

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
COVID-19 AND RELATED CORONAVIRUS

General Order No. 2020-20

GENERAL ORDER

This Order SUPPLEMENTS General Order 2020-05, General Order 2020-06, General Order 2020-07, General Order 2020-10, General Order 2020-14B, and 2020-18. To the extent this Order differs from those Orders, this Order supersedes and replaces those Orders.

IT IS HEREBY ORDERED that effective immediately, all persons seeking entry to the courthouses of this District must have their temperature taken using the touchless temperature taking devices which have been placed at the entrances to the courthouses of this District. Anyone whose temperature registers 100.4 degrees or higher will be denied access to the courthouse. USMS law enforcement personnel and USMS-Deputized Court Security Officers have the authority to deny courthouse access to persons who have a temperature of 100.4 degrees or higher. Those denied access will be provided information regarding the appropriate individual or entity to contact as listed on Attachment A to this General Order. Employees of the tenants of the courthouses can meet this requirement by a self-test administered prior to coming to the courthouse under the policy established by their respective agency, department or branch.

Based on the information available to date, including the estimated number of persons infected currently with COVID-19 and the number of cases projected to occur in the immediate future, the Court REAFFIRMS the following findings made in General Order 2020-05:

1. The gatherings of people in close proximity to one another that occur during Court operations presents substantial health risks to the public;
2. It is not possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff, and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;
3. Such risks may be significantly mitigated by temporarily modifying Court operations;
and
4. Good cause exists to implement temporary changes to Court operations.

Therefore, it is hereby ORDERED that the following provisions of General Order 2020-14B are EXTENDED, with some modification, from July 1, 2020, through and including at least **July 6, 2020**, as is the authorization for use of video teleconferencing, or telephone conferencing if video conferencing is not reasonably available, for the instances described in General Order 2020-08 from June 26, 2020 until **September 21, 2020**, in all of the Court's divisions:

1. All jury trials scheduled to begin before July 6, 2020 are **continued** and will be rescheduled by the presiding judge to a date after **July 6, 2020**.
2. In criminal proceedings:
 - a. Although the Northern District of Indiana courthouses are opening to the public on July 6, 2020, the State of Indiana website [coronavirus.in.gov](https://www.coronavirus.in.gov) as of June 23, 2020, shows Lake County with 4,489 positive cases, St. Joseph County with 1687 positive cases, Elkhart County with 2665 positive cases and Allen County with 2,436 positive cases. These are 4 of the top 5 counties for positive cases in the State of Indiana. In addition, this web site reports there were 314 new positive cases of COVID-19 statewide on June 22, 2020. The threat presented by COVID-19 and its spread remain very real concerns and continue to create exigent circumstances; therefore, the Chief Judge finds that felony pleas and felony sentencings cannot be conducted in person without seriously jeopardizing public health and safety. As such, the presiding judge should be given discretion in determining whether to conduct such matters in person.
 - b. For all **in-person** plea colloquies and sentencing hearings scheduled to begin before **September 21, 2020**, the assigned District or Magistrate Judge will proceed in accordance with General Order 2020-08 and Section 15002 of the CARES Act. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, plea colloquies and sentencing hearings may proceed in person after consultation with counsel and the United States Marshal Service.
 - b. To the extent criminal proceedings may be conducted via phone or videoconference in accordance with General Order 2020-08 and Section 15002 of the CARES Act, in-person proceedings may be converted to telephonic or videoconference proceedings by the assigned District or Magistrate Judge after consultation with counsel. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, criminal proceedings may be conducted in person after consultation with counsel and the United States Marshal Service.

General Orders 2020-07 and 2020-08 further address criminal proceedings held before the Magistrate Judges in light of the exigent circumstances created by the COVID-19 pandemic. The Chief Judge extends the authorization for use of video teleconferencing, or telephone conferencing if video conferencing is not reasonably available, for the instances described in General Order 2020-08 from June 26, 2020 until **September 21, 2020**.

- d. For criminal trials and other criminal matters, delay caused by the continuances implemented by this General Order will be **excluded** under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial.
3. (a) In civil proceedings: All in-person civil court proceedings will be converted to telephonic or videoconference proceedings. Case-by-case exceptions to conduct non-jury, in-person proceedings will be at the discretion of the assigned District or Magistrate Judge after consultation with counsel.

(b) In bankruptcy proceedings: the Bankruptcy Court may continue conducting in-person proceedings at the discretion of the assigned Bankruptcy Judge.
4. Counsel are encouraged to bring to the attention of the Court any concerns related to personal health issues, or the health issues of vulnerable family members. Counsel may do so simply by alerting the Court, via email to the chambers of the judicial officer presiding over a scheduled hearing and copying opposing counsel. In doing so, counsel need not disclose the precise nature of any medical condition, only that they, or a family member with whom they have regular contact, are of an age, or have medical conditions, that place them at an increased risk for COVID-19 complications.
5. All naturalization ceremonies are **canceled**. If an individual meets the criteria set forth in 8 U.S.C. § 1448(c) as qualifying for an expedited judicial oath administration ceremony, and if that individual is seeking a name change pursuant to 8 U.S.C. § 1448(e), the Court will make arrangements for naturalization of that individual by a judicial officer.
6. All non-core public events, such as continuing legal education programs, school visits, tours, and ceremonial functions, are **canceled**.

