

IN THE 11<sup>TH</sup> JUDICIAL DISTRICT OF THE STATE OF NEBRASKA

IN RE: TEMPORARY	)	
PROCEDURES AND	)	GENERAL ORDER 20-4
COURTROOM OPERATIONS	)	
IN RESPONSE TO THE COVID-19	)	IN THE DISTRICT COURTS
PANDEMIC	)	EXTENDING GENERAL ORDER 20-3

The state of emergency in Nebraska due to the COVID-19 pandemic continues and the Nebraska Supreme Court Chief Justice’s November 6, 2020 Administrative Order remains in effect. Such order determined the pandemic conditions in the state require “precautions to limit the spread of COVID-19” and advised judges in each judicial district to devise a uniform plan of measures designed to limit the transmission of COVID-19 to court staff, litigants, attorneys and other participants including prospective jurors.

The Nebraska Department of Health and Human Services’ (NDHHS) Directed Health Measures for the counties in the 11<sup>th</sup> Judicial District in force on November 24, 2020, the date of General Order 20-3, remain unchanged and limit the size of gatherings, require social distancing and the wearing of masks among other requirements.<sup>1</sup> The COVID-19 pandemic infections and deaths continue to occur at a high rate, are expected to increase after the Christmas – New Years holiday and Nebraska’s health-care system remains at risk of exceeding the capacity of hospitals to care for the sick and dying.

Therefore, IT IS ORDERED:

1. General Order 20-3 is extended as set forth herein.
2. All civil and criminal cases scheduled for a trial to the court or a jury trial to commence on or before January 31, 2021 before any district judge in the 11<sup>th</sup> Judicial District of Nebraska are continued pending further order of the courts.

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<sup>1</sup> COVID-19 Directed Health Measures, Neb. Dep’t. Health and Hum. Serv., <http://dhhs.ne.gov/Pages/COVID-19-Directed-Health-Measures.aspx> (last accessed December 22, 2020).

3. With respect to trials to the courts and jury trials in criminal cases, due to the continued spread of COVID-19 infections and the effects of adherence to public health recommendations concerning court operations,<sup>2</sup> and because of the courts' inability to safely summon, assemble and retain an adequate cross-section of jurors and the inability to safely protect litigants, attorneys, witnesses, and other participants in judicial proceedings, the district courts find the interests of public safety and the protection of court personnel, litigants, attorneys, and jurors and the community from the spread of the virus constitute good cause for the periods of delay resulting from such continuances.

4. In-person proceedings in civil cases scheduled to commence on or before January 31, 2021, before any district judge in the 11<sup>th</sup> Judicial District of Nebraska are continued pending further order of the court in each county.

5. Procedural matters in civil and criminal cases, including arraignments and motion and plea hearings, shall proceed as previously scheduled but shall be conducted by video and audio conferences with the parties and attorneys responsible for contacting the courts' bailiffs to arrange the communication connections. Progression deadlines in civil cases shall remain as previously ordered.

6. The district courts of the 11<sup>th</sup> Judicial District may vacate, extend, or amend this order as local circumstances may require on or after January 31, 2021.

Dated this 23rd day of December, 2020.

BY THE COURT:



David W. Urbom,  
Presiding District Judge

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<sup>2</sup> *Court System COVID-19 PLAYBOOK*, Global Center for Health Security, University of Nebraska Medical Center, [https://www.unmc.edu/healthsecurity/\\_documents/Court-System-Playbook.pdf](https://www.unmc.edu/healthsecurity/_documents/Court-System-Playbook.pdf) (last accessed Nov. 23, 2020).