

**IN THE ERIE COUNTY MUNICIPAL COURT
MILAN, OHIO**

2020 MAY 15 A 9:05

2020-MI-0013

**ERIE COUNTY
MUNICIPAL COURT**

**AMENDED AND RESTATED
TEMPORARY ORDER IN RESPONSE TO THE COVID-19
(CORONAVIRUS) PUBLIC HEALTH CRISIS**

The Courts make the following Findings of Fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D “Declaring a State of Emergency” in response to the growing COVID-19 public health crisis (thereinafter “Public Health Emergency”).
2. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus.
3. Based on the Public Health Emergency and the above Findings of Fact, this Court has developed a continuum of flexible responses in case the public health crisis escalates. The continuum of responses is intended to protect public health, to maintain court functions, and to continue to protect the rights of all individuals subject to the authority of the Court.
4. The Court, in 2020-MI-0010, issued a Temporary Order in Response to the COVID-19 Public Health Crisis on March 16, 2020, and a First Supplemental Order in 2020-MI-0011 on March 20, 2020 (collectively “Orders”).
5. The Court finds that it is now necessary to update these Orders to provide for the resumption of certain in person hearings, and to further bring Court operations into compliance with updated health regulations and guidance.

THEREFORE, IT IS HEREBY ORDERED:

1. The prior Orders of the Court are vacated to the extent inconsistent with this Order.
2. The Local Rules of Court may be temporarily adapted to allow Court flexibility, within Constitutional limits, in response to the Public Health Emergency.
3. The Court security policies may be temporarily amended or supplemented to protect public health while maintaining court functions. These changes include, but are not limited to, the following:
 - a. The Clerk of Court's Office and the Courthouse are closed to all walk-in traffic until further notice. Only parties, attorneys, victims, and witnesses involved in a case on the daily Court docket shall be admitted to the Courthouse, and only at the time set for hearing or when called for by the Court. NO PERSON SHALL BE ADMITTED MORE THAN 5 MINUTES IN ADVANCE OF THE SCHEDULED HEARING TIME. NO PERSON SHALL BE PERMITTED TO CONGREGATE IN THE COURTHOUSE LOBBY OR HALLWAYS PRIOR TO THEIR HEARING, BUT MUST INSTEAD REMAIN OUTSIDE THE BUILDING UNTIL THEIR CASE IS CALLED. Exceptions may be made on a case-by-case basis. Requests for exceptions should be made in advance by telephone call to the Clerk. Individuals may wait in the lobby, following social distancing guidelines, post-hearing while waiting for the Clerk to process their paperwork.
 - b. All persons entering the Courthouse must wear a proper face mask or face covering. In addition, COVID-19 screening questions may be asked of each visitor. Any person may be refused entry to the Courthouse based on their answer to the

screening questions. Entry will be denied to any person that refuses to cooperate with screening or wear a proper mask/covering.

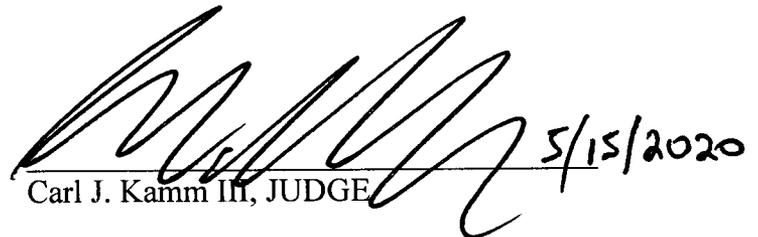
- c. Individuals with pending business with the Erie County Prosecutor's Office shall also be permitted through the security checkpoint at the request of the Prosecutor, provided they follow all other rules applicable to persons inside the Courthouse.
 - d. Any individual with same day business before the Court who is ill should call the Court at 419-499-4689 for further instructions.
4. The Clerk's office shall remain open to assist individuals by telephone. Limited in-person appointments may be made within the discretion of the Clerk. During the period of the Public Health Emergency, the Clerk will continue to accept payments online and by mail. Filings may be made by mail, fax, or email at any time and, when necessary, over the counter by appointment. No cash payments will be accepted for fines and costs. Cash will only be accepted for the posting of bond.
 5. The Court employment policy may be temporarily adjusted to maintain essential court operations and functions.
 6. The Court authorizes the use of audiovisual devices and technologies for all actions and proceedings, to be determined in a case by case basis. At minimum, the Court will employ audiovisual devices and technology to reduce the need to transport defendants who are in pre-trial confinement, including for all preliminary hearings held during the Public Health Emergency.
 7. The Public Health Emergency is hereby determined to be good cause for continuances in all proceedings, as deemed necessary on a case-by-case basis. Continuance requests shall be filed in writing.

8. All first, second, or third pre-trial conferences scheduled in civil, criminal, and traffic cases shall be held by telephone until further notice. Defense Counsel (or Defendant, if unrepresented) must call the Prosecutor at 419-499-8129 at the time scheduled for their pre-trial for criminal and traffic cases. Call information in civil cases shall be provided by the Clerk to the parties. All parties shall provide a valid telephone number to the Court.
9. Effective May 18, 2020, the following criminal matters will proceed with all interested parties appearing in person:
 - a. Preliminary Hearings, where the Defendant is not in pre-trial confinement;
 - b. Final pre-trials;
 - c. Change of Plea Hearings;
 - d. Sentencing Hearings;
 - e. Bench Trials;
 - f. Motion and Diversion Hearings, unless individually scheduled to be held by telephone;
 - g. Any other matter specifically scheduled to occur with the parties attending in person.
10. All hearings in Civil cases (including Small Claims and Forcible Entry and Detainer cases), except when an emergency exists, are continued until further order of the Court or the end of the State of Emergency as declared by the Governor of the State of Ohio, whichever occurs first. Emergency matters will be set at the discretion of the Court. Any party may notify the Court of the potential existence of an emergency situation requiring a hearing before the end of the State of Emergency. Nothing in this paragraph continues any civil

pre-trial telephone conference or extends or delays any party's deadline to conduct or respond to discovery.

11. All in person probation reporting is converted to telephone reporting until further notice. The Court's Probation Officer shall maintain authority to continue requiring in person reporting on a case-by-case basis.
12. The deadline for all fines, fees, and costs due to be paid on or after March 9, 2020, and before May 22, 2020, shall be extended 90 days.
13. Individuals with open warrants must contact the Court over the phone to schedule an appearance date to address the warrant. No unscheduled appearances will be permitted during the duration of the Public Health Emergency.
14. All hearing dates are subject to review and adjustment on the Court's own motion based on the status of the Public Health Emergency as it may exist in Erie County at the time of the review.
15. The Court will have the lawful authority, within constitutional limits, to do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the declared Public Health Emergency.

It is so Ordered.


Carl J. Kamm III, JUDGE 5/15/2020