

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

USDC DNJ DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>May 19, 2021</u>

IN RE: FURTHER SUSPENSION OF IN-PERSON : **AMENDED EXTENSION OF JUDICIAL PROCEEDINGS, DUE TO COVID-19 : STANDING ORDER 2021-02**

WHEREAS, due to the continuing COVID-19 pandemic, the National Emergency, first declared on March 13, 2020, was continued by President Biden on February 24, 2021, for an unspecified period of up to one year, and the national public health emergency, first declared on January 31, 2020, was extended by the federal government on April 15, 2021, through July 20, 2021; and

WHEREAS, on May 12, 2021, during the continued New Jersey Public Health Emergency, first declared on March 9, 2020 and due for review by May 15, 2021, New Jersey Governor Phil Murphy signed Executive Order No. 239, easing restrictions, effective May 19, 2021, in response to signs of significant, recent improvement in key COVID-19 indicators in New Jersey; and

WHEREAS, under the terms of Executive Order No. 239, percentage-based capacity restrictions for indoor businesses, outdoor businesses, and houses of worship have been removed, indoor large venue capacity has been increased, and all outdoor gathering limits have been removed; and

WHEREAS, however, Executive Order No. 239 mandates that all indoor gatherings are subject to physical distancing and masking requirements; and

WHEREAS, on May 13, 2021, the Centers for Disease Control and Prevention (CDC) revised its guidelines to provide that anyone who is fully vaccinated can participate in indoor and outdoor activities, large or small, without wearing a mask or physical distancing, except in crowded indoor settings, such as buses, planes, hospitals, and prisons; and

WHEREAS, on May 14, 2021, in response to the continuing pandemic, Governor Murphy again extended the Public Health Emergency for an additional 30 days, or until mid-June, via Executive Order No. 240, and, despite the newly revised CDC guidelines, retained the mandate of masking up when indoors in public places; and

WHEREAS, also, the vaccination rate in New Jersey falls far short of Governor Murphy's 70% goal, with many towns in the State having fewer than 40% of their residents vaccinated, and the locations of the District of New Jersey's courthouses having low percentages of their adults fully vaccinated, with Camden at 28%, Newark at 34% and Trenton at 25%; and

WHEREAS, due to the caution still warranted under these circumstances, this Court continues to observe its COVID-19 Recovery Guidelines, as it enters Phase IV thereof, requiring the wearing of facial coverings, physical distancing, and limited elevator occupancy

in the District's courthouses, while these disease-containing measures are mandated by the Court's Standing Orders 2020-13, 2020-14 and 2020-16, which remain in effect; and

WHEREAS, pursuant to the CARES Act and its Standing Order 2021-03, this Court's authorization of the use of video and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events, during the course of the COVID-19 emergency, remains in effect until June 9, 2021, unless terminated or vacated prior thereto; and

WHEREAS, upon balancing the afore-mentioned factors, the Court deems it appropriate to amend its prior suspension, entered in the Extension of Standing Order 2021-02, of all in-person judicial proceedings, in both civil and criminal cases,

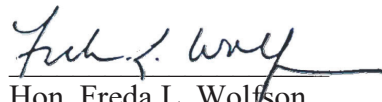
IT IS, THEREFORE, on this 19th day of May 2021, **ORDERED THAT** the Extension of Standing Order 2021-02 is hereby amended to provide that, effective immediately:

1. In criminal matters, to the extent consistent with the Court's Standing Order 2021-03 ("In Re: Video Conferencing and Teleconferencing for Criminal Proceedings under The CARES Act (Fourth Extension of Amended Standing Order 2020-06)"), which remains in full force and effect, non-jury proceedings, including, but not limited to, suppression and evidentiary hearings, shall resume in person, on a limited basis, as is determined by the presiding judicial officer, in his or her discretion, to be necessary. Consistent with the Court's Amended Standing Order 2021-04, criminal jury trials shall resume on June 1, 2021.

2. In civil matters, evidentiary hearings, settlement conferences and emergent matters shall resume in person, on a limited basis, as is determined by the presiding judicial officer, in his or her discretion, to be necessary. Consistent with Amended Standing Order 2021-04, civil jury trials shall not resume until September 1, 2021.

3. Apart from the instances outlined in paragraphs 1. and 2. above, judicial proceedings, in both criminal and civil matters, shall continue to be conducted via video and teleconference whenever possible, until further Order of the Court.

4. Except as otherwise provided herein, the provisions of the Extension of Standing Order 2021-02 shall remain in full force and effect.


Hon. Freda L. Wolfson
U.S. Chief District Judge