

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Sherrod, Teed, Vanderhagen and Case No. 5:17-cv-10164-JEL-
Ware, KGA

Plaintiffs,

Hon. Judith E. Levy

v.

Flint Water Cases Bellwether I

VNA and LAN,

Defendants.

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COVID-19 Trial Protocol

The Court will implement the following protocol for the trial, which is being held during the COVID-19 pandemic. These requirements are subject to change as warranted by changing conditions. Unless otherwise stated, the Court will follow CDC guidance.

1. All individuals coming into the courthouse must check their temperatures at the station provided at the entrance once each day upon their arrival.
2. All individuals must wear a mask in the courthouse. A witness may remove their mask when testifying but is not required to do so. This decision is solely in the discretion of the witness. Jurors and others may remove their masks briefly to eat or drink.

3. The Court encourages all participants to use an N95, KN94-95, or a surgical mask. The Court has a limited supply of masks that it can provide if needed. It is the policy of the Eastern District of Michigan that masks must always cover the nose and mouth.
4. Social distancing will be required for jurors. Lawyers and their clients are not required to socially distance but certainly may do so.
5. Side bars will take place in the jury room with social distancing from the judge and the court reporter. The Court requests that no more than two lawyers per party attend side bars.
6. The Court requires that all counsel and parties who attend the trial on a regular basis take one PCR or “at home” rapid antigen test each week. Positive results will be reported as soon as you become aware of them by sending an email to the Court’s staff. Contact information has been provided to counsel.
7. If the judge or a juror tests positive for COVID-19, and are asymptomatic, the trial will be adjourned for five days. The positive individual will return after five days and one negative rapid antigen test. If counsel or clients test positive, trial will only be adjourned if another lawyer cannot proceed in that individual’s place. This decision will be made by the impacted counsel and the Court. If an unvaccinated person is exposed to COVID-19 they must report the exposure to the Court and the Court will discuss the appropriate response depending on the degree of exposure and current CDC guidance.
8. In the event of a symptomatic case of COVID-19, the individual must return to Court when healthy, and in any event no sooner than five days and a negative rapid antigen test.

SO ORDERED.

Dated: February 10, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 10, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager