

**IN THE GENERAL DISTRICT COURTS OF THE 11TH JUDICIAL
DISTRICT FOR THE COMMONWEALTH OF VIRGINIA**

RE: DECLARATION OF JUDICIAL EMERGENCY

ORDER

It appearing that the Supreme Court of Virginia on March 16, 2020 declared a Judicial Emergency in response to COVID-19 and entered an emergency order in effect from March 16, 2020 to April 6, 2020 ("First Order");

And whereas the Supreme Court on March 27, 2020 entered an Order Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency according to which the declaration of judicial emergency is extended from April 6, 2020 to April 26, 2020 for all district and circuit courts of the Commonwealth ("Second Order"),

And whereas the Supreme Court on April 22, 2020 entered a Third Order Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency according to which the declaration of judicial emergency is extended from April 26, 2020 to May 17, 2020 for all district and circuit courts of the Commonwealth ("Third Order"),

And whereas the Supreme Court on May 1, 2020 entered a Clarification Order Concerning Tolling Statutory Speedy Trial Deadlines During the Judicial Emergency in Response to COVID-19 Crisis ("Clarification Order"),

And whereas the Supreme Court on May 6, 2020 entered a Fourth Order Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency according to which the declaration of judicial emergency is modified and extended from May 6, 2020 to June 7, 2020 for all district and circuit courts of the Commonwealth ("Fourth Order" a copy which is attached hereto and incorporated herein),

It further appearing to the Court that it is authorized under Va. Code Section 16.1-69.35(5) to determine when the Courts shall be open for transaction of business when ... "under prevailing conditions, [it] would constitute a threat to the health and safety of the Clerk's Office personnel and the general public, "

It is hereby **ORDERED**;

That there shall be limited access to the General District Courts until June 7, 2020;

From today until June 7, 2020, the Court will continue to give precedence on its docket to emergency matters including , but not limited to, quarantine and isolation matters, criminal arraignments and bond hearings, protective order cases, and proceedings necessary to safeguard applicable constitutional protections, such as speedy trial where the defendant is incarcerated. The status of cases where the defendant is incarcerated shall be considered on a case-by-case basis, taking into account consideration of whether the matter is urgent and must be heard without delay in order to protect important liberty and constitutional interests, federal law, the health and safety of the parties, counsel, court personnel and other necessarily involved and affected, and the ability of the Court to proceed safely.

Beginning on May 18, 2020, the court will hear in-person non-emergency matters if the court makes the determination that is safe to do so, and subject to the guidance for transitioning from emergency to routine operations provided by the Office of the Executive Secretary and to the transition plan of the Chief Judge of the 11th Judicial District, in order to minimize the risk of the spread of COVID-19 from in-person court proceedings. The Court will continue to conduct as much business as possible by means other than in-person court proceedings. In all civil and criminal cases, the Court shall prefer the use of video-conferencing, telephone, email or other means that do not involve in-person court proceedings. Preliminary protective order cases shall be determined by affidavit only.

Courtroom attendance shall be limited to counsel, parties, necessary witnesses, interpreters, court personnel, bailiffs and those deemed necessary by the Court, and members of the press where permitted by law, unless by further direction of the presiding judge. People are requested to wear masks, but not required, as recommended by the Center for Disease Control (CDC) and the Virginia Department of Health. Social distancing is required.

All individuals with legitimate court business who are ill, caring for someone who is ill, or are otherwise in a high-risk category, as defined by the Center for Disease Control (CDC), are directed to call the Clerk of this Court or other appropriate court personnel to request appropriate accommodations.

Court security shall prohibit any individual from entering the courthouse if the individual has, within the last 14 days:

- I. Traveled internationally or to states that have a high number of COVID-19 cases, such as New York, New Jersey, Illinois and/or Massachusetts;
- II. Been directed to quarantine, isolate, or self-monitor;
- III. Been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- IV. Experiences a fever, cough, or shortness of breath;
- V. Resided with or been in close contact with any person in the above-mentioned categories.

Persons entering the courthouses shall allow their temperature to be taken at the door. Those whose temperature is over 100.4F shall not be allowed to enter the courthouse.

The Court and security personnel shall direct any individuals barred from the courthouse to contact the Clerk's office by telephone or other remote means to inform the Clerk of their business before the Court so they may receive further instruction regarding alternate arrangement for court access.

Until further Order, the Court will also accept pleadings, orders and other documents that are electronically signed, including those where the signature is accomplished by scanning.

As provided in the Clarification Order, deadlines imposed by the Speedy Trial Act, Va. Code Section 19.2-243, are tolled during the ongoing Period of Judicial Emergency (March 16, 2020 through June 7, 2020).

As provided in the Virginia Supreme Court's Fourth Order, for all cases in this Court the statute of limitations and all other case-related deadlines, excluding discovery deadlines, are tolled during the ongoing Period of Judicial Emergency (March 16, 2020 through June 7, 2020) pursuant to Code Section 17.1-330. In all civil cases, any tolling of deadlines and obligations arising out of Part Four of the Rules of the Supreme Court shall terminate as of May 18, 2020. All discovery issued with a deadline to respond during the judicial emergency shall be due within twenty-one (21) days of May 18, 2020.

The Clerks of the 11th Judicial District are directed to post a copy of this order at the courthouse entrance and their COVID website page.

ENTERED: 5/21/2020 *numeric pro tunc to 5/18/2020*

Ray P. Lupold III

Ray P. Lupold, III, Chief Judge