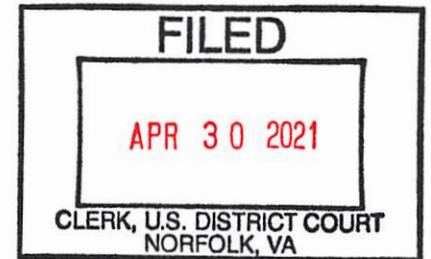


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA



In re:
COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY THE OUTBREAK
OF CORONAVIRUS DISEASE 2019 (COVID-19):
REOPENING OF CLERK'S OFFICE PUBLIC
COUNTERS

Case No. 2:20mc7

General Order No. 2021-05

The United States District Court for the Eastern District of Virginia has continued to closely monitor the outbreak of Coronavirus Disease 2019 (COVID-19), as well as the developing guidance from the Centers for Disease Control and Prevention (CDC) and state and local health authorities. Beginning in March of last year, the Court implemented a staged response to limit operations based on the risks posed by the pandemic. This included the closure of the Clerk's Office public counters, Gen. Order 2020-08, and the installation of public drop-boxes in each of our Courthouses. Id. Throughout the pandemic, the drop boxes have allowed litigants to date stamp their filings and securely submit them without entering the Clerk's Office, and a telephone has been available in the drop-box areas to allow filers to obtain assistance from Clerk's Office staff. Id. Counsel have been encouraged to continue utilizing electronic filing through CM/ECF, and Clerk's Office staff have accepted calls from inside and outside our Courthouses to assist counsel and the public. Id.

In late 2020 and early 2021, COVID-19 cases spiked across the United States and across Virginia. This winter surge began dissipating in February of this year, with community COVID-19 conditions improving, plateauing, and then improving again, with the most recent improvements closely linked to expanding vaccinations. During this time, our Court has resumed criminal jury trials, grand juries, and misdemeanor dockets. See Gen. Order 2021-02. Additionally, civil jury trials will be resuming next week, subject to the availability of retrofitted courtrooms. See Gen. Order 2021-04. The Court has carefully staged the resumption of these various proceedings to avoid overcrowding in our Courthouses as we work through backlogs.

In light of improving pandemic conditions, and current COVID-19 vaccination rates, the Court has performed a "gating analysis" in connection with the evaluation of our Clerk's Office counters. First, there has only been a single COVID-19 exposure or potential exposure event across all of our Courthouses during the last three weeks, and due to adherence to strict safety protocols, such event did not create a high risk of transmission to others.

Second, newly reported COVID-19 cases have steadily declined since mid-April, with the statewide seven-day average currently at its lowest level since October. Similarly, the percent positivity of COVID-19 tests in each of the three regions where our

Courthouses are located has declined over the past two weeks. After a precipitous decline from winter peaks, COVID-19 hospitalizations and deaths in Virginia have both plateaued at levels similar to the levels before the winter surge.

Third, an assessment of community action reveals continued vaccinations and increasing operations across many sectors of the community. Most notably, the Governor of Virginia has continued to take staged steps to loosen COVID-19 restrictions in various settings, and the CDC has continued to update its guidance, loosening restrictions for those that have been fully vaccinated. The Governor recently announced that there will be a further loosening of COVID-19 restrictions beginning on May 15, 2021.

After carefully balancing the available data on COVID-19, and after consultation with the Clerk of Court, the Court finds that it is appropriate to take another incremental step forward to expand Court operations. Therefore, barring a material change in circumstances, the Clerk's Office counters in all Divisions of this Court will reopen to the public **beginning on May 17, 2021.**

It is so ORDERED.

/s/ 

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
April 30, 2021