

**FILED**

SEP 15 2020

KLICKITAT COUNTY CLERK

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SUPERIOR COURT OF WASHINGTON  
IN AND FOR KLICKITAT/SKAMANIA COUNTY

IN RE THE KLICKITAT/SKAMANIA  
COUNTY SUPERIOR AND THE  
PANDEMIC OUTBREAK OF THE NOVEL  
CORONAVIRUS DISEASE (COVID-19)

Case No.: 20-2-00001-20  
FIFTH REVISED AND EXTENDED  
EMERGENCY ADMINISTRATIVE  
ORDER

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

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and extended a "Stay Home, Stay Healthy" order directing non-essential businesses to

1 close, banning public gatherings, and requiring Washingtonians to stay home except to  
2 pursue essential activities; and

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

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

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

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

21 WHEREAS, given the significant number of identified and projected COVID-19  
22 cases in Washington State, the severity of the risk posed to the public, court personnel  
23 and litigants, and the child care needs of potential jurors, witnesses, and other parties,  
24 and based upon the consistent and urgent advice of all public health experts that use of  
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1 facial coverings and proactive “social distancing” and limiting public gatherings is  
2 essential to address the emergent healthcare concerns brought on by the COVID-19  
3 outbreak; and

4 WHEREAS, on July 24, 2020, Governor Inslee instituted additional restrictions  
5 regarding use of facemasks, and limitations on gatherings related to businesses.  
6 Governor Inslee further indicated that further restrictions could be forthcoming due to  
7 the increase in COVID-19 cases occurring in Washington State; and

8  
9 WHEREAS, on July 28, 2020, Governor Insee indefinitely paused reopenings for  
10 all counties under the “Safe Start – Stay Healthy” County by County Phased Reopening  
11 proclamation. Klickitat County is in Phase 2 and Skamania County is in Phase 3.  
12 Governor Inslee has threatened additional rollbacks and potentially issuing another stay  
13 at home order if the number of cases continue to rise; and

14 WHEREAS, as of September 13, 2020, the Washington State Department of  
15 Health shows that Klickitat County has had 187 cases, 11 hospitalizations and 3 deaths  
16 and Skamania County has had 60 cases, 5 hospitalization and 1 death; and

17 WHEREAS the Klickitat County Commissioners have closed the Klickitat County  
18 Courthouse to the public due to COVID-19 concerns, which is still in effect. Alternative  
19 arrangements have been made to allow public access to filing with the Clerk’s Office  
20 and to allow public access to the courtroom on designated court days, including use of  
21 video and/or telephonic appearances and escorted appearances into the courthouse via  
22 court personnel; and

23  
24 WHEREAS as limited options exist within Klickitat and Skamania County exist to  
25 safely gather large groups of potential jurors to allow for proper social distancing; and

1           WHEREAS, the courtrooms, jury rooms and other areas of the courthouse in  
2 Klickitat and Skamania County are currently being remodeled and updated to insure  
3 safety for all persons that come into the courtroom, jury room and other areas of the  
4 courthouse, including the purchasing and acquisition of additional safety equipment;  
5 and

6           WHEREAS, on September 10, 2020, the Washington State Supreme Court  
7 entered an order excluding speedy trial time through a defendant's next scheduled court  
8 date after October 15, 2020:

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

13           GENERAL ORDERS:

- 14           1. The previously issued Third Revised and Extended Emergency Order entered  
15 on June 24, 2020 and the Fourth Revised and Extended Emergency Order  
16 entered on July 29, 2020 shall remain in full force and effect other than the  
17 changes related to the trial dates that are addressed in this order.  
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19           CRIMINAL CASES:

- 20           1.     A. Klickitat County Superior Court. All jury trials in Klickitat County  
21 Superior Court are suspended until at least November 4, 2020.  
22           2.     A. Klickitat County Superior Court. Jury trials scheduled in Klickitat  
23 County Superior Court for September 23, 2020, October 7, 2020 and October 21,  
24 2020 shall be continued until November 4, 2020. Jury trials rescheduled for  
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1 November 4, 2020 will be set for a status conference hearing on October 19,  
2 2020 at 10:00 AM, final review hearing on November 2, 2020 at 9:00 AM and jury  
3 trial scheduled on November 4, 2020 at 8:15 AM.

4 3. A. Klickitat County Superior Court. A continuance of criminal trials for  
5 cases filed in Klickitat County Superior Court is required in the administration of  
6 justice. Based upon this court's finding that the serious danger posed by COVID-  
7 19 is good cause to continue criminal trials, and constitutes an unavoidable  
8 circumstance under CrR 3.3(e)(8) & CrRLJ 3.3(e)(8), the time between March 18,  
9 2020 and October 19, 2020 (or the defendant's next scheduled court hearing  
10 after October 15, 2020, whichever is later) shall be EXCLUDED when calculating  
11 time for trial. CrR 3.3(e)(3) & CrRLJ 3.3(e)(3).

12 DATED this 15<sup>th</sup> day of September, 2020.

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16 Randall C. Krog, Presiding Judge of  
17 Klickitat/Skamania County Superior  
18 Courts