

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IN RE: COURT OPERATIONS UNDER
THE EXIGENT CIRCUMSTANCES
CREATED BY COVID-19 AND
RELATED CORONAVIRUS—MASK
POLICY

General Order 22-5

**GENERAL PUBLIC ORDER REGARDING COVID-19 VIRUS PUBLIC
EMERGENCY—MASK POLICY**

This order pertains to the United States Federal Building and Courthouse at 517 East Wisconsin Avenue in Milwaukee, Wisconsin and to the courtroom and clerk’s office space at 125 S. Jefferson Street in Green Bay, Wisconsin. This order supersedes General Public Order 21-12 Regarding COVID-19 Virus Emergency—Mask Policy.

On August 11, 2021, the court issued an order (General Order 21-12) based on the July 27, 2021 revised guidance from the Centers for Disease Control and Prevention regarding masks; that revised guidance recommended that people wear masks indoors in public in areas of substantial or high virus transmission, regardless of vaccination status. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>. Because the United States Courts are public and essential institutions, because other agencies housed in the Milwaukee building also are essential institutions and because at that time, Milwaukee and Green Bay both constituted “high” transmission areas for COVID-19, General Order 21-12 required all persons to wear masks in the public areas of the buildings, regardless of vaccination status.

On February 25, 2022, the CDC again modified its guidance regarding masks. The CDC has created COVID-19 Community Levels, a tool to help communities decide what prevention steps to take based on the latest data. <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>. There are three community levels:

Low: Fewer than 200 new COVID-19 cases per 100,000 people in the past seven days; fewer than 10% of new COVID-19 hospital admissions per day (seven-day total); fewer than 10% of staffed inpatient beds occupied by COVID-19 patients (seven-day average).

Medium: Fewer than 200 new COVID-19 cases per 100,000 people in the past seven days *and* 10%-19.9% new COVID-19 hospital admissions per 100,000 population (seven-day total) *and* 10%-14.9% of staffed inpatient beds occupied by COVID-19 patients (seven-day average); 200 or more new COVID-19 cases per 100,000 people in the past seven days *and* fewer than 10% of new COVID-19 hospital admissions per day (seven-day total) *and* fewer than 10% of staffed inpatient beds occupied by COVID-19 patients (seven-day average).

High: Fewer than 200 new COVID-19 cases per 100,000 people in the past seven days *and* over 20% new COVID-19 hospital admissions per 100,000 population (seven-day total) *and* over 15% of staffed inpatient beds occupied by COVID-19 patients (seven-day average); 200 or more new COVID-19 cases per 100,000 people in the past seven days *and* 10% or more of new COVID-19 hospital admissions per day (seven-day total) *and* 10% or more of staffed inpatient beds occupied by COVID-19 patients (seven-day average).

The CDC has tailored recommendations for each risk level. In communities at the **Low** level, the CDC recommends staying up to date with COVID-19 vaccines and getting tested if one has symptoms. In communities at the **Medium** level, the CDC recommends that persons at high risk for severe illness talk with their health care providers about whether to wear masks and take other precautions, staying up to date with COVID-19 vaccines and getting tested if one has symptoms. In communities at the **High** level, the CDC recommends wearing a mask indoors in public, staying up to date with COVID-19 vaccines, getting tested if one has symptoms and considering extra precautions for people at high risk for severe illness. Finally, the CDC advises that any person with symptoms, who has tested positive or who has been exposed to someone with COVID-19 should wear a mask.

The CDC has provided a tool for identifying the level in each county in the United States; as of March 3, 2022, Milwaukee and Brown County both are at the **Medium** community level.

Based on this new guidance, and on the decrease in new confirmed cases, positivity rates and hospitalizations in Wisconsin, the court **ORDERS** the following:

Effective Monday, March 7, 2022, any person seeking entry to or occupying the Milwaukee courthouse and the Green Bay court space—including but not limited to, court staff, security personnel, vendors, contractors, litigants, attorneys, jurors and other members of the public—must wear a face covering or mask in the public areas of the buildings, regardless of

their vaccination status and regardless of the community level, **if the person has symptoms of COVID-19, has tested positive for COVID-19 or has been exposed to COVID-19**. Public areas include the atrium/lobby, elevator banks, stairwells, restrooms, public corridors, clerk's office counters and, unless excused by the presiding judge, courtrooms.

The court **ORDERS** that when the community level is **Low** or **Medium**, persons who do not have symptoms of COVID-19, have not tested positive for COVID-19 and have not been exposed to COVID-19 are not required to wear face coverings or masks in the public areas of the buildings.

The court **ORDERS** that when the community level is **High**, all persons seeking entry to or occupying the Milwaukee courthouse and the Green Bay court space must wear masks or face coverings in the public areas described above. A face covering or mask always must completely cover the wearer's nose and mouth. The only persons exempted from this requirement are those who provide documentation that for medical reasons, they are unable to wear a face covering. When community level is **High**, any person who declines or refuses to wear a face covering and does not have documentation showing that they are unable to do so for medical reasons will be denied entry into the buildings. Such persons may contact by telephone the agency or office they intended to visit to explore alternatives to entering the building.

Each individual agency, court unit and chambers in the Milwaukee and Green Bay buildings is responsible for developing and enforcing its own policy for wearing face coverings or masks within its internal space. It is up to each

judge to determine whether masks or face coverings are required in his or her courtroom and, if so, for which types of proceedings.

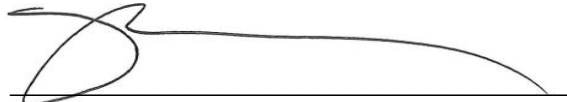
Although face masks and face coverings will not be required when community levels are **Low** or **Medium**, any person who wishes to wear a face mask or face covering is encouraged and welcomed to do so.

The chief judge of the district court will monitor community levels and will notify all tenant agencies in the Milwaukee and Green Bay buildings if the community level in either location reaches **High**.

This order will remain in effect until further order of the court.

Dated in Milwaukee, Wisconsin this 3rd day of March, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge