

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF COWLITZ

IN RE THE MATTER OF THE RESPONSE  
BY COWLITZ COUNTY SUPERIOR  
COURT TO THE PUBLIC HEALTH  
EMERGENCY IN COWLITZ COUNTY  
AND THE STATE OF WASHINGTON

No.: 2020-0003-08  
EMERGENCY ORDER No. 4-A  
(MODIFICATION)  
RE: COURT OPERATIONS  
(REPLACING ORDER NO. 4-A)

**FINDINGS OF FACT BASED UPON THE PUBLIC RECORD**

1. Washington State Governor Jay Inslee, on February 29, 2020, issued Proclamation 20-05 (incorporated herein by reference), proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State.
2. As a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, several Proclamations were subsequently issued by Governor Jay Inslee, addressing the progression of COVID-19 in Washington State, including a "Stay Home, Stay Healthy" proclamation

(Proclamation No. 20-25), which prohibited all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein. That Proclamation was then amended and extended through additional proclamations.

3. Governor Inslee, on June 1, 2020, issued Proclamation 20-25.4, the “Safe Start-Stay Health’ County by County Phased Reopening” plan (incorporated herein by reference). In that Proclamation the Governor related that “although we have passed the peak of the first wave of COVID-19 in the State and we have made adequate progress as a state to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased and science-based approach”.
4. Governor Inslee, in Proclamation 20-25.4, identifies the “significant disruption and modification to operate safely during the crisis” of the judicial system, and the need to have in-person hearings.
5. The Chief Justice of the Washington State Supreme Court has issued several emergency orders, giving direction to the courts of this State through this emergency process to address the need for public safety while providing access to justice.
6. Cowlitz County was granted the authority, on May 23, 2020, to move into Phase 2 of Governor Inslee’s plan to reopen the State.
7. Cowlitz County applied for a “modified-phase 3” in the Governor’s phased approach for reopening of the State. However, due to increased COVID-19 activity in Cowlitz County, that application was paused (See Press Release: PR-043, from

the Cowlitz COVID-19 Incident Management Team, attached hereto and incorporated herein by reference as Attachment A).

8. The Incident Management Team has reported to the Cowlitz County Superior Court that two weeks ago we only had 99 COVID-19 cases, but now the count is up to 163 (an increase of 64 cases in a very short time period).

**WHEREAS**, the risks still exists, if not even greater, from the time the pandemic began in the state of Washington, and the pandemic continues to threaten the life and health of our community, including those that come to our Court; and

**WHEREAS**, like many courts, we serve a vulnerable population of people. In addition, whether people come to the court as a party, witness, juror, legal counsel, or as court personnel, the courtrooms are compact, jury rooms are small, jury pools can only be maintained in a small area, there are limited restrooms, and seating is compact; and

**WHEREAS**, the judiciary has worked to mitigate, and provide limited in-person hearings that meet the criteria of the CDC, including masking, limitations on numbers, sanitizing, social distancing; and

**WHEREAS**, even with those mitigating factors, given the current air flow, limited space, and now the substantial increase in the number of positive COVID-19 cases in our County, the Judges cannot find, with the significant limitations of our court, they can safely provide in person hearings at this time; and

**THEREFORE**, based on the above, the significant number of individuals at risk of contracting COVID-19 in Cowlitz County and the severity of risk posed to the public, court personnel and litigants; the significant limitations of our courts to comply with recommendations of the CDC, Washington State Health Department and the Cowlitz County Health Department; and given the recommendations from these departments:

**It is hereby ORDERED**, after finding good cause as the least restrictive alternative, and pursuant to the authority of the Washington State Supreme Court Orders

Emergency Order No. 4-A (modification)

Re: Court Operations

(Modifying Emergency Order No. 4-A)

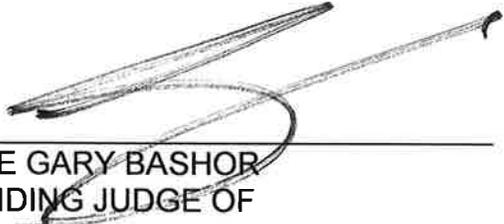
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in response to the COVID-19 public health emergency, and the authority as Presiding Judge of Cowlitz County Superior Court, Emergency Order No. 4-A, issued on June 25, 2020, is modified as follows:

1. All provisions for in-person civil or criminal hearings or civil trials, provided in Emergency Order No. 4-A, shall now be heard virtually through the ZOOM platform, until further Order of this Court.
2. All provisions for in-person juvenile criminal trials shall be stricken and continued to a date on or after July 27, 2020.
3. All other findings and provisions of Emergency Order No. 4-A shall remain in full force and effect, unless specifically modified herein.

**The effective date of this Order is June 29, 2020.** This Emergency Order No. 4-A (modification) modifies this Court's prior Emergency Order 4-A. This Court may extend the time frames in this Order as required by continuing public health emergency, and if necessary, will do so by further order.

DATED this <sup>30</sup>~~29~~th day of June, 2020.



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JUDGE GARY BASHOR  
PRESIDING JUDGE OF  
COWLITZ COUNTY SUPERIOR COURT