

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
WITHIN AND FOR LINCOLN COUNTY, WYOMING

KENNETH D. ROBERTS
CLERK OF DISTRICT COURT
3rd JUDICIAL DISTRICT
LINCOLN COUNTY, STATE OF WYOMING

IN RE: CONTINUANCES DUE TO)
NOVEL CORONAVIRUS AND)
COVID-19 DISEASE.)
)

GENERAL ORDER NO. 2020-01

The ongoing situation created by the spread of the novel coronavirus first detected in China, and the resulting outbreak of respiratory disease COVID-19 in Wyoming, has reached the point where Court operations are affected. There are now several diagnosed cases in the State of Wyoming, and while many people who contract the virus are only mildly affected, others are at higher risk of serious or fatal illness.

The President of the United States and the Governor of Wyoming have declared national and statewide emergencies due to the COVID-19 pandemic. As a result of these declarations and the situation described above, this Court is limiting non-essential operations, delaying certain matters, or suspending operations all together.

Through the support of the Wyoming Legislature and the Lincoln County Commissioners, this Court has the ability to conduct some business remotely, and many Court operations can and will continue unimpeded. But obviously, not all of the Court's work can be completed at a distance. In particular, the need for in-court hearings must be balanced against the risk associated with such contact, and jury proceedings are inadvisable in the current environment. "The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community." *Thiel v S. Pac. Co.*, 238 U.S. 217, 220 (1946). But that very cross-section—drawing together diverse members of the community—is against the best guidance of public health officials. Moreover, even assuming that the Court could draw a willing and able venire and try a case to submission, there is presently no way to assure that the jury's deliberations are unaffected by conflicting health and safety concerns. Accordingly,

IT IS ORDERED:

1. In-court hearings shall remain scheduled unless continued, on a case-by-case basis, by the District Judge.
2. The parties and/or their attorneys shall promptly notify one another and the Court if they

have cause to believe that any scheduled hearing that is not yet vacated cannot be held in a manner consistent with the public guidelines.

3. Any attorney or party shall promptly notify opposing counsel and the Court if they reasonably suspect that a participant in any scheduled hearing, trial, conference, deposition, or other proceeding has an elevated risk of transmitting the novel coronavirus that causes COVID-19. That includes anyone who:

- a. Has traveled from China, South Korea, Italy, Spain, France or Iran within the last fourteen (14) days, or lives or has close contact with someone who has;
- b. Has been asked to self-quarantine by any health care provider or public official;
- c. Has been diagnosed with, or has had contact with, anyone who has been diagnosed with COVID-19; or
- d. Is presently exhibiting the symptoms of an infectious respiratory illness, which include fever, cough, or shortness of breath.

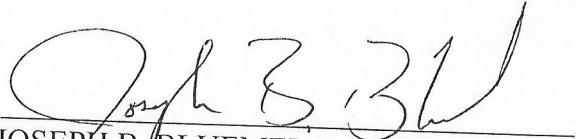
To the extent possible, counsel shall affirmatively inquire of their clients and witnesses whether they come within any of the categories. No person who falls within any of these categories shall attend any hearing, trial, conference, deposition, or other proceeding without prior authorization from the Court. Any attorney or party shall notify the Court and opposing counsel if any proceedings relating to the litigation of cases pending before the Court would require travel or other actions contrary to guidance set forth by the Centers for Disease Control and Prevention or other public health officials.

4. Scheduling orders and deadlines in civil cases shall remain provisionally set, pending any case-specific adjustments to be made on motion from the parties or on the Court's own motion. Parties are encouraged to explore conducting discovery through means that avoid unnecessary travel or personal contact, such as telephonically or through videoconferencing. Any dispute over whether discovery can be effectively accomplished in a manner consistent with applicable public health guidelines may be referred to the Court for resolution, specifically subject to the consultation requirements of Rule 801(a)(7), U.R.D.C.
5. All scheduling conferences and status conferences shall be conducted by telephone or video if so arranged so long as this General Order is effective.
6. The County Courthouse and the Clerk of District Court's Office shall remain open. Filings

will be processed while maintaining procedures to reduce the transmission of COVID-19. Staff in Judge's Chambers and the Clerk's Office for the District Court will be available by telephone and email, and mail will be received. The public and the practicing bar are encouraged to continue using Court services while following all applicable health guidelines.

7. The Court will vacate, extend, or amend this General Order no later than April 30, 2020.

DATED this 18th day March, 2020.


JOSEPH B. BLUEMEL
District Court Judge