

STATE OF WYOMING
COUNTY OF CARBON
FILED

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BY MARA M. SANGER
CLERK OF DISTRICT COURT
DEPUTY

IN THE DISTRICT COURT OF CARBON COUNTY, WYOMING
SECOND JUDICIAL DISTRICT

AMENDED GENERAL ORDER SUSPENDING
PERSONAL APPEARANCES AND JURY TRIALS¹

THIS MATTER came upon the Court' own motion. Since March 2020, this Court has been adaptive to court appearances in consideration of the COVID-19 pandemic. Consistent with the Wyoming Supreme Court Orders, in March 2020 in-person appearances were suspended to prevent the spread of the coronavirus. Through much preparation and collaboration this Court submitted its Carbon County COVID-19 Operating Plan, and later the Carbon County Jury Trial COVID-19 Operating Plan. These plans allow the courtroom to re-open for in-person hearings and proceedings with significant precautions to protect public health .

Since September 2020, the world has been experiencing a "second wave" of COVID-19 infections. The United States has seen a surge in COVID-19 cases. By the middle of October 2020, the United States was reporting more 50,000 new infections a day. According to the Brown University School of Public Health, the United States had more than 82,000 new cases of COVID-19 on November 2, 2020. The United States continues to set new daily records with over 100,000 new COVID-19 infections each day.

Wyoming has not been spared. As of November 10, 2020, Wyoming's statewide seven-day moving average of cases per 100,000 people is 98. Public health officials recommend stay-

¹ Correcting closure date to 2021.

at-home orders for any area experiencing community spread in excess of 25 cases per 100,000 in population.

Likewise, Carbon County COVID-19 cases have been surging. As of November 10, 2020, Carbon County has a total of 365 lab confirmed cases, total of 103 active cases and four deaths

For more than a century, courts have recognized that “a community has the right to protect itself against an epidemic of disease which threatens the safety of its members.” *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 27, 25 S. Ct. 358, 362, 49 L. Ed. 643 (1905). This includes the ability of the States to “establish quarantines against human beings, or animals, or plants, the coming in of which may expose the inhabitants, or the stock, or the trees, plants, or growing crops, to disease, injury, or destruction thereby.” *Oregon-Washington R. & Nav. Co. v. State of Washington*, 270 U.S. 87, 93, 46 S. Ct. 279, 281, 70 L. Ed. 482 (1926). As one court stated, “when the state faces a major public health threat, its Tenth Amendment police and public health powers are at a maximum.” *Legacy Church, Inc. v. Kunkel*, 455 F. Supp. 3d 1100, 1146 (D.N.M. 2020). Consequently, courts have affirmed the government’s authority to issue orders that limit access to places, including stay-at-home orders, when those orders are necessary to protect public health in light of the current COVID-19 pandemic. See *Williams v. Trump*, No. 20 C 2495, 2020 WL 6118560, at *1 (N.D. Ill. Oct. 16, 2020); *Gish v. Newsom*, No. EDCV20755JGBKKX, 2020 WL 1979970, at *5 (C.D. Cal. Apr. 23, 2020); *Bimber’s Delwood, Inc. v. James*, No. 20-CV-1043S, 2020 WL 6158612, at *1 (W.D.N.Y. Oct. 21, 2020); *Hernandez v. Grisham*, No. CIV 20-0942 JB\GBW, 2020 WL 6063799, at *63 (D.N.M. Oct. 14, 2020); *Lewis v. Walz*, No. CV 20-1212 (DWF/HB), 2020 WL 5820549, at *4 (D. Minn. Sept. 30, 2020).

Under Wyo. Const. Art. 1, §8, Wyoming courts are generally open to the public. “[A]ccess to

court proceedings should be limited only in exceptional circumstances.” *Williams v. Stafford*, 589 P.2d 322, 325 (Wyo. 1979), abrogated on other grounds by *Vaughn v. State*, 962 P.2d 149 (Wyo. 1998). Thus, while the trial courts of Wyoming must remain open, they must take into consideration the global health crisis caused by COVID-19 when determining the manner in which hearings will be conducted and scheduled.

Due to the increase in COVID-19 cases throughout the country, in Wyoming, and in Carbon County, in-person appearances and jury trials shall be suspended until January 4, 2021. The Court shall utilize videoconferencing through Microsoft Teams software as well as telephone conferencing to accommodate all hearing.

IT IS HEREBY ORDERED that all persons appearing before the District Court for the Second Judicial District of Wyoming shall appear by video or teleconference unless an in-person appearance is required by law;

IT IS FURTHER ORDERED that all jury trials shall be suspended until January 4, 2021.

IT IS FURTHER ORDERED that this Order shall become effective immediately.

DATED this 13 day of November, 2020.


DAWNESSA A. SNYDER
DISTRICT JUDGE