

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GENERAL ORDER No. 72-2

IN RE: Coronavirus Disease Public Health Emergency

WHEREAS, the President of the United States has declared a National Emergency in response to the COVID-19 (Coronavirus Disease) outbreak;

WHEREAS, the Governor of the State of California has declared a State of Emergency and ordered a state-wide shelter-in-place;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has recommended nationwide that people work or study from home to the extent possible and avoid gatherings;

WHEREAS, local public health departments have issued shelter-in-place orders; and

WHEREAS, the Judges of the United States District Court for the Northern District of California find that the current guidance of local and national public health officials requires that courthouses remain closed in order to protect the public health and reduce the size of public gatherings and unnecessary travel;

NOW THEREFORE, the United States District Court, Northern District of California, hereby issues the following Order, effective immediately:

Civil Cases:

1. No jury trial will be conducted before June 1, 2020. Any trial dates currently scheduled during that period will be postponed or vacated.
2. All civil matters will be decided on the papers, or if the assigned judge believes a hearing is necessary, the hearing will be by telephone or videoconference. This applies to motion hearings, case management conferences, pretrial conferences, settlement conferences, and Alternative Dispute Resolution (“ADR”) proceedings. For specific instructions on telephone or video appearances, see the docket on PACER, the assigned judge’s schedule of upcoming proceedings (located on each judge’s web page at cand.uscourts.gov/judges), or the [ADR webpage](#).

Criminal Cases:

Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and court staff to be present in the courtroom:

1. No jury trial will be conducted before June 1, 2020. Any jury trials currently scheduled to commence during that period will be postponed or vacated.
2. Each judge assigned to a criminal trial scheduled before June 1, 2020 will make appropriate findings and enter an order tolling time under the Speedy Trial Act.
3. Initial appearances and other proceedings before the magistrate judges will continue and will be conducted by telephone or by videoconference. New arrestees shall be booked at Santa Rita Jail and produced for court appearance the following day instead of being presented for booking at the U.S. Marshals Service lockup.
4. Appearances before the district judges may be waived or postponed, or may be conducted by telephone or videoconference. See [General Order 74](#) for procedures pursuant to the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").
5. To the extent possible, after lodging/filing an application to enter an open guilty plea or a plea agreement, guilty pleas and sentencing shall be consolidated for a date after the presentence report has been prepared.
6. All grand jury proceedings in this district are suspended until June 1, 2020.
7. Case-by-case exceptions to any of these procedures may be ordered for non-jury matters at the discretion of the assigned judge.

Other:

1. All local rules requiring that a courtesy copy be provided to the chambers of the assigned judge are suspended pending further notice.
2. The requirement under Civil Local Rule 5-1(b) that a pro se party must request permission from the assigned judge to use the court's Electronic Case Filing (ECF) system is suspended pending further notice.
3. To the extent that any standing orders or scheduling notes conflict with this General Order, this General Order shall control.
4. Pending further notice, the courthouses and law libraries are closed for public events, tours, and visits.
5. Effective May 1, 2020, this General Order supersedes General Order 72.

ADOPTED: April 30, 2020

FOR THE COURT:



Phyllis J. Hamilton
Chief Judge