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IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF: Emergency Response to a ) EMERGENCY  
Threat to General Public Health and Welfare, ) ADMINISTRATIVE ORDER  
Caused By the Coronavirus Disease 2019 ) NO. 10  
("COVID-19") )

WHEREAS, on March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State;

WHEREAS, our community has experienced a recent increase in the number cases of COVID-19 and public health officials are strongly recommending residents avoid social contact to the extent possible in an attempt to slow the transmission of the disease;

WHEREAS, the Court finds that based on the current COVID 19 positive rate in Douglas County the health and safety of the public, the parties to any litigation in this Court, the employees of the Court and the employees within the law enforcement community are at risk by said pandemic; and

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

1  
2 IT IS HEREBY ORDERED THAT:

3 1. This Court hereby incorporates by this reference any and all findings set forth  
4 in this Court's previously issued Emergency Administrative Order Nos. 1, 2, 3, 4, 5, 6, 7, 8  
5 and 9; the Washington Supreme Court's various COVID-19 related Orders in response to  
6 the COVID-19 public health emergency including Order No. 25700 entered March 4, 2020  
7 and similar Orders issued to date; and all findings of public health authorities or other third  
8 parties as referenced in such Orders issued by this Court or by the Washington Supreme  
9 Court.

10 2. The provisions of this Court's Emergency Administrative Order Nos. 1, 2, 3,  
11 4, 5, 6, 7, 8 and 9 shall remain in full force and effect except as revised by the terms of this  
12 Emergency Administrative Order No. 10.

13 3. As of March 21, 2022, the local community's most recent COVID-19 case  
14 count was at 124 per 100,000 population for the most recently reported two-week period per  
15 the Chelan-Douglas Health District's website.

16 4. It is believed that the rapid spread of the omicron variant in North Central  
17 Washington has been responsible for the recent dramatic increase in local infection rates  
18 which by now have significantly decreased since this Court's Emergency Administrative  
19 Order No. 9 was issued. However, the newer BA.2 omicron subvariant has been increasingly  
20 spreading in Europe and across the United States, and its presence in Washington has been  
21 detected.

22 5. Omicron's more contagious subvariant, BA.2, has more than doubled in  
23 prevalence over the past two weeks in the U.S. and now represents more than 34% of Covid-

1  
2 19 infections that have undergone genetic sequencing, according to data published by the  
3 Centers for Disease Control and Prevention this week.

4 6. BA.2 has been steadily growing as a proportion of the COVID-19 variants  
5 circulating in the U.S. since Feb. 5 when it represented about 1% of genetically sequenced  
6 virus samples, according to the CDC.

7 7. This Court finds that the Douglas County Courthouse located in Waterville,  
8 Washington is not currently able to safely and appropriately accommodate jury trials at this  
9 time. For example, given the space available in the courtroom it would be impossible to  
10 accomplish social distancing with a minimum of six feet of separation at all stages of trials  
11 and otherwise comply with established COVID-19 protocols.

12 8. This Court previously utilized the Community Hall located at the Douglas  
13 County Fairgrounds in Waterville as an alternate location for jury trials to be safely and  
14 appropriately conducted in a facility where social distancing was possible at all stages of  
15 jury trials. This Court was notified that the Community Hall would no longer be available  
16 starting April 1, 2022.

17 9. This Court has begun tentatively scheduling criminal jury trials to take place  
18 in the Douglas County Courthouse located in Waterville, Washington starting in early May  
19 2022. Such jury trials, if they do take place, will utilize certain modified protocols and  
20 procedures designed to maintain the safety of the participants. This Court is working with  
21 the Chelan-Douglas Health District to ensure that jury trials can safely be conducted at the  
22 Douglas County Courthouse.

23 10. As of the date of this Emergency Administrative Order No. 10, the Court  
24 continues to find that the serious danger posed by the virus COVID-19 is good cause to

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continue criminal jury trials and constitutes an unavoidable circumstance affecting the time for trial beyond the control of the court or of the parties pursuant to CrR 3.3(e)(8) and other applicable law.

11. Based on the above finding of good cause to continue criminal jury trials due to unavoidable circumstances, the Court Orders that (a) there shall be no criminal jury trials or bench trials scheduled to begin in this Court prior to May 1, 2022, and (b) the time between the entry of this Order and the next scheduled trial date is EXCLUDED when calculating time for trial. (CrR 3.3(e)).

**AMENDMENT OF THIS ORDER**

12. The Superior Court anticipates the need to amend and/or supersede this Order as the COVID-19 public health emergency continues to develop and more information becomes available.

DATED this 23rd day of March, 2022.



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BRIAN C. HUBER  
Judge of the Superior Court