

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

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

General Order No. 2021-03

GENERAL ORDER

This Order SUPPLEMENTS General Order 2020-05, General Order 2020-06, General Order 2020-07, General Order 2020-08, General Order 2020-10, General Order 2020-14B, General Order 2020-18, General Order 2020-20, General Order 2020-29, General Order 2020-32, General Order 2020-35, and General Order 2020-39. To the extent this Order differs from those Orders, this Order supersedes and replaces those Orders.

IT IS HEREBY ORDERED that based on the information available to date, including the estimated number of persons infected currently with COVID-19, the significant increase the State of Indiana has experienced recently in COVID-19 cases, 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 the potential for substantial health risks to the public;
2. Such risks may be significantly mitigated by temporarily modifying Court operations; and
3. Good cause exists to implement temporary changes to Court operations.

Therefore, the following is hereby ORDERED in all of the Court's divisions:

1. All jury trials scheduled to begin before March 1, 2021, are **continued** and will be rescheduled by the presiding judge to a date after **March 1, 2021, unless the presiding judge, in their discretion, determines on a case-by-case basis that a trial should proceed as scheduled.** Although the Northern District of Indiana courthouses opened to the public on July 6, 2020, the State of Indiana website coronavirus.in.gov as of January 10, 2021, shows the statewide positivity rate from 12/29/2020 until 01/04/2021 was 16.5%. The 7-day all tests positivity rate for Lake County was 16.5%, St Joseph County was 14.3%, Elkhart County was 16.1% and Allen County was 15.2%. In addition, the website reports there were 3726 new positive cases of COVID-19 statewide reported in the 24 hours before January 10,

2021. The threat presented by COVID-19 and its spread has increased significantly in the last few weeks and continues to create exigent circumstances.

2. 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.

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

Dated this 15th day of January 2021.

/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