

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

IN RE: DISTRICT OF HAWAII  
RESPONSE TO COVID-19  
EMERGENCY

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
Jun 01, 2020, 12:42 pm  
LIAN ABERNATHY, CLERK

**JUNE 1, 2020 TEMPORARY GENERAL ORDER REGARDING  
DISTRICT OF HAWAII RESPONSE TO COVID-19 EMERGENCY**

This Temporary General Order updates and supplements the Court’s April 16, 2020 “Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency.” The Centers for Disease Control and Prevention and other health authorities, including the State of Hawaii Department of Health, have advised that a measured reopening of the District’s courthouse is possible with appropriate protective measures in place.

The Court has carefully considered and weighed the interest in reopening the courthouse with the continued need to protect the public, court employees, and counsel from being exposed to the COVID-19 virus, and with the agreement of all of the judges of the United States District Court for the District of Hawaii, the Court orders as follows:

The courthouse will open for non-jury matters on June 15, 2020. No jury trial will commence before August 3, 2020.

**Mitigation Measures Effective June 15, 2020:**

- All persons entering the courthouse, including but not limited to litigants, attorneys, members of the public, media, vendors, and contractors, shall be required to wear a face mask covering the nose and mouth while in all public areas of the courthouse. The sole exceptions are for children too young to wear a face mask or for those who cannot wear a face mask due to medical necessity;

- Anyone seeking entry to the courthouse without a facemask will be provided a free facemask at the courthouse entry. Anyone refusing to wear a facemask as required by this Order shall be denied entry, or removed from the courthouse, by the United States Marshals Service;
- Hand sanitizer stations will be made available throughout the courthouse, including immediately upon entry and by all elevators;
- Anyone in the courthouse will be required to maintain social distancing of at least six feet, unless exempted by the Court. For instance, while at the entry pavilion or waiting for an elevator, all visitors are required to maintain at least a six-foot distance from the nearest person. The courtrooms will have chairs clearly designated for use which meet the six-foot distancing requirement.
- Entry to the courthouse will be denied to anyone who has been diagnosed as having COVID-19 within the previous 14 days; anyone living with or in close proximity to anyone diagnosed as having COVID-19 within the previous 14 days; and anyone having symptoms of a COVID-19 infection, including fever, chills, shortness of breath, unexplained coughing, and new loss of taste or smell. Entry will also be denied to anyone required by the State of Hawaii to be in self-quarantine.

#### **All Non-jury Court Proceedings as of June 15, 2020:**

- The courthouse will reopen for all civil and criminal non-jury matters on June 15, 2020;
- In order to minimize the risk of COVID-19 transmission, the Court will make every effort to minimize traffic in the courthouse when it reopens. Each presiding district or magistrate judge will determine whether civil matters, including case management matters, settlement conferences, and hearings, will be taken off calendar pursuant to Local Rule 7.1, or conducted by telephone, video,<sup>1</sup> or in court;

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<sup>1</sup> Any video hearing in civil cases will be conducted using Zoom. The Court will post instructions for Zoom use on the Court's website.

- Each presiding judge will determine how to proceed with civil non-jury trials;
- At the discretion of the presiding judge, the Court will continue to conduct certain criminal proceedings as set forth in this Court's March 30, 2020 Order Authorizing the Use of Telephonic Hearings Pursuant to the CARES Act;
- Certain criminal proceedings that fall outside the CARES Act Order will be conducted in court, if possible.
- If a presiding judge elects to proceed with a hearing by telephone or Zoom, all hearings will be available to members of the public and the media, to the extent practicable. Specific information will be available on each case's individual docket on PACER, and further instructions can be found on the Court's website. Members of the public and media are strictly prohibited from recording or broadcasting any hearing (whether telephonic or Zoom), in whole or in part, in any fashion. Failure to abide by this restriction may result in sanctions. Further restrictions are set forth on the Court's website, [www.hid.uscourts.gov](http://www.hid.uscourts.gov), and may change from time to time.
- Filings will continue to be processed in civil and criminal cases via the CM-ECF electronic system and by mail. Rather than coming to the Clerk's Office, paper filings must be deposited in the drop box located outside the courthouse;
- Pro se litigants may file by email ([hid\\_clerk@hid.uscourts.gov](mailto:hid_clerk@hid.uscourts.gov)) or by using the drop box located outside the courthouse. File-stamped copies will be returned by United States mail. Anyone seeking information from the Clerk's Office is encouraged to call the help desk at (808) 541-1890.
- Until further notice, in both civil and criminal matters, no courtesy copies of filings are to be provided to chambers unless specifically ordered by a presiding judge.

**All Jury Proceedings as of August 3, 2020:**

- Some jury trials will be permitted to resume starting August 3, 2020. Prior to that date, the Court will issue more detailed guidelines and criteria that the judges will consider when determining whether it is safe to conduct a particular jury trial. The guidelines will be posted on the Court’s website and may be updated from time to time;
- With respect to criminal trials, each presiding judge assigned to any trial scheduled to commence before August 3, 2020 will make appropriate findings and enter an order tolling time under the Speedy Trial Act; that is, although all judges agree that no trials can be held before August 3, 2020, each presiding judge will make the individual findings required by the Speedy Trial Act. For trials scheduled to commence before August 3, 2020, counsel should meet and attempt to reach a stipulation as to a new trial date and tolling time under the Speedy Trial Act. For criminal trials scheduled to commence on or after August 3, 2020, counsel should confer as to whether the currently scheduled trial date is possible under this Order or is realistic given the time needed to prepare for trial and the ongoing pandemic.

ORDERED ON BEHALF OF THE COURT:

DATED: Honolulu, Hawaii, June 1, 2020.



/s/ J. Michael Seabright  
J. Michael Seabright  
Chief United States District Judge

*In Re District of Hawaii Response to COVID-19 Emergency; June 1, 2020 Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency*