

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

[NAME],

Plaintiff,

v.

[NAME],

Defendant.

Case No. XX-XX-XXX-JPS

ORDER

After rigorous and thorough evaluation, the Food and Drug Administration has approved the Pfizer-BioNTech COVID-19 vaccine for all individuals aged 16 years and older.¹ Other vaccines, including the Moderna vaccine, have been approved for emergency use since late 2020, with great success.² These vaccines have been very effective in protecting against severe disease resulting from COVID-19.

Despite increased vaccination rates, however, the COVID-19 pandemic continues to plague the Eastern District of Wisconsin. The highly transmissible Delta variant threatens the health, safety, and wellbeing of Wisconsin residents. There is an increasing risk that legal proceedings will be interrupted by COVID-19 infections, as judicial staff, case participants, or jury members find themselves under quarantine requirements. Given the high rates of severe disease among non-vaccinated individuals, these

¹FDA News Release, U.S. Food & Drug Admin., FDA Approves First COVID-19 Vaccine (Aug. 23, 2021), <https://www.fda.gov/news-events/press-announcements/fda-approves-first-covid-19-vaccine>.

²See U.S. Food & Drug Admin., Moderna COVID-19 Vaccine (updated Aug. 18, 2021), <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/moderna-covid-19-vaccine>.

interruptions carry the potential of becoming extremely lengthy and potentially interminable.

It is well-settled that district courts have “the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 136 S. Ct. 1885, 1894 (2016). It is equally well-settled that the members of the public may be required to be vaccinated to protect the health, safety, and welfare of the community. *Klassen v. Tr. of Ind. Univ.*, 2021 WL 3281209, at *1 (7th Cir. Aug. 2, 2021) (citing *Jacobsen v. Massachusetts*, 197 U.S. 11 (1905)). With these two principles in mind, the Court shall require vaccinations at the outset of any in-person appearance. This requirement not only protects all those appearing before this Court, but also safeguards proceedings, including trials, from incessant COVID-19-related interruptions which, in turn, ensures that all parties coming before this Court enjoy expeditious and fair litigation.

Consistent with the Seventh Circuit’s recent guidance on the issue, the Court will require all attorneys, parties, and necessary witnesses to submit proof of vaccination within fourteen days of the date of any in-person appearance. *See* Gen. Order 20-090, “Amended Order Regarding Masking, Vaccination, and COVID-19 Self-Certification” (7th Cir. Aug. 25, 2021) (requiring all lawyers appearing for in-person oral argument to be fully vaccinated against COVID-19).

Members of the public are required to be fully vaccinated before entering the courtroom. **Members of the public who cannot present proof of vaccination will not be permitted to enter the courtroom.** Members of the public who are unvaccinated and wish to observe a hearing or trial may listen to proceedings by telephone. Anyone seeking such an arrangement

should contact Judge Stadtmueller's chambers 24-hours in advance of the hearing or trial.

If an attorney, party, or necessary witness to a case has a medical issue that precludes them from being vaccinated, they must meet the following criteria before entering the courtroom: (1) provide the Court with a signed letter of exemption from a board-certified physician specifically regarding the COVID-19 vaccination and explaining the exact medical necessity no fewer than two weeks before the hearing or trial; (2) provide the Court with evidence of a negative COVID-19 test within the last 24-hours; and (3) wear a mask covering nose and mouth at all times.

Additionally, *all* persons entering the courtroom must self-certify that they (1) have not tested positive for COVID-19 in the last ten days; (2) have not been exposed to COVID-19 in the last ten days, or to anyone who was asked to quarantine due to COVID-19 exposure within the last ten days; and (3) have not experienced COVID-19 symptoms within the last ten days, including fever, cough, respiratory or sinus issues, unexplained body aches, or a new loss of taste or smell. **Given the virulence of the Delta variant, all people will be required to wear masks covering nose and mouth at all times, unless speaking directly to the Court.**

If litigants are unable to meet these requirements due to the vaccination status of an attorney, party, or necessary witness, they may file a motion to adjourn the trial or hearing. This motion must state the names of the people to be vaccinated, as well as the dates on which they will receive their doses. These motions should be filed under seal due to the sensitive personal information contained therein.

Accordingly,

IT IS ORDERED that all persons physically present before Judge J.P. Stadtmueller in the Eastern District of Wisconsin must be fully vaccinated against the COVID-19 virus;

IT IS FURTHER ORDERED that all persons physically present before Judge J.P. Stadtmueller in the Eastern District of Wisconsin submit proof of vaccination within fourteen (14) days of the in-person appearance. Parties, attorneys, and necessary witnesses may email photos of vaccination cards to stadtmuellerpo@wied.uscourts.gov using the following subject line: [case number] - name - proof of vaccination. Members of the public should be prepared to show proof of vaccination upon entry to the courtroom;

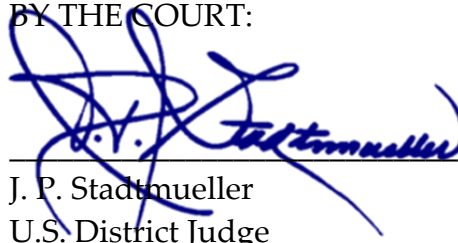
IT IS FURTHER ORDERED that if an attorney, party, or necessary witness has a medical issue that precludes them from being vaccinated, they must meet the following criteria before entering the courtroom: (1) provide the Court with a signed letter of exemption from a board-certified physician specifically regarding the COVID-19 vaccination and explaining the exact medical necessity no fewer than two weeks before the date of the hearing or trial; (2) provide the Court with evidence of a negative COVID-19 test within the last 24-hours; and (3) wear a mask covering nose and mouth at all times. Attorneys, parties, or necessary witnesses may email their doctor's letters to stadtmuellerpo@wied.uscourts.gov using the following subject line: [case number] - name – unvaccinated information;

IT IS FURTHER ORDERED that all persons physically present before Judge J.P. Stadtmueller in the Eastern District of Wisconsin will be required to wear masks covering nose and mouth at all times, unless speaking directly to the Court; and

IT IS FURTHER ORDERED that if the parties are not in a position to move forward with a trial or hearing due to the vaccination status of the attorneys, parties, or necessary witnesses, they may file a motion to adjourn the trial or hearing date. This motion should include the names of the individuals to be vaccinated, as well as the dates on which they will receive their vaccination doses. Any such motion should be filed under seal due to the sensitive personal information contained therein.

Dated at Milwaukee, Wisconsin, this __th day of _____, 2021.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized and somewhat cursive.

J. P. Stadtmueller
U.S. District Judge