

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

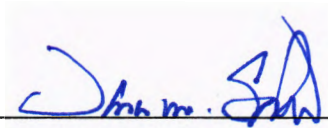
In the matter of)
)
SUPPLEMENT TO DISTRICT) **Order of the**
TRIAL REOPENING PLAN) **Chief Judge No. 36-C**
)
_____)

The attached plan is adopted as a supplement to the "CASD TRIAL REOPENING PLAN" under Chief Judge Order (CJO) 36 and replaces the earlier "SUPPLEMENT TO DISTRICT TRIAL REOPENING PLAN" under CJO 36-B.

This Order will go into effect on June 15, 2021, and will remain in place until further order of the Court.

IT IS SO ORDERED.

Dated: 6-11-21



DANA M. SABRAW
Chief United States District Judge

Supplemental Plan for Resumption of Trials

This Plan supplements CJO 36, the “CASD TRIAL REOPENING PLAN”.

With the agreement of the District Judges of this Court, and to ensure the health and safety of all involved, the following restrictions on cases to be tried are adopted:

1. District Judges will not schedule a criminal or civil trial under this Plan before first confirming the date with Laura Barkins, Supervisor of the District’s Courtroom Deputy Department.

No more than two juries (one in the morning and one in the afternoon) may be selected per day on Mondays and Tuesdays. No more than one jury may be selected on Wednesdays. No more than five juries may be selected in any one week.

2. Beginning on July 6, 2021, there will not be a limitation on the number of juries that may be selected in any one week. District Judges will select their juries in their courtroom. District Judges will not need to confirm their trial dates with Ms. Barkins.

3. **Criminal Trials:** Only short cause criminal trials will be conducted until July 6, 2021. Short cause criminal trials should take no more than four days to complete and will be limited to a single defendant. Only single defendant trials may proceed due to current space limitations imposed by COVID-19 safety protocols.

Priority for trials will be given to in-custody defendants. Effective immediately, and until further order of the Court, no more than five in-custody defendants can proceed to trial during any one week. Criminal bench trials are subject to the limitation of five in-custody trials per week.

4. **Civil Trials:** District Judges may use Courtroom 4D in the Edward J. Schwartz U.S. Courthouse, or Courtroom 15B in the James M. Carter & Judith N. Keep U.S. Courthouse for jury selection until July 6, 2021. Civil bench trials may proceed without limitation.

The Court is currently evaluating the propriety of video (or remote) civil jury trials. Such trials will not proceed until further order of the Court.

This Plan is adopted to facilitate trials for in-custody defendants during the COVID-19 pandemic and to address applicable health and safety requirements. The Plan is only feasible through the assistance of the United States Marshals Service ("USMS") and the Warden and staff of the Metropolitan Correctional Center ("MCC") which will allow daily transfer to court and avoid a 14-day quarantine after each day's trip to court. Jury trials cannot fairly proceed if a defendant is not produced to court on consecutive days. This Plan solves that problem, and provides defense counsel and their clients with an opportunity to meet and prepare in a private and safe setting the week before and during trial. Each defendant will be moved to the MCC several days before their scheduled trial to allow defense counsel time to meet with their client and prepare for trial. All such attorney-client meetings must be scheduled with the USMS in the USMS Interview Rooms located at the James M. Carter & Judith N. Keep U.S. Courthouse.

This Plan will remain in effect until further order of the Court.