

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER)
REGARDING COMPUTATION)
OF TIME FOR FILING OF) Misc. No. 2:20-mc-401-MRH
INFORMATIONS OR)
INDICTMENTS DUE TO)
COVID-19 MATTERS)

ADMINISTRATIVE ORDER

CONSISTENT WITH this Court’s March 13, 2020 Order at Miscellaneous Number 2:20-mc-394-MRH, as updated by the undersigned on April 16, 2020, May 29, 2020, August 27, 2020, and October 30, 2020 (collectively, the “Jury Trial Orders”); and,

IN FURTHERANCE of this Court’s prior Order entered on December 7, 2020 at the above-referenced Miscellaneous Number; and

WHEREAS, national, state and local governments have re-issued guidance regarding the immediate and ongoing need for extraordinary nationwide measures to restrict the amount of person-to-person contact and to mitigate the spread of the COVID-19 virus, including the official advisory from the Allegheny County Health Department that indoor social gatherings of more than 10 persons be avoided; and

WHEREAS, individuals who may be carrying the virus with or without symptoms – including grand jurors, court staff, court reporters, attorneys, witnesses, security personnel, and the general public – may come into close proximity with other persons notwithstanding appropriate mitigation measures; and

WHEREAS, the public health data for each of the Divisions of the Court over the past fourteen (14) days has demonstrated a dramatic upward incidence in positive COVID-19 cases,

testing positivity, transmission factors, and the limitation on the availability of necessary hospital beds, all consistent with high levels of community spread of the COVID-19 virus such that immediate enhanced mitigation measure are being directed by state and local health officials and strongly advised by the Centers for Disease Control and Infectious Disease; and

WHEREAS, pursuant to the December 7, 2020 Order entered in this matter, all grand jury sessions scheduled to occur between December 7, 2020 and January 4, 2021 were suspended;

WHEREAS, pursuant to the December 7 2020 Order entered in this matter, the time from December 7, 2020 through the earlier of January 15, 2021, or the date the grand jury reconvenes, is excludable time in terms of calculating the third-day period by which, pursuant to 18 U.S.C. § 3161(b), an indictment must be filed after an arrest on a complaint.

NOW, THEREFORE, in order to further public health and safety, and considering the ongoing guidance from national, state, and local officials that group gatherings continue to be limited,

IT IS HEREBY ORDERED that all grand jury sessions shall continue to be suspended through January 25, 2021.

IT IS FURTHER ORDERED that the time from January 16, 2020 to the earlier of February 1, 2021, or the date the grand jury reconvenes, is excludable time in terms of calculating the thirty-day period by which, pursuant to 18 U.S.C. § 3161(b), an indictment must be filed after an arrest on a complaint.

IT IS FURTHER ORDERED that, for the reasons set forth in the Jury Trial Orders, and in the Administrative Orders filed at Miscellaneous Number 2:20-mc-401-MRH, the Court specifically finds and concludes that the ends of justice served by taking such action and by such a delay materially outweigh the best interests of the public and the defendants in a speedy trial.

18 U.S.C. § 3161(h)(7)(A). In making this decision, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iii), the Court considered and determined that, due to the suspension of the grand jury, the arrests occurred at a time such that it is unreasonable to expect the return and filing of such indictments within the period specified in Section 3161(b).

IT IS FURTHER ORDERED that the Court may extend the period of exclusion by further Order as circumstances warrant.

January 14, 2021

/s/ Mark R. Hornak
Honorable Mark R. Hornak
Chief United States District Judge