

MAR 23 2020

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-0012

DISTRICT COURT OF GUAM COURT
OPERATIONS IN RESPONSE
TO COVID-19 OUTBREAK

In response to the spread of the coronavirus disease 2019 (COVID-19), the President has declared a national public health emergency and the Honorable Lourdes Leon Guerrero, Governor of Guam, has declared a public health emergency for Guam. The Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. The Centers for Disease Control and Prevention has issued guidelines recommending against gatherings of fifty or more persons, effective March 15, 2020. On March 16, 2020, President Trump cautioned that gatherings should be limited to ten persons or fewer.

The Court has weighed the right of the public to open access to the court against the need to protect the safety of the public, including the health of all those entering and working in the court. The Court, therefore, Orders the following:

TEMPORARY CLOSURE TO THE PUBLIC

- The District Court of Guam will be temporarily closed to the public for a period of fourteen (14) days commencing Friday, March 20, 2020 through Friday, April 3, 2020, except as stated below.

- The U.S. Pretrial and Probation Office will also be closed for the next fourteen (14) days commencing Friday, March 20, 2020 through Friday, April 3, 2020. If you need assistance, please call (671) 969-4600.

LIMITED ENTRY INTO THE DISTRICT COURT OF GUAM

- Persons who have travelled outside the island of Guam within the previous 14 days;
- Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- Persons who, because of COVID-19, have been asked to self-quarantine by any

1 doctor, hospital, or health agency; and

2 • Persons who are ill and displaying symptoms consistent with a flu, such as fever,
3 body aches, and shortness of breath.

4 Notice of these entry protocols will be posted at the front and back entrance doors of the
5 Courthouse. Individuals prevented from entering the building will be provided contact information
6 of the Court and all tenants of the courthouse so that they may attempt to conduct their business
7 by phone.

8 **Anyone attempting to enter in violation of these protocols will be denied entry by a
9 Court Security Officer.**

10 **LIMITED COURT PROCEEDINGS**

11 **Criminal trials, magistrate hearings, sentencing and revocation hearings.**

12 • All criminal jury selection and trials in the District of Guam scheduled to begin
13 before April 26, 2020, are continued pending further order of the Court. The Court may issue
14 other orders concerning future continuances as necessary and appropriate.

15 • The Court is cognizant of the right of criminal defendants to a speedy and public
16 trial under the Sixth Amendment, and the application of that right in cases involving defendants
17 who are detained pending trial. Any motion by a criminal defendant seeking an exception to this
18 order in order to exercise that right should be directed to the judge assigned to the matter in the
19 first instance; provided, however, that no such exception may be ordered without the approval of
20 the Chief Judge.

21 • The time period of any continuance entered as a result of this order shall be
22 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends
23 of justice served by taking that action outweigh the interests of the parties and the public in a
24 speedy trial. Absent further order of the Court or any individual judge, the period of exclusion
shall be from March 16, 2020 to April 26, 2020. The Court may extend the period of exclusion as
circumstances may warrant.

• Criminal matters before the Magistrate Judge, such as initial appearances,
arraignments and detention hearings will be conducted by video/telephone conference, with the
Defendant's permission, unless otherwise directed by the Court. Issuance of search warrants will
continue to take place in the ordinary course of business.

• All sentencing and revocation hearings scheduled to be heard on or before April 3,
2020 and any related deadlines shall be continued until further order of the court. In addition, any
previously ordered Presentence Report due dates during this period shall be vacated and
rescheduled.

• Individual judges may continue to hold hearings, conferences, bench trials, and
trial-specific deadlines in the exercise of their discretion, consistent with this order.

• Judges are strongly encouraged to conduct court proceedings by telephone or video
conferencing where practicable.

• Individual judges presiding over 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 rights of the parties.

24 **Grand Jury Proceedings.**

• All regularly scheduled grand jury proceedings are continued to April 26, 2020,

1 however, the U.S. Attorney may schedule grand jury proceedings for emergency or essential
2 matters after consultation with the Chief Judge. Grand jurors will continue their current and
3 normal practice to call in each Monday at 8 a.m. to the number provided to them to receive the
4 recorded message informing them of whether they must appear for grand jury service the same
5 week.

6 **Civil cases.**

7 • All civil jury selection and trials in the District of Guam scheduled to begin before
8 April 26, 2020, are continued pending further order of the Court. The Court may issue other orders
9 concerning future continuances as necessary and appropriate.

10 • Individual judges may continue trial-specific deadlines in civil cases in the exercise
11 of their discretion.

