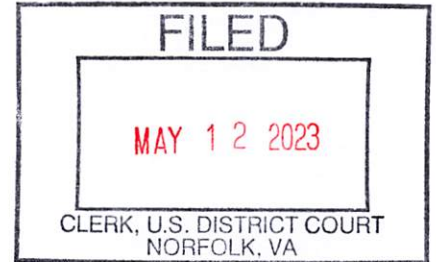


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA



Case No. 2:20mc7

In re:
COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY THE OUTBREAK
OF CORONAVIRUS DISEASE 2019 (COVID-19):
MASK POLICY, ENTRY SIGNS, AND OTHER
MODIFICATIONS TO COVID-19 POLICIES

General Order No. 2023-01

The United States District Court for the Eastern District of Virginia has continued to monitor the outbreak of Coronavirus Disease 2019 (COVID-19), as well as the developing guidance from the Centers for Disease Control and Prevention (CDC). On April 10, 2023, the President signed into law a Joint Resolution terminating the COVID-19 National Emergency. A related but separately declared COVID-19 Public Health Emergency expired on May 11, 2023.

The Court retains a limited number of policies and procedures shaped by the COVID-19 pandemic and related Judicial Conference policy,¹ including the temporary authorization by the Judicial Conference to broadcast audio streams of civil and bankruptcy proceedings, a mask policy tied to COVID-19 community risk levels as identified by the CDC, entry rules predicated on COVID-19

¹ Employee policies, including COVID-19-related policies, continue to be handled internally by the Court, Gen. Order No. 2022-03, and like the Courthouse-wide policies announced through general orders, employee COVID-19 policies have been amended as the pandemic has waned. For example, last year, the Court ended its policy requiring unvaccinated employees to undergo routine COVID-19 testing, and earlier this year, the Court ended its practice of collecting employee COVID-19 vaccination attestation forms.

symptoms, an isolation and quarantine policy governing COVID-19 exposures and illnesses, Clerk's Office drop boxes allowing for contactless filing, and the use of a COVID-19 screening questionnaire as part of the jury selection process. Due to the recent expiration of both the COVID-19 National Emergency and the COVID-19 Public Health Emergency, the instant General Order rescinds or modifies several of these policies.

A. Mask Policy

The CDC recently announced that, due to the expiring Public Health Emergency, the CDC would end its weekly reporting of color-coded COVID-19 "community levels." As noted above, this Court's mask policy is expressly tied to and relies on the CDC's weekly community level statistics. In light of such development, as well as the vastly improved community conditions across all Divisions of this Court, the Court hereby **RESCINDS** its mask policy.² The Court will continue to monitor evolving CDC guidance and future public health threat assessments, including COVID-19 hospitalization rates, to determine whether it is appropriate in the future to adopt new mask protocols in response to changing public health conditions.

² The rescinded mask policy has been in place since July 1, 2022, and required universal masking, with limited exceptions, when local conditions reached the CDC's "high" community level category. See <https://www.vaed.uscourts.gov/covid-19>. The Court's termination of this policy does not impact the Court's requirement that individuals wear a mask for 10 days after a known COVID-19 exposure as the CDC has yet to announce a change to the narrowly tailored policy aimed at specific exposures.

B. Juror Questionnaire

The end of both the COVID-19 National and Public Health Emergencies supports ending the Court's practice of utilizing a COVID-19 juror questionnaire as part of a pandemic-modified jury summons packet, and the Court hereby **TERMINATES** such practice. Jurors and prospective jurors will, of course, be required to follow any Courthouse public entry requirements that may be in place at the time of their jury service. Jurors therefore may be asked or advised not to enter the Courthouse if they are presently experiencing a fever or other symptoms of a serious communicable illness/disease.

C. Entry Signs

Due to the end of the National and Public Health Emergencies, the Court **ADOPTS** revised public entry signs. These Division-specific signs, which are attached to the instant General Order, provide more limited entry restrictions. However, the modified entry requirements still establish some safeguards to the continuity of Court Operations as they are designed to reduce the risk of disruptions caused by a serious communicable illness/disease.

D. Clerk's Office Drop Boxes

Due to the end of the National and Public Health Emergencies, as well as the fact that Clerk's Office drop boxes are no longer routinely used at the majority of the Courthouses in our District,

effective June 1, 2023, Clerk's Office drop boxes will no longer be available at the Courthouses in Alexandria, Richmond, and Norfolk. A Clerk's Office drop box will continue to be available in the Newport News Courthouse as an alternative to the fully operational public Clerk's Office counter to avoid creating any inconvenience to the public, given the smaller size of the Clerk's Office staff at this Courthouse location.³

E. Remaining Policies

At this time, both the temporary rule allowing the broadcasting of audio streams of civil and bankruptcy proceedings and the Court's isolation and quarantine policy remain in place as such policies are not directly linked to the now-terminated COVID-19 National or Public Health Emergencies.⁴ The Court will revisit these matters as appropriate, based on future guidance from the CDC and the Judicial Conference.