The Court further REAFFIRMS General Order 2020-06 and General Order 2020-07 and ORDERS that the divisional locations of the United States District Court for the Northern District of Indiana, including the United States Bankruptcy Court and the United States

Probation Office for the Northern District of Indiana, REMAIN CLOSED TO THE PUBLIC until **July 6, 2020**, unless otherwise provided in the above paragraphs 2 and 3.

United States Marshals Service (“USMS”) law enforcement personnel and USMS-Deputized contract Court Security Officers shall deny building access to individuals who may be infected with COVID-19 or otherwise appear to pose a public health risk. Any individuals, including law enforcement officers, but not employees of the tenants of the courthouses in the Northern District of Indiana, who are seeking to enter courthouses within the Northern District of Indiana will be required to answer the following questions:

- **Are you currently diagnosed with COVID-19?**
- **Have you, in the last 14 days, been in close contact with and/or exposed to someone confirmed with having or who is being evaluated for COVID-19?**
- **Are you experiencing symptoms of fever, dry cough, shortness of breath, tiredness, chills, shaking with chills, muscle pain, headaches, sore throat, new loss of taste or smell?**

Persons who answer “yes” to any of the above questions will be denied courthouse access. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied courthouse access. USMS law enforcement personnel and USMS-Deputized Court Security Officers have the authority to deny courthouse access to persons who otherwise reasonably appear to present a health risk. Those denied access will be provided information regarding the appropriate individual or entity to contact as listed on Attachment A to this General Order.

Law enforcement officers will have access to the courthouses when and where necessary as directed by the Court or by a federal law enforcement agency.

For those persons without access to the Court’s electronic filing system, all filings for the District Court and Bankruptcy Court matters must be submitted via United States Mail to the relevant divisional mailing address.

IT IS FURTHER ORDERED that this Order is in effect until further order of the Court.

Dated this 25th day of June 2020.

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Theresa L. Springmann
Theresa L. Springmann, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge

Contact Sheet — Fort Wayne Division

If you have a scheduled appointment or you are otherwise required to appear at one of the courthouses in the Northern District of Indiana, and you are unable to appear because of the restrictions listed above, you should proceed as follows for the Fort Wayne Division:

*If you are represented by an attorney, please contact your attorney;

*If you are an attorney and you are scheduled to appear in District Court before a judge, please contact that chambers directly (or contact the Clerk's Office 260-423-3000 or refer to the Court's website www.innd.uscourts.gov, for chambers contact information);

*If you are scheduled to meet with a Pretrial Services or Probation Officer, please call (260) 423-3200;

*If you are a juror, or need assistance with District Court matters please contact the Clerk's Office at (260) 423-3000;

*If you are an attorney scheduled to appear in court before a Bankruptcy judge, please contact that chambers directly (or contact the Bankruptcy Clerk's Office 260-420-5100 or refer to the Court's website www.innb.uscourts.gov, for chambers contact information);

*For Bankruptcy Court matters, please contact (260) 420-5100.

These restrictions will remain in place temporarily until it is determined to be safe to remove them.

People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.

Contact Sheet — Hammond Division

If you have a scheduled appointment or you are otherwise required to appear at one of the courthouses in the Northern District of Indiana, and you are unable to appear because of the restrictions listed above, you should proceed as follows for the Hammond Division:

*If you are represented by an attorney, please contact your attorney;

*If you are an attorney and you are scheduled to appear in District court before a judge, please contact that chambers directly (or contact the Clerk's Office 219-852-6500 or refer to the Court's website www.innd.uscourts.gov, for chambers contact information);

*If you are scheduled to meet with a Pretrial Services or Probation Officer, please call (219) 852-3620;

If you are a juror, or need assistance with District Court matters please contact the Clerk's Office at (219) 852-6500;

*If you are an attorney scheduled to appear in Bankruptcy court before a judge, please contact that chambers directly (or contact the Bankruptcy Clerk's Office 219-852-3480 or refer to the Court's website www.innb.uscourts.gov, for chambers contact information);

*For Bankruptcy Court matters, please contact (219) 852-3480.

These restrictions will remain in place temporarily until it is determined to be safe to remove them.

People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.

Contact Sheet — South Bend Division

If you have a scheduled appointment or you are otherwise required to appear at one of the courthouses in the Northern District of Indiana, and you are unable to appear because of the restrictions listed above, you should proceed as follows for the South Bend Division:

*If you are represented by an attorney, please contact your attorney;

*If you are an attorney and you are scheduled to appear in court before a judge, please contact that chambers directly (or contact the Clerk's Office 574-246-8000 or refer to the Court's website www.innd.uscourts.gov, for chambers contact information);

*If you are scheduled to meet with a Pretrial Services or Probation Officer, please call (574) 246-8130;

*If you are a juror, or need assistance with District Court matters please contact the Clerk's Office at (574) 246-8000.

These restrictions will remain in place temporarily until it is determined to be safe to remove them.

People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.

Contact Sheet — Lafayette Courthouse

If you have a scheduled appointment or you are otherwise required to appear at one of the courthouses in the Northern District of Indiana, and you are unable to appear because of the restrictions listed above, you should proceed as follows for the Lafayette Division:

*If you are represented by an attorney, please contact your attorney;

*If you are an attorney and you are scheduled to appear in court before a judge, please contact that chambers directly (or contact the Clerk's Office 765-420-6250 or refer to the Court's website www.innb.uscourts.gov, for Bankruptcy contact information, or www.innd.uscourts.gov for District Court information);

*For Bankruptcy court or District Court matters, please contact (765) 420-6250.

These restrictions will remain in place temporarily until it is determined to be safe to remove them.

People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.