

FILED
DISTRICT COURT OF GUAM

MAY 04 2020

g. quinata
clerk

JEANNE G. QUINATA
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

IN RE:

GENERAL ORDER NO. 20-0018

DISTRICT COURT OF GUAM COURT
OPERATIONS IN RESPONSE
TO COVID-19 OUTBREAK

This General Order is issued in further response to the developing outbreak of Coronavirus Disease 2019 (COVID-19). On April 30, 2020, the Honorable Lourdes Leon Guerrero, Governor of Guam, issued Executive Order No. 2020-11 extending the declaration of a public health emergency for an additional thirty (30) days. Executive Order No. 2020-11 also establishes the Pandemic Conditions of Readiness System as part of the Governor's Chalan Para Hinemlo' recovery plan. Per the Joint Information Center Release No. 101 issued on April 30, 2020, Guam's current status "is reflected in the most stringent restrictions on social gatherings, prohibitions and closures of non-essential activities, impositions of conditions on operations of essential activities, quarantining of inbound travelers, and actions meant to deter people from engaging in non-essential activities." The Governor's recovery plan set forth in Executive Order 2020-11 appears to set conditions and criteria for the gradual lifting of restrictions imposed by the Governor in response to the COVID-19. In light of this, the Court incorporates its prior findings regarding COVID-19 and the current state of emergency declarations, guidelines and findings as set forth in its prior General Order Nos. 20-0012, 20-0013, 20-0014, and 20-0015, and orders as follows:

TEMPORARY CLOSURE TO THE PUBLIC

- The District Court of Guam will be temporarily closed to the public through Friday, May 8, 2020, except as stated below.
- The U.S. Pretrial and Probation Office will also be closed through Friday, May 8, 2020. If you need assistance, please call (671) 969-4600.

LIMITED ENTRY INTO THE DISTRICT COURT OF GUAM

- Persons who have travelled outside the island of Guam within the previous 14 days;
- Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19 within the previous 14 days;
- Persons who, because of COVID-19, have been asked to self-quarantine by any doctor, hospital, or health agency within the previous 14 days; and

1 • Persons who are ill and displaying symptoms consistent with a flu, such as fever, body
2 aches, and shortness of breath.

3 Notice of these entry protocols will be posted at the front and back entrance doors of the
4 Courthouse. Individuals prevented from entering the building will be provided contact
5 information of the Court and all tenants of the courthouse so that they may attempt to conduct their
6 business by phone.

7 **Anyone attempting to enter in violation of these protocols will be denied entry by a
8 Court Security Officer.**

9 **LIMITED COURT PROCEEDINGS**

10 **Criminal trials, magistrate hearings, sentencing and revocation hearings.**

11 • All criminal jury selection and trials in the District of Guam scheduled to begin on or
12 before May 8, 2020, are continued pending further order of the Court. The Court may issue other
13 orders concerning future continuances as necessary and appropriate.

14 • The Court is cognizant of the right of criminal defendants to a speedy and public trial
15 under the Sixth Amendment, and the application of that right in cases involving defendants who
16 are detained pending trial. Any motion by a criminal defendant seeking an exception to this order
17 in order to exercise that right should be directed to the judge assigned to the matter in the first
18 instance; provided, however, that no such exception may be ordered without the approval of the
19 Chief Judge.

20 • The time period of any continuance entered as a result of this order shall be excluded
21 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice
22 served by taking that action outweigh the interests of the parties and the public in a speedy trial.
23 Absent further order of the Court or any individual judge, the period of exclusion shall be from
24 May 4, 2020 to May 8, 2020. The Court may extend the period of exclusion as circumstances may
warrant.

• Criminal matters before the Magistrate Judge, such as initial appearances, arraignments
and detention hearings will be conducted by video/telephone conference, with the Defendant's
permission, unless otherwise directed by the Court. Issuance of search warrants will continue to
take place in the ordinary course of business.

• All sentencing and revocation hearings scheduled to be heard on or before May 8, 2020
and any related deadlines shall be continued until further order of the court. In addition, any
previously ordered Presentence Report due dates during this period shall be vacated and
rescheduled.

• Individual judges may continue to hold hearings, conferences, bench trials, and trial-
specific deadlines in the exercise of their discretion, consistent with this order.

• Judges are authorized and strongly encouraged to conduct court proceedings by video or
telephonic conferencing consistent with General Order No. 20-0013 issued pursuant to the
Coronavirus Aid, Relief, and Economic Security Act.

• Individual judges presiding over criminal proceedings may take such actions consistent
with this order as may be lawful and appropriate to ensure the fairness of the proceedings and
preserve the rights of the parties.

23 **Grand Jury Proceedings.**

24 • All regularly scheduled grand jury proceedings are continued through May 8, 2020,

1 however, the U.S. Attorney may schedule grand jury proceedings for emergency or essential
2 matters after consultation with the Chief Judge. Grand jurors will continue their current and
3 normal practice to call in each Monday at 8 a.m. to the number provided to them to receive the
4 recorded message informing them of whether they must appear for grand jury service the same
5 week.

6 **Civil cases.**

7 • All civil jury selection and trials in the District of Guam scheduled to begin on or before
8 May 8, 2020, are continued pending further order of the Court. The Court may issue other orders
9 concerning future continuances as necessary and appropriate.

10 • Individual judges may continue trial-specific deadlines in civil cases in the exercise of
11 their discretion.

12 • Individual judges may continue to hold hearings, conferences, and bench trials in the
13 exercise of their discretion, consistent with this order.

14 • Judges are strongly encouraged to conduct court proceedings by telephone or video
15 conferencing where practicable.

16 **Bankruptcy cases.**

17 • Procedures for debtors and others to participate in meetings of creditors in bankruptcy
18 cases which are being conducted by telephone due to the COVID-19 virus are governed by the
19 Notice of Temporary Procedures for Conducting Telephonic Meetings of Creditors Under Section
20 341(a) in the District of Guam, issued by the United States Trustee on April 8, 2020, and attached
21 to this order.

22 **PRETRIAL SERVICES**

23 • Pretrial Services is authorized to email the pretrial services report to assigned counsel in
24 each case to facilitate video conferencing or the telephonic hearings. Counsel may use the pretrial
services report solely for the purposes of bail determination or pretrial release. Upon completion
of the hearing, counsel must permanently delete the emailed pretrial services report and promptly
shred any hard copies. No record of the pretrial services report may be kept or redisclosed by the
recipient under any circumstances.

DRUG OFFENDER RE-ENTRY PROGRAM

• Drug Offender Re-Entry program scheduled for Wednesday, May 20, 2020 at 3:00 p.m.
will be conducted by video/telephone conference.

NATURALIZATION CEREMONIES

• All naturalization ceremonies scheduled for May 2020 are canceled. The Court may issue
other orders concerning future continuances as necessary and appropriate.

COMMUNITY OUTREACH

• All court tours, community outreach events, etc., scheduled for May 2020 are canceled.

FILINGS

• Filings will continue to be processed in all cases via the CM/ECF electronic system and
mail, except for criminal case openings, sealed and pro se filings. Those wishing to make in-
person filings may call the on-duty clerk at 671-969-4500 and will be instructed to leave such

1 materials at the drop off box located on the first floor of the courthouse. For emergency filings,
2 please contact the on-duty clerk at 671-969-4500. Criminal case openings, sealed and pro se
3 filings shall be placed in a sealed envelope and will be received at the drop off box located on the
4 first floor of the courthouse from 8:00 a.m. to 3:00 p.m. The sealed envelope must have the name
5 of the law firm and/or pro se filer and contact number in case there are any questions with said
6 filing.

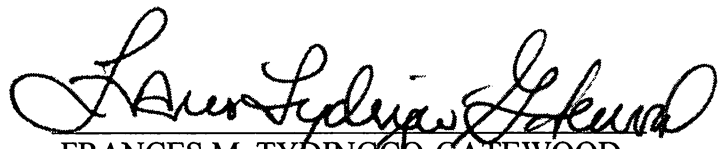
7 **PAYMENTS**

8 • Fees associated with case filings will be paid via Pay.gov through the CM/ECF
9 system. Criminal debts and any other payments by check, money order or cashier's check will be
10 accepted by mail or at the drop off box located on the first floor of the courthouse from 8:00 a.m.
11 to 12:00 p.m. All negotiable instruments shall be payable to "Clerk, District Court of Guam" or
12 "Clerk, U.S. District Court" or "Clerk, United States Court". Payments made via the drop off box
13 must be in a sealed envelope and contain the name of the person making said payment, the case
14 number associated with said payment and a contact number in case there are any questions related
15 to said payment. Cash payments will NOT be accepted during this period of exigent
16 circumstances. Staff in the Clerk's Office will remain available by telephone.

17 **MEDIA ACCESS TO THE COURT**

18 • The court recognizes the Constitutional right of the media to access court proceedings on
19 behalf of the public. Therefore, members of the media who wish to monitor a court proceeding
20 telephonically may contact Chief Deputy Clerk, Charles White, at 988-9031 at least one (1) hour
21 before the scheduled hearing. Mr. White will provide instructions for allowing telephone access
22 on a secure line, at no cost, to listen to the hearing with all other court rules in effect including the
23 standing prohibition on audio recording.

24 **SO ORDERED** this 4th day of May, 2020.


FRANCES M. TYDINGCO-GATEWOOD
Chief Judge



U.S. Department of Justice

United States Trustee,
Region 15
*Districts of Hawaii, Guam and
the Northern Mariana Islands*

1132 Bishop Street Suite 602 (808) 522-8150
Honolulu, Hawaii 96813

**Notice of Temporary Procedures for Conducting Telephonic
Meetings of Creditors Under Section 341(a) in the District of Guam
April 8, 2020**

This notice provides procedures for debtors and others to participate in meetings of creditors in bankruptcy cases filed in the District of Guam which are being conducted by telephone due to the COVID-19 virus starting April 10, 2020 and until further notice.

Phone procedures

1. Debtors should have their bankruptcy documents available in the event there are questions about the information in the documents.
2. You must use a touch-tone phone to participate.
3. Dial the call-in number and then enter the passcode, followed by a # sign.
 - a. Call-in number: 1-877-461-0585
 - b. Passcode: 5721781#
4. Use a land line phone and not a cell phone, if possible. Do not use a speaker phone.
5. Make the call from a quiet area where background noise is minimal.
6. Leave the phone on mute until the trustee calls your case.
7. Wait until the trustee calls your case before speaking as more than one meeting will be held during this period.
8. When speaking during your case, identify yourself.
9. Do not put the phone on hold at any time after the call is connected.

10. If any party is attending the meeting from the same location as another party, use separate touch-tone phones to participate.
11. Once the case meeting is finished, hang up.

Providing Documents to Confirm ID and Social Security Number:

1. Trustees are temporarily authorized to confirm debtors' identification and social security number by viewing scanned documents ("Identification Documents").
2. Debtors should provide the trustee with Identification Documents at least seven days prior to the meeting at the same time and through the same means as providing trustees with tax returns and pay advices.

Administering the Oath and Verifying Debtor Identification Documents:

1. Trustees shall continue to administer the oath to debtors at the telephonic meeting of creditors. Trustees will ask each debtor to expressly testify that he or she is the individual whose name and address appears on the voluntary bankruptcy petition as the debtor.
2. Attorneys representing debtors should review Identification Documents in person, by video, or by some other means prior to the meeting of creditors. After the oath has been administered, the trustee will ask the debtors' attorneys to confirm that they have personally verified the debtors' identity and the Identification Documents and that those documents confirm the information in the Petition. (It is acceptable that the attorney reviewed scanned documents or reviewed documents remotely.)
3. The scope of the debtor's examination will be the same as for in-person meetings.
4. The meeting may be adjourned to a future date by announcement at the meeting.