

SKAMANIA COUNTY
ORIGINAL FILED

DEC - 2 2020

GRACE D. CROSS
SUPERIOR COURT CLERK

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6 SUPERIOR COURT OF WASHINGTON
IN AND FOR KLUCKITAT/SKAMANIA COUNTY
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8 IN RE THE KLUCKITAT/SKAMANIA
COUNTY SUPERIOR AND THE
9 PANDEMIC OUTBREAK OF THE NOVEL
10 CORONAVIRUS DISEASE (COVID-19)

Case No.: 20-2-00003-30
SEVENTH REVISED AND EXTENDED
EMERGENCY ADMINISTRATIVE
ORDER

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14 WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of
15 emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington;
16 and on March 13, 2020, President Trump declared a national emergency due to the
17 COVID-19 outbreak across the United States; and

18 WHEREAS, on May 31, 2020, Governor Inslee issued his Safe Start
19 proclamation allowing a phased reopening process for counties while requiring that
20 counties take necessary steps to ensure public safety as they progress through the
21 stages of reopening; and

22 WHEREAS, many court facilities in Washington are ill-equipped to effectively
23 comply with social distancing and other public health requirements and therefore
24 continued in-person court appearances jeopardize the health and safety of litigants,
25 attorneys, judges, court staff, and members of the public; and

1 WHEREAS, pursuant to this Court's prior orders, the stakeholders in the justice
2 system have taken important steps to protect public health while ensuring continued
3 access to justice and essential court services, including by strictly observing social
4 distancing measures, holding proceedings remotely, suspending many in-building
5 operations, and promulgating emergency rules as necessary; and

6 WHEREAS, the coordinated response from our courts and other stakeholders in
7 the court and justice system is necessary to prevent the further spread of COVID-19
8 and those responses must be continued beyond the timeframes in this Court's prior
9 orders to allow the courts to operate effectively and maintain effective and equitable
10 access to justice; and

11 WHEREAS, given the significant number of identified and projected COVID-19
12 cases in Washington State, the severity of the risk posed to the public, court personnel
13 and litigants, and the child care needs of potential jurors, witnesses, and other parties,
14 and based upon the consistent and urgent advice of all public health experts that use of
15 facial coverings and proactive "social distancing" and limiting public gatherings is
16 essential to address the emergent healthcare concerns brought on by the COVID-19
17 outbreak; and

18 WHEREAS, on July 24, 2020, Governor Inslee instituted additional restrictions
19 regarding use of facemasks, and limitations on gatherings related to businesses.

20 Governor Inslee further indicated that further restrictions could be forthcoming due to
21 the increase in COVID-19 cases occurring in Washington State; and

22 WHEREAS, on July 28, 2020, Governor Inlsee indefinitely paused reopenings for
23 all counties under the "Safe Start – Stay Healthy" County by County Phased Reopening
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1 proclamation. Klickitat County is in Phase 2 and Skamania County is in Phase 3.

2 Governor Inslee has threatened additional rollbacks and potentially issuing another stay
3 at home order if the number of cases continue to rise; and

4 WHEREAS, this fall, the spread of COVID-19 has begun to accelerate and new
5 projections as of November 18, 2020 indicated the rise in infections is not projected to
6 ease until February 2021. [https://covid19.healthdata.org/united-states-of-](https://covid19.healthdata.org/united-states-of-america/washington?view=infections-testing&tab=trend&test=infections)
7 [america/washington?view=infections-testing&tab=trend&test=infections](https://covid19.healthdata.org/united-states-of-america/washington?view=infections-testing&tab=trend&test=infections); and

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9 WHEREAS, on November 15, 2020, Governor Inslee issued a new proclamation,
10 imposing new restrictions on social gatherings and other behavior and stated, “positive
11 COVID-19 related cases and hospitalizations have been on a steady rise since early
12 September; and, most alarmingly, from the latter part of October through the first two
13 weeks of November, 2020, COVID-19 cases have doubled in Washington, and COVID-
14 19 related hospitalizations have risen sharply, putting our people, our health system,
15 and our economy in as dangerous a position as we faced in March 2020.” State of
16 Wash. Office of the Governor, Proclamation 20-25.8 “Stay Safe – Stay Healthy”
17 Rollback of City-byCity Phased Reopening Responding to a COVID-19 Outbreak Surge
18 (Nov. 15, 2020). Klickitat and Skamania County numbers have increased significantly
19 over the past two weeks; and

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21 WHEREAS, the Governor noted in the Proclamation that “a significant risk factor
22 for spreading the virus is prolonged, close contact with an infected person indoors,” and
23 that “several factors increase the risk for person-to-person COVID-19 transmission,”
24 including: (1) “the more that people and groups interact”; (2) “the longer those
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1 interactions last”; (3) “the closer the contact between individuals”; and (4) “the denser
2 the occupancy for indoor facilities”; and

3 WHEREAS, on November 20, 2020, Washington Supreme Court Chief Justice
4 Debra Stephens issued a message to all Washington courts, acknowledging the
5 dramatic rise of COVID-19 activity in the State and requesting that all courts reassess
6 “the risk of in-person proceedings and the present ability to mitigate those risks
7 consistent with public health guidance”;

8 WHEREAS as limited options exist within Klickitat and Skamania County exist to
9 safely gather large groups of potential jurors to allow for proper social distancing; and

10 WHEREAS, as of November 30, 2020, the Washington State Department of
11 Health shows that Klickitat County has had 275 cases, 14 hospitalizations and 2 deaths
12 and Skamania County has had 108 cases, 5 hospitalization and 1 death; and

13 WHEREAS, due to the rise in cases and predictions that case numbers will
14 continue to rise, the court determines that it is not reasonably feasible or safe to conduct
15 jury trials under current conditions wherein jurors are required to travel to court and
16 congregate all day in indoor facilities and would pose an unreasonable risk to the health
17 of all participants in the court proceedings. Due to these circumstances and the serious
18 danger of COVID-19, continuance of criminal jury trials is supported by good cause,
19 required in the administration of justice and an unavoidable circumstance.

20 It is hereby ORDERED, pursuant to the authority of Washington State Supreme
21 Court Orders related to court operations during the COVID-19 pandemic and the
22 authority as the Presiding Judge of both the Klickitat County and Skamania County
23 Superior Courts, as follows:
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