

AUG 15 2020

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-0032

DISTRICT COURT OF GUAM CONDITION
OF READINESS (CCOR) 1 in Response to
COVID 19 OUTBREAK

This general order is issued in further response to the outbreak of Coronavirus Disease 2019 (COVID-19). On August 14, 2020, the Governor of Guam, pursuant to Guam's *Chalan Para Hinemlo'* recovery plan, the Honorable Lourdes Leon Guerrero, Governor of Guam, issued Executive Order 2020-27, ordering that Guam revert to Pandemic Condition of Readiness 1 (PCOR1). In Executive Order 2020-24, the Governor found, among other things, that "Guam's low test positivity rate notwithstanding, it is clear that the COVID-19 virus continues to pose a grave threat to the safety of our community" and further found that "the rise in COVID-19 cases creates a risk that our hospital facilities will be overwhelmed and unable to safely treat all patients requiring hospitalization for both COVID-19 and other serious medical conditions without resorting to crisis standards of care." The Governor of Guam's declaration of PCOR1, which among other things imposes the most stringent restrictions on social gatherings, non-essential activities and suspends the opening of schools, will go into effect on August 16, 2020 through August 29, 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 implement further restrictions and proceed to Court Condition of Readiness 1 also known as CCOR 1 in its plan to reopen 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 orders, and orders as follows:

TEMPORARY CLOSURE TO THE PUBLIC

The District Court of Guam will be temporarily closed to the public through Monday, August 31, 2020, except as stated below:

1 Courthouse (building) access is limited to court employees, tenants of the building,
2 members of the bar attending scheduled in-person court proceedings, grand jurors, Clerk's Office
3 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 recommended by the Centers for Disease Control and
Prevention, can be maintained throughout the building.

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

7 **ENTRY PROTOCOL AND FACE COVERING REQUIREMENT**

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

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

- 11 1. Persons over age two (2) without a face covering;
- 12 2. Persons who have traveled outside the island of Guam within the previous 14 days
and who are required by law to quarantine;
- 13 3. Persons who have been diagnosed with, or have had contact with anyone who has
been diagnosed with, COVID-19 within the previous 14 days;
- 14 4. Persons who, because of COVID-19, have been asked to self-quarantine by any
doctor, hospital, or health agency within the previous 14 days; and
- 15 5. Persons who are ill and displaying symptoms consistent with a flu, such as fever,

16 Notice of these entry protocols will be posted at the front and back entrance doors of the
17 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.

18 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
or excluded during this period unless specifically ordered by the Court.

21 **Criminal Cases**

22 All criminal jury trials in the District of Guam scheduled on or before August 31, 2020, are
23 continued pending further order of the District Court of Guam.

24 The Court is cognizant of the right of criminal defendants to a speedy and public trial under
the Sixth Amendment, and the application of that right in cases involving defendants who are

1 detained pending trial. Any motion by a criminal defendant seeking an exception to this order in
2 order to exercise that right should be directed to the judge assigned to the matter in the first
3 instance; provided, however, that no such exception may be ordered without the approval of the
4 Chief Judge. The time period of any continuance entered as a result of this order shall be excluded
5 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that due to the Court's
6 reduced ability to empanel jurors during this public health response, the ends of justice served by
7 taking that action outweigh the interests of the parties and the public in a speedy trial.

8 Absent further order of the Court or any individual judge, the period of exclusion shall be
9 from the effective date of this order to August 31, 2020. The Court may extend the period of
10 exclusion as circumstances may warrant. Each judge assigned to a criminal trial scheduled before
11 August 31, 2020 shall make appropriate findings and enter an order tolling time under the Speedy
12 Trial Act.

13 All sentencing and revocation hearings scheduled to be heard on before August 31, 2020
14 and all related deadlines shall be continued until further order of the Court.

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

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

21 Judges are authorized and strongly encouraged to conduct proceedings by video or
22 telephonic conference. *See* General Orders 20-0013 and 20-2024 for procedures pursuant to the
23 Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

24 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.

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.

Grand Jury Proceedings

All regularly scheduled grand jury proceedings are continued through August 31, 2020,
however, the U.S. Attorney may schedule grand jury proceedings for emergency or essential
matters after consultation with the Chief Judge. Grand jurors will continue their current and normal
practice to call in each Monday at 8:00 a.m. to the number provided to them to receive the recorded
message informing them of whether they must appear for grand jury service the same week.

Civil Cases

All civil jury trials in the District Court of Guam scheduled on or before August 31, 2020,
are continued pending further order of the Court.

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

4 **Bankruptcy Cases**

5 Bankruptcy judges remain authorized and are strongly encouraged to conduct such
6 proceedings by video or telephonic conference where practicable.

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

12 **Drug Offender Re-Entry Program “Prugraman Hinalom Talo”**

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

15 **NATURALIZATION CEREMONIES AND OUTREACH EVENTS**

16 All naturalization ceremonies, court tours and other in-person community outreach events
17 are suspended unless otherwise scheduled by the Court. The Court continues to hold various
18 community outreach events virtually, including the celebration of Constitution Day and Law
19 Month events.

20 **CLERK’S OFFICE**

21 The Clerk’s Office is closed to the general public. Filings will continue to be processed in
22 all cases via the CM/ECF electronic system and mail, except for criminal case openings, sealed
23 and pro se filings. Those wishing to make in-person filings may call the on-duty clerk at 671-969-
24 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.

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 3:00
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

1 associated with said payment and a contact number in case there are any questions related to said
2 payment. Cash payments will NOT be accepted during this period of exigent circumstances. Staff
in the Clerk's Office will remain available by telephone.

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

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

6 **MEDIA ACCESS TO THE COURT**

7 The Court recognizes the constitutional right of the media to access court proceedings on
8 behalf of the public. Therefore, members of the media or the public who wish to monitor a court
9 proceeding telephonically may contact the Clerk's Office at 671-969-4500 at least one (1) hour
before the scheduled hearing to arrange for 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.

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11 **EFFECTIVE DATE**

12 District Court of Guam Condition of Readiness 1 (CCOR1) shall be in full force and effect
commencing on Monday, August 17, 2020 through Monday, August 31, 2020.

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14 **SO ORDERED** this 15th day of August 2020.

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FRANCES MARIE TYDINGCO-GATEWOOD
18 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.