

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IN RE: JURY TRIAL CONTINUANCES  
DUE TO NOVEL CORONAVIRUS AND  
COVID-19 DISEASE.

GENERAL ORDER NO. 2020-14

The resurgence of the COVID-19 pandemic in the District of Nebraska, and the increased community transmission of that disease, have again reached the point at which the Court's proceedings are affected. Indeed, by any objective measurement, the pandemic is more severe in this district now than at any previous point. Identified cases, hospitalizations, and deaths continue to climb at a near-record pace, and test positivity rates are climbing as well, particularly in the metropolitan areas where the district's courthouses are located. *See generally, Trends in Number of COVID-19 Cases in the US Reported to CDC, by State/Territory*, Ctrs. for Disease Control & Prevention, <https://bit.ly/2TJYhRB> (last visited Nov. 2, 2020); *Coronavirus COVID-19 Nebraska Cases*, Neb. Dep't of Health and Hum. Servs., <https://bit.ly/3ehVdWk> (last visited Nov. 2, 2020). And University of Nebraska Medical Center experts warn that those already disturbing numbers could increase even more dramatically if more stringent measures aren't taken. Julie Anderson & Jeffrey Robb, *UNMC pandemic expert fears dramatic increase in Nebraska's COVID-19 deaths*, Omaha World-Herald (Nov. 1, 2020), <https://bit.ly/323L1fa>.

In that environment, despite the physical distancing measures in place, the Court is presently unable to draw a venire, select a jury, and try a case to completion in a manner consistent with the right to a fair cross-section of the community or due process for the litigants. *See General Order 2020-04*. And it is the Court's responsibility, as a careful steward of public safety, not to unnecessarily or unduly endanger its own personnel, other participants in the judicial process, or members of the community. The Court must do its part to mitigate the effects of this public health emergency, rather than contribute to the problem. Accordingly,

IT IS ORDERED:

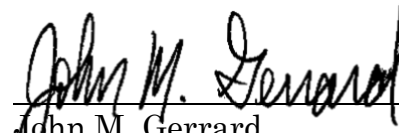
1. All civil and criminal cases scheduled for a jury trial to commence on or before December 1, 2020 before any judge in the District of Nebraska are continued pending further order of the Court. Other in-court hearings shall remain scheduled unless continued, on a case-by-case basis, by the district, magistrate, or bankruptcy judge. As provided by [General Order 2020-03](#), the parties shall promptly notify one another and the Court if they have cause to believe that any such hearing cannot be held in a manner consistent with public health guidelines.
2. Because of the Court's inability to safely call and retain an adequate cross-section of jurors, and the effect of following public health recommendations on the availability of clients, counsel, and court staff to be present in the courtroom, the Court specifically finds that the ends of justice served by continuing all criminal jury trials outweigh the best interests of the public and any defendant's right to a speedy trial, and the period of delay occasioned by the continuances implemented by this General Order are excluded under the Speedy Trial Act pursuant to [18 U.S.C. § 3161\(h\)\(7\)\(A\)](#). The failure of any defendant to object to this General Order will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.
3. Case progression deadlines in civil cases shall remain set, pending any case-specific adjustments to be made on motion from the parties or on the Court's own motion. Parties are encouraged to continue to explore conducting discovery through means that avoid unnecessary travel or personal contact, such as telephonically or through videoconferencing. Any dispute over whether discovery can be effectively accomplished in a manner consistent with applicable public health guidelines may be

referred to the Magistrate Judge for resolution, specifically subject to the consultation requirements of [NECivR 7.1\(j\)](#).

4. The Court will vacate, extend, or amend this General Order no later than December 1, 2020.

Dated this 2nd day of November, 2020.

BY THE COURT:



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John M. Gerrard  
Chief United States District Judge