

FILED

OCT 22 2020

TRISTEN WORTHEN
DOUGLAS COUNTY CLERK
WATERVILLE, WA
BY _____ DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF: Emergency Response to a) EMERGENCY
Threat to General Public Health and Welfare,) ADMINISTRATIVE ORDER
Caused By the Coronavirus Disease 2019) NO. 4
("COVID-19"))

2020-5002-09-A4

WHEREAS, on March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State;

WHEREAS, our community has experienced a recent increase in the number cases of COVID-19 and public health officials are strongly recommending residents avoid social contact to the extent possible in an attempt to slow the transmission of the disease;

WHEREAS, the Court finds that based on the current COVID 19 positive rate in Douglas County the health and safety of the public, the parties to any litigation in this Court, the employees of the Court and the employees within the law enforcement community are at risk by said pandemic; and

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

IT IS HEREBY ORDERED THAT:

1. This Court hereby incorporates by this reference any and all findings set forth in this Court's previously issued Emergency Administrative Order Nos. 1, 2 and 3; the

1 Washington Supreme Court's various COVID-19 related Orders in response to the COVID-
2 19 public health emergency including Order No. 25700 entered March 4, 2020 through Order
3 No. 25700-B-646 entered October 13, 2020; and all findings of public health authorities or
4 other third parties as referenced in such Orders issued by this Court or by the Washington
5 Supreme Court.

6 2. The provisions of this Court's Emergency Administrative Order Nos. 1, 2 and
7 3 shall remain in full force and effect except as revised by the terms of this Emergency
8 Administrative Order No. 4.

9 3. This Court adopts and/or incorporates by this reference the findings and
10 recommendations of the Washington State Department of Health (DOH) in its publication
11 COVID-19 and Washington State Courts, Public Health Risk Reduction Recommendations
12 (updated August 28, 2020). Said DOH publication states in part that "[t]he following
13 guidance is intended to offer and inform court actions to reduce the risk of COVID-19
14 person-to-person transmission in the courts, especially with regard to jury trials, and to
15 provide a level of community confidence that the courts are taking effective precautions to
16 protect public health and to reduce the risk of COVID-19 transmission." Id., at p. 5. Said
17 DOH publication further states: "Courts should consider the county phase and underlying
18 metrics when defining strategies and mandates, as part of their COVID-19 response plan, to
19 protect staff and other court participants from contracting or transmitting COVID-19 during
20 or associated with in-person court proceedings." Id. Said DOH publication further states:
21 "For the courts, it is anticipated that more in-person proceedings will generally resume in
22 Phase 2 and beyond." Id., at page 6.

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4. As of the date of this Court's previously issued Emergency Administrative Order No. 3, Douglas County remained in Modified Phase 1 of the Governor's 4-Phase Safe Start Plan (i.e., Douglas County was not in Phase 2 or beyond per DOH guidelines for in-person hearings). The goal that had been established by the Governor for a county's transition to the next phase of reopening is 25 positive cases per 100,000 population over a two-week period. On the date the Emergency Administrative Order No. 3 was issued, Douglas County's most recent COVID-19 case count was 320.1 per 100,000 population for the two-week period ending September 2, 2020 per the Chelan-Douglas Health District's website.

5. On or about October 13, 2020, the Governor authorized Douglas County to move to Phase 2 of the Governor's 4-Phase Safe Reopening Plan. The previously stated goal established by the Governor for a county's transition to the next phase of reopening had been 25 positive cases per 100,000 population over a two-week period.

6. As of October 22, 2020, Douglas County's most recent COVID-19 case count was 131.2 per 100,000 population for the most recently reported two-week period per the Chelan-Douglas Health District's website.

7. This Court finds that the Douglas County Courthouse located in Waterville, Washington is not currently able to safely and appropriately accommodate jury trials at this time. For example, given the space available in the courtroom it would be impossible to accomplish social distancing with a minimum of six feet of separation at all stages of trials and otherwise comply with established COVID-19 protocols. Steps are being taken to prepare a potential alternative site for jury trials and bench trials, but such work is not yet completed despite reasonable efforts to do so.

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8. The Court finds that the serious danger posed by the virus COVID-19 is good cause to continue criminal jury trials and bench trials and constitutes an unavoidable circumstance affecting the time for trial beyond the control of the court or of the parties pursuant to CrR 3.3(e)(8).

9. Based on the above finding of good cause to continue criminal jury trials and bench trials due to unavoidable circumstances, the Court Orders that (a) there shall be no criminal jury trials or bench trials scheduled to begin in this Court prior to November 11, 2020, (b) any previously scheduled Trial Setting hearings in criminal cases shall go forward as scheduled unless an agreed Order is entered prior to such Trial Setting hearing, and (c) the time between the entry of this Order and the next scheduled trial date is EXCLUDED when calculating time for trial. (CrR 3.3(e)).

AMENDMENT OF THIS ORDER

10. The Superior Court anticipates the need to amend and/or supersede this Order as the COVID-19 public health emergency continues to develop and more information becomes available.

DATED this 22nd day of October, 2020.



BRIAN C. HUBER
Judge of the Superior Court