

**FILED**  
DISTRICT COURT OF GUAM

AUG 03 2020



**JEANNE G. QUINATA**  
CLERK OF COURT

**IN THE DISTRICT COURT OF GUAM**

IN RE:

GENERAL ORDER NO. 20-0030

DISTRICT COURT OF GUAM CONDITION  
OF READINESS (CCOR) 3 in Response to  
COVID 19 OUTBREAK

This general order is issued in further response to the outbreak of Coronavirus Disease 2019 (COVID-19). On July 19, 2020, pursuant to Guam's *Châlan Para Hinemlo'* recovery plan, the Honorable Lourdes Leon Guerrero, Governor of Guam, issued Executive Order 2020-24 declaring that conditions and criteria to further lift restrictions have been met and ordering that Guam move from Pandemic Condition of Readiness 2 (PCOR2) to Pandemic Condition of Readiness 3 (PCOR3). In Executive Order 2020-24, the Governor found, among other things, that Guam has a "sustained average of less than ten percent (10%) test positivity over a twenty-eight (28) day period, the capacity to test all people with COVID-19 symptoms, and the continued capacity to conduct monitoring of all COVID-19 cases and trace their contacts . . . ." The Governor of Guam's declaration of PCOR3 went into effect on July 20, 2020.

The Court consulted with Dr. Ann Pobutsky, Territorial Epidemiologist, Office of Epidemiology and Research, Guam Department of Public Health and Social Services, who responded with several recommendations and guidelines addressing the Court's proposed plan to resume trial at the District Court of Guam. Having reviewed such recommendations, and weighed the right of public access to the Court against the need to protect the health and safety of the public, and recognizing the continued need to take precautions to prevent the spread of COVID-19, the Court hereby implements Court Condition of Readiness 3 (CCOR3) in its phased approach to further reopen the courthouse to the public. The Court incorporates its prior findings relative to COVID-19 and the state of emergency declarations and guidelines as set forth in its prior General Orders in effect relative to the COVID-19 pandemic and orders as follows:

**PUBLIC ACCESS**

Courthouse (building) access is limited to court employees, tenants of the building, members of the bar, public and media attending scheduled in-person court proceedings, grand and petit jurors, Clerk's office filers, and persons with confirmed appointments with judges, the U.S.

1 Probation and Pretrial Services Office or other tenants of the building. Building access may be  
2 further limited to ensure proper social distancing requirements, as recommended by the Centers  
for Disease Control and Prevention, can be maintained throughout the building.

3 The Clerk's Office window will open to the public from 8:00 a.m. to 3:00 p.m., Monday  
4 through Friday, except on legal holidays. The U.S. Probation and Pretrial Services Office will be  
open by appointment only.

5 Public access to court proceedings via video or telephonic conference will remain available  
6 in accordance with the procedures set forth below. Court employees, including Clerk's Office and  
U.S. Probation staff, will remain available by telephone and email from 8:00 a.m. until 5:00 p.m.  
7 Monday through Friday, other than legal holidays.

### 8 **ENTRY PROTOCOL AND FACE COVERING REQUIREMENT**

9 All persons over age two (2) shall wear a face covering in all public areas of the courthouse  
building and shall adhere to six (6) feet social distancing measures as recommended by the Centers  
10 for Disease Control and Prevention.

11 The following persons are not permitted to enter the District Court of Guam:

- 12 1. Persons over age two (2) without a face covering;
- 13 2. Persons who have travelled outside the island of Guam within the previous 14 days  
and who are required by law to quarantine;
- 14 3. Persons who have been diagnosed with, or have had contact with anyone who has  
been diagnosed with, COVID-19 within the previous 14 days;
- 15 4. 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
- 16 5. Persons who are ill and displaying symptoms consistent with a flu, such as fever,  
body aches, and shortness of breath.

17 Notice of these entry protocols will be posted at the front and back entrance doors of the  
courthouse. Anyone attempting to enter in violation of these protocols will be denied entry by a  
18 court security officer. Persons denied entry will be provided contact information of the Court and  
all tenants of the courthouse so that they may attempt to conduct their business by phone.

19 In order to avoid crowding, no more than two individuals may be in an elevator at one time.

### 20 **LIMITED COURT PROCEEDINGS**

21 Statutes of limitations, statutory deadlines, and other required deadlines will not be tolled  
22 or excluded during this period unless specifically ordered by the Court.

#### 23 **Criminal cases**

24 All criminal jury selection and trials in the District of Guam shall proceed unless  
otherwise ordered by the presiding judge.

1 In-court proceedings may be held for all guilty pleas, sentencings, and evidentiary  
2 hearings requiring witness testimony (such as motions to suppress or supervised release  
3 evidentiary hearings) unless otherwise ordered by the presiding judge in accordance with  
General Order Nos. 2020-24 and 2020-13 (procedures pursuant to the Coronavirus Aid,  
Relief, and Economic Security Act (“CARES Act”).

4 All other in-court criminal proceedings may proceed at the discretion of the  
5 presiding judge; however, judges remain authorized and are strongly encouraged to  
6 conduct proceedings by video or telephonic conference. See General Order Nos. 2020-24  
and 20-0013.

7 Pretrial Services is authorized to email the pretrial services report to assigned  
8 counsel in each case to facilitate video conferencing or the telephonic hearings. Counsel  
9 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.

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

12 **Civil cases**

13 All civil jury trials in the District of Guam shall proceed unless otherwise ordered  
14 by the presiding judge.

15 All other in-court civil proceedings may proceed at the discretion of the presiding  
16 judge; however, judges remain authorized and are strongly encouraged to conduct all other  
civil case proceedings by video or telephonic conference where practicable.

17 **Bankruptcy cases**

18 All in-court bankruptcy proceedings may proceed at the discretion of the presiding  
19 judge; however, judges remain authorized and are strongly encouraged to conduct such  
proceedings by video or telephonic conference where practicable.

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

1           **Grand Jury Proceedings**

2           All regularly scheduled grand jury proceedings have resumed. The United States  
3           Attorney's office shall continue to coordinate the grand jury sessions with the Jury  
4           Administrator of the District Court of Guam.

4           **Drug Offender Re-Entry Program "Prugraman Hinalom Talo"**

5           All regularly scheduled monthly hearings shall be held virtually until further order  
6           of the Court.

7           **NATURALIZATION CEREMONIES AND OUTREACH EVENTS**

8           At the request of the United States Citizenship and Immigration Services, naturalization  
9           ceremonies will resume and will be performed outdoors by curbside or drive-through format, until  
10          further ordered.

11          All court tours and other in-person community outreach events are suspended unless  
12          otherwise scheduled by the Court. The Court continues to hold various community outreach events  
13          virtually, including the celebration of Law Month events.

12          **CLERK'S OFFICE**

13          The Clerk's Office window will resume normal business hours and will be open to the  
14          public from 8:00 a.m. to 3:00 p.m., Monday through Friday, except on legal holidays. For  
15          emergency filings, please contact the on-duty clerk at 671-969-4500.

16          Filings will continue to be processed in all cases via the CM/ECF electronic system and  
17          mail, except for criminal case openings, sealed and pro se filings which may be filed over the  
18          counter or by drop off box.

19          Those wishing to make in-person filings by drop off box located on the first floor of the  
20          courthouse may call the on-duty clerk at 671-969-4500 for assistance. Criminal case openings,  
21          sealed and pro se filings shall be placed in a sealed envelope and will be received at the drop off  
22          box located on the first floor of the courthouse from 8:00 a.m. to 3:00 p.m. The sealed envelope  
23          must have the name of the law firm and/or pro se filer and contact number in case there are any  
24          questions with said filing.

21          The Clerk's Office is now accepting cash payments in the exact amount. Fees associated  
22          with case filings will be paid via Pay.gov through the CM/ECF system. Criminal debts and any  
23          other payments by cash, check, money order or cashier's check will be accepted during opening  
24          hours, by mail, or at the drop off box located on the first floor of the courthouse from 8:00 a.m. to  
25          3:00 p.m. All negotiable instruments shall be payable to "Clerk, District Court of Guam" or "Clerk,  
26          U.S. District Court" or "Clerk, United States Court." Payments made via the drop off box must be  
27          in a sealed envelope and contain the name of the person making said payment, the case number

1 associated with said payment and a contact number in case there are any questions related to said  
2 payment. Staff in the Clerk's Office will remain available by telephone.

3 **U.S. PROBATION AND PRETRIAL SERVICES OFFICE**

4 The U.S. Probation and Pretrial Services Office will be open to the public by appointment  
5 only. For assistance, please call (671) 969-4600.

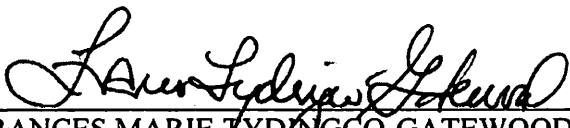
6 **MEDIA ACCESS TO THE COURT**

7 The Court recognizes the constitutional right of the media to access Court proceedings on  
8 behalf of the public. Therefore, members of the media or the public who wish to monitor a court  
9 proceeding telephonically may contact the Clerk's Office a 969-4500 at least one (1) hour before  
the scheduled hearing to arrange for telephone access on a secure line, at no cost, to listen to the  
hearing with all other court rules in effect including the standing prohibition on audio recording.

10 **EFFECTIVE DATE**

11 District Court of Guam Condition of Readiness 3 (CCOR3) shall be in full force and effect  
12 commencing Tuesday, August 4, 2020.

13 **SO ORDERED** this 3rd day of August, 2020.

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16 FRANCES MARIE TYDINGCO-GATEWOOD  
17 Chief Judge  
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**U.S. Department of Justice**

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

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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.