

IN THE DISTRICT COURT
FOR THE SIXTH JUDICIAL DISTRICT OF WYOMING

FILED
CAMPBELL COUNTY, WYOMING

MAR 18 2021


CLERK OF THE DISTRICT COURT

GENERAL ORDER

FOR THE DISTRICT COURT

FOR CAMPBELL COUNTY

REGARDING COURTROOMS #1, #2 & #3

2020-01

**FOURTH ORDER AMENDING GENERAL ORDER 2020-01 AND PROVIDING FOR
IN-PERSON HEARINGS CONSISTENT WITH THE DISTRICT COURT OPERATING
PLAN ENTERED MAY 27, 2020**

THIS MATTER came upon the Court’s own motion. In March, 2020, this Court responded to an emerging global pandemic caused by the COVID-19 virus. After a few months of conducting hearings exclusively through video conferencing, this Court developed Operating Plans for the Sixth Judicial District regarding the courtrooms within the Campbell, Crook, and Weston County courthouses, which were consistent with recommended practices from public health officials. These plans allowed the courtrooms within those Counties to re-open for in-person hearings and proceedings with significant precautions to protect public health .

Beginning in September, 2020, the world began experiencing a “second wave” of COVID-19 infections. By the middle of October, the United States set new daily records with over 100,000 new COVID-19 infections each day. Wyoming experienced a similar surge with more than 98 cases per 100,000 in population. As of November 10, 2020, the seven-day rolling average of new COVID-19 cases per 100,000 people in Campbell County, Wyoming exceeded 102, which warranted stay-at-home type orders.

Relying upon *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 27, 25 S. Ct. 358, 362, 49 L. Ed. 643 (1905) and other United States Supreme Court cases that recognize the government’s inherent authority to enact measures to protect the public during health emergencies,

on November 12, 2020, Judges Perry and Rumpke entered an Order restricting in-person hearings to those required by Wyoming law or the Wyoming or Federal Constitutions. To comply with Wyo. Const. Art. 1, §8 (Wyoming's open courts provision), Wyoming trial courts have been streaming proceedings on the Wyoming Supreme Court website. (See <https://securestream.cashost.net:8087/xstr>)

As of March 8, 2021, most Wyoming County's risk levels had been reduced to "Yellow." In fact, Campbell County's seven-day moving average cases fell to 5.5 per 100,000 in population, which is far lower than levels wherein public health officials recommend stay-at-home orders. (See <https://globalepidemics.org>). In addition, since the rollout of FDA emergency use approved (EUA) vaccines in late-December, 2020, Campbell County has vaccinated over 3,000 persons through Public Health and the Campbell County Memorial Hospital. In addition, another 2,000 persons have received their first Moderna shot through Public Health. Therefore, although we are not out of the woods, the pandemic is trending in the right direction such that in-person hearings may be possible so long as persons comply with the Court's operating plan, which has been approved by our local Public Health Officials. See Campbell County Covid-19 Operating Plan, <https://www.courts.state.wy.us/wp-content/uploads/2020/05/Campbell-Co.-Covid-19-Operating-Plan.pdf> ; CDC, *Considerations for Events and Gatherings*, updated October 29, 2020 at <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>.

Additionally, the Court will continue to allow the use of videoconferencing via the TEAMS® application to the extent permitted by law. This will allow persons to avoid possible COVID-19 exposure in the courthouse if they wish to do so. By limiting the amount of in-person traffic in the courtroom, the Court can utilize another mechanism to slow the spread of COVID-19. By continuing to utilize this technology for simpler hearings the Court will continue to follow public health guidance in an attempt to minimize the transmission of COVID-19 as we continue to vaccinate more citizens.

IT IS HEREBY ORDERED that all persons appearing before the District Courts in the Campbell County Courthouse in Gillette, Wyoming may appear via video or teleconference, unless an in-person appearance is required by law;

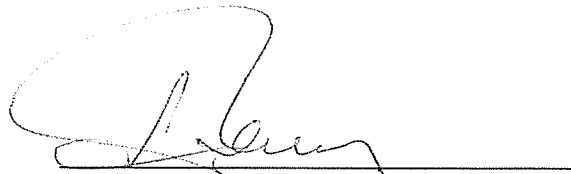
IT IS FURTHER ORDERED that any person wishing to appear in-person for hearings in the District Court Courtrooms in the Campbell County Courthouse in Gillette, Wyoming, may

do so. However, any person so appearing shall be subject to the Campbell County COVID-19 Operating Plan upon entering the Courtroom. The plan is available on the Wyoming Supreme Court's website;

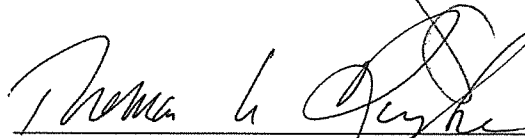
IT IS FURTHER ORDERED that for any matter currently set via TEAMS® any party may choose to appear in-person in the District Court Courtrooms subject to the Court's COVID-19 Operating Plan. However, the Court may require any, and all persons, to appear for hearings via TEAMS® to the extent the law does not require that the hearing be held in-person;

FINALLY, IT IS ORDERED that this Order shall become effective March 22, 2021.

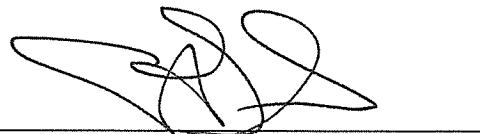
BY THE COURT this 18th day of March, 2021.



HON. JOHN R. PERRY, JUDGE
SIXTH JUDICIAL DISTRICT



HON. THOMAS W. RUMPKE, JUDGE
SIXTH JUDICIAL DISTRICT



HON. STUART S. HEALY III, JUDGE
SIXTH JUDICIAL DISTRICT