

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER)
CONCERNING THE USE OF)
FACE MASKS/COVERINGS IN) Misc. No. 2:20-mc-593-MRH
PUBLIC AREAS OF THE)
DISTRICT'S COURTHOUSES)
)

ADMINISTRATIVE ORDER
(Updated effective June 29, 2021)

WHEREAS, federal, state and local public health authorities have advised, and continue to advise, public and private agencies to continue to take necessary and appropriate precautions to reduce the possibility of exposure to novel coronavirus (“COVID-19”) and slow the spread of the disease; and

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) and the Secretary of the Department of Health for the Commonwealth of Pennsylvania have issued updated guidance regarding the use of face coverings by persons occupying indoor spaces, including public buildings; and

WHEREAS, the guidance of the Commonwealth of Pennsylvania is such that any general requirement for the wearing of face coverings while indoors in a public place expired on June 28, 2021, all other related directives from the Commonwealth having expired, and the current guidance of the CDC is that face coverings and social distancing are not required for those who are fully vaccinated from COVID-19; and

WHEREAS, as a public institution committed to the sound administration of equal justice under law, the Court is an essential public institution and remains open for the conduct of essential public business; and

WHEREAS, in furtherance of the health and safety of the Court personnel and all others entering or doing business in the courthouses of this District, the Court already has in place certain screening requirements and will continue to utilize the same (*see* Administrative Order entered at 2:20-mc-426-MRH); and,

WHEREAS, this Court will continue to take reasonable and prudent actions to further its mission consistent with public health needs and the health needs of its staff, members of the public, and others who enter the Courthouses of this District.

NOW, THEREFORE, in order to continue to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, vendors, contractors, and the general public, and consistent with the CDC and Department of Health guidance noted above, it is ORDERED as follows:

1. Effective June 29, 2021, the wearing of masks or face coverings will be permitted by any person in any Court facility and space at any time. Appropriate masks or face coverings shall be worn by all persons present in any Courtroom and jury areas, subject to the exceptions set forth in Paragraph 4 below.

2. So long as the current guidance of the CDC regarding the wearing of face masks is in place, the wearing of appropriate masks or face coverings will also be required in the other public spaces of any Court facility by those who are not fully-vaccinated for the COVID-19 virus. Should such guidance of the CDC in regard to the wearing of masks or face coverings indoors be modified, this Order will be deemed amended consistent with that guidance.

3. The General Services Administration and the Clerk of this Court are authorized to place appropriate signage regarding the matters set out in this Order in the appropriate locations in Court facilities.

4. Notwithstanding the provisions of Paragraph 1 above and if authorized by the presiding judicial officer, appropriate facial masks/coverings may be temporarily removed by Court personnel and participants in Court proceedings when such persons are making an oral presentation or otherwise speaking during an in-Court proceeding. Further, if authorized by the presiding judicial officer, all Court personnel and participants present in a courtroom during any non-jury proceeding of limited duration (less than 2 hours) and involving a smaller number of participants (10 participants or less) may remove their mask or face coverings during the duration of such proceedings.

5. Appropriate masks or face coverings shall be worn in courtrooms and jury selection and deliberation areas by all persons during jury trials (including during juror reporting, selection and service), subject to the authority of the presiding judicial officer to permit those persons making an oral presentation or otherwise speaking during jury selection or a jury trial to temporarily remove their mask or face covering while speaking or making an oral presentation.

6. Visitors to the Court (including vendors, contractors, litigants, attorneys, and other members of the public), and all other persons seeking entry to or occupying any Court facility for any business with the Court or its personnel, shall be required to comply with the provisions of this Order.

7. The Clerk of this Court is authorized and directed to make available disposable appropriate masks for use by members of the public who appear without an appropriate mask or face covering and who are required to wear a mask by the terms of this Order. The Clerk of this Court will provide disposable appropriate masks in each Courtroom for those who may appear without an appropriate mask and will also make such available for jury trials such that all participants in the jury selection/trial process will be provided with identical masks.

8. For purposes of this Order, an “appropriate mask or face covering” is one that is worn so as to completely cover the wearer’s mouth and nostrils and does not include a “one way” or other valve, and does not include a bandana, any single-ply or “knit” fabric item, a “pulled up” shirt or jacket, a pulled down balaclava or winter knit cap, or a single-ply or knit “gaiter”.

9. Nothing in this Order shall limit the discretion of any Judge or Court Unit Executive to require the use of face coverings and/or social distancing by court staff and visitors in their respective workspace should circumstances so require.

10. This Order shall remain in effect until amended or vacated by further Order.

/s/ Mark R. Hornak

Mark R. Hornak

Chief United States District Judge

June 29, 2021