

FILED
IN COUNTY CLERK'S OFFICE

DEC 18 2020

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY KMA DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON,
COUNTY OF PIERCE**

IN RE THE MATTER OF THE RESPONSE
BY PIERCE COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH EMERGENCY
IN WASHINGTON STATE

Emergency Order: 20-22

SECOND AMENDED EMERGENCY
ORDER #22
PUBLIC HEALTH EMERGENCY ORDER
REGARDING SUSPENSION OF JURY
TRIALS AMENDING EMERGENCY
ORDER 20-21 (RE: SIX PERSON CIVIL
JURY TRIALS)

This matter comes before the Court once more due to the COVID-19 public health emergency pandemic in Pierce County, Washington.

This order is entered:

- A. In a continuing and expanding struggle to reduce the danger of transmitting the COVID-19 virus that can be facilitated by close contact between those processing legal proceedings in the Pierce County Superior Court; and,

1 B. Because certain county practices and protocols may necessarily evolve or change to
2 enable efficient and fair access to, and administration of justice in this time of
3 emergency; and,

4 C. Consistent with the Washington Supreme Court Order that provides:

5 “The serious danger posed by COVID-19 constitutes an unavoidable circumstance
6 under CrR 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), so the time between May 29,
7 2020 (the date of this Court’s last Order on these topics) and the next scheduled court
8 hearing after October 15, 2020, shall be EXCLUDED when calculating the time for
9 trial.” CrR 3.3(e)(3). *See* Washington State Supreme Court ORDER EXTENDING
10 EXCLUDED PERIOD IN CALCULATING TIME FOR TRIAL, AND ADOPTING
11 RELATED EMERGENCY MEASURES (September 10, 2020), and

12 D. Because after Pierce County Superior Court Emergency Order 21 was signed our county
13 has continued to experience a surge in COVID-19 transmissions; and,

14 E. Because the comprehensive statewide restrictions Governor Inslee ordered on
15 November 15, 2020 have been extended an additional three-weeks to January 4, 2021.

16
17 **IT IS HEREBY ORDERED** that Emergency Order 21 is amended as follows:

18
19 1. All in-person **criminal jury trials**, set to begin on or after November 23, 2020,
20 are suspended until at least **February 1, 2021**.

21 2. A continuance of criminal jury trials is required in the administration of justice.
22 Based upon the court’s finding that the serious danger posed by COVID-19 is good cause to
23 continue criminal jury trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8),
24 the time between the date of this order and the date of the next scheduled trial date is
25 EXCLUDED when calculating time for trial. CrR 3.3(e)(3).

1 3. All motions to continue a criminal case will be handled in the normal course
2 before the Criminal Division Presiding Judge.

3 4. This order shall be filed with the Washington State Supreme Court. It is an
4 official record that does not need to be attached to our court filings in individual cases.

5 5. All in-person six person and and twelve person **civil jury trials** set to begin on or
6 after November 23, 2020 are suspended until at least **March 1, 2021**. Provided however, judges
7 presiding over six person civil jury trials may, in their discretion, order those cases to proceed
8 to trial commencing on **February 1, 2021**.

9 6. All motions to continue a civil jury case will be handled in the normal course
10 before the Civil Department Judge to whom the case is currently assigned.

11 To be clear that there is a basis for this Pierce County Superior Court emergency order,
12 the Court hereby incorporates into this emergency order the Supreme Court orders in response to
13 the COVID-19 heath crisis as well as any other Supreme Court order promulgated in response to
14 COVID-19, together with any relevant Proclamations and Orders from Governor Inslee.

15 Any temporary Pierce County emergency protocol adopted and published may be
16 updated or modified as necessary during this period.

17 Any updates or modifications to temporary emergency protocols shall be reduced to
18 writing and published on the Pierce County Superior Court, Washington Adminsitative Office
19 of the Courts and Tacoma-Pierce County Bar Association websites as they become available.

20
21 DATED this 18th day of December, 2020.

22 FILED
23 IN COUNTY CLERK'S OFFICE

24 DEC 18 2020

25 PIERCE COUNTY, WASHINGTON
 KEVIN STOCK, County Clerk
 BY KMA DEPUTY



Hon. Garold E. Johnson
Presiding Judge
Pierce County Superior Court