

FILED
DISTRICT COURT OF GUAM

MAY 14 2021

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER 21-0011

DISTRICT COURT OF GUAM
CONDITION OF READINESS (CCOR)
3 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 21-0002 which extended public access restrictions. On January 15, 2021, pursuant to Guam's *Chalan Para Hinemlo'* recovery plan, the Honorable Lourdes Leon Guerrero, Governor of Guam, issued Executive Order 2021-04 declaring that conditions and criteria to further lift restrictions have been met and ordering that Guam move from Pandemic Condition of Readiness 2 (PCOR2) to Pandemic Condition of Readiness 3 (PCOR3). The Governor of Guam's declaration of PCOR3 went into effect on February 22, 2021.

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 consistent with the Governor's findings in Executive Order 2021-04, the Court hereby implements Court Condition of Readiness 3 (CCOR 3) in its phased approach to 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

1 with confirmed appointments with judges, the U.S. Probation and Pretrial Services Office
2 or other tenants of the building. Building access may be further limited to ensure proper
3 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 will remain
5 available in accordance with the procedures set forth below. Court employees, including
6 Clerk's Office and 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**

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

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

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

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

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

1 **LIMITED COURT PROCEEDINGS**

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

4 **Criminal cases**

5 All criminal jury selection and trials in the District of Guam shall proceed
6 unless otherwise ordered by the presiding judge. In-court proceedings shall be held
7 for all guilty pleas, sentencing, and evidentiary hearings requiring witness
8 testimony (such as motions to suppress or supervised release evidentiary hearings)
9 unless otherwise ordered by the presiding judge in accordance with General Order
10 No. 2020-13 (procedures pursuant to the Coronavirus Aid, Relief, and Economic
11 Security Act ("CARES Act")).

12 All other in-court criminal proceedings may proceed at the discretion of the
13 presiding judge; however, judges remain authorized and are strongly encouraged to
14 conduct proceedings by video or telephonic conference. See General Order No. 20-
15 0013 and related orders extending its applicability.

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

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

26 **Civil cases**

27 All civil jury trials in the District of Guam shall proceed unless otherwise
28 ordered 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.

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Bankruptcy cases

All in-court bankruptcy proceedings may proceed 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

All regularly scheduled grand jury proceedings have resumed. The United States Attorney's office shall continue to coordinate the grand jury sessions with the Jury Administrator of the District Court of Guam.

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

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

Courtroom Attire

Zoom hearings are official court proceedings. As such, the court expects counsel's attire to conform with GNLR 18.1(b) ("All attorneys appearing in open court shall be suitably dressed. Minimum acceptable dress for male practitioners shall consist of a dress shirt, necktie, dress slacks, socks and shoes.")

In addition, the court expects counsel's Zoom background to be appropriate, keeping in mind that it is a court proceeding. All counsel appearing (both local and pro hac vice) shall include their full name on the video and shall appear by video throughout the hearing, even if counsel is not actively speaking. The court expects all counsel appearing before the court to behave accordingly, as if they were physically in the courtroom.

Appropriate courtroom attire, whether in a traditional courtroom or a virtual one, helps preserve the dignity of the occasion and promotes public trust and confidence in the judicial proceeding. Therefore, attorneys, parties, and witnesses should dress for virtual court hearings just as they would dress if they were appearing in a traditional courtroom.

1 Additionally, attorneys, parties and witnesses should plan to participate in
2 virtual hearings from a quiet place where audio and visual interruptions are
3 minimized or eliminated. Participants shall sit or stand during the hearing and
4 should not move around the room during the hearing.

5 **NATURALIZATION CEREMONIES AND OUTREACH EVENTS**

6 Naturalization ceremonies and outreach activities have resumed.

7 **CLERK'S OFFICE**

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9 The Clerk's Office window will resume normal business hours and will be open to
10 the public from 8:00 a.m. to 3:00 p.m., Monday through Friday, except on legal holidays.

11 Filings will continue to be processed in all cases via the CM/ECF electronic system
12 and mail, except for criminal case openings, sealed and pro se filings which may be filed
13 over the counter or by drop off box. For emergency filings, please contact the on-duty
14 clerk at 671-969-4500. Filing by drop box drop off box remains available. All drop off
15 box filings must be placed in a sealed envelope and placed in the drop off box located on
16 the first floor of the courthouse from 8:00 a.m. to 3:00 p.m. The sealed envelope must have
17 the name of the law firm and/or pro se filer and contact number in case there are any
18 questions with said filing.

19 Fees associated with case filings will be paid via Pay.gov through the CM/ECF
20 system. Criminal debts and any other payments by cash (in the exact amount), check,
21 money order or cashier's check will be accepted during opening hours, by mail, or at the
22 drop off box located on the first floor of the courthouse from 8:00 a.m. to 3:00 p.m. All
23 negotiable instruments shall be payable to "Clerk, District Court of Guam" or "Clerk, U.S.
24 District Court" or "Clerk, United States Court."

25 Payments made via the drop off box must be in a sealed envelope and contain the
26 name of the person making said payment, the case number associated with said payment
27 and a contact number in case there are any questions related to said payment. Staff in the
28 Clerk's Office will remain available by telephone.

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

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

32 **MEDIA ACCESS TO THE COURT**

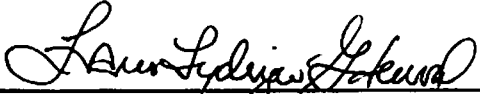
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The Court recognizes the constitutional right of the media to access Court proceedings on behalf of the public. Therefore, members of the media or the public who wish to monitor a court proceeding telephonically may contact the Clerk's Office a 969-4500 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. 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 3 (CCOR3) shall be in full force and effect commencing May 14, 2021.

SO ORDERED this 14th day of May, 2021.



FRANCES MARIE 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.