³ The Court may, in the future, discontinue the use of the Newport News drop box without issuing a new General Order as the decision to maintain this alternative filing method was made solely as a convenience for Court-filers.

⁴ The temporary exception to the Judicial Conference Policy prohibiting the broadcasting of certain proceedings in federal trial courts did not automatically expire with the termination of the COVID-19 National or Public Health Emergencies. Rather, such exception, as applicable to civil and bankruptcy proceedings, was designed to remain in force for 120 days after the announcement of the end to a judicially-declared COVID-19 disruption. Recently, the Executive Committee of the Judicial Conference of the United States, on behalf of the entire Judicial Conference, determined that the functioning of the federal courts is no longer materially affected by COVID-19, with such finding to take effect on May 24, 2023. Barring further action by the Judicial Conference, the temporary exception to the broadcasting ban will expire on September 21, 2023, 120 days after the designated end of the COVID-19 disruption.

Although the COVID-19 National and Public Health Emergencies have officially ended, this Court will continue to monitor public health conditions and recommendations from the CDC and the Virginia Department of Health to determine the appropriate safeguards in our Courthouses and Court facilities. An updated mask policy, entry restrictions, or other safety measures can be swiftly reimplemented should there be a future surge of a new COVID-19 variant or similar high-risk communicable virus.

The Court will provide the public with notice of its current policies and entry restrictions, if any, through posted entry signs and/or through information available on the Court's public-facing website, and District-wide or Division-specific revisions to the entry signs may be made without the issuance of a new General Order.

IT IS SO ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
May 12, 2023



ENTRANCE REQUIREMENTS

PEOPLE EXPERIENCING VIRUS-LIKE SYMPTOMS

You should not enter the Courthouse if you are experiencing virus-like symptoms, including:

- a fever (100.4 degrees or greater);
- chills;
- new shortness of breath or difficulty breathing;
- persistent cough;
- new loss of taste or smell; or
- other flu-like symptoms (muscle or body aches, nausea or vomiting, diarrhea).

Entrance is permitted if:

- (1) your symptoms (other than loss of taste or smell, or a lingering cough) have resolved; and
- (2) you have not had a fever, without using fever reducing medicine, for at least 24 hours.

Please continue reading: COVID-19 infection and exposure rules, as well as Court contact numbers, are provided on the next page.



Recent COVID-19 Infection

You should not enter the Courthouse for 10 days if you recently tested positive for COVID-19. If you had symptoms, "day 1" is the day after your symptoms started. If you did not have symptoms, "day 1" is the day after you were tested. Case specific exceptions to this policy may be granted as explained below.

Recent COVID-19 Exposure

If you were recently exposed to COVID-19 (*being within 6 feet for a total of 15 minutes during a 24-hour period*), but have not tested positive and remain symptom-free, you may enter, but you **must wear a well-fitting respirator (N-95, KN-95, KF-94) or a surgical mask for 10 days.** "Day 1" is the day after your last exposure.

Anyone attempting to enter in violation of these protocols may be denied entry unless a case-specific exception is granted by the Chief Judge. If you are unable to appear for a Court proceeding, or any other matter, because of the restrictions in this Notice, you should contact:

- The Judge's Chambers scheduled to handle the relevant proceeding;
- The Pretrial Services Office at (757) 222-7400;
- The Probation Office at (757) 222-7300;
- The Jury Department at (757) 222-7205;
- The District Court Clerk's Office at (757) 222-7201 for civil matters and at (757) 222-7202 for criminal matters;
- The Bankruptcy Court Clerk's Office at (757) 222-7500; or
- For U.S. Court of Appeals matters, the Fourth Circuit Clerk's Office at (804) 916-2700.



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- The Judge's Chambers scheduled to handle the relevant proceeding;
- The Pretrial Services Office at (757) 223-4640;
- The Probation Office at (757) 223-4640;
- The Jury Department at (757) 222-7205;
- The District Court Clerk's Office at (757) 247-0784;
- The Bankruptcy Court Clerk's Office at (757) 244-3678; or
- For U.S. Court of Appeals matters, the Fourth Circuit Clerk's Office at (804) 916-2700.



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- The Judge's Chambers scheduled to handle the relevant proceeding;
- The Pretrial Services Office at (703) 299-2250;
- The Probation Office at (703) 299-2300;
- The Jury Department at (703) 299-2104;
- The District Court Clerk's Office at (703) 299-2101 for civil matters and at (703) 299-2102 for criminal matters;
- The Bankruptcy Court Clerk's Office at (703) 258-1200; or
- For U.S. Court of Appeals matters, the Fourth Circuit Clerk's Office at (804) 916-2700.



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- The Judge's Chambers scheduled to handle the relevant proceeding;
- The Pretrial Services Office at (804) 916-2800;
- The Probation Office at (804) 916-2500;
- The Jury Department at (804) 916-2212;
- The District Court Clerk's Office at (804) 916-2220 for civil matters and at (804) 916-2230 for criminal matters;
- The Bankruptcy Court Clerk's Office at (804) 916-2400; or
- For U.S. Court of Appeals matters, the Fourth Circuit Clerk's Office at (804) 916-2700.