

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

IN RE:)
JUDGE CLARK'S CASE-MANAGEMENT)
PROCEDURES DUE TO COVID-19)
RESPONSE)

Fifth Standing Order

I hereby rescind my Fourth Standing Order dated January 22, 2021 and replace it with this Fifth Standing Order.

The present public-health situation requires us all to be flexible and adaptable in how we operate. I expect counsel to continue to move their cases forward to the greatest extent possible. I encourage parties to work cooperatively, understanding that litigation puts a strain not just the parties appearing before the Court but also those directly and indirectly involved in the litigation process. The Court continues to evaluate its response to the spread of the COVID-19 virus and recognizes the need to accommodate extenuating circumstances where necessary to assist in the effective administration of cases. Absent exceptional circumstances, I expect parties to continue to abide by all Court deadlines.

All cases

1. **Court updates:** Frequently check the Court's [COVID-19 Information Center](#) on the Court's [website](#), and follow the Court on Twitter (@USCourtsMOED) for the latest announcements.
2. **Contacting chambers:** Members of my chambers staff may be working remotely, so if you call, please leave a voice message and we will respond. You can also email my paralegal, Chelsea Langeneckert, at Chelsea_Langeneckert@moed.uscourts.gov.
3. **Trials:** On December 15, 2020, Chief Judge Sippel issued an order suspending all trials through March 14, 2021. *In Re: Case Operations and Courthouse Entry Due To COVID-19 Response*. Trials will resume effective March 15, 2021.
4. **Case deadlines:** Unless Chief Judge Sippel or I enter an order to the contrary, all case deadlines remain in effect, including all trial dates set for after March 14, 2021. *Parties should take all measures necessary to meet all case deadlines. I will only grant requests to extend case deadlines in exceptional circumstances.*
5. **Statute of limitations:** Neither this Standing Order nor any other order issued by the Court affects any statute of limitations.
6. **Appeal rights and deadlines:** Neither this Standing Order nor any general order issued by the Court affects any rights or deadlines concerning any appeal from any decision. Any party seeking to extend the deadline for filing a notice of

appeal must timely file a motion under Rule 4(a)(5)(A) of the Federal Rules of Appellate Procedure.

7. **Hearings by videoconference:** I expect counsel to dress in attire appropriate for a hearing in open court, and to follow all other videoconferencing protocols set forth below.

Criminal cases

1. **In-person hearings:** On December 15, 2020, Chief Judge Sippel issued an order authorizing a limited number of non-trial in-person criminal proceedings. [*In Re: Case Operations and Courthouse Entry Due To COVID-19 Response*](#). In conformance with that order, I conduct in-person hearings.
2. **Remote proceedings:** When permissible by law, I will generally conduct criminal proceedings by videoconferencing. These proceedings will be on the record, and the court reporter will participate remotely by either video or telephone (typically video). When the law requires consent, the defendant must confirm consent on the record.

I expect the parties to follow the telephone and videoconferencing protocols set forth below.

3. **Consolidated plea-and-sentencing hearings:** With the resumption of trials, I will no longer conduct consolidated plea-and-sentencing hearings.

Civil cases

1. **Case deadlines:** Unless I enter an order to the contrary, all case deadlines remain in effect, including all trial dates set for after March 14, 2021. ***Parties should take all measures necessary to meet all case deadlines. I will only grant requests to extend case deadlines in exceptional circumstances.*** As I explain at Rule 16 conferences, the parties' delay in initiating or pursuing discovery and discovery taking longer than expected do not constitute exceptional circumstances.
2. **Rule 16 conferences:** I am temporarily suspending my requirement for counsel to appear in person for Rule 16 conferences and will conduct them by videoconferencing, but lead counsel must still appear.
3. **Remote proceedings:** I will generally conduct all civil proceedings by videoconferencing. Generally, these proceedings will be on the record, and the court reporter will be participating remotely, as well.

I expect the parties to follow the telephone and videoconferencing protocols set forth below.

4. **Depositions:** On the Court's own motion, I grant all parties in all civil cases leave to conduct depositions by telephone or other remote means. See Fed. R. Civ. P. 30(b)(4). I will entertain motions for other accommodations for depositions or otherwise to facilitate moving cases forward.
5. **Alternative dispute resolution:** On December 15, 2020, Chief Judge Sippel issued an order suspending Local Rule 6.02(C) requirements related to in-person participation in Alternative Dispute Resolution in order to allow for ADR to take place by any remote means agreed upon by the parties. See [*In Re: Case Operations and Courthouse Entry Due To COVID-19 Response*](#).

I encourage counsel, the parties, and mediators to view mediation not as a single event but as a process; the present circumstances may require that process to play out over a number of days and in a number of ways. Think creatively of how best to conduct mediations using today's technology, and using the space and time that technology provides.

6. **Courtesy copies:** I hereby temporarily suspend the requirement for courtesy copies; until further notice, please do not deliver any courtesy copies to chambers or the courthouse.

Videoconference protocols

To facilitate the flow of the conference and aid in the accuracy of the transcript, I expect parties to observe the following protocols when participating in videoconferences:

1. Participate from a quiet place and be aware of your surroundings. Other hearing participants will have a clear view of the contents of your video frame, including items around or behind you.
2. Ensure proper lighting. Too much lighting from behind or above can cause a participant to look washed out.
3. Dress as if you are making a physical appearance in court.
4. Mute yourself when you are not speaking.
5. Avoid talking over others. Wait until the current speaker finishes talking before you begin to speak.

So Ordered this 1st day of March 2021.


STEPHEN R. CLARK
UNITED STATES DISTRICT JUDGE