

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER)
 CONCERNING SUPPLEMENTAL) Misc. No. 2:20-mc-394-MRH
 FINDINGS RELATIVE TO THE)
 COURT’S ADMINISTRATIVE)
 ORDER DATED APRIL 27, 2021)
)

ADMINISTRATIVE ORDER MAKING SUPPLEMENTAL FINDINGS

AUGUST 9, 2021

WHEREAS, by Administrative Order dated April 27, 2021, the Court set forth operating principles and protocols relative to the COVID-19 global pandemic, including provisions relative to the exclusion of time under the relevant provisions of the Speedy Trial Act; and

WHEREAS, by published protocols dated June 29, 2021, the Court further set forth operational protocols which would be generally applicable to the conduct of jury trial proceedings; and

WHEREAS, by Administrative Order dated August 9, 2021, the undersigned updated the Court’s protocols for the use of face coverings in Court facilities, which is subject to further revision based on evolving guidance from relevant public health authorities; and

WHEREAS, the Court finds and concludes that at all times since the issuance of the Administrative Order dated April 27, 2021, and to the current date, the public health situation in this Judicial District has both remained highly dynamic, and has deteriorated by virtue of the appearance of the “Delta” variant of the COVID-19 virus, coupled with rates of full adult vaccination status of below 50% in a significant number of the District’s counties; and

WHEREAS, the Delta variant is reported by public health authorities to be of particularly high transmissibility and is particularly virulent and contagious. Further, the COVID-19 vaccine has not yet been approved for administration to those under the age of 12, and has not yet been approved for administration via “booster shots” for those who are immunocompromised or who are otherwise likely to not be fully-vaccinated, even if they have received the full administration of the COVID-19 vaccine under existing FDA protocols. In addition, public health officials have now advised that even fully vaccinated individuals are capable of the asymptomatic transmission of the COVID-19 virus to others, particularly the Delta variant; and

WHEREAS, as a consequence of these public health conditions, coupled with the dynamic nature of the COVID-19 pandemic and community infections, including but not limited to those set forth in the findings of the referenced Administrative Order at paragraphs A-J, N-P, R T and U, and in light of the fact that upon the publication of the updated Jury Trial Protocols dated June 29, 2021 there was and is by necessity a “startup” period for trial scheduling, taking into account the necessity for the issuance of a larger than ordinary number of juror summons and consideration of the above public health matters as applicable to trial participants and jurors; and

THEREFORE, in furtherance of the relevant findings of the Administrative Order as to the preservation of the health and safety of all trial participants and the public, including particularly defendants in custody, and of the above findings of this Order, it is ORDERED that the Court reaffirms the relevant findings of the referenced Administrative Order in such regards, incorporates those set forth herein, and reaffirms the finding of necessity for the exclusion of all time in all criminal cases pending or to be filed on the docket of this Court to and including September 30, 2021 pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finding and concluding

that such is necessary and essential in furtherance of the interests of justice for the reasons stated, and that any attendant delay substantially outweighs the interests of the parties and the public in a speedier trial.

IT IS FURTHER ORDERED that all other provisions of the Court's Administrative Order dated April 27, 2021, as may have been supplemented by the provisions of the Jury Trial Protocols dated June 29, 2021, remain in full force and effect.

s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge

Dated: August 9, 2021