12 • Individual judges may continue to hold hearings, conferences, and bench trials in
13 the exercise of their discretion, consistent with this order.

14 • Judges are strongly encouraged to conduct court proceedings by telephone or video
15 conferencing where practicable.

16 **Bankruptcy cases.**

17 *Bankruptcy Trustee's Notice re: Section 341 meetings of creditors.*

18 • Effective immediately, all in-person chapter 7, 11, 12, and 13 section 341 meetings
19 scheduled through April 10, 2020, are hereby continued until a later date to be determined. Absent
20 special circumstances, section 341 meetings may not proceed during this period except through
21 telephonic or other alternative means not requiring personal appearance by debtors. Appropriate
22 notice will be provided to parties in accordance with bankruptcy law and rules. Meetings already
23 noticed as telephonic meetings may proceed as scheduled. Debtors and other parties in interest
24 should contact the trustee assigned to particular cases if they have any questions about the dates
and times of the continued meetings of creditors.

Chapter 13 cases.

• Regarding Chapter 13 cases in which the meeting of creditors has been postponed
as stated above, it is hereby ordered that the deadline for a creditor to file an action under Section
523(c) is extended to and including 60 days after the date first set for the rescheduled meeting of
creditors.

Chapter 7 cases.

• Regarding Chapter 7 cases in which the meeting of creditors has been postponed as
stated above, it is hereby ordered that the following deadlines are extended to and including 60
days after the date first set for the rescheduled meeting of creditors: (1) deadline to bring action
for exception to discharge under Section 523(c); (2) deadline to bring action to deny discharge
under Section 727(a); and (3) deadline to bring motion to dismiss for abuse under Section
707(b)(3).

DRUG OFFENDER RE-ENTRY PROGRAM

• Drug Offender Re-Entry program scheduled for March will be rescheduled.

NATURALIZATION CEREMONIES

• All naturalization ceremonies scheduled for March and April 2020 are canceled.
The Court may issue other orders concerning future continuances as necessary and appropriate.

1 **COMMUNITY OUTREACH**

2 • All court tours, community outreach events, etc. for March and April 2020 are canceled.

3 **FILINGS**

4 • Filings will continue to be processed in all cases via the CM/ECF electronic system and mail, except for criminal case openings, sealed and pro se filings. Those wishing to make in-person filings may call the on-duty clerk at 671-969-4500 and will be instructed to leave such materials at the drop off box located on the first floor of the courthouse. For emergency filings, please contact the on-duty clerk at 671-969-4500. Criminal case openings, sealed and pro se filings shall be placed in a sealed envelope and will be received at the drop off box located on the first floor of the courthouse from 8:00 a.m. to 3:00 p.m. The sealed envelope must have the name of the law firm and/or pro se filer and contact number in case there are any questions with said filing.

8 **PAYMENTS**

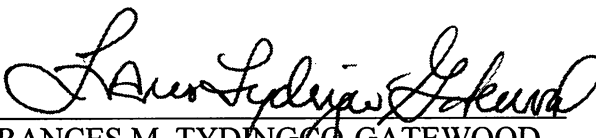
9 • Fees associated with case filings will be paid via Pay.gov through the CM/ECF system. Criminal debts and any other payments by check, money order or cashier's check will be accepted by mail or at the drop off box located on the first floor of the courthouse from 8:00 a.m. to 12:00 p.m. All negotiable instruments shall be payable to "Clerk, District Court of Guam" or "Clerk, U.S. District Court" or "Clerk, United States Court". Payments made via the drop off box must be in a sealed envelope and contain the name of the person making said payment, the case number associated with said payment and a contact number in case there are any questions related to said payment. Cash payments will NOT be accepted during this period of exigent circumstances. Staff in the Clerk's Office will remain available by telephone.

14 **MEDIA ACCESS TO THE COURT**

15 • The court recognizes the Constitutional right of the media to access court proceedings on behalf of the public. Therefore, members of the media who wish to monitor a court proceeding telephonically may contact Chief Deputy Clerk, Charles White, at 988-9031 at least one (1) hour before the scheduled hearing. Mr. White will provide instructions for allowing telephone access on a secure line, at no cost, to listen to the hearing with all other court rules in effect including the standing prohibition on audio recording.

18 This order amends and supersedes the Court's previous General Order No. 20-0011.

19 **SO ORDERED** this 23rd day of March, 2020.

21 
22 FRANCES M. TYDINGCO-GATEWOOD
23 Chief Judge