

EFFECTIVE

August 2, 2021

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE: ADDITIONAL REQUIREMENT OF
FACE COVERINGS FOR ACCESS TO THE
BANKRUPTCY COURTHOUSES DUE TO
CIRCUMSTANCES CREATED BY COVID-
19 AND RELATED CORONAVIRUS

ADMINISTRATIVE ORDER 2021- 12

The Court previously issued a series of Administrative Orders designed and intended to combat and contain the spread of coronavirus 2019 (“COVID-19”). Among other things, those Administrative Orders required people entering the U.S. Bankruptcy Court for the District of Nevada, whether in the Foley Federal Building and U.S. Courthouse in Las Vegas or in the C. Clifton Young Federal Building and U.S. Courthouse in Reno (collectively the “Courthouses”), to wear a face covering under most circumstances. The face covering requirement for the Courthouses under the Court’s prior Administrative Orders had been in effect since May 14, 2020. The face covering requirement was derived in significant part from then-current guidance and recommendations issued by the Centers for Disease Control and Prevention (“CDC”) to quell the COVID-19 pandemic.

Following a subsequent change in CDC guidance, and after a vote of the Facility Security Committee for each of the Courthouses (collectively “FSCs”), the Court on June 15, 2021, entered Administrative Order 2021-11. Administrative Order 2021-11 provided that individuals fully vaccinated against COVID-19 were no longer required to wear face coverings when entering the Courthouses or while present within the common areas of the Courthouses; that individuals not fully vaccinated against

1 COVID-19 were still required to wear face coverings when entering the Courthouses
2 and while present within the common areas of the Courthouses; and that individuals
3 who were fully vaccinated against COVID-19 could choose to wear face coverings
4 when entering the Courthouses and while present within the common areas of the
5 Courthouses if they wished to do so.

6 Administrative Order 2021-11 also noted that the Court was keenly aware of the
7 need to remain vigilant in monitoring current COVID-19 data and recommendations in
8 order to protect the health and safety of those who come to the Courthouses seeking
9 access to justice through the bankruptcy courts, as well as the health and safety of all
10 of those who work within the Courthouses. Administrative Order 2021-11 further
11 provided that it would remain effective until further notice.

12 On July 27, 2021, the CDC once again updated its guidance regarding face
13 coverings for fully vaccinated individuals (the “Current CDC Guidance”). The Current
14 CDC Guidance states that “to maximize protection from the Delta variant and prevent
15 possibly spreading it to others, [individuals who are fully vaccinated should] wear a
16 mask indoors in public if you are in an area of substantial or high transmission.”¹ The
17 Current CDC Guidance further states that even fully vaccinated individuals “should
18 continue to wear a mask where required by laws, rules, regulations, or local
19 guidance.”²

20 Under the classification criteria found within the Current CDC Guidance, the
21 majority of the State of Nevada is an area of “substantial or high transmission” of
22 COVID-19.³ Data from the NV Health Response website indicates that the current

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24 ¹ See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>, last
visited July 29, 2021.

25 ² *Id.*

26 ³ See <https://covid.cdc.gov/covid-data-tracker/#county-view>, last visited July 29, 2021.

1 test positivity rate in Nevada is 14.3%, using a 14-day period with a 7-day lag as the
2 statistical benchmark.⁴ Regrettably, and despite the fact that multiple, highly effective
3 COVID-19 vaccinations have been widely available throughout Nevada at no cost for
4 several months, data from the NV Health Response website shows that just 56.99% of
5 Nevadans over the age of 12 years have initiated the vaccination process, and only
6 47.43% of Nevadans over the age of 12 years are fully vaccinated.⁵ Additionally, on
7 July 27, 2021, Nevada Governor Steve Sisolak signed Declaration of Emergency
8 Directive 047 adopting the face covering guidelines within the Current CDC Guidance
9 effective as of 12:01 a.m. on Friday, July 30, 2021.⁶

10 The Court has, and will continue to, adhere to guidance issued by the CDC
11 related to COVID-19 abatement measures generally, and as to face covering
12 requirements in particular. As noted above, under the classification criteria contained
13 in the Current CDC Guidance, the Courthouses are located in areas “of substantial or
14 high transmission.” Local guidance also exists in the form of Governor Sisolak’s
15 Declaration of Emergency Directive 047, which adopted the face covering
16 recommendations within the Current CDC Guidance. As a result, and for the reasons
17 set forth above, as of the effective date of this Administrative Order:

- 18 • Administrative Order 2021-11 is **RESCINDED**, and of no further force
19 or effect; and

22 ⁴See <https://nvhealthresponse.nv.gov/#covid-data-tracker>, last visited July 29, 2021.

23 ⁵ See <https://nvhealthresponse.nv.gov/#covid-data-tracker>, last visited July 29, 2021. The
24 Associated Press reports that on July 29, 2021, President Biden announced that federal workers
25 will soon be required “to sign forms attesting that they’ve been vaccinated against the
26 coronavirus or else comply with new rules on mandatory masking, weekly testing, distancing
27 and more.” See <https://apnews.com/article/lifestyle-joe-biden-business-health-travel-a1670ffa08f1f2eab42c675d99f1d9ad>, last visited on July 29, 2021.

⁶ See [2021-07-27 - COVID-19 Emergency Declaration Directive 047 \(nv.gov\)](https://www.nv.gov/2021-07-27-covid-19-emergency-declaration-directive-047), last visited
on July 29, 2021.

1 • Commencing on Monday, August 2, 2021, regardless of
2 vaccination status, ALL persons must wear face coverings to gain
3 entrance to, and while in the common areas of, the Courthouses.

4 This Order is effective until further notice.

5 DATED this 29th Day of July 2021.

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9 August B. Landis, Chief Judge
10 UNITED STATES BANKRUPTCY COURT
11 DISTRICT OF NEVADA
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