

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 12 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES DEPARTMENT OF
JUSTICE; FACEBOOK, INC.,

Respondents-Appellees,

v.

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION; et al.,

Movants-Appellants,

and

WP COMPANY LLC, DBA The
Washington Post,

Movant.

No. 19-15472

D.C. No.

1:18-mc-00057-LJO-EPG
Eastern District of California,
Fresno

ORDER re Seattle, Washington
Calendar Scheduled for March 31–
April 3, 2020

UNITED STATES DEPARTMENT OF
JUSTICE; FACEBOOK, INC.,

Respondents-Appellees,

v.

WP COMPANY LLC, DBA The
Washington Post,

Movant-Appellant,

and

AMERICAN CIVIL LIBERTIES UNION

No. 19-15473

D.C. No.

1:18-mc-00057-LJO-EPG

FOUNDATION; et al.,

Movants.

The uncertainties of the outbreak of Coronavirus Disease 2019 (COVID-19) require an adjustment to the upcoming court calendar scheduled for March 30–April 3 in Seattle, Washington. The court is continuing to review the Interim Guidance from the Centers for Disease Control and Prevention (CDC), and recommendations from state and local health officials, such as the Public Health–Seattle & King County guidance (last updated March 7, 2020), advising that individuals at higher risk (*e.g.*, those over 60 years of age, those with underlying health conditions or weakened immune systems, and those who are pregnant) should stay home and away from large groups of people. King County has also advised employers to maximize telecommuting and “to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people.” In light of the recent recommendations, the court issues the following order:

1. The cases currently scheduled for argument in Seattle, Washington, for March 30 –April 3, are relocated to the Chambers US Court of Appeals Courthouse in Pasadena, California. Additionally, cases scheduled for March 30 and March 31 will be heard on April 1 and cases scheduled for April 3 will be heard on April 2. A revised schedule is attached.
2. Because the situation may change in terms of national and/or local health directives, counsel should not make nonrefundable travel arrangements. It is possible that in-person court proceedings may be cancelled, in which

case the court will likely hear all argument via telephonic appearances.

3. The court understands that local health directives, personal preference, and other conditions may make travel inadvisable for certain attorneys, especially those located in the Puget Sound area. Any attorney wishing to appear at argument via telephone conference is permitted to do so. Any attorney wishing to appear at argument via video is permitted to do so, so long as the video connection is compatible with the court's system. Attorneys from Washington State may also appear via video from the Nakamura US Court of Appeals Courthouse in Seattle, Washington. Any attorney wishing to appear via telephone or video shall advise the clerk of the court no later than March 16 via a written request.
4. The panel is open to receiving requests to submit cases on the briefs with the agreement of counsel for all parties. In addition to the cases already submitted on the briefs, the court may order additional cases to be submitted on the briefs.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Omar Cubillos
Deputy Clerk
Ninth Circuit Rule 27-7