

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA  
Plaintiff

VS.

COMMONWEALTH OF PUERTO RICO ET AL.  
Defendant

**CASE #: 3:99-CV-1435 (GAG)**

**Emergency Order #1**  
**re: Participants and Coronavirus**

The President of the United States yesterday declared a state of national emergency due to the coronavirus pandemic. Locally, cases of coronavirus have already been confirmed, and prior to that, both the Governor of Puerto Rico and Mayor of San Juan had declared a local state of emergency.

In turn, the US District Court in Puerto Rico, as have courts across the Nation and territories, has likewise enacted numerous health and safety measures, in coordination with the federal law enforcement agencies on the island. For example, all jury trials have been suspended until May 30. Access to the federal courthouse buildings has been limited, while family and legal visits to the Metropolitan Detention Center have been suspended for 30 days. Arrestees, in turn, must be medically screened before being brought to court or housed in a federal facility.

Yesterday evening the Commonwealth Secretary of Health resigned from his position. The Health Department's Division for Individuals with Mental Disability (Spanish acronym "DSPDI"), in turn, is a division within the Department of Health. DSPDI is responsible under the federal consent decree, JCAP and court orders for the several hundred participants housed in community homes across Puerto Rico.

Accordingly, in order to safeguard and protect the health, safety and lives of all the covered participants, the Court hereby **ORDERS** the following immediate emergency measures for a minimum period of 30 days (which, in turn, may be enlarged or shortened by the court as necessary or as indicated below):

1. All participant activity at day care facilities is suspended.
2. Participants shall stay at the community homes at all times, except for medical or health related matters.
3. DSPDI shall guarantee that all community homes have basic preservable food and beverage for this period of 45 days.
4. Visits to community homes are suspended until DSPDI prepares a protocol for the same, consults with USDOJ and the JCC and submits the same to the Court for approval. This may be done as early as possible.
5. DSPDI may implement all further measures as deemed necessary. More so, DSPDI may ask the Court, following consultation with USDOJ and JCC to modify, continue or end any of the above Court imposed measures, however, effective only upon the issuance of the corresponding court order.

These emergency directives are not intended in any way to curtail the ability of the Health Department and DSPDI to in due course fashion all necessary measures to protect the health and well-being of all participants. More so, the Health Department and DSPDI continue to have the ability to address any unforeseen and/or emergency situation which may arise as to any participant (s) with regards to the coronavirus.

The Director of DSPDI must remain in constant communication with the JCC to discuss and resolve all matters which arise. Every Monday and a Friday the Director of DSPDI shall inform the JCC about the continued implementation of the above emergency measures.

Any suspicious case of coronavirus at any home involving a participant, provider or any other individual shall be immediately notified to the JCC.

The JCC shall ensure that DSPDI implements and observes the above measures as well as any others that are implanted by amendment to this order.

Copy of this order shall immediately be notified to all DSPDI personnel and contractors, including community home owners and their staff.

The undersigned will remain available around the clock as needed.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 14<sup>th</sup> day of March of 2020.

S/ GUSTAVO A. GELPI  
Gustavo A. Gelpi  
U.S. District Judge