

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

COURT APPEARANCES 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, since the filing of these General Orders, the circumstances surrounding the COVID-19 Pandemic Event have worsened significantly 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.

IT IS HEREBY ORDERED that effective immediately, the accommodations set forth below will be implemented to permit public and media access to court proceedings that would otherwise be open to the public at the courthouses of the Western District of New York:

1. Civil and criminal hearings may be conducted on a videoconference line or, where one is not reasonably available, a toll-free teleconference line. That line will be available to members of the public and the media, to the extent practicable. A note will appear on each case's individual docket on PACER and dial-in instructions can be obtained by calling the judge's Chambers directly. Further instructions can be found on the court's website or by calling the Clerk's Office. Members of the public and media may listen to the proceedings but may not participate in them. Members of the public and media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion. *See* Local R. Civ. P. 83.5. Failure to comply with the above restriction on recording or broadcasting may result in a contempt finding. Further restrictions are set forth on the court's website and may change from time to time.
2. Courtrooms will only be able to accommodate a limited number of people in order to maintain social distancing. The judge has the final, discretionary authority to grant or deny any specific request to appear in person, and to limit the number of persons entering the

courthouse. The United States Marshals Service may also deny entry to the courthouse to any person considered a risk to carry COVID-19;

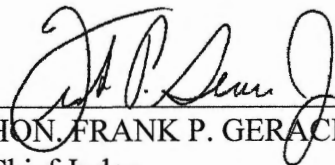
IT IS FURTHER ORDERED that filings will continue to be processed in civil and criminal cases via the CM/ECF electronic system and by mail. Paper documents may be received in the drop box located just inside the courthouses;

IT IS FURTHER ORDERED that the Western District of New York courthouses remain open, subject to the above limitations. Staff in the Clerk's Office will be available by telephone, mail will be received, and intake desks remain open for filings. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.

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 17, 2020
Rochester, New York



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