

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

IN RE: ADMINISTRATIVE ORDER )  
CONCERNING THE USE OF )  
FACE MASKS/COVERINGS IN ) Misc. No. 2:20-mc-593-MRH  
PUBLIC AREAS OF THE )  
DISTRICT'S COURTHOUSES )  
)

**ADMINISTRATIVE ORDER**  
**(Updated effective March 7, 2022)**

WHEREAS, federal, state and local public health authorities have advised, and continue to advise, public and private agencies to continue to take necessary and appropriate precautions to reduce the possibility of exposure to novel coronavirus (“COVID-19”) and slow the spread of the disease; and

WHEREAS, on February 23, 2022 the President of the United States declared that the COVID-19 pandemic continues to cause significant risk to the public health and safety of the Nation and therefore the national emergency concerning the COVID-19 pandemic initially declared on March 13, 2020 is continued; and

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) and the Secretary of the Department of Health for the Commonwealth of Pennsylvania have issued updated guidance regarding the use of face coverings by persons occupying indoor spaces, including public buildings; and

WHEREAS, the CDC has created a COVID-19 Community Level tool that assigns each county into a Low, Medium, or High category based upon real-time COVID-19 transmissibility

levels within each community (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>);

WHEREAS, the CDC has provided the following guidance relative to the wearing of masks/face coverings for each COVID-19 Community Level category:

- **Low**: wear a mask based upon personal preference, informed by personal level of risk;
- **Medium**: immunocompromised individuals and those at high risk for severe illness, or those living with or having social contact with such individuals, should confer with a healthcare provider about additional precautions, such as the wearing of masks and/or testing; and
- **High**: individuals should wear a well-fitting mask indoors in public areas regardless of vaccination status or individual risk.

WHEREAS, regardless of COVID-19 Community Level, the CDC advises that people with symptoms of illness, who have tested positive for COVID-19, or those having been exposed to someone with COVID-19 should wear a mask; and

WHEREAS, each Division of the Court is made up of multiple counties, each of which may have a different COVID-19 Community Level; and

WHEREAS, the Court has a Courthouse in each of its three Divisions located in various counties (each a “Courthouse County”) as follows: Erie Division (Erie County); Pittsburgh Division (Allegheny County); Johnstown Division (Cambria County)<sup>1</sup>; and

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<sup>1</sup> As of the date of this Order, each such Courthouse County is classified as being in the “Low” category pursuant to the CDC Guidance.

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, this Court will continue to take reasonable and prudent actions to further its mission consistent with public health needs and the health needs of its staff, members of the public, and others who enter the Courthouses of this District.

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 appropriate masks or face coverings will be permitted by any person in any Court facility and space at any time.
2. Consistent with current CDC guidance, the wearing of masks or face coverings is not required in the Courthouse or Court facility if the county in which the Courthouse is located has a then-current COVID-19 Community Level of “Low” or “Medium.” Consistent with current CDC guidance, if the applicable Courthouse County has a current COVID-19 Community Level of “High,” the wearing of appropriate masks or face coverings is required for all persons entering the Courthouse or Court facility in such Courthouse County subject to the provisions of this Order.
3. Notwithstanding the provisions of Paragraph 2 above, a presiding judicial officer may, for any reason, direct that appropriate masks or face coverings be worn by any person or all persons during in-Court proceedings before that Judge. Further, the general applicability of the Court’s Jury Trial Protocols dated June 29, 2021 is held in abeyance subject to further Order. The

presiding judicial officer for a given jury trial nonetheless may implement such Protocols, in whole or in part, as they would conclude is appropriate for a given proceeding.

4. Subject to the provisions of Paragraphs 2 and 3 above, if the use of a face mask is required by this Order or the presiding judicial officer, the presiding judicial officer may nonetheless authorize that appropriate masks or face 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. 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 courthouse or Court facility for any business with the Court or its personnel, shall be required to comply with the provisions of this Order.

6. The Clerk of this Court is authorized and directed to make available appropriate disposable masks for use by members of the public who appear without an appropriate mask or face covering and who are required to or desire to wear a mask by the terms of this Order.

7. 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”.

8. Nothing in this Order shall limit the discretion of any Judge or Court Unit Executive to require the use of face coverings and/or social distancing by Court staff and visitors in their respective workspace should circumstances so require or advise.

9. 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

March 7, 2022