

IN THE COURT OF APPEALS
FIFTH APPELLATE DISTRICT

LYNN M. TODARO
CLERK OF COURT OF APPEALS
STARK COUNTY, OHIO

2022 APR -4 AM 8:55
Revised Temporary Order

In re: In-Person or
Remote Oral Arguments

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01 D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 27, 2020, the Ohio Supreme Court ordered that social distancing must be observed during the emergency period in all court proceedings and in each court in order to mitigate the spread of COVID-19 and ordered courts to comply with all directives from the Director of the Ohio Department of Health, retroactive to March 9, 2020; said Order was set to expire on July 30, 2020 or on the date the period of emergency ends, whichever is sooner;

WHEREAS, on June 18, 2021, the Governor of Ohio lifted the state of emergency in Ohio;

WHEREAS, on July 20, 2021, this Court issued a Temporary Order that oral argument would be conducted either remotely by telephone or videoconferencing or in-person based upon a parties' preferences, or at the discretion of the Court. In that Temporary Order, should the parties disagree on a preference, the matter would be set for remote telephone or videoconference oral argument. Due to unforeseen pandemic circumstances, the Court exercised its discretion and set all cases for remote telephone or videoconference oral argument.

WHEREAS, this Court continued to monitor the situation and circumstances of the pandemic and re-evaluated its prior Order as circumstances evolved;

NOW THEREFORE, the prior Temporary Order of this Court is hereby modified as follows, effective immediately:

When oral argument is scheduled:

(A) Oral argument will be conducted either in-person or remotely by telephone or videoconferencing, based upon the parties' preferences, or at the discretion of the Court;

(B) During the duration of this transitional temporary order, should the parties express different preferences for oral argument, the matter will be set for an in-person oral argument;

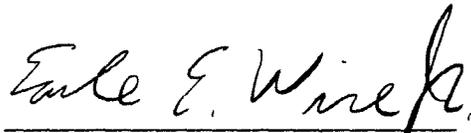
(C) Parties are strongly encouraged to identify their preference for remote or in-person oral arguments when requesting oral argument on their initial brief (See 5th Dist. Loc. R. 10(A));

(D) Information regarding how the public and the media may listen to remote arguments will be provided upon request and is available on the Court's website.

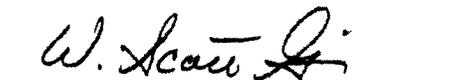
This Order is intended to be a transitional order as the pandemic continues to evolve. The Court will continue to monitor the situation and circumstances of the pandemic and re-evaluate this Order as deemed appropriate.

This Order shall be effective immediately and remain in place until further order of this Court.

IT IS SO ORDERED.


Earle E. Wise, Jr., Presiding Judge


Craