

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: COURT OPERATIONS UNDER THE :
EXIGENT CIRCUMSTANCES CREATED :
BY COVID-19 (FOURTH EXTENSION OF : **AMENDED STANDING**
STANDING ORDER 2020-12) : **ORDER 2021-04**

WHEREAS, the National Emergency, declared in response to the coronavirus (COVID-19) pandemic, remains in effect, as does the New Jersey Public Health Emergency, extended by Governor Murphy on May 14, 2021, for another 30 days, or until mid-June 2021; and

WHEREAS, on May 12, 2021, Governor Murphy signed Executive Order No. 239, easing COVID-19 restrictions in New Jersey, thereby eliminating percentage-based capacity restrictions for indoor businesses, outdoor businesses, and houses of worship, increasing indoor large venue capacity, and removing all outdoor gathering limits; and

WHEREAS, however, said Executive Order provides that all indoor gatherings shall still be subject to physical distancing and masking requirements; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) revised its guidelines on May 13, 2021 to provide that anyone who is fully vaccinated against COVID-19 can participate in indoor and outdoor activities, large or small, without wearing a mask or physical distancing; and

WHEREAS, however, the CDC guidelines still recommend masking and physical distancing in certain indoor settings, such as buses, planes, hospitals, and prisons; and

WHEREAS, in extending the New Jersey Public Health Emergency, on May 14, 2021, Governor Murphy declared, in Executive Order No. 240, that even with improvements in key statistics, the lifting of certain restrictions, and progress in vaccine administration, “it is still necessary to maintain mitigation protocols to ensure spread is limited while dissemination of the vaccine continues” and that “the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State”; and

WHEREAS, also, the COVID-19 vaccination rate in New Jersey, of adults eligible to serve as jurors is currently still low, and therefore, of concern, with many towns in the State having fewer than 40% of their residents vaccinated, and the percentages of fully vaccinated adults in this Court’s vicinages, as of May 14, 2021, being slight, with Camden at 28%, Newark at 34% and Trenton at 25%; and

WHEREAS, despite the newly relaxed CDC guidelines, on May 17, 2021, Governor Murphy announced that because “we’re not out of the woods yet,” New Jersey was retaining its

requirement that individuals mask up in indoor public spaces, citing the pockets of unvaccinated residents, and uncertain effectiveness of the vaccines against the several variants of COVID-19, present in the State; and

WHEREAS, Governor Murphy also then declared that schools will be required to provide full-time, in-person instruction beginning in the fall of 2021; and

WHEREAS, accordingly, this Court anticipates that by September 1, 2021, the representative nature of the pool of summoned jurors will have improved, due to the increased availability of parents of school-age children to serve as jurors, and to an elevation in vaccination rates by that time; and

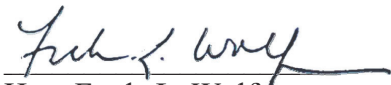
WHEREAS, due to the sustained caution advisable under these circumstances, this Court continues to observe its COVID-19 Recovery Guidelines, requiring the wearing of facial coverings, physical distancing, and limited elevator occupancy in the District's courthouses, while these disease-containing measures are mandated by the Court's Standing Orders 2020-13, 2020-14 and 2020-16, which remain in effect; and

WHEREAS, this Court seeks to continue its mitigation of the spread of COVID-19 by minimizing contact between persons, while at the same time, preserving its core mission of serving the public through the fair and impartial administration of justice; and

NOW, THEREFORE, in order to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, jurors, security personnel and the general public, and in order to reduce the number of gatherings necessarily attendant to civil jury trials in all vicinages of this Court, the Court deems it necessary and appropriate to amend Standing Order 2021-04, and ORDERS as follows:

1. Civil jury selections and trials shall resume on September 1, 2021, and only one civil jury trial may be conducted in each of the District's courthouses at a time. Jury trials impacted by this Standing Order may be reset by further Order of the assigned judicial officer.
2. Criminal jury selections and trials shall still resume on June 1, 2021, and shall take priority over any civil jury selections and trials, in the event of a logistics conflict.
3. Except as otherwise provided herein, the provisions of Standing Order 2021-04 shall remain in full force and effect.
4. Additional Orders addressing Court Operations Under the Exigent Circumstances Created by COVID-19 shall be entered as warranted.

DATED: May 19, 2021


Hon. Freda L. Wolfson,
U.S. Chief District Judge
District of New Jersey