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5 **IN THE DISTRICT COURTS OF THE STATE OF WASHINGTON**
6 **IN AND FOR YAKIMA COUNTY**

7 **In Re:**
8 **EMERGENCY NOTIFICATION**
9 **LIMITING COURT OPERATIONS RE:**
10 **JURY TRIALS RESULTING FROM**
11 **PUBLIC HEALTH EMERGENCY**

6
7 **GENERAL ORDER NO.**
8
9 **GR21**

12 WHEREAS, the state and this county are experiencing a rapid increase in the
13 numbers of people showing symptoms of, being diagnosed with and hospitalized for
14 COVID-19; and

15 WHEREAS, COVID-19 is known to be highly contagious and easily transmitted in
16 enclosed spaces like courtrooms and jury rooms of this court; and

17 WHEREAS, a State of Emergency has been declared by the President of the
18 United States, the Governor of the State of Washington, the Board of County
19 Commissioners for Yakima County and the City Council for the City of Yakima due to
20 the Covid-19 outbreak; and

21 WHEREAS, this Fall, the spread of COVID-19 began to accelerate. As of
22 December 23, 2020, the rise in infections is not projected to ease until mid to late
23 February 2021

1 [https://covid19.healthdata.org/united-states-of-america/washington?view=total-](https://covid19.healthdata.org/united-states-of-america/washington?view=total-deaths&tab=trend)
2 deaths&tab=trend; and

3 WHEREAS, on November 15, 2020, Governor Inslee issued a new proclamation,
4 imposing new restrictions on social gatherings and other behavior. In doing so, he
5 explained, "[P]ositive COVID-19 related cases and hospitalizations have been on a
6 steady rise since early September; and, most alarmingly, from the latter part of October
7 through the first two weeks of November 2020, COVID-19 related hospitalizations have
8 risen sharply, putting our people, our health system, and our economy in as dangerous
9 a position as we faced in March 2020." State of Wash. Office of the Governor,
10 Proclamation 20-25.8 "Stay Safe - Stay Healthy Rollback of City- by-City. Phased
11 Reopening Responding to a COVID-19 Outbreak Surge" (Nov. 15, 2020); and

12 WHEREAS, The Governor recognized in the Proclamation that "a significant
13 risk factor for spreading the virus is prolonged, close contact with an infected person
14 indoors," and that "several factors increase the risk for person-to-person COVID-19
15 transmission," including: (1) "the more that people and groups interact"; (2) "the longer
16 those interactions last"; (3) "the closer the contact between individuals"; and (4) "the
17 denser the occupancy for indoor facilities"; and

18 WHEREAS, on November 20, 2020, Washington Supreme Court Chief Justice
19 Debra Stephens issued a message to all Washington Courts, acknowledging the
20 dramatic rise of COVID-19 activity in the State and requested that all courts reassess
21 "the risk of in-person proceedings and the present ability to mitigate those risks
22 consistent with public health guidance"; and

1 WHEREAS, as of February 20, 2021 Yakima County has had 23,895 confirmed
2 COVID-19 cases, 413 deaths, 1382 hospitalizations and currently has 21
3 hospitalizations. <https://www.yakimacounty.us/2404/Data-Summary>; and

4 WHEREAS, Yakima County moved to Phase 2 of Governor Inslee's Healthy
5 Washington Roadmap to Recovery on February 14, 2020. In Phase 2, limitations
6 remain on the maximum capacity allowed for gathering in professional settings. All other
7 COVID-19 mitigation strategies remain in effect; and

8 WHEREAS, Governor Inslee and the Washington State Department of Health
9 developed a multi-tiered phase vaccine distribution plan. Currently, Washington State is
10 in Phase 1B Tier 1 which is just one step up from the initial phase/tier of this plan. The
11 first vaccines were available in Washington State in mid-December 2020. Since that
12 time, the vaccination roll out in the State of Washington and Yakima County has been
13 slow and more recently has been impacted by a significant weather event throughout
14 the country; and

15 WHEREAS, this Court in December of 2020 decided to suspend jury trials
16 through the month of January in response to the COVID-19 infection, hospitalization
17 and mortality rates; and

18 WHEREAS, upon consultation with the Yakima County Health Department, local
19 hospitals and continued recommendations from the Health Department and Center for
20 Disease Control concerning attempts to contain and mitigate the spread of the virus,
21 and FURTHER, based upon all the foregoing sources of information, the continued
22 presence of positive COVID-19 rates in Yakima County necessitating the need to
23 continue safety and mitigation strategies and the slow roll out of the vaccine in Yakima

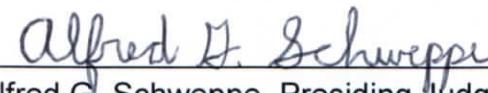
1 County, this Court finds that now it is not reasonably feasible or safe to require jurors,
2 litigants and other participants to travel to the court and congregate in indoor facilities.
3 Due to these circumstances and the serious danger posed by COVID-19, a continuance
4 of all jury trials is supported by good cause, required in the administration of justice, and
5 unavoidable circumstances; and

6 WHEREAS, the Washington State Supreme Court has adopted Order No.
7 25700-B-602 granting our District Court emergency authority to adopt, modify, and
8 suspend court rules and orders, and to take further actions concerning court operations,
9 as warranted to address the current state of emergency;

10 NOW, THEREFORE, IT IS HEREBY ORDERED:

- 11 1. The Court, upon its own motion, and pursuant to Washington State Supreme
12 Court Order 25700-B-646 i-f12, concludes a continuance in these criminal jury
13 trials is necessary for the administration of justice.
- 14 2. The Court finds that as of February 19, 2021, the serious danger posed by the
15 virus is good cause to continue criminal jury trials and constitutes an unavoidable
16 circumstance under CrR 3.3(e)(8). As such, the time between February 19, 2021
17 and the date of the next scheduled trial date is EXCLUDED when calculating
18 time for trial. All criminal jury trials are suspended until April 1, 2021.
- 19 3. All civil jury trials are hereby suspended until April 1, 2021.

20 Dated this 22nd day of February 2021.

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23 Alfred G. Schweppe, Presiding Judge
24 Yakima County District Court
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