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Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Memphis

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

**IN RE: CONTINUED COURT)
OPERATIONS UNDER THE)
EXIGENT CIRCUMSTANCES)
RESULTING FROM COVID-19)
OUTBREAK)**

Administrative Order No. 2021-31

The CARES Act, Title V, § 15002(b)(3)(A), provides that upon the determination of the Judicial Conference of the United States “that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) will materially affect the functioning of either the Federal courts generally or a particular district court of the United States,” the chief judge of any judicial district covered by the finding is permitted to authorize the use of video teleconferencing (or telephone conferencing where video teleconferencing is not reasonably available) for certain proceedings. The Judicial Conference of the United States made such a determination on March 29, 2020. Following the presidential declaration of a state of emergency under the National Emergencies Act and the determination of the Judicial Conference under the CARES Act, the Court issued a series of Administrative Orders between March 17, 2020 and June 3, 2021, regarding continuing court operations under the exigent circumstances resulting from the COVID-19 outbreak in the Western District of Tennessee.

At all times during the declared state of emergency, the Court has continued to monitor the spread of COVID-19 in this District and received updated guidance from the CDC and federal, state, and local public health authorities. Based on the best information available about the state of the public health in the Western District of Tennessee and for the sake of the health and safety of all court staff and others with business before the Court, the Court hereby extends and otherwise modifies its previous Administrative Orders regarding continuing court operations under the exigent circumstances resulting from the COVID-19 outbreak as follows:

- 1) Jury trials set to begin between November 15, 2021, and January 14, 2022, will proceed as scheduled. Absent an order to the contrary from the Presiding Judge, parties should comply with all of the Presiding Judge’s pretrial deadlines and instructions and otherwise be ready to proceed to trial.

- 2) According to the CDC, COVID-19 vaccines are safe and effective. The Court strongly encourages all litigants and any member of the public visiting court facilities to get vaccinated. Consistent with guidance from the Administrative Office of the U.S. Courts, the CDC, and state and local health authorities, the Court continues to find that masking and social distancing should be maintained for health and safety in courtrooms and other areas affiliated with the court subject to the discretion and specific instructions of the Presiding Judge.
- 3) All grand jury proceedings, including the empanelment of new grand juries, may proceed based upon the determination of and at the discretion of the United States Attorney's Office for the Western District of Tennessee.
- 4) The Court will continue to hold other in-person proceedings in accordance with the protocols and procedures detailed in Administrative Order 2020-26 and with what is generally agreed and accepted to be the best practices to prevent the spread of COVID-19 and its variants. It will be within the discretion of the presiding judge to decide the appropriate number of people who should be allowed in the courtroom at any one time.

The Court will continue to evaluate existing circumstances and updated guidance from the CDC and federal, state, and local public health authorities. The public is encouraged to continue utilizing available Court services while following all applicable public health guidelines.

FOR THE COURT this 12th day of November, 2021,

s/ S. Thomas Anderson

S. THOMAS ANDERSON

CHIEF UNITED STATES DISTRICT JUDGE