

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ACCESS TO THE COURTHOUSES UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
COVID-19



WHEREAS, on March 12, 2020, the Court issued a General Order restricting entry to the courthouses of the United States District Court for the Western District of New York in certain circumstances due to the COVID-19 Pandemic Event;

WHEREAS, on March 13, 2020, the Court issued a General Order detailing Court Operations during the COVID-19 Pandemic Event and continuing civil jury trials, grand jury selections, and naturalization ceremonies for a period of sixty (60) days;

WHEREAS, the Court's March 13, 2020 General Order encouraged judges to reduce personal appearances in both civil and criminal proceedings as much as practicable;

WHEREAS, on March 16, 2020, the Court issued a General Order permitting Mediators to adjourn mediation sessions and extending mediation deadlines in all cases for a period of sixty (60) days;

WHEREAS, on March 18, 2020, the Court issued a General Order continuing criminal jury trials for a period of sixty (60) days;

WHEREAS, on March 30, 2020, the Court issued a General Order permitting judges, with the consent of the defendant, to conduct certain criminal proceedings by videoconference, or, where videoconference is not reasonably available, by teleconference;

WHEREAS, on April 17, 2020, the Court issued a General Order explaining how members of the public and the press can attend court proceedings by teleconference or videoconference;

WHEREAS, the circumstances surrounding the COVID-19 Pandemic Event are now severe in the Western District of New York, New York State, and the United States;

WHEREAS, in response to the COVID-19 Pandemic Event, the President of the United States, the Governor of the State of New York, the County Executives for the Counties of Monroe and Erie and the surrounding counties, and the Mayors of the Cities of Rochester and Buffalo have declared states of emergency;

WHEREAS, the Court has implemented prudent measures to reduce the number of people and level of interaction at proceedings conducted in the courthouses of the Western District of New York, including the use of only two courtrooms in each courthouse to help with social distancing and permitting and requiring attorneys and other personnel to participate by video or telephone, when appropriate;

WHEREAS, the Governor of the State of New York has issued Executed Order 202.17, requiring that anyone in public not observing social distancing wear a mask or face cover effective April 17, 2020;

WHEREAS, on April 17, 2020 the New York State Unified Court System issued a “Notice to the Bar” stating that “[s]ince it cannot be assured that appropriate distancing can be maintained, attorneys and members of the public who do not have face coverings will be deemed to be not in compliance with the Governor’s Order and will not be admitted.”

IT IS HEREBY ORDERED that the following persons shall not enter any United States courthouse in the Western District of New York:

1. Persons not wearing a mask or face covering;
2. Persons who have been asked to self-quarantine by any doctor, hospital or health agency;
3. Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19; or
4. Persons with fever, cough, or shortness of breath.

IT IS FURTHER ORDERED that court security staff shall inquire of all persons seeking entry to any courthouse whether they meet any of the above criteria, and if so, deny their entry;

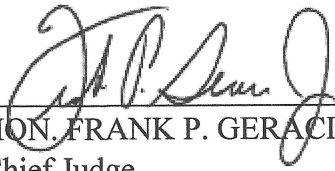
IT IS FURTHER ORDERED that the Western District of New York courthouses remain open, subject to the limitations contained above and in the Court’s previous General Orders;

IT IS FURTHER ORDERED that this Order supersedes this Court's General Order issued on March 12, 2020;

IT IS FURTHER ORDERED that this Order shall remain in effect until May 13, 2020, unless otherwise ordered by the Court. The Court reserves the right to amend, modify, terminate, or extend this Order at any time.

IT IS SO ORDERED.

Dated: April 23, 2020
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court