney admission ceremonies using videoconference. 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. 4, entered on March 26, 2020 and General Order No. 14, entered on May 15, 2020; General Order Nos. 7-8, 10-13, and 15-16 remain in effect, except for any changes addressed in this order.
7. The Court will vacate or amend this order no later than August 30, 2020.

Dated in Minneapolis, Minnesota, June 26, 2020 at 3:00 p.m.



JOHN R. TUNHEIM
Chief Judge
United States District Court