

IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

Greenwood Centre, Ltd., an Oklahoma  
limited partnership, John Hope Franklin  
Center for Reconciliation, Inc., an  
Oklahoma non-profit corporation,  
Shannon Martin, an individual; and Bim  
Stephen Bruner, an individual,

Plaintiffs,

v.

SMG, a Pennsylvania general  
partnership, and ASM Global Parent,  
Inc., a Delaware Corporation,

Defendants.

CJ-2020-01909

REBECCA NIGHTINGALE

Case No. \_\_\_\_\_

DISTRICT COURT  
FILED

JUN 16 2020

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

**PETITION**

Plaintiffs Greenwood Centre, Ltd., John Hope Franklin Center for Reconciliation, Shannon Martin, and Bim Stephen Bruner, for their claims against Defendants SMG and ASM, allege and state as follows:

**Introductory Statement**

This lawsuit seeks injunctive relief against SMG and ASM Global Parent, Inc. (collectively referred to herein as "ASM Global") to protect against a substantial, imminent, and deadly risk to the community. State and local officials nationwide, including Tulsa, prudently require social distancing restrictions to contain COVID-19. Since June 1, 2020, when the State of Oklahoma and the City of Tulsa loosened social distancing restrictions, documented cases in Tulsa County have risen fast. On June 15, 2020, the Tulsa Health Department reported its highest new COVID-19 case count and reported a daily change rate of +16.16%.

Despite this alarming uptick in COVID-19 infections in Tulsa County, ASM Global plans to host an event that will bring tens of thousands of people into an enclosed arena in downtown Tulsa on June 20, 2020, without putting precautions in place to prevent the spread of the virus. Understandably, the crowd will be boisterous, with much shouting and chanting. Local, state, and federal authorities recommend or require social distancing protocols for such mass-gathering indoor events. **All credible, qualified medical experts, including the CDC, agree that this type of mass-gathering indoor event creates the greatest possible risk of community-wide viral transmission.**

ASM Global is proposing a “super-spreader” event in downtown Tulsa. As currently planned, the event will endanger not only the health of the guests in attendance and the Plaintiffs, but the entire Tulsa community and any community to which the guests may afterward travel. If ASM Global moves forward with the event without adequate review, planning, training, protective equipment, and safeguards, cases of COVID-19—and the unavoidable attendant deaths—will rise. Oklahoma’s already strained healthcare infrastructure will be pushed past the breaking point by the certain spike in COVID-19 presentment at local hospitals.

Plaintiffs do not seek an order barring the President from conducting a political rally in Tulsa on June 20<sup>th</sup> or any other day. This case is not about the President. If ASM Global planned to host an event for Joe Biden, the Oklahoma City Thunder, or Garth Brooks without following required social distancing protocols, Plaintiffs would file the same action seeking the same relief. Recognizing the imminent public health risks associated with holding this type of event at this time, ASM Global has suspended all mass-gathering events at the BOK Center until the end of July.

Plaintiffs seek limited relief based on Oklahoma's public nuisance laws. Plaintiffs merely seek a court order requiring ASM Global to institute appropriate social distancing protocols for the June 20<sup>th</sup> event, including the mandatory use of face-masks and social distancing rules for all guests and employees, as recommended by state, local, and federal authorities, and by every credible and qualified medical expert who has studied this issue.<sup>1</sup> Simply put, this Court should order ASM Global to follow the same rules that any other individual or business desiring to host a mass-gathering indoor event in Tulsa County would be required to follow.

### **Parties and Jurisdiction**

1. Plaintiff Greenwood Centre, Ltd. is an Oklahoma limited partnership with its principal place of business in downtown Tulsa, Oklahoma.
2. Plaintiff John Hope Franklin Center for Reconciliation, Inc. is an Oklahoma non-profit corporation with its principal place of business in downtown Tulsa, Oklahoma.
3. Plaintiff Shannon Martin is an immunocompromised individual who resides in Tulsa County.
4. Plaintiff Bim Stephen Bruner is an immunocompromised individual who resides in Tulsa County and is a member of the Muscogee Creek Nation.
5. Defendant SMG is a Pennsylvania general partnership doing business in Tulsa County. SMG has the sole contractual right to manage the BOK Center, a multi-purpose arena in downtown Tulsa with a capacity of over 19,000 that hosts sporting events and concerts.

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<sup>1</sup> Of course, the President has available several alternative outdoor venues that would substantially reduce the risk of viral transmission while enabling the President to conduct his rally in Tulsa.

6. Defendant ASM Global Parent, Inc. is a Delaware corporation. Upon information and belief, Defendant ASM Global Parent, Inc. is the successor-by-merger of Defendant SMG.

7. Jurisdiction and venue are appropriate in this Court.

### **Statement of Facts**

#### **The Covid-19 Pandemic**

8. The 2019 Novel Coronavirus, more commonly known as COVID-19, is a respiratory illness that emerged in the waning months of 2019 in Wuhan, China.

9. COVID-19 spreads from person-to-person through close contact with infected individuals. Infected individuals are contagious even if they are not exhibiting symptoms of the disease.

10. Older individuals and people with serious underlying medical conditions, such as asthma, diabetes, and serious heart conditions, are more likely to become severely ill and die from COVID-19 than others. However, the virus can strike anyone, particularly those who come into close, prolonged contact with infected individuals.

11. There is currently no vaccine to protect against COVID-19. The best—and only—way to avoid the transmission of COVID-19 is to limit contact between people, a practice known as social distancing.

#### **Governments Take Unprecedented Steps to Contain Covid-19**

12. After witnessing the exponential spread of COVID-19 into over 100 different countries, the World Health Organization (“WHO”) declared COVID-19 a pandemic on March 11, 2020.

13. Following the WHO's lead, the President of the United States declared a national emergency because of COVID-19 on March 13. State and local governments soon followed.

14. On March 15, 2020, the Governor of Oklahoma issued Executive Order 2020-07 declaring a state of emergency. The next day, the Mayor of the City of Tulsa proclaimed the existence of a civil emergency in the City of Tulsa with Executive Order 2020-01.

15. The original civil emergency order in Tulsa prohibited gatherings larger than 50 people. Over the next few weeks as COVID-19 spread unchecked, Tulsa issued Executive Orders Nos. 2020-2 through 5, which closed most businesses and prohibited gatherings of more than 10 people. On April 1, a shelter-in-place order required Tulsa residents to remain home unless engaging in certain "essential" activities.

16. Most state and local governments throughout the country issued similar emergency orders. Even so, over 2,000,000 people have been infected by the COVID-19 pandemic in the United States and 116,127 have died to date.

### **Oklahoma Places Restrictions on Reopening**

17. On April 24, 2020, the Governor of Oklahoma issued the Open Up and Recover Safely ("OURS") Plan, a three-phased approach to re-opening Oklahoma's cities and businesses.

18. Oklahoma is now in phase three of the OURS Plan. While large gatherings are no longer prohibited, the State has instructed individuals to "minimize time spent in crowded environments and continue following [Center for Disease Control ("CDC")]

guidelines regarding social distancing . . . .” Individuals over 65 or part of a vulnerable population must “continue following safer-at-home policies.” Finally, the OURS Plan requires businesses to observe proper CDC-recommended social distancing protocols as they reopen. [See Ex. A, OURS Plan, p. 2].

19. The most recent guidance from the City of Tulsa requires all businesses in the city to follow the OURS Plan. [See Ex. B, City of Tulsa Executive Order No. 2020-10. P. 3]

20. The Tulsa County Health Department also requires compliance with the OURS Plan and CDC guidelines for mass gatherings. See <https://www.tulsa-health.org/COVID19>.

21. CDC Social Distancing guidance requires individuals to “stay at least 6 feet (about 2 arms’ length) from other people.” Moreover, people should “[l]imit close contact with others outside your household in indoor and outdoor spaces.” The CDC notes that social distancing is particularly important for at-risk populations, such as people over 65 or with underlying medical conditions. [See Ex. C, CDC Social Distancing Guidance, p. 1]

22. In addition to its Social Distancing guidelines, the CDC has issued guidance for events and gatherings. **The CDC considers events like the ASM Global event on June 20<sup>th</sup> to create the “highest risk” for spreading COVID-19 because it involves “[l]arge in-person gatherings where it is difficult for individuals to remain spaced at least 6 feet apart and attendees travel from outside the local area.”** [See Ex. D, CDC “Considerations for Events and Gatherings,” p. 1]. In order to prevent the spread of COVID-19, events are directed to “[l]imit attendance or seating capacity to allow for social

distancing . . . .” [Id. at p. 4]. In addition, events should “[b]lock off rows or sections of seating in order to space people at least 6 feet apart . . . [and] [p]rioritize outdoor activities where social distancing can be maintained as much as possible.” [Id.].

