IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
IN MIDST OF THE COVID-19 PANDEMIC

WHEREAS on March 13, 2020, the South Dakota Supreme Court entered an Order Declaring Judicial Emergency to address health risks posed by the COVID-19 Pandemic;

WHEREAS mitigating the effects of COVID-19 is a high priority in the South Dakota Unified Judicial System;

WHEREAS, a public health emergency currently exists in South Dakota that requires mitigation of its effects by adopting "social distancing" measures meant to reduce the increase in person-to-person transmission of the virus that causes COVID-19;

WHEREAS, important legal work needs to continue to meet the needs of the citizens of the State of South Dakota;

WHEREAS, there are several provisions in South Dakota Codified Laws which provide that the delivery of certain documents via certified mail, return receipt requested, constitutes sufficient service of process; and

WHEREAS, the United States Postal Services continues to deliver certified letters, but has temporarily modified its procedures for the capture of a customer's signature as set forth below:

> In light of the exigent circumstances created by the Coronavirus pandemic, the Postal Service determined it was necessary to change the signature requirements associated with the delivery of accountable mail and packages in order to follow the guidance of the CDC on social distancing in order to reduce opportunities for possible transmission of COVID-19. It should be understood that our carriers are not signing for customers, but instead indicating that they have identified the customer to whom the item is being delivered. The new practice is deemed to fit within the requirements set forth in the Domestic Mail Manual ("DMM"). Under existing federal law, the

Postal Service has authority to temporarily alter its procedures to ensure it can continue to provide postal services to nation. 39 U.S.C. §§ 101, 401, 403, 410.

This process applies to all letter carriers:

- Avoid ringing the doorbell when possible. Knock on the customer's door. Avoid areas that may be frequently touched when knocking.
- While maintaining a safe, appropriate distance, employees will request the customer's first initial and last name.
- For increased safety, employees will ask the customer to step back a safe distance or close the screen door/door so that they may leave the item in the mail receptacle or appropriate location by the customer door.
- If there is no response, employees will follow the normal Notice Left process.
- If there are delivery points on the route where social distancing recommendations are difficult to follow, alternative delivery methods can be explored.

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public,

IT IS HEREBY ORDERED THAT:

Due to COVID-19, any official documents produced by the United States Postal Service's temporary modified procedure for the capture of a customer's signature shall be filed as sufficient service of process.

This order is effective immediately and until further order of the Court.

DATED at Pierre, South Dakota, this 22 day of May, 2020.

BY THE COURT:

David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAY 22 2020

Clerk