

WHEREAS, a substantial portion of this judicial district has a “substantial or high level” of COVID-19 transmission based upon current public health data, such status is increasing across this judicial district, and is prevalent in counties in all Divisions of this Court; and

WHEREAS, as a public institution committed to the sound administration of equal justice under law, the Court is an essential public institution and remains open for the conduct of essential public business; and

WHEREAS, in furtherance of the health and safety of the Court personnel and all others entering or doing business in the courthouses of this District, the Court already has in place certain screening requirements and will continue to utilize the same (*see* Administrative Order entered at 2:20-mc-426-MRH); and,

WHEREAS, this Court will continue to take reasonable and prudent actions to further that mission consistent with public health needs and the health needs of its staff, members of the public, and others that enter the courthouses of this District and who are resident in the various counties in all Divisions of this Court;

NOW, THEREFORE, in order to continue to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, vendors, contractors, and the general public, and consistent with the CDC and Department of Health guidance noted above, it is ORDERED as follows:

1. The wearing of masks or face coverings will be permitted by any person in any Court facility at any time.
2. Effective as August 9, 2021, based on the finding of the undersigned that a substantial portion of this judicial district has a “substantial or high level” of COVID-19

transmission, and in consideration of the guidance of the Administrative Office of the United States Courts, appropriate masks or face coverings shall be worn by all persons present in any indoor public portions of all Court facilities, including Courtrooms and jury areas, and subject to the provisions of Paragraphs 4 and 5 below. Should the relevant circumstances change, or the applicable guidance of the CDC or other applicable public health authorities be modified, the undersigned may modify the implementation of this Order as may be appropriate to comply with such updated guidance.

3. The General Services Administration and the Clerk of this Court are authorized to place appropriate signage in the appropriate locations in all Court facilities.

4. Notwithstanding the provisions of Paragraph 2 above, if authorized by the presiding judicial officer, appropriate facial masks/coverings may be temporarily removed by Court personnel and participants in Court proceedings when such persons are making an oral presentation or otherwise speaking during an in-Court proceeding.

5. Appropriate masks or face coverings shall be worn in Courtrooms and jury selection areas by all persons during jury trials (including juror reporting, selection and service), subject to the authority of the presiding judicial officer to permit those persons making an oral presentation or otherwise speaking during a jury trial to temporarily remove their mask or face covering while speaking or making an oral presentation.

6. Court Unit Executives are authorized and directed to develop and implement operating protocols applicable to Court staff in their Units who are working or present in the non-public indoor areas of Court facilities (including any private work areas applicable to their Units, and applicable also to persons who are visiting or temporarily present in such non-public areas) and that are in furtherance of the principles set forth in this Administrative Order.

7. Visitors to the Court (including vendors, contractors, litigants, attorneys, and other members of the public), and all other persons seeking entry to or occupying any Court facility for the conduct of any business with the Court or its personnel, shall be required to comply with the provisions of this Order, and also including protocols applicable to non-public indoor areas of any Court facility when in such areas.

8. The Clerk of this Court is authorized and directed to make available and provide disposable appropriate masks for use by members of the public who appear without an appropriate mask or face covering and who are entering a Courthouse. The Clerk of this Court will provide disposable appropriate masks for each Courtroom for those who may appear without an appropriate mask and will also make such available for jury trials such that all participants in the jury selection/trial process will be provided with identical masks.

9. For purposes of this Order, an “appropriate mask or face covering” is one that is worn so as to completely cover the wearer’s mouth and nostrils and does not include a “one way” or other valve, and does not include a bandana, any single-ply or “knit” fabric item, a “pulled up” shirt or jacket, a pulled down balaclava or winter knit cap, or a single-ply or “knit” “gaiter”.

10. This Order shall remain in effect until amended or vacated by further Order.

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

Dated: August 9, 2021