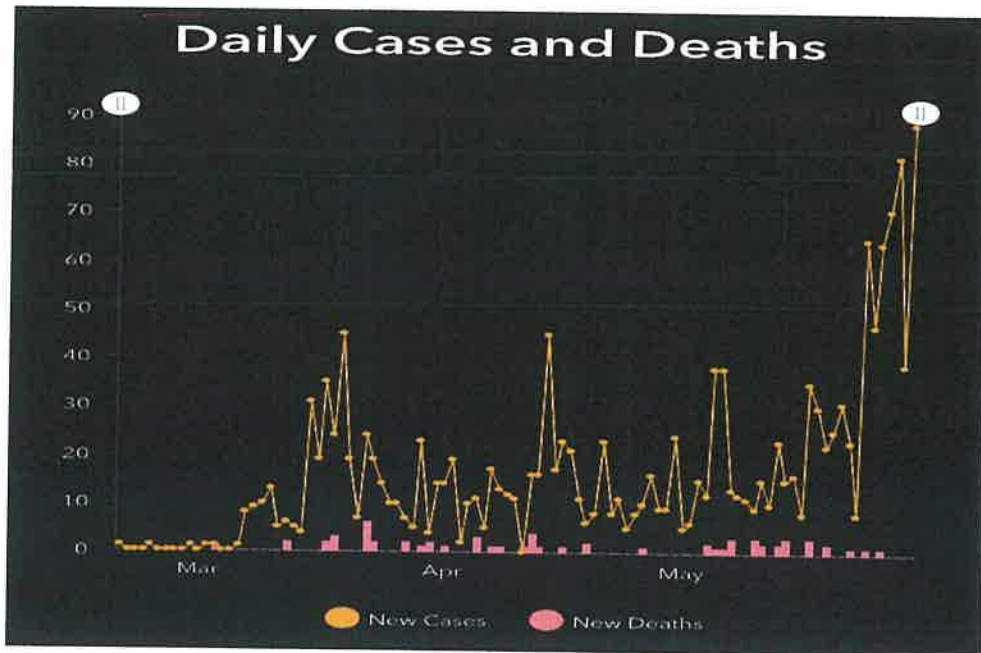
23. The CDC also directs event planners to consult with local public health officials about the feasibility of safely holding an event. Factors that should be considered include the size of the possible crowd, the number of attendees who are at higher risk of developing serious complications from COVID-19, the proximity of attendees at the event, and the amount of spread in both the local community and the communities from where attendees are likely to travel. [See Ex. E, CDC “Event Planning and COVID-19: Questions and Answers,” p. 2].

#### **Covid-19 Cases Skyrocket in Tulsa**

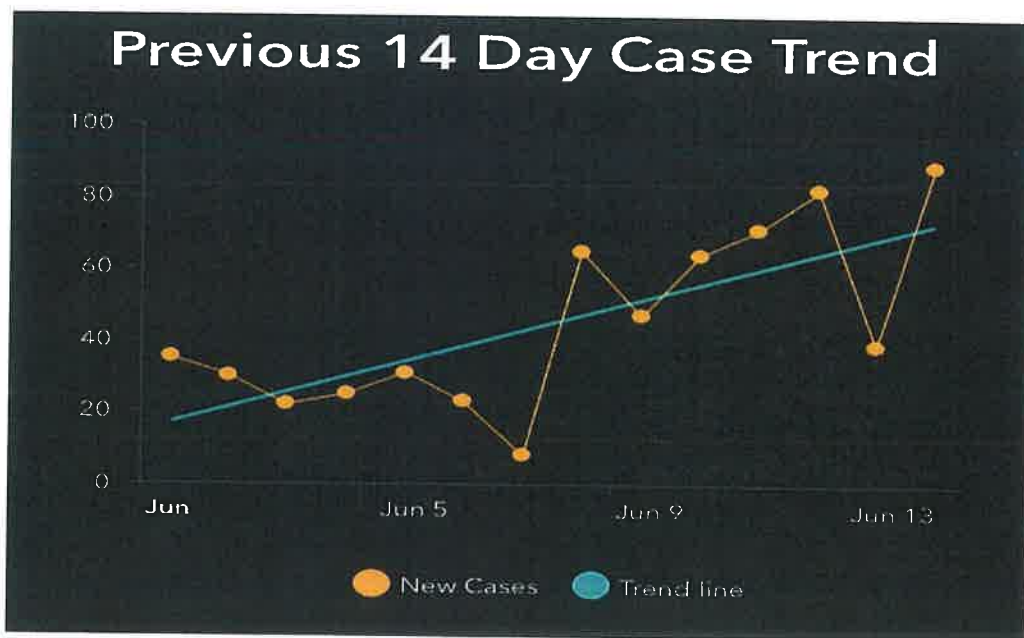
24. As Oklahoma’s businesses have begun reopening over the past few weeks, the number of COVID-19 cases in the state has been steadily increasing.

25. This week beginning June 8 saw the 7-day rolling average of new cases double from 24.9 to 51.4 cases per day in Tulsa. As of June 14, Tulsa County had 458 active COVID-19 cases increasing at a daily rate of +6.76%.

26. As of this morning, the number of active cases has risen to 532 with a daily change of 16.16%.



27. Tulsa is experiencing double the amount of new cases it experienced in March and April when restrictions on large gatherings and businesses were still in place. With each new case, the trend line continues to rise with no end in sight.



28. Significantly, this sudden spike in cases is not the result of increased testing. Rather, the increase appears to be related to several highly attended private



events and “quarantine fatigue.” As Tulsa continues to emerge from its shelter-in-place order, the numbers are only going to get worse.

29. To date, 1.7 of every 10 people infected with COVID-19 in Tulsa has been hospitalized, while 62 of the 1,564 confirmed cases have died. If these numbers hold—and there is no reason to believe they won’t—the people of Tulsa and its front-line healthcare workers will soon be dealing with a rising tide of hospitalizations and deaths that could overwhelm our healthcare system.

### **Into This Powder Keg, ASM Global Is Preparing To Toss a Match**

30. ASM Global has the sole contractual right to manage the BOK Center (the “Arena”), a multi-purpose arena in downtown Tulsa with a capacity of over 19,000 that hosts sporting events and concerts.

31. ASM Global is contractually obligated to operate the Arena pursuant to the policies and procedures approved by the City of Tulsa and the Tulsa Public Facilities Authority (“TPFA”). In addition, ASM Global must exercise reasonable precautions to prevent harm or loss to Arena visitors and is liable for all damages caused by its management of the Arena.

32. The Arena has not hosted an event in over three months. Scheduled events have either been postponed or cancelled. The earliest date for which an event has been rescheduled is July 30<sup>th</sup>.

33. This wholesale cancellation of events was not taken lightly, nor can it be completely blamed on the various emergency orders that have been in place since March. Rather, the cancellations are a product of widespread consensus among experts that large, indoor gatherings such as music concerts and sporting events are the riskiest

environments for the spread of COVID-19. See Frank Miles, *These Places Pose the Greatest Risks for Contracting Coronavirus*, available at <https://www.foxnews.com/health/coronavirus-riskiest-places-contracting>.

34. In such a setting, it would take only a few infected individuals—who are likely asymptomatic and have no idea that they are infected—to infect hundreds if not thousands more. These newly infected individuals will, in turn, go on to infect others.

35. It is reasonable to expect that this event will attract many individuals who will not be able to enter the venue, but will gather outside and nearby in uncontrollable groups, unwittingly spreading the virus.

36. Such a “super-spreader” event would exacerbate Tulsa’s already troubling increase in active COVID-19 cases, threatening the health and safety of everyone in the city.

37. Despite recognizing this and having prudently cancelled all previously scheduled events at the Arena, ASM Global has now contracted to hold a political rally at the Arena this coming Saturday, June 20, 2020 (the “Rally”).

38. The Rally will bring tens of thousands of people from Tulsa and the surrounding areas into close, prolonged contact in the first large indoor gathering held in the nation since March. These attendees, many of whom will belong to at-risk populations, are likely to shout, sing, and chant. CDC guidance establishes that such an event creates an extremely heightened risk of viral transmission. [See Ex. C, p. 3].

39. Prior to agreeing to hold the Rally, ASM Global had a duty to consult with local health officials and consider: the size of the possible crowd, the number of attendees who are at higher risk of developing serious complications from COVID-19, the proximity

of attendees at the event, and the amount of spread in both the local community and the communities from where attendees are likely to travel.

40. Pursuant to state and local orders, which incorporate CDC guidance, a consideration of these factors would mandate, at a minimum, prohibiting persons over 65 or with underlying medical conditions from attending the event, and requiring social distancing and face-masks for all attendees.

41. ASM Global, however has not consulted with local public health officials or given due consideration to the recent spread of the virus and the numbers of high risk individuals who will attend the Rally.

42. More troubling still, neither ASM Global nor the Rally organizer plans to require social distancing at the Rally. This is directly contrary to CDC guidance which must be followed pursuant to state and local law and ASM Global's contractual obligations.

43. In addition to constituting a grave threat to its attendees, the Rally also threatens the health of ASM Global's employees. These employees are required to wear face masks and practice safe social distancing, but they are not afforded such protections from the event's attendees. This makes it impossible for ASM Global's employees to safely perform their jobs and represents an additional breach of ASM Global's duties under the OURS Plan and CDC guidance.

### **The Rally Will Be a Public Health Disaster**

44. Health officials throughout the nation have condemned the Rally as a reckless gamble that can only exacerbate the region's COVID-19 problems.

45. The Tulsa Health Department's Director, Dr. Bruce Dart, has warned that the Rally will be dangerous for all attendees. In particular, he has urged that "we shouldn't be in enclosed spaces and we shouldn't have extended contact with other people because that's where the risk lies." Stetson Payne, *Tulsa Health Department Director 'Wishes' Trump Rally Would Be Postponed as Local COVID Cases Surge*, available at [https://www.tulsaworld.com/news/local/tulsa-health-department-director-wishes-trump-rally-would-be-postponed-as-local-covid-cases-surge/article\\_bac51435-a5d0-5b5c-ba74-182047453d53.html](https://www.tulsaworld.com/news/local/tulsa-health-department-director-wishes-trump-rally-would-be-postponed-as-local-covid-cases-surge/article_bac51435-a5d0-5b5c-ba74-182047453d53.html); see also *Trump Rally Called "Dangerous Move" In Age of Coronavirus* 6/14/2020 [https://www.tulsaworld.com/eedition/page-a3/page\\_d31263d3-c2db-5855-ae0-4a2e84427d8e.html](https://www.tulsaworld.com/eedition/page-a3/page_d31263d3-c2db-5855-ae0-4a2e84427d8e.html).

46. Prominent physicians throughout the country agree. Dr. Ashish Jha, director of Harvard's Global Health Institute, called the upcoming Rally "an extraordinarily dangerous move for the people participating and the people who may know them and love them and see them afterward." The Associated Press, *'Extraordinarily Dangerous': Trump Rally Draws Grave Concerns from Top Health Officials*, available at <https://www.nbcnews.com/politics/donald-trump/extraordinarily-dangerous-trump-rally-draws-grave-concerns-top-health-officials-n1231041>.

47. Dr. Nahid Bhadelia, Medical Director of the Special Pathogens Unit at Boston University School of Medicine stated that the Rally is "a perfect storm setup: the idea of tons of people, where one sick person can have an impact of generating secondary cases on this immense level, where it's indoors, where there's no ventilation." He further recommended moving the Rally outdoors, reducing the number of attendees,

and requiring social distancing and face-masks. Pam Belluck, *Trump Rally Is the 'Perfect Storm Setup' for Viral Spread, Disease Expert Says*, available at NYTimes.com.

48. In a stunning admission of the dangers posed by the Rally, the organizer of the Rally is forcing attendees to sign the following waiver:

By clicking register below, you are acknowledging that an inherent risk of exposure to COVID-19 exists in any public place where people are present. By attending the Rally, you and any guests voluntarily assume all risks related to exposure to COVID-19 and agree not to hold Donald J. Trump for President, Inc.; BOK Center; ASM Global; or any of their affiliates, directors, officers, employees, agents, contractors, or volunteers liable for any illness or injury.

**Plaintiffs and the Community Will Suffer Irreparable Harm if ASM Global Hosts the Rally**

49. Plaintiff Greenwood Centre, Ltd. owns 60,000 square feet of storefront and office space in downtown Tulsa. Its lessees include restaurants, salons, shops, and other businesses who need a healthy and safe environment in which to operate. The Greenwood Centre, Ltd. is entrusted with the ownership and management of buildings in the Tulsa area sometimes referred to as "Black Wall Street." Greenwood Centre tenants, customers, and the commerce generated at the businesses within "Black Wall Street" will be imminently at peril due to the spread of COVID 19, including serious illness, death, and destruction of business within the Black Wall Street area. Greenwood Centre, Ltd. and the lessees and businesses which operate in the Greenwood District, having already suffered considerable economic harm from the previous orders issued by both state and local authorities closing non-essential businesses and ordering consumers to shelter in place, will suffer irreparable economic damage from the second wave of infections which will arise from this super-spreader event.

50. Plaintiff John Hope Franklin Center for Reconciliation organizes and hosts events in downtown Tulsa dedicated to bringing awareness to issues of racial discrimination and keeping alive the memory of the 1921 Tulsa Race Massacre. A spike in COVID-19 cases will endanger the health of its employees and volunteers as well as its ability to fundraise and fulfill its charitable mission.

51. Plaintiff Shannon Martin is an immunocompromised individual who is particularly susceptible to COVID-19. She has stage 4 breast cancer and is currently undergoing chemotherapy. She lives within 4 miles of the Arena. She works within 4 blocks of the Arena.

52. Plaintiff Bim Stephen Bruner is an immunocompromised individual who is a resident of Tulsa and a member of the Muscogee Creek Nation. He is 70 and has diabetes, a heart condition, and is a prostate cancer survivor.

53. The Rally constitutes an existential threat to Plaintiffs and their community.

**First Claim for Relief**  
**(Public Nuisance Pursuant to 50 O.S §§ 1, et seq.**  
**and Nuisance Per Accidens)**

54. Plaintiffs restate and incorporate herein by reference all of the allegations contained in Paragraphs 1-53.

55. A nuisance consists of doing an act “or omitting to perform a duty” that “annoys, injures or endangers the comfort, repose, health, or safety of others or . . . in any way renders other persons insecure in life, or in the use of property[.]” 50 O.S. § 1.

56. “A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.” 50 O.S. §

2.

57. ASM Global is the sole manager of the Arena and has an obligation to follow the City of Tulsa's policies and procedures. As the manager of a publicly-owned facility, ASM Global bears the responsibility to ensure that public safety and guidelines are ensured, and that no commercial activity causes an undue foreseeable, avoidable public hazard in contravention of expert advice and supporting data. In addition, ASM Global must exercise reasonable precautions to prevent harm or loss to Arena visitors, and is liable for all damages caused by its management of the Arena.

58. By allowing the Rally to take place in the indoor Arena without requiring social distancing and other protocols (e.g., taking temperature of attendees, sitting in every third seat, providing and enforcing the wearing of face-masks, and other CDC-recommendations), ASM Global is omitting to perform its duties under the relevant state and local laws. The Rally does not follow CDC guidance because it is indoors, does not require social distancing, and does not take into account the risks to its attendees.

59. This public nuisance will be specifically injurious to Plaintiffs by threatening their comfort, health, and safety and rendering them insecure in their life and property. Plaintiffs Martin and Bruner will have an increased chance of contracting COVID-19, which could lead to serious illness or death. Plaintiffs Greenwood Centre and John Hope Franklin Center will be exposed to severe economic hardship.

60. Alternatively, ASM Global's planned event constitutes a *nuisance per accidens*, act or structure that may become a nuisance by virtue of the circumstances, locations, or surroundings of the event, as described herein.

61. ASM Global is liable for all damages caused by this public nuisance.

**Second Claim for Relief  
(Temporary Restraining Order, Preliminary and Permanent Injunction)**

62. Plaintiffs restate and incorporate herein by reference all of the allegations contained in Paragraphs 1-61.

63. ASM Global has contracted to host the Rally in the Arena for tens of thousands of people. Contrary to state and local law and CDC Guidance, there are no social-distancing measures planned for the Rally.

64. The Rally will be a public nuisance. Moreover, ASM Global is acting in a reckless and grossly negligent manner, putting Plaintiffs and the entire city of Tulsa at unnecessary and imminent risk of serious harm or death.

65. ASM Global's conduct has caused, and unless enjoined will continue to cause, serious, immediate, and irreparable injury to the Plaintiffs, the residents of the City of Tulsa, and the Oklahoma healthcare system in an amount incapable of being ascertained.

66. Plaintiffs have no adequate remedy at law to protect against the continuing injury caused by the ASM Global's conduct. Plaintiffs' injuries cannot be redressed by monetary damages or other legal relief.

67. The harm Plaintiffs will suffer if ASM Global is not enjoined as requested far outweighs any potential damage to ASM Global. There are less dangerous options for holding the Rally, including holding it with appropriate social distancing procedures in place or holding it at an outdoor location.

68. The Rally will be detrimental to public health. Therefore, enjoining the Rally is in the public's interest.



69. Plaintiffs have established a likelihood of success on the merits, that there exists no adequate remedy at law, and a balancing of the equities favors the entry of an order enjoining ASM Global from allowing the Arena to be used for the Rally.

**Prayer**

WHEREFORE, Plaintiffs pray that this Court enter Judgment against ASM Global as follows:

1. A temporary and permanent injunction enjoining ASM Global from permitting the Rally to proceed without requiring social distancing and other protocols (e.g., taking temperature of attendees, sitting in every third seat, wearing masks), per local, state, and federal guidance, and per the uniform recommendations of qualified, credible medical experts;
2. An award of compensatory and punitive damages in an amount to be proven at trial;
3. An award of the Plaintiffs' reasonable attorney's fees and costs incurred herein; and,
4. For such other and further relief as the Court deems just and proper.

Respectfully Submitted:



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# Exhibit A



# Open Up and Recover Safely

A Three-phased Approach to Open Oklahoma's Economy

Published April 22, 2020  
Revised May 28, 2020



OKLAHOMA

# Open Up and Recover Safely (OURS) Plan

Oklahoma will begin implementing a three-phased approach to open Oklahoma's economy back up starting April 24, 2020. This statewide plan is:

1. Based on scientific modeling from public health experts
2. Intended to mitigate risk of resurgence
3. Intended to protect Oklahoma's most vulnerable citizens from the threat of COVID-19<sup>i</sup>
4. Intended for businesses and individuals to utilize in conjunction with guidance from the Oklahoma Department of Commerce, the Oklahoma State Health Department, and the Centers for Disease Control (CDC).

**Before proceeding to a new phase, the Secretary of Health & Mental Health will confirm:**

- That Oklahoma COVID-19 hospitalizations and incidents are at a manageable level,
- that hospitals are treating all patients without alternate care sites,
- that there is sufficient testing material in the state and ability to conduct contact tracing, and
- that the state can quickly and independently supply sufficient Personal Protective Equipment (PPE) and critical medical equipment, including ICU equipment, to handle a surge

*Further, the State of Oklahoma must address the following core responsibilities before proceeding to Phase 1:*

- Ensure the ability to quickly set up safe and efficient testing for symptomatic individuals
- Provide guidance intended to protect the health and safety of workers in critical industries
  - **Employers** should consider:
    - Developing policies for temperature checks, sanitation, use and disinfection of common areas,<sup>ii</sup> and business travel;
    - Monitoring workforce for indicative symptoms; not allowing symptomatic people to physically return to work and consider implementing flexible sick leave and supportive policies and practices;
    - Developing and implementing policies and procedures for workforce contact tracing following employee COVID-19 testing; and
    - implementing appropriate policies regarding social distancing and PPE
  - Advise citizens regarding protocols for social distancing and face coverings
    - **Individuals** should:
      - Continue to adhere to State and local guidance as well as complementary CDC guidance regarding social distancing
      - Wash hands with soap and water
      - Avoid touching the face
      - Disinfect frequently-used items and surfaces as much as possible
      - Consider using face coverings while in public and using mass transit
      - Stay home and contact their doctor if they are feeling sick
- Monitor conditions to limit and mitigate any rebounds or outbreaks

*If hospital & incident rates remain at a manageable level for 14 days, we move to Phase 1*

## Phase 1

### Individual guidance:

- Continue following safer-at-home <sup>iii</sup> guidelines if they are over 65 or part of a vulnerable population.
- Maximize social distance from others when in public (e.g., parks, outdoor recreation areas, shopping areas).
- Avoid socializing in groups or facilities that do not readily allow for appropriate social distancing.
- Minimize non-essential travel <sup>iv</sup> and adhere to CDC guidelines and Executive Orders regarding isolation following travel.

### Employer guidance:

- Create plans to allow employees to return to work in phases.
- Close common areas or enforce social distancing protocols.
- Minimize non-essential travel and adhere to CDC guidelines and Executive Orders regarding isolation following travel.
- Honor requests of personnel who are members of a vulnerable population for special accommodations.

### Specific Employer guidance:

- Schools and organized sporting events and camps that are currently closed should remain closed until further notice.
- Visits to Senior Living Facilities and hospitals are prohibited.

### April 24, 2020, the following businesses can reopen:

- Personal care businesses, such as hair salons, barbershops, spas, nail salons, and pet groomers can reopen for appointments only, must adhere to sanitation protocols, and follow guidelines posted on the Oklahoma Department of Commerce website regarding social distancing between customers and visitors at personal care businesses.
- State parks and outdoor recreation should be reopened
- Grocery stores should continue to maintain hours for vulnerable populations

### May 1, 2020, the following businesses can reopen:

- Dining, entertainment, movie theatres and sporting venues can operate using CDC-recommended social distancing and sanitation protocols.
- Gyms can reopen if they adhere to CDC-recommended social distancing and sanitation protocols.
- Places of worship can reopen for in-person meetings or worship if they leave every other row or pew open and adhere to CDC-recommended social distancing and sanitation protocols, plus the recommended guidelines from the Oklahoma Department of Commerce.
- Bars should remain closed.
- Tattoo Parlors can reopen for appointments only and must adhere to sanitation protocols and social distancing protocols for distancing between customers and visitors.

## Open Up and Recover Safely Plan

*If hospital & incident rates remain at a manageable level for 14 days, we move to Phase 2.*

## Phase 2

**Started May 15, 2020 (Phase 1 guidelines were met)**

*Once hospital and incident rates remain at a manageable level for 14 more days, the following phase will apply:*

### **Individual guidance:**

- Continue following safer-at-home guidelines if they are over 65 or part of a vulnerable population.
- Maintain social distancing from others when in public.
- Avoid socializing in groups that do not readily allow for appropriate social distancing.
- Consider resuming non-essential travel.

### **Employer guidance:**

- Close common areas or enforce social distancing and sanitation protocols.
- Honor requests of personnel who are members of a vulnerable population for special accommodations.
- Employers are recommended to implement social distancing protocols, which include proper sanitation and use of protective equipment when interacting with the public.

### **Specific Employer guidance:**

- Organized sports activities can reopen and operate under proper social distancing and sanitation protocols.
- Visits to Senior Care Facilities are still prohibited.
- Visits to hospitals shall be subject to the following limitations.

In response to the COVID-19 pandemic, health care facilities (hospitals, ambulatory surgery centers, outpatient diagnostic centers, and clinics) are uniquely charged with protecting both the health of those they serve and the health of their caregivers. As an essential part of the front line to stopping the community spread of COVID-19, health care facilities should maintain compliance with current CDC guidelines regarding limiting visitation to their facilities through the establishment of policies that limit the number of people who may access their facility.

Depending upon the prevalence of community spread and number of suspected or confirmed COVID-19 patients in the facility, in consultation with medical staff, the facility shall determine the visitation policies. If determined that it is safe for the patient and the staff, the following visitation will be allowed in Phases 2 and 3 of the OURS plan:

1. Each patient may be permitted one adult Patient Representative to support and assist the patient with receipt of care. The Patient Representative should be the same throughout the admission or visit.

## Open Up and Recover Safely Plan

a. Additional Patient Representatives may be permitted if exceptional circumstances warrant consideration and in compliance with facility policy.

b. Patient Representatives shall be subject to any screening procedures required by the facility including temperature screenings, observance of hand hygiene practices, and the wearing of their own mask at all times while in the facility.

2. The facility may further limit access to patients when Patient Representatives fail to follow facility policy.

3. Social distancing is required at all times.

- Bars can operate with diminished standing-room occupancy, where applicable and appropriate, and under social distancing and sanitation protocols.
- Funerals and weddings can resume under social distancing protocols.
- Children's nursery areas in places of worship can reopen.

*If hospital & incident rates remain at a manageable level for 14 days, we move to Phase 3*

## Phase 3

**Goal of June 1, 2020 (Subject to all guidelines being met)**

*Once hospital and incident rates remain at a manageable level statewide for 14 more days Phase 3 will apply, which will allow for further public interaction.*

### Individual guidance:

- Citizens should minimize time spent in crowded environments and continue following CDC guidelines regarding social distancing
- If you are over 65 or part of a vulnerable population, continue following safer-at-home policies.
- Visitation to hospitals is allowed within the guidelines provided in the OURS plan.
- Visitation to senior care facilities, except for end-of-life situations, will be prohibited until affirmatively lifted by Executive Order

### Employer guidance:

- Summer camps (church and school) can open
- Businesses can resume unrestricted staffing at their worksites by observing proper CDC-recommended social distancing protocols and are recommended to continue increased cleaning and disinfecting practices.
- Suggested guidelines regarding use of masks and other personal protective equipment can be found on the CDC website along with the Oklahoma Department of Commerce website.
- Businesses operating by appointment only may begin operating by appointment and walk-in at their discretion.

### Specific Employer guidance:

- Visits to Senior Care Facilities should still be prohibited until the task force completes cleaning and testing protocols across the state. When this is completed, it will be posted



## Open Up and Recover Safely Plan

on the Oklahoma Department of Commerce and the Oklahoma Department of Health websites.

- Visits to hospitals shall be subject to the following limitations.

In response to the COVID-19 pandemic, health care facilities (hospitals, ambulatory surgery centers, outpatient diagnostic centers, and clinics) are uniquely charged with protecting both the health of those they serve and the health of their caregivers. As an essential part of the front line to stopping the community spread of COVID-19, health care facilities should maintain compliance with current CDC guidelines regarding limiting visitation to their facilities through the establishment of policies that limit the number of people who may access their facility.

