

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EMERGENCY MEASURES AFTER THE  
PASSAGE OF HURRICANE MARIA

Misc. No. 17-509 (ADC)

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U.S. DISTRICT COURT  
SAN JUAN P.R.

OMNIBUS ORDER

On or about September 6, 2017, Puerto Rico was adversely affected by Hurricane Irma. Two weeks later, on September 19, 2017, the island was directly struck by Hurricane Maria. As a direct consequence, the island suffered extreme and significant damage. The island's power and communication infrastructures were devastated. There is a 100% failure of power, only 20% of the population has water service, and communication remains unstable and available only within the San Juan area. Outside of the immediate San Juan area, there is no or extremely limited telephone or internet service. The Luis Munoz Marin International Airport remained closed during the first week and, to date, only allows for a reduced number of commercial flights (4 or 5) per day. There are no postal or private mail carriers. Numerous municipalities across the island remain isolated, because roads are inaccessible and communication nonexistent. Significant damage has been caused to private and public buildings, as well as to homes.

The Clemente Ruiz-Nazario Federal Courthouse and Building in Hato Rey are among the public facilities that experienced significant damage. Since September 18, 2017, at 2:30 p.m.,

both the Jose V. Toledo Federal Courthouse in Old San Juan and the Clemente Ruiz Nazario Courthouse and Federal Building have remained closed to public. The Luis A. Ferre Federal Courthouse in Ponce has likewise suffered serious damage and remains closed.

Due to these emergency conditions and their direct consequences, the Court finds that the federal courthouses and Clerk's Offices in the District of Puerto Rico for the period beginning on September 18, 2017, at 2:30 p.m., and continuing until October 3, 2017 and for some time in the future, were and are inaccessible within the meaning of Fed. R. Civ. P. 6(a), Fed. R. Crim. P. 45(a), and Fed. R. App. P. 26(a).

The Court also finds and determines that extraordinary circumstances exist such that the interest of justice are served, and the interests of the public are served, by the enactment of the measures herein listed.

It is hereby **ORDERED** that:

1. Pursuant to 18 U.S.C. § 3161 (h)(7)(A), all pending criminal cases are excluded from the requirements of the Speedy Trial Act until further order of this Court. Due to the prevailing emergency situation, the Court finds that the ends of justice are served and outweigh the best interests of the public and any defendants in a speedy trial. Further pursuant to subparagraph (h)(7)(A), this order constitutes a part of the record of all pending criminal cases and any criminal cases filed hereafter during the time that this order is effective.

2. No civil or criminal jury trials are to be held prior to November 6, 2017. Bench trials may and will be held except upon good cause shown, including parties' unavailability.
3. Due to the aftermath of Hurricane Maria that caused total devastation of power and communication infrastructure for the Court and members of the Bar, all deadlines and delays within this Court's authority, including prescriptive and preemptive periods in cases pending or to be filed before this Court, except as otherwise provided in court orders issued in cases and proceedings filed pursuant to the Puerto Rico Oversight, Management and Economic Stability Act (PROMESA), 48 § 2101, et seq., are suspended until November 6, 2017.
4. All pleadings and motions pending to be filed or responses thereto, except as otherwise provided in court orders issued in cases and proceedings filed pursuant to PROMESA, 48 § 2101, et seq., due from 9/18/17 through 10/3/17 (and continuing thereafter until this Court determines and orders that the Clerk's Offices are no longer inaccessible) will be due 14 days after the Court resumes full operations (meaning when "open to public").
5. Effective Immediately, under the authority granted in the Federal Judiciary Emergency Special Sessions Act of 2005 (Special Sessions Act), Pub. L. No. 109-63, 119 Stat. 1993 (2005), because no location within the district is reasonably available, the United States District Court for the District of Puerto Rico will conduct special sessions,

as specified below, at such places within the United States outside the district as the nature of the business may require.


In regard to criminal cases, any business that may be transacted at a regular session of the district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside the state in which the crime has been committed unless the defendant consents to such a criminal trial. In any in criminal trial in which a special session is conducted pursuant to this order and the Federal Judiciary Emergency Special Sessions Act, the Court may summon jurors from any part of the district in which the crime has been committed and, if the defendant so consents, from any district in which the Court is conducting business under this order.

6. Due to the emergency conditions caused by Hurricane Maria and the disruption in the legal system occurring as a result thereof, many of the attorneys in the District of Puerto Rico must rely completely on PACER to recreate their case records. In order to assist the attorneys in coping with this situation, the Court has determined that PACER users affected by this emergency should be exempt from the payment of PACER fees to access the court records of the United States District and Bankruptcy Courts for the District of Puerto Rico for a limited period of time. Effective immediately, PACER users

in Puerto Rico are entitled to a temporary exemption from payment of PACER fees. The exemption will remain in effect until November 6, 2017.

**IT IS SO ORDERED.**

At San Juan, Puerto Rico, on this 4<sup>th</sup> day of October, 2017.

  
S/AIDA M. DELGADO-COLÓN  
Chief United States District Judge