

FILED
DISTRICT COURT OF GUAM

MAY 28 2020

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-0021

DISTRICT COURT OF GUAM CONDITION
OF READINESS (CCOR) 2 in response to
COVID 19 OUTBREAK

This general order is issued in further response to the outbreak of Coronavirus Disease 2019 (COVID-19) and supersedes General Order No. 20-0019 which extended public access restrictions through June 5, 2020. On May 8, 2020, pursuant to Guam's *Chalan Para Hinemlo* recovery plan, the Honorable Lourdes Leon Guerrero, Governor of Guam, issued Executive Order 2020-14 declaring that conditions and criteria to begin the gradual lifting of restrictions have been met and ordering that Guam move from Pandemic Condition of Readiness 1 to Pandemic Condition of Readiness 2. The Governor found, among other things, that Guam has expanded testing and contact tracing efforts and has seen a steady decline in hospitalizations and confirmed COVID-19 cases. The Governor of Guam implemented her phased re-opening of public activities on May 10, 2020.

Having weighed the right of public access to the Court against the need to protect the health and safety of the public, and recognizing the continued need to take precautions to prevent the spread of COVID-19, the Court will execute a phased approach (Court Condition of Readiness 2 also known as CCOR 2), similar to that of the Government of Guam (Pandemic Condition of Readiness 2 also known as PCOR 2) to reopening the courthouse to the public. The Court incorporates its prior findings relative to COVID-19 and the state of emergency declarations and guidelines as set forth in its prior General Order Nos. 20-0012, 20-0013, 20-0014, 20-0015, 20-0018, 20-0020, and orders as follows:

PUBLIC ACCESS

Courthouse (building) access is limited to Court employees, tenants of the building, members of the bar, public and media attending scheduled in-person Court proceedings, empaneled federal grand jurors, Clerk's office filers, and persons with confirmed appointments with judges, the U.S. Probation and Pretrial Services Office or other tenants of the building. Building access may be further limited to ensure proper social distancing requirements, as

1 recommended by the Centers for Disease Control and Prevention, can be maintained throughout
2 the building.

3 The Clerk's Office window will open to the public from 8:00 a.m. to 12:00 p.m., Monday
4 through Friday, except on legal holidays. The U.S. Probation and Pretrial Services Office will be
5 open by appointment only.

6 Public access to Court proceedings via video or telephonic conference will remain
7 available in accordance with the procedures set forth below. Court employees, including Clerk's
8 Office and U.S. Probation staff, will remain available by telephone and email from 8:00 a.m. until
9 5:00 p.m. Monday through Friday, other than legal holidays.

10 **ENTRY PROTOCOL AND FACE COVERING REQUIREMENT**

11 All persons over age two (2) shall wear a face covering in all public areas of the courthouse
12 building and shall adhere to six (6) feet social distancing measures as recommended by the Centers
13 for Disease Control and Prevention.

14 The following persons are not permitted to enter the District Court of Guam:

- 15 1. Persons over age two (2) without a face covering;
- 16 2. Persons who have travelled outside the island of Guam within the previous 14 days;
- 17 3. Persons who have been diagnosed with, or have had contact with anyone who has
18 been diagnosed with, COVID-19 within the previous 14 days;
- 19 4. Persons who, because of COVID-19, have been asked to self-quarantine by any
20 doctor, hospital, or health agency within the previous 14 days; and
- 21 5. Persons who are ill and displaying symptoms consistent with a flu, such as fever,
22 body aches, and shortness of breath.

23 Notice of these entry protocols will be posted at the front and back entrance doors of the
24 Courthouse. Anyone attempting to enter in violation of these protocols will be denied entry by a
Court Security Officer. Persons denied entry will be provided contact information of the Court and
all tenants of the courthouse so that they may attempt to conduct their business by phone.

In order to avoid crowding, no more than two individuals may be in an elevator at one time.

19 **LIMITED COURT PROCEEDINGS**

20 Statutes of limitations, statutory deadlines, and other required deadlines will not be tolled
21 or excluded during this period unless specifically ordered by the Court.

22 **Criminal cases**

23 All criminal jury trials in the District of Guam scheduled on or before June 16,
24 2020, are continued pending further order of the Court.

The Court is cognizant of the right of criminal defendants to a speedy and public

1 trial under the Sixth Amendment, and the application of that right in cases involving
2 defendants who are detained pending trial. Any motion by a criminal defendant seeking an
3 exception to this order in order to exercise that right should be directed to the judge
4 assigned to the matter. The Court recognizes that the scheduling of criminal jury selection
5 and trial is dependent on its ability to empanel jurors. Currently, the Jury Administrator of
6 the Court is polling 200 potential jurors for two (2) trials scheduled after June 16, 2020. It
7 is anticipated that the results of the polling will reveal the comfort level of citizens
8 appearing for jury duty during the COVID-19 outbreak currently affecting our island. Until
9 such time as the survey results are received, however, the court orders that the time period
10 between the date of this Order to June 16, 2020, shall be excluded under the Speedy Trial Act,
11 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that
12 action outweigh the interests of the parties and the public in a speedy trial because of the Court's
13 reduced ability to empanel jurors during this time.

14 The Court may extend the period of exclusion as circumstances may warrant. Each
15 judge assigned to a criminal trial scheduled before June 16, 2020 shall make appropriate
16 findings and enter an order tolling time under the Speedy Trial Act.

17 In-court proceedings shall be held for all guilty pleas, sentencing, and evidentiary
18 hearings requiring witness testimony (such as motions to suppress or supervised release
19 evidentiary hearings).

20 All other in-court criminal proceedings are permitted at the discretion of the
21 presiding judge; however, judges remain authorized and are strongly encouraged to
22 conduct proceedings by video or telephonic conference. See General Order 20-0013 for
23 procedures pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES
24 Act").

Pretrial Services is authorized to email the pretrial services report to assigned
counsel in each case to facilitate video conferencing or the telephonic hearings. Counsel
may use the pretrial services report solely for the purposes of bail determination or pretrial
release. Upon completion of the hearing, counsel must permanently delete the emailed
pretrial services report and promptly shred any hard copies. No record of the pretrial
services report may be kept or redisclosed by the recipient under any circumstances.

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.

Civil cases

All civil jury trials in the District of Guam scheduled on or before June 16, 2020,
are continued pending further order of the Court.

All other in-court civil proceedings are permitted at the discretion of the presiding
judge; however, judges remain authorized and are strongly encouraged to conduct all other
civil case proceedings by video or telephonic conference where practicable.

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1 **Bankruptcy cases**

2 All in-court bankruptcy proceedings are permitted at the discretion of the presiding
3 judge; however, judges remain authorized and are strongly encouraged to conduct such
4 proceedings by video or telephonic conference where practicable.

5 Procedures for debtors and others to participate in meetings of creditors in
6 bankruptcy cases which are being conducted by telephone due to the COVID-19 virus are
7 governed by the Notice of Temporary Procedures for Conducting Telephonic Meetings of
8 Creditors Under Section 341(a) in the District of Guam, issued by the United States Trustee
9 on April 8, 2020, and attached to this order.

10 **Grand Jury Proceedings**

11 All regularly scheduled grand jury proceedings will resume immediately. The
12 United States Attorney's office shall coordinate the grand jury sessions with the Jury
13 Administrator of the District Court.

14 **Drug Offender Re-Entry Program "Prugraman Hinalom Talo"**

15 All regularly scheduled monthly hearings shall be held virtually until further order
16 of the Court.

17 **NATURALIZATION CEREMONIES AND OUTREACH EVENTS**

18 All naturalization ceremonies, Court tours, and community outreach events scheduled for
19 May, June and July 2020 are canceled, unless otherwise scheduled by the Court. Certain
20 community outreach events are being held virtually, including the celebration of Law Month
21 events.

22 **CLERK'S OFFICE**

23 The Clerk's Office window will be open to the public from 8:00 a.m. to 12:00 p.m.,
24 Monday through Friday, except on legal holidays.

 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 outside of the limited opening hours 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.

1 Fees associated with case filings will be paid via Pay.gov through the CM/ECF
2 system. Criminal debts and any other payments by check, money order or cashier's check will be
3 accepted during opening hours, by mail, or at the drop off box located on the first floor of the
4 courthouse from 8:00 a.m. to 3:00 p.m. All negotiable instruments shall be payable to "Clerk,
5 District Court of Guam" or "Clerk, U.S. District Court" or "Clerk, United States Court". Payments
6 made via the drop off box must be in a sealed envelope and contain the name of the person making
7 said payment, the case number associated with said payment and a contact number in case there
8 are any questions related to said payment. Cash payments will NOT be accepted during this period
9 of exigent circumstances. Staff in the Clerk's Office will remain available by telephone.

6 **U.S. PROBATION AND PRETRIAL SERVICES OFFICE**

7 The U.S. Probation and Pretrial Services Office will be open to the public by appointment
8 only. For assistance, please call (671) 969-4600.

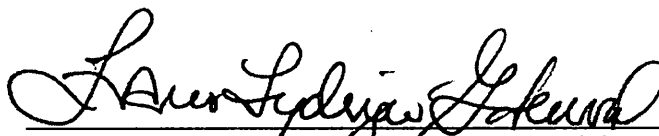
9 **MEDIA ACCESS TO THE COURT**

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

14 **EFFECTIVE DATE**

15 District Court of Guam Condition of Readiness (CCOR) 2 shall be in full force and effect
16 commencing June 1, 2020.

17 **SO ORDERED** this 28th day of May 2020.

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20 **FRANCES MARIE TYDINGCO-GATEWOOD**
21 Chief Judge
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U.S. Department of Justice

United States Trustee,
Region 15
*Districts of Hawaii, Guam and
the Northern Mariana Islands*

1132 Bishop Street Suite 602 (808) 522-8150
Honolulu, Hawaii 96813

**Notice of Temporary Procedures for Conducting Telephonic
Meetings of Creditors Under Section 341(a) in the District of Guam
April 8, 2020**

This notice provides procedures for debtors and others to participate in meetings of creditors in bankruptcy cases filed in the District of Guam which are being conducted by telephone due to the COVID-19 virus starting April 10, 2020 and until further notice.

Phone procedures

1. Debtors should have their bankruptcy documents available in the event there are questions about the information in the documents.
2. You must use a touch-tone phone to participate.
3. Dial the call-in number and then enter the passcode, followed by a # sign.
 - a. Call-in number: 1-877-461-0585
 - b. Passcode: 5721781#
4. Use a land line phone and not a cell phone, if possible. Do not use a speaker phone.
5. Make the call from a quiet area where background noise is minimal.
6. Leave the phone on mute until the trustee calls your case.
7. Wait until the trustee calls your case before speaking as more than one meeting will be held during this period.
8. When speaking during your case, identify yourself.
9. Do not put the phone on hold at any time after the call is connected.

10. If any party is attending the meeting from the same location as another party, use separate touch-tone phones to participate.

11. Once the case meeting is finished, hang up.

Providing Documents to Confirm ID and Social Security Number:

1. Trustees are temporarily authorized to confirm debtors' identification and social security number by viewing scanned documents ("Identification Documents").
2. Debtors should provide the trustee with Identification Documents at least seven days prior to the meeting at the same time and through the same means as providing trustees with tax returns and pay advices.

Administering the Oath and Verifying Debtor Identification Documents:

1. Trustees shall continue to administer the oath to debtors at the telephonic meeting of creditors. Trustees will ask each debtor to expressly testify that he or she is the individual whose name and address appears on the voluntary bankruptcy petition as the debtor.
2. Attorneys representing debtors should review Identification Documents in person, by video, or by some other means prior to the meeting of creditors. After the oath has been administered, the trustee will ask the debtors' attorneys to confirm that they have personally verified the debtors' identity and the Identification Documents and that those documents confirm the information in the Petition. (It is acceptable that the attorney reviewed scanned documents or reviewed documents remotely.)
3. The scope of the debtor's examination will be the same as for in-person meetings.
4. The meeting may be adjourned to a future date by announcement at the meeting.