Depending upon the prevalence of community spread and number of suspected or confirmed COVID-19 patients in the facility, in consultation with medical staff, the facility shall determine the visitation policies. If determined that it is safe for the patient and the staff, the following visitation will be allowed in Phases 2 and 3 of the OURS plan:

1. Each patient may be permitted one adult Patient Representative to support and assist the patient with receipt of care. The Patient Representative should be the same throughout the admission or visit.
  - a. Additional Patient Representatives may be permitted if exceptional circumstances warrant consideration and in compliance with facility policy.
  - b. Patient Representatives shall be subject to any screening procedures required by the facility including temperature screenings, observance of hand hygiene practices, and the wearing of their own mask at all times while in the facility.
2. The facility may further limit access to patients when Patient Representatives fail to follow facility policy.
3. Social distancing is required at all times.

## Governor's Bounce Back Advisory Group

<b>Chad Warmington, Chairman</b>	State Chamber	
<b>Brent Bolen</b>	Bolen Farms	Agriculture
<b>Steve Bradshaw</b>	Bank of Oklahoma	Banking
<b>Herbert Cooper</b>	People's Church (OKC)	Faith
<b>Jennifer Ellis</b>	Cosmetic Specialty Labs	Manufacturing
<b>Mike Fina</b>	Oklahoma Municipal League	Municipal Government
<b>Greg Hodgen</b>	Groendyke Transport	Transportation
<b>Jim Hopper</b>	Restaurant Association	Restaurants
<b>Michael Junk</b>	Governor Stitt Chief of Staff	
<b>Sean Kouplen</b>	Secretary of Commerce & Workforce Development	
<b>Garry Mize</b>	Oklahoma State House of Representatives	
<b>David Le Norman</b>	Petroleum Alliance of OK	Energy
<b>John Patrick Lopez</b>	Lopez Foods	Food Service
<b>Jerome Loughridge</b>	Sec of Health and Mental Health	
<b>Lonnie Paxton</b>	Oklahoma State Senate	
<b>Tim Pehrson</b>	INTEGRIS	Healthcare
<b>Matt Pinnell</b>	Lt Governor	
<b>Rick Nagel</b>	ACORN	Aerospace
<b>Tina Patel</b>	Promise Hotels	Hospitality
<b>Michael Rogers</b>	Secretary of State & Education	
<b>Kayse Shrum</b>	Sec of Science and Innovation	
<b>Peggy Simmons</b>	AEP-PSO	Utilities
<b>Kinnee Tilly</b>	Chair, Governor's Econ. Dev. Marketing Team	Economic Development

**Staff:**

**Brent Kisling** Executive Director, OK Dept of Commerce  
**Adria Berry** Counselor to Secretary of State

<sup>i</sup> Vulnerable citizens are those who are over 65 years of age or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy

<sup>ii</sup> Common areas are break rooms, kitchens, or other areas where personnel are likely to congregate and interact

<sup>iii</sup> See [Executive Order 2020-13](#) Paragraph #21 for safer-at-home policies

<sup>iv</sup> See [Executive Order 2020-13](#) Paragraph # 31 for travel policies

# Exhibit B

**OFFICE OF THE MAYOR  
CITY OF TULSA, OKLAHOMA  
EXECUTIVE ORDER NO. 2020-10**

**REPLACING EXECUTIVE ORDER 2020-09 AND PROCLAIMING A  
CIVIL EMERGENCY**

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the coronavirus COVID-19 disease to be a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the COVID-19 Virus pandemic; and

WHEREAS, on March 13, 2020, the Oklahoma Attorney General announced that the Emergency Price Stabilization Act, which prohibits an increase of more than 10% for the price of goods or services after a declared emergency, is in effect statewide; and

WHEREAS, on March 15, 2020, the Governor of the State of Oklahoma issued Executive Order 2020-07 declaring an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health and safety; and

WHEREAS, on March 16, 2020, as Mayor of the City of Tulsa, I issued Executive Order 2020-01 proclaiming the existence of a civil emergency in the City of Tulsa and restricting certain events and the maximum numbers of persons that could gather to 50; and

WHEREAS, on March 16, the State Board of Education ordered all accredited public schools to cease operations, effective March 17 until April 6, 2020; and

WHEREAS, on March 16, 2020, the Oklahoma Supreme Court cancelled all jury terms and suspended all civil, juvenile, and criminal cases for 30 days and on March 27, 2020, the Oklahoma Supreme Court extended the order to cancel jury terms and suspend all of the aforementioned cases until May 15, 2020; and

WHEREAS, on Tuesday, March 17, 2020, as Mayor of the City of Tulsa, I issued Executive Order 2020-02 declaring a civil emergency, calling for the closure of certain businesses, and prohibiting dine-in service at restaurants; and

WHEREAS, on March 24, 2020, the Governor of the State of Oklahoma amended Executive Order 2020-07 requiring vulnerable individuals to stay home except for essential errands, closing non-essential businesses in counties with confirmed cases of COVID-19, suspending certain elective and minor medical procedures, prohibiting gatherings of 10 or more individuals, and restricting visitation at nursing homes; and

WHEREAS, on March 25, 2020, the State Board of Education unanimously approved an order implementing a Distance Learning Plan to complete the 2019-20 school year for Oklahoma students without reopening school buildings; and

WHEREAS, on Tuesday, March 31, 2020, the President of the United States extended the CDC Coronavirus Guidelines for America for an additional 30 days through April 30, 2020; and

WHEREAS, on Wednesday, April 1, 2020, as Mayor of the City of Tulsa, I issued Executive Order 2020-05 declaring a civil emergency, prohibiting gatherings of any size, and requiring Tulsans to stay safer at home unless obtaining essential food or medical services, exercising, or performing essential work; and

WHEREAS, on Thursday, April 16, 2020, President Trump released his Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts; and

WHEREAS, on Friday, April 24, 2020, the Governor of the State of Oklahoma issued the Fourth Amended Executive Order 2020-13 to implement the Open Up and Recover Safely (OURS) Plan, a three-phased approach to open Oklahoma's economy back up starting April 24, 2020; and

WHEREAS, on Wednesday, April 29, 2020, as Mayor of the City of Tulsa, I issued Executive Order 2020-07 to implement reopening Phase 1 in the City of Tulsa; and

WHEREAS, on Thursday, May 14, 2020, as Mayor of the City of Tulsa, I issued Executive Order 2020-08 to implement reopening Phase 2 in the City of Tulsa; and

WHEREAS, on Friday, May 28, 2020, Governor of the State of Oklahoma Kevin Stitt announced his intention to proceed to Phase Three of the OURS Plan on Monday, June 1, 2020; and

WHEREAS, as of Monday, June 8, 2020, the Tulsa Health Department is working with local business owners to develop best practices for bars, taverns, nightclubs and other drinking establishments primarily serving alcoholic beverages; and

WHEREAS, it is my duty as Mayor to protect the health and safety of the City and its inhabitants, to preserve the peace, and to provide civil defense and emergency functions; and

WHEREAS, it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers and facilities to handle and care for the influx of new patients in order to safeguard public health and safety; and

Therefore, by the power vested in me as Mayor of the City of Tulsa, pursuant to Title 8, Tulsa Revised Ordinances, Section 200 and the Oklahoma Emergency Management Act, 63 O.S. § 683.3, I hereby proclaim the continued existence of a civil emergency in the City of Tulsa and further, it is hereby declared and **ORDERED**, as follows:

1. Executive Order No. 2020-09, dated May 29, 2020, proclaiming the existence of a civil emergency in the City of Tulsa is hereby amended and revised effective June 6, 2020, to reflect updated modeling to predict the impact of COVID-19 on public health and healthcare infrastructure, as encompassed hereinafter.
2. Special event permits, issued under the authority of Title 37 TRO Sections 1400 through 1415, may be issued to organizers following CDC and OURS Plan guidelines for social distancing and sanitation guidelines effective June 1, 2020.
3. All businesses within the City of Tulsa, including bars, shall follow the guidance in the Governor of the State of Oklahoma's OURS Plan.

June 8, 2020

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.



A handwritten signature in black ink, appearing to read "G.T. Bynum", written over a horizontal line.

G.T. Bynum, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Christina Appell", written over a horizontal line.

City Clerk

APPROVED:

A handwritten signature in black ink, appearing to read "David O'Melia", written over a horizontal line.

City Attorney

# Exhibit C

# Coronavirus Disease 2019

## Social Distancing

Keep Your Distance to Slow the Spread

### What is social distancing?

Limiting face-to-face contact with others is the best way to reduce the spread of coronavirus disease 2019 (COVID-19).

Social distancing, also called “physical distancing,” means keeping space between yourself and other people outside of your home.

**To practice social or physical distancing stay at least 6 feet (about 2 arms’ length) from other people.**

In addition to [everyday steps to prevent COVID-19](#), keeping space between you and others is one of the best tools we have to avoid being exposed to this virus and slowing its spread locally and across the country and world.

Limit close contact with others outside your household in indoor and outdoor spaces. Since people can spread the virus before they know they are sick, it is important to stay away from others when possible, even if you—or they—have no symptoms. Social distancing is especially important for [people who are at higher risk](#) for severe illness from COVID-19.

Many people have personal circumstances or situations that present challenges with practicing social distancing to prevent the spread of COVID-19. Please see the following guidance for additional recommendations and considerations for:

- [Households Living in Close Quarters: How to Protect Those Who Are Most Vulnerable](#)
- [Living in Shared Housing](#)
- [People with Disabilities](#)
- [People Experiencing Homelessness](#)



If you have been exposed or are sick

- [Separate from others to limit the spread of COVID-19](#)
- [Take care of yourself while you're sick](#)



# Why practice social distancing?

COVID-19 spreads mainly among people who are in close contact (within about 6 feet) for a prolonged period. Spread happens when an infected person coughs, sneezes, or talks, and droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby. The droplets can also be inhaled into the lungs. Recent studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of COVID-19.

It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes. However, this is not thought to be the main way the virus spreads. COVID-19 can live for hours or days on a surface, depending on factors such as sunlight, humidity, and the type of surface. Social distancing helps limit opportunities to come in contact with contaminated surfaces and infected people outside the home.

Although the risk of severe illness may be different for everyone, anyone can get and spread COVID-19. Everyone has a role to play in slowing the spread and protecting themselves, their family, and their community.

**Stress and Coping.** Everyone reacts differently to stressful situations and having to socially distance yourself from someone you love can be difficult. Read tips for stress and coping. Need help? Know someone who does? If you, or someone you care about, are feeling overwhelmed with emotions like sadness, depression, or anxiety, or feel like you want to harm yourself or others



## Need help? Know someone who does?

If you, or someone you care about, are feeling overwhelmed with emotions like sadness, depression, or anxiety, or feel like you want to harm yourself or others

- Call 911
- Visit the Disaster Distress Helpline [🔗](#), call 1-800-985-5990, or text TalkWithUs to 66746
- Visit the National Domestic Violence Hotline [🔗](#) or call 1-800-799-7233 and TTY 1-800-787-3224

## More Information

[How to Protect Yourself](#)

[Cleaning and Disinfecting Your Home](#)

[Gatherings and Community Events](#)

# Exhibit D

## Coronavirus Disease 2019 (COVID-19)

### Considerations for Events and Gatherings

As some communities in the United States begin to plan and hold events and gatherings, the CDC offers the following considerations for enhancing protection of individuals and communities and preventing spread of coronavirus disease 2019 (COVID-19). Event planners and officials can determine, in collaboration with [state and local health officials](#), whether and how to implement these considerations, making adjustments to meet the unique needs and circumstances of the local community. Because COVID-19 virus circulation varies in communities, these considerations are meant to supplement—**not replace**—any state, local, territorial, or tribal health and safety laws, rules, and regulations with which gatherings must comply. Organizers should continue to assess, based on current conditions, whether to postpone, cancel, or significantly reduce the number of attendees for gatherings.

### Guiding Principles

- A gathering refers to a planned or spontaneous event, indoors or outdoors, with a small number of people participating or a large number of people in attendance such as a community event or gathering, concert, festival, conference, parade, wedding, or sporting event.
- The *more people* an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading.
- The *higher the level of community transmission* in the area that the gathering is being held, the higher the risk of COVID-19 spreading during a gathering.
- The size of an event or gathering should be determined based on state, local, territorial or tribal safety laws and regulations.

The risk of COVID-19 spreading at events and gatherings increases as follows:

**Lowest risk:** Virtual-only activities, events, and gatherings.

**More risk:** Smaller outdoor and in-person gatherings in which individuals from different households remain spaced at least 6 feet apart, wear cloth face coverings, do not share objects, and come from the same local area (e.g., community, town, city, or county).

**Higher risk:** Medium-sized in-person gatherings that are adapted to allow individuals to remain spaced at least 6 feet apart and with attendees coming from outside the local area.

**Highest risk:** Large in-person gatherings where it is difficult for individuals to remain spaced at least 6 feet apart and attendees travel from outside the local area.

# Targeting COVID-19's spread




SARS-CoV-2, the virus that causes COVID-19, is thought to be mostly spread by respiratory droplets released when people talk, cough, or sneeze. It is thought that the virus may also spread to hands from a contaminated surface and then to the nose, mouth or eyes, causing infection. Therefore, personal prevention practices (such as handwashing, staying home when sick, maintaining 6 feet of distance, and wearing a cloth face covering) and environmental prevention practices (such as cleaning and disinfection) are important ways to prevent the virus's spread.

These prevention principles are covered in this document. They provide event planners and individuals with actions to help lower the risk of COVID-19 exposure and spread during gatherings and events.

## Promoting Healthy Behaviors that Reduce Spread

Event planners should consider implementing strategies to encourage behaviors that reduce the spread of COVID-19 among staff and attendees.

- **Staying Home when Appropriate**
  - Educate staff and attendees about when they should stay home.
    - Advise employees and attendees to stay home if they have tested positive for COVID-19 or are showing COVID-19 symptoms.
    - Advise employees and attendees to stay home and monitor their health if they have had a close contact with a person who has symptoms of COVID-19 within the past 14 days.
    - Develop policies that encourage sick employees to stay at home without fear of reprisal, and ensure employees are aware of these policies.
    - CDC's criteria can help inform when employees should return to work:
      - If they have been sick with COVID-19
      - If they tested positive for COVID-19 but had no symptoms
      - If they have recently had a close contact with a person with COVID-19
    - Consider developing flexible refund policies for attendees for events that involve a participation fee.
- **Hand Hygiene and Respiratory Etiquette**
  - Require frequent employee handwashing (e.g., before, during, and after taking tickets; after touching garbage) with soap and water for at least 20 seconds and increase monitoring to ensure adherence.
  - If soap and water are not readily available, employees can use hand sanitizer that contains at least 60% alcohol and rub their hands until dry.
  - Encourage staff to cover the mouth and nose with a tissue when coughing and sneezing. Used tissues should be thrown in the trash and hands washed immediately with soap and water for at least 20 seconds.
  - Encourage attendees to wash hands often and cover coughs and sneezes.
  - Attendees often exchange handshakes, fist bumps, and high-fives at meetings and sporting events. Display signs (physical and/or electronic) that discourage these actions during the event.
- **Cloth Face Coverings**
  - Require the use of cloth face coverings among staff. Cloth face coverings are **most** essential in times when physical distancing is difficult (e.g., when moving within a crowd or audience).
  - Provide all staff with information on proper use, removal, and washing of cloth face coverings.

- Advise staff that cloth face coverings should **not** be placed on:
    - Babies or children younger than 2 years old
    - Anyone who has trouble breathing
    - Anyone who is unconscious, incapacitated, or otherwise unable to remove the cloth face covering without assistance
  - Encourage attendees ahead of the event to bring and use cloth face coverings at the event.
  - Cloth face coverings are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms. Cloth face coverings are not surgical masks or respirators. They are not personal protective equipment.
  - Cloth face coverings are strongly encouraged in settings where individuals might raise their voice (e.g., shouting, chanting, singing).
- **Adequate Supplies**
    - Ensure adequate supplies to support healthy hygiene  behaviors. Supplies include soap, water, hand sanitizer containing at least 60 percent alcohol, paper towels, tissues, disinfectant wipes, cloth face coverings (as feasible), and no-touch trash cans.
- **Signs and Messages**
    - Post signs in highly visible locations (e.g., at entrances, in restrooms) that promote everyday protective measures and describe how to stop the spread  of germs by properly washing hands and properly wearing a cloth face covering .
    - Broadcast regular announcements on reducing the spread of COVID-19 on public address systems.
    - Include messages (for example, videos) about behaviors that prevent spread of COVID-19 when communicating with staff, vendors, and attendees (such as on the event website and through event social media accounts).
    - Consider developing signs and messages in alternative formats (e.g., large print, braille, American Sign Language) for people who have limited vision or are blind or people who are deaf or hard of hearing.
    - Find freely available CDC print and digital resources about COVID-19 on CDC's communications resources main page.

## Maintaining Healthy Environments

Event planners should consider implementing several strategies to maintain healthy environments.

- **Cleaning and Disinfection**
  - Clean and disinfect frequently touched surfaces within the venue at least daily or between uses as much as possible—for example, door handles, sink handles, drinking fountains, grab bars, hand railings, and cash registers.
  - Clean and disinfect shared objects between uses—for example, payment terminals, tables, countertops, bars, and condiment holders.
  - Consider closing areas such as drinking fountains that cannot be adequately cleaned and disinfected during an event.
  - Develop a schedule for increased, routine cleaning and disinfection.
  - Plan for and enact these cleaning routines when renting event space and ensure that other groups who may use your facilities follow these routines.
  - If transport vehicles like buses are used by the event staff, drivers should practice all safety actions and

protocols as indicated for other staff—for example, washing hands often and wearing cloth face coverings and maintaining social distance of bus riders. To clean and disinfect event buses, vans, or other vehicles see guidance for bus transit operators and drivers for hire, and adapt as needed.

- Ensure safe and correct use and storage of cleaners and disinfectants [☑](#) to avoid harm to employees and other individuals. Always read and follow label instructions for each product, and store products securely away from children.
  - Use EPA-approved disinfectants against COVID-19 [☑](#) .
  - Cleaning products should not be used near children. Staff should ensure that there is adequate ventilation when using these products to prevent attendees or themselves from inhaling toxic vapors.
  - Use disposable gloves when removing garbage bags or handling and disposing of trash.
    - After using disposable gloves, throw them out in a lined trash can.
    - Do not disinfect or reuse the gloves.
    - Wash hands after removing gloves.
- **Restrooms**
    - Consider limiting the number of people who occupy the restroom at one time to allow for social distancing.
    - Do not allow lines or crowds to form near the restroom without maintaining a distance of at least 6 feet from other people. It may be helpful to post signs or markers to help attendees maintain the appropriate social distance of at least 6 feet.
    - Ensure that open restrooms are:
      - Operational with functional toilets.
      - Cleaned and disinfected regularly, particularly high-touch surfaces such as faucets, toilets, stall doors, doorknobs, countertops, diaper changing tables, and light switches.
        - Clean and disinfect restrooms daily or more often, if possible, with EPA-approved disinfectants against COVID-19.
        - Ensure safe and correct application of disinfectants and keep products away from children.
      - Adequately stocked with supplies for handwashing, including soap and water or hand sanitizer with at least 60% alcohol (for staff and older children who can safely use hand sanitizer), paper towels, tissues, and no-touch trash cans.
        - If you are providing portable toilets, also provide portable handwashing stations and ensure that they remain stocked throughout the duration of the event. If possible, provide hand sanitizer stations that are touch-free.
- **Ventilation**
    - Ensure ventilation systems operate properly and increase circulation of outdoor air as much as possible, for example, by opening windows and doors. Do not open windows and doors if doing so poses a safety or health risk to staff or attendees (e.g., risk of falling or triggering asthma symptoms).
    - If portable ventilation equipment like fans are used, take steps to minimize air from them blowing from one person directly at another person to reduce the potential spread of any airborne or aerosolized viruses.
- **Water Systems**
    - To minimize the risk of Legionnaires' disease and other diseases associated with water, take steps to ensure that all water systems and features (e.g., sink faucets, drinking fountains, decorative fountains) are safe to use after a prolonged facility shutdown. Drinking fountains should be cleaned and sanitized, but encourage staff and attendees to bring their own water, as feasible, to minimize touching and use of water fountains.

- **Modified Layouts**

- Limit attendance or seating capacity to allow for social distancing, or host smaller events in larger rooms.
- Use multiple entrances and exits and discourage crowded waiting areas.
- Block off rows or sections of seating in order to space people at least 6 feet apart.
- Eliminate lines or queues if possible or encourage people to stay at least 6 feet apart by providing signs or other visual cues such as tape or chalk marks.
- Prioritize outdoor activities where social distancing can be maintained as much as possible.
- Offer online attendance options in addition to in-person attendance to help reduce the number of attendees.

- **Physical Barriers and Guides**

- Provide physical guides, such as tape on floors or sidewalks and signs on walls, to ensure that individuals remain at least 6 feet apart in lines and at other times (e.g., guides for creating one-way routes).
- Install physical barriers, such as sneeze guards and partitions, in areas where it is difficult for individuals to remain at least 6 feet apart. Barriers can be useful at cash registers and other areas where maintaining physical distance of 6 feet is difficult.
- Change seating layout or availability of seating so that people can remain least 6 feet apart.

- **Communal Spaces**

- Stagger use of shared indoor spaces such as dining halls, game rooms, and lounges as much as possible and clean and disinfect them between uses.
- Add physical barriers, such as plastic flexible screens, between bathroom sinks and beds, especially when they cannot be at least 6 feet apart.
- Clean and disinfect bathrooms regularly (e.g., in the morning and evening or after times of heavy use) using EPA-registered disinfectants [↗](#).
- For more information on communal spaces in event housing (e.g., laundry rooms, shared bathrooms, and recreation areas) follow CDC's guidance for Shared or Congregate Housing.

- **Food Service**

- There is no evidence that COVID-19 is spread by food. However, people sharing utensils and congregating around food service areas can pose a risk.
- If the event includes food service, refer to CDC's COVID-19 considerations for restaurants and bars.
- Use touchless payment options as much as possible, if available.
- Ask customers and employees to exchange cash or card payments by placing them on a receipt tray or on the counter rather than by hand to avoid direct hand-to-hand contact.
- Clean and disinfect frequently touched surfaces such as pens, counters, or hard surfaces between use and encourage patrons to use their own pens.
- Provide physical guides, such as tape on floors or sidewalks and signs on walls, to ensure that individuals remain at least 6 feet apart when waiting in line to order or pick up.
- If a cafeteria or group dining room is used, serve individually plated meals or grab-and-go options, and hold activities in separate areas.
- Use disposable food service items including utensils and dishes. If disposable items are not feasible or desirable, ensure that all non-disposable food service items are handled with gloves and washed with dish soap and hot water or in a dishwasher.
- Individuals should wash their hands after removing their gloves or after directly handling used food service

items.

- Avoid offering any self-serve food or drink options, such as buffets, salad bars, and drink stations. Consider having pre-packaged boxes or bags for each attendee.

- **Shared Objects**

- Discourage people from sharing items that are difficult to clean, sanitize, or disinfect.
- Limit any sharing of food, tools, equipment, or supplies by staff members.
- Ensure adequate supplies to minimize sharing of high-touch materials to the extent possible; otherwise, limit use of supplies and equipment to one group of staff members or attendees at a time, and clean and disinfect them between use.

## Maintaining Healthy Operations

Event organizers and staff may consider implementing several strategies to maintain healthy operations.

- **Regulatory Awareness**

- Be aware of local or state regulatory agency policies related to group gatherings to determine if events can be held.

- **Protections for Staff and Attendees who are at Higher Risk of Severe Illness from COVID-19**

- Offer options for staff at higher risk for severe illness (including older adults and people of any age with underlying medical conditions) that limit their exposure risk. For example:
  - Offer telework and modified job responsibilities for staff, such as setting up for the event rather than working at the registration desk.
  - Replace in-person meetings with video- or tele-conference calls whenever possible.
- As feasible, offer options for attendees at higher risk for severe illness that limit their exposure risk (e.g., virtual attendance).
- Consider limiting event attendance to staff and guests who live in the local area (e.g., community, city, town, or county) to reduce risk of spreading the virus from areas with higher levels of COVID-19. If attendance is open to staff and guests from other communities, cities, town or counties, provide information to attendees so they can make an informed decision about participation.
- Put policies in place to protect the privacy of people at higher risk for severe illness regarding their underlying medical conditions.

- **Limited, Staggered, or Rotated Shifts and Attendance Times**

- Consider ways to significantly reduce the number of attendees.
- Use flexible worksites (e.g., telework) and flexible work hours (e.g., staggered shifts) to help establish policies and practices for social distancing of 6 feet between employees, volunteers, and others.
- Rotate or stagger shifts and arrival times to limit the number of employees in a venue at the same time.
- Stagger and limit attendance times to minimize the number of guests at the venue.

- **Travel & Transit**

- Encourage employees to use transportation options that minimize close contact with others (e.g., walking or biking, driving or riding by car – alone or with household members only). Consider offering the following support:



- Ask employees to follow the CDC guidance on how to Protect Yourself When Using Transportation, including public transit.
    - Allow employees to shift their hours so they can commute during less busy times.
    - Ask employees to wash their hands as soon as possible after their trip.
  - Reconfigure parking lots to limit congregation points and ensure proper separation of employees (e.g., closing every other parking space).
  - Encourage rideshare drivers to clean and disinfect frequently touched surfaces in the vehicle and avoid providing pooled rides or picking up multiple passengers who would not otherwise be riding together on the same route.
- **Designated COVID-19 Point of Contact**
  - Designate an administrator or office to be responsible for responding to COVID-19 concerns. All staff and attendees should know who this person or office is and how to contact them.
- **Communication Systems**
  - Put systems in place to:
    - Encourage staff and attendees to self-report to event officials or a COVID-19 point of contact if they have symptoms of COVID-19, a positive test for COVID-19, or were exposed to someone with COVID-19 within the last 14 days, in accordance with health information sharing regulations for COVID-19 (e.g., see “Notify Health Officials and Close Contacts” in the **Preparing for When Someone Gets Sick** section below), and other applicable privacy and confidentiality laws and regulations.
    - Advise attendees prior to the event or gathering that they should not attend if they have symptoms of, a positive test for, or were recently exposed (within 14 days) to COVID-19.
    - Notify staff, attendees, and the public of cancellations and restrictions in place to limit people’s exposure to COVID-19 (e.g., limited hours of operation).
    - Identify and address potential language, cultural, and disability barriers associated with communicating COVID-19 information to event staff and participants. Tailor information so that it is easily understood by various audiences and is available in alternative formats and languages.
    - Learn more about reaching people of diverse languages and cultures by visiting: Know Your Audience. You also can learn more about communicating to staff in a crisis at: Crisis Communications Plan. [↗](#)
- **Leave (Time Off) Policies**
  - Implement flexible sick leave policies and practices that are not punitive and enable employees to stay home when they are sick, have been exposed, are caring for someone who is sick, or who must stay home with children if schools or child care centers are closed.
  - Examine and revise policies for leave, telework, and employee compensation as needed.
  - Ensure that any relevant policies are communicated to staff.
- **Back-Up Staffing Plan**
  - Monitor absenteeism of employees, cross-train staff, and create a roster of trained back-up staff.
  - Develop policies for return-to-work and event facilities after an employee has COVID-19. CDC’s criteria to discontinue home isolation and quarantine can inform these policies.
- **Staff Training**
  - Train staff on all safety protocols. Consider using CDC’s Interim Guidance for Businesses and Employers as a

guide.

- Conduct training virtually to ensure that social distancing is maintained during training.
- If training needs to be done in person, maintain social distancing. Virtual training is clearly better for infection control when feasible.

- **Recognize Signs and Symptoms**

- If feasible, conduct daily health checks (e.g., temperature screening and/or symptom checking) of staff and attendees safely and respectfully, and in accordance with any applicable privacy laws and regulations.
- Event administrators may consider using examples of screening methods in CDC's General Business FAQs as a guide.

- **Sharing Facilities**

- Encourage any organizations that share or use the same venue to also follow these considerations and limit shared use, if possible.

- **Support Coping and Resilience**

- Promote employees' ability to eat healthy foods, exercise, get enough sleep, and find time to unwind.
- Encourage employees to talk with people they trust about their concerns and how they are feeling.
- Consider posting signs for the national distress hotline: 1-800-985-5990, or text TalkWithUsto 66746; The National Domestic Violence Hotline: 1-800-799-7233 and TTY 1-800-787-3224; and The National Suicide Prevention Lifeline: 1-800-273-TALK (8255).

- **Lessons Learned After the Event**

- Meet with the emergency operations coordinator or planning team for your venue to discuss and note lessons learned.
- Determine ways to improve planning and implementation processes if the event will happen again.
- Update your plans regularly according to the state and local situation and orders.

## Preparing for When Someone Gets Sick

Event planners should consider several strategies to implement when someone gets sick.

- **Advise Sick Individuals of Home Isolation Criteria**

- Communicate to sick staff members that they should not return to work until they have met CDC's criteria to discontinue home isolation.

- **Isolate and Transport Those Who are Sick**

- Make sure that staff and attendees know that they should not come to the event and that they should notify event planners (e.g., the designated COVID-19 point of contact) if they become sick with COVID-19 symptoms, test positive for COVID-19, or have been exposed to someone with symptoms or a suspected or confirmed case.
- Immediately separate staff and attendees with COVID-19 symptoms (e.g., fever, cough, shortness of breath) at the event. Individuals who are sick should go home or to a healthcare facility, depending on how severe their symptoms are, and follow CDC guidance for caring for themselves.
- Individuals who have had close contact with a person who has symptoms should be separated, sent home, and advised to follow CDC guidance for community-related exposure (see "Notify Health Officials and Close

Contacts" below). If symptoms develop, individuals should follow CDC guidance for caring for themselves.

- Planners may follow CDC's Guidance for Shared or Congregate Housing for any staff who live in event housing.
- Work with venue administrators, local officials, and healthcare providers to identify an isolation area to separate anyone who has COVID-like symptoms or who has tested positive but does not have symptoms. Event healthcare providers should use Standard and Transmission-Based Precautions when caring for sick people. See: What Healthcare Personnel Should Know About Caring for Patients with Confirmed or Possible COVID-19 Infection.
- Establish procedures for safely transporting anyone sick to their home or to a healthcare facility. If you are calling an ambulance or bringing someone to the hospital, call first to alert them that the person may have COVID-19.

- **Clean and Disinfect**

- Close off areas used by a sick person and do not use these areas until after cleaning and disinfecting them (for outdoor areas, this includes surfaces or shared objects in the area, if applicable).
- Wait at least 24 hours before cleaning and disinfecting. If 24 hours is not feasible, wait as long as possible. Ensure safe and correct use and storage of cleaning  and disinfection products, including storing them securely away from children.

- **Notify Health Officials and Close Contacts**

- In accordance with state and local laws and regulations, event planners should notify local health officials, staff, and attendees of any case of COVID-19 while maintaining confidentiality in accordance with the Americans with Disabilities Act (ADA)  and other applicable laws and regulations.
- Advise those who have had close contact with a person diagnosed with COVID-19 to stay home, self-monitor for symptoms, and follow CDC guidance if symptoms develop.

## Other Resources

[Latest COVID-19 Information](#)

[Cleaning and Disinfection](#)

[Guidance for Businesses and Employers](#)

[Guidance for Schools and Childcare Centers](#)

[Guidance for Park Administrators](#)

[Shared and Congregate Housing](#)

[COVID-19 Prevention](#)

[Handwashing Information](#)

[Face Coverings](#)

[Social Distancing](#)

[COVID-19 Frequently Asked Questions:](#)

[Persons at Higher Risk](#)

[Managing Stress and Coping](#)

[HIPAA and COVID-19](#) [↗](#)

[CDC communication resources](#)

[Community Mitigation](#)

[Transportation](#)

[Interim Guidance for Communities of Faith](#)

[Crisis Communications Plan.](#) [↗](#)

[Restaurants and bars](#)

[Americans with Disabilities Act \(ADA\) and other applicable laws and regulations](#) [↗](#)

# Exhibit E

## Coronavirus Disease 2019

# Event Planning and COVID-19: Questions and Answers

Information for Event Planners and Individuals

Updated March 15, 2020

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## Planning and Preparedness

### What actions should I take to plan for an outbreak? +

Creating an emergency plan for mass gatherings and large community events, such as concerts and sporting events, can help protect the health of your staff, attendees, and the local community. This planning should include:

- Encouraging staff and attendees to stay home if sick.
- Developing flexible refund policies for attendees.
- Providing supplies for attendees and staff that can be used to help prevent the spread of germs.
- Consulting local public health officials about your event.

### What actions can staff and attendees take to prevent the spread of COVID-19? +

Encourage staff and attendees to take [everyday preventive actions](#) to help prevent the spread of respiratory illnesses, such as COVID-19. This includes:

- **Cleaning your hands often.**
- **Avoiding close contact** with people who are sick.
- Staying home when you are sick.
- Covering coughs and sneezes with a tissue or the inside of your elbow.
- Cleaning and disinfecting frequently touched surfaces.

## What are things to consider when determining if an event needs to be postponed or canceled? —

Consult with local public health officials and continually assess, based on current conditions, whether to postpone, cancel, or significantly reduce the number of attendees (if possible) at an event or gathering. When determining if you should postpone or cancel a large gathering or event, consider the:

- Overall number of attendees or crowd size.
- Number of attendees who are at higher risk of developing serious illness from COVID-19. This includes older adults and people with underlying health problems such as lung or heart disease and diabetes.
- How close together attendees will be at the event.
- Potential ways to minimize economic impact to attendees, staff, and the local community.
- Amount of spread in local community and the communities from where your attendees are likely to travel.
- Needs and capacity of the local community to host or participate in your event.


## Is there information I can share with staff and attendees about COVID-19? +

Share these resources to help people understand COVID-19 and steps they can take to help protect themselves:

- Prevention and Treatment
- What to Do If You Are Sick
- Groups at Higher Risk
- FAQs: Pregnant Women and COVID-19
- FAQs: Coronavirus Disease-2019 (COVID-19) and Children
- Handwashing: A Family Activity
- Handwashing: Clean Hands Save Lives

# Confirmed case of COVID-19 at an event

## What steps should I take if an attendee or staff person develops symptoms of COVID-19 while at the event? +

If a staff member or attendee becomes sick at your event, separate them from others as soon as possible and until they can go home. Provide them with clean, disposable facemasks  to wear, if available. If not available, provide them with a tissue or some other way to cover their coughs and sneezes. If needed, contact emergency services for those who need emergency care. Public transportation, shared rides, and taxis should be avoided for sick persons. Be sure to contact local public health officials regarding the possible case of COVID-19 at your event and how to communicate with staff and attendees about possible exposure to the virus. Read more about preventing the spread of COVID-19 if someone is sick.

**What is the best way to clean and disinfect the event space after a confirmed case of COVID-19 at my event?** +

CDC has guidance for cleaning and disinfecting rooms and areas where a person with suspected or confirmed COVID-19 has visited. See Environmental Cleaning and Disinfection Recommendations.

Page last reviewed: March 15, 2020