

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**IN RE: COURT OPERATIONS UNDER : REVISED
THE EXIGENT CIRCUMSTANCES : STANDING ORDER
CREATED BY COVID-19 : MAY 27, 2020**

WHEREAS, in response to the spread of coronavirus (COVID-19), a national emergency having been declared, and the continuing State of Emergency declared by the Governor of Delaware on March 12, 2020, which banned public gatherings throughout the State, was further modified on April 10, 2020 and currently extends through at least May 31, 2020;

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised public and private agencies to promptly take necessary and appropriate precautions to reduce exposure to COVID-19 and slow the spread of the disease; and

WHEREAS, jury selection in this District involves large jury venire pools and requires many individuals to travel a significant distance; and

WHEREAS, civil trials in this District usually involve witnesses from other parts of the country and other continents and often involve full courtrooms; and

WHEREAS, circumstances regarding school closures will make it difficult for parents to comply with summonses for jury service; and

WHEREAS, the current limitations on reasonably available COVID-19 testing increase the uncertainty of the health status of summoned jurors and others; and

WHEREAS, as a public institution committed to the sound administration of equal justice under law, this Court must take reasonable and prudent actions to further that mission;

NOW, THEREFORE, in order to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, jurors, security personnel and the general public and in order to reduce the number of gatherings necessarily attendant to trial jury selection in

this Court, and in order to minimize travel by participants in Court proceedings, particularly travel by public conveyance, the United States District Court of the District of Delaware issues the following Order:

1. This Court will remain open for official business, subject to the following limitations.
2. Effective this date, all civil and criminal jury selections and jury trials in the District of Delaware scheduled to begin before June 30, 2020, are continued pending further Order of the Court. The Court may issue further Orders concerning future general continuances of any matters as may be deemed necessary and appropriate. All jury selections and trials affected by this Order will be reset by further Order of the assigned judicial officer.
3. All deadlines set by Federal or Local Rules or Court Order, including, but not limited to, scheduling orders in all civil and criminal cases, remain in effect unless modified by further Order of the Court or by Order of the assigned judicial officer. Judicial officers may apply the principles of flexibility and accommodation to reasonable requests for filing or scheduling adjustments necessitated by reasonable and fact-based travel, health, or safety concerns, or advice or directives of public health officials.
4. Aside from ordering a jury trial, individual judges presiding over civil and criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the substantial rights of the parties.
5. The Court recognizes the trial, procedural, and substantive rights of all litigants, and particularly the rights of criminal defendants to a speedy and public trial under the Sixth Amendment and the particular application of that right in cases involving defendants who are detained pending trial. Any request by a criminal defendant or the United States in a criminal proceeding or of a party to any civil action, seeking case-specific

relief from any provision of this Order is to be directed to the judicial officer assigned to the matter.

6. In all criminal cases pending in this District, the period of May 27, 2020 through June 30, 2020 shall be “excluded time” under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking such action materially outweigh the best interests of the public and the parties in a speedy trial. Specifically, such exclusion is necessary to assure that in cases going to trial, there is a full, unhindered, continuously serving jury venire and seated jury in every case, which is central to the sound administration of justice. Such exclusion of time is also necessary in cases not yet set for trial in order to address the reasonably anticipated difficulties in defense counsel communicating or visiting with clients, particularly those detained in locales and facilities under a declared state of emergency, and the inherent delay in the scheduling of further trials as a consequence of the exclusion period herein. The Court may by further Order extend the period of exclusion as circumstances may warrant, and the assigned judicial officer may by Order do so as to any specific proceeding.

7. Individual judicial officers may schedule and hold in courtroom hearings, conferences, sentencings, change of plea hearings, and bench trials in the exercise of their sound discretion, and consistent with the principles of this Order and the sound administration of justice.

8. All judicial officers are encouraged to conduct proceedings, including ADR proceedings, by telephone or videoconferencing where practicable and as permitted by law, and to take reasonable measures to avoid the necessity of out-of-town travel of any litigant, witness, counsel or the public.

9. Empaneled Grand Juries may resume meetings.

10. All other provisions of this and the Court’s previous Standing Orders issued in

relation to the ongoing exigent circumstances are subject to continuing review and change, and remain in effect, except to the extent expressly modified in this Order.

SO ORDERED.

DATED: May 27, 2020

Chief District Judge

/s/ Leonard P. Stark