

JAN 27 2021

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 21-0002

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. 21-0001 which extended public access restrictions through February 5, 2021. On January 15, 2021, pursuant to Guam's Chalan Para Hinemlo' recovery plan, the Honorable Lourdes Leon Guerrero, Governor of Guam, issued Executive Order 2021-01 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 of Guam implemented her phased re-opening of public activities on January 18, 2021, authorizing most activities to operate under moderate restrictions.

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), to the reopening of 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 related General Orders, and orders as follows:

PUBLIC ACCESS

Courthouse (building) access is limited to Court employees, tenants of the building, grand and petit jurors, Clerk's office filers, members of the bar, public and media attending scheduled in-person Court proceedings where allowed by the presiding judge, and persons with confirmed appointments with judges, the Clerk's Office, 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.

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

4 **ENTRY PROTOCOL AND FACE COVERING REQUIREMENT**

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

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

- 8 1. Persons over age two (2) without a face covering;
- 9 2. Persons who have travelled outside the island of Guam within the previous
10 14 days;
- 11 3. Persons who have been diagnosed with, or have had contact with anyone
12 who has been diagnosed with, COVID-19 within the previous 14 days;
- 13 4. Persons who, because of COVID-19, have been asked to self-quarantine
14 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
16 fever, body aches, and shortness of breath.

15 Notice of these entry protocols will be posted at the front and back entrance doors of the
16 Courthouse. Anyone attempting to enter in violation of these protocols will be denied entry by a
17 Court Security Officer. Persons denied entry will be provided contact information of the Court and
18 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
21 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 are continued unless
23 otherwise ordered by the presiding judge.

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 detained pending trial. Any motion by a criminal defendant seeking an

1 exception to this order in order to exercise that right should be directed to the judge
2 assigned to the matter. The Court may extend the period of exclusion as circumstances may
3 warrant. Each judge assigned to a criminal trial shall make findings and enter an order
4 tolling time under the Speedy Trial Act where appropriate.

5 In-court proceedings shall be held for all guilty pleas, sentencings, and evidentiary
6 hearings requiring witness testimony (such as motions to suppress or supervised release
7 evidentiary hearings).

8 All other in-court criminal proceedings are permitted at the discretion of the
9 presiding judge; however, judges remain authorized and are strongly encouraged to
10 conduct proceedings by video or telephonic conference. See General Order 20-0013 for
11 procedures pursuant to the Coronavirus Aid, Relief, and Economic Security Act (“CARES
12 Act”) and related orders extending its applicability.

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

19 Individual judges presiding over criminal proceedings may take such actions
20 consistent with this order as may be lawful and appropriate to ensure the fairness of the
21 proceedings and preserve the rights of the parties.

22 Civil cases

23 All civil jury trials in the District of Guam are continued unless otherwise ordered
24 by the presiding judge.

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.

Bankruptcy cases

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

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

Grand Jury Proceedings

1 All regularly scheduled grand jury proceedings may proceed. The United States
2 Attorney's office shall coordinate the grand jury sessions with the Jury Administrator of
3 the District Court.

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

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

7 **NATURALIZATION CEREMONIES AND OUTREACH EVENTS**

8 All indoor naturalization ceremonies, Court tours, and community outreach events are
9 canceled, unless otherwise scheduled by the Court.

10 **CLERK'S OFFICE**

11 The Clerk's Office window will open to the public for walk-in services from 12:00 p.m. to
12 3:00 p.m., and will otherwise be open by appointment only, Monday through Friday, except on
13 legal holidays.

14 Please call the on-duty clerk at 671-969-4500 to make an appointment outside of the walk-
15 in hours.

16 Filings will continue to be processed in all cases via the CM/ECF electronic system and
17 mail, except for criminal case openings, sealed and pro se filings. Those wishing to make in-person
18 filings outside of the walk-in hours may call the on-duty clerk at 671-969-4500 to schedule an
19 appointment. For emergency filings, please contact the on-duty clerk at 671-969-4500. Filing by
20 drop off box remains available. All drop off box filings must be placed in a sealed envelope and
21 placed in the drop off box located on the first floor of the courthouse from 8:00 a.m. to 3:00 p.m.
22 The sealed envelope must have the name of the law firm and/or pro se filer and contact number in
23 case there are any questions with said filing.

24 Fees associated with case filings will be paid via Pay.gov through the CM/ECF
system. Criminal debts and any other payments by cash (in the exact amount), check, money order
or cashier's check will be accepted during opening hours, 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 associated with said payment and a contact
number in case there are any questions related to said payment. Staff in the Clerk's Office will
remain available by telephone for assistance.

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U.S. PROBATION AND PRETRIAL SERVICES OFFICE

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

MEDIA ACCESS TO THE COURT

The Court recognizes the constitutional right of the media to access Court proceedings on behalf of the public. Therefore, members of the media or the public 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. In-person access by the media and the public is otherwise permitted only where authorized by the presiding judge.

EFFECTIVE DATE

District Court of Guam Condition of Readiness (CCOR) 2 shall be in full force and effect commencing January 28, 2021.

SO ORDERED this 27th day of January 2021.


FRANCES M. TYDINGCO-GATEWOOD
Chief Judge



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.