

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**STANDING ORDER REGARDING
THE NOVEL CORONAVIRUS (COVID-19)**

In December 2019, a novel coronavirus (“COVID-19”), which causes severe acute respiratory illness, was first detected in Wuhan, Hubei Province, People’s Republic of China. On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern. The Centers for Disease Control and Prevention has also determined that COVID-19 presents a serious public health threat. Consequently, the President of the United States has issued Proclamations prohibiting travel to the United States by foreign nationals who recently visited areas acutely impacted by COVID-19. The Department of State has also issued Level 3 and 4 Travel Advisories for certain affected countries. Domestic and foreign health authorities have issued guidance to citizens and visitors within their respective jurisdictions, both recommending and mandating precautionary measures to defend against the spread of COVID-19.

Mindful of the Court’s duty to ensure the “just, speedy, and inexpensive determination of every action and proceeding”¹ as well as its duty to protect parties, court staff, witnesses, corporate representatives, and practitioners who appear before it and the community in which it sits, it is therefore **ORDERED** as follows:

- (1) Any attorney or party shall promptly notify opposing counsel, if such party or attorney reasonably suspects (while erring on the side of caution) that a noticed hearing, trial, or deposition may cause an attorney, party, corporate representative, or witness to:
 - (a) Travel to or from the United States in a manner prohibited by Presidential Proclamation, a regulation imposed by the Department of State or the Department of Health and Human Services, or any law of the United States;
 - (b) Travel to or from a country subject to a Level 3 or Level 4 Travel Advisory from the Department of State due to concerns about COVID-19 in that country;
 - (c) Travel or act in a manner contrary to the guidance set forth by the Centers for Disease Control or other applicable foreign or domestic health authority;
 - (d) Come in contact with an individual who:
 - (i) may be infected by COVID-19, or
 - (ii) has been in contact within the past 14 days with an individual who may be infected by COVID-19; or

¹ Fed. R. Civ. P. 1.


- (e) Attend such hearing, trial, or deposition, when such individual:
 - (i) may be infected by COVID-19, or
 - (ii) has been in contact within the past 14 days with an individual who may be infected by COVID-19.

- (2) If notice is given pursuant to subsection (1), the parties shall promptly meet and confer regarding the appropriate means to conduct the hearing, trial, or deposition that is the subject thereof in a manner consistent with all applicable domestic and foreign regulations and health authority guidance. In doing so, the parties shall consider, among other things:
 - (a) Whether video conferencing would be appropriate and effective;
 - (b) Whether an alternative witness, representative, attorney, or source of proof is available without conflicting with subsection (1);
 - (c) Whether a delay in such hearing, trial, or deposition would alleviate the relevant concern, and if so, what is the least amount of delay necessary.

- (3) Within 3 days of any notice given pursuant to subsection (1), but not later than 14 days before any hearing, trial, or deposition that is the subject thereof, the parties shall file a joint notice or joint motion that:
 - (a) Identifies the concern that was the subject of the notice;
 - (b) Explains the steps the parties have agreed upon and implemented to alleviate such concern;
 - (c) Sets forth any relief requested from the Court to address such concern;
 - (d) Sets forth any disagreements among the parties, including alternative proposals not mutually agreed upon.

This Order shall immediately apply to all cases assigned to the undersigned, including cases referred to any magistrate judge, and shall remain in effect until further order of the Court.

So ORDERED and SIGNED this 3rd day of March, 2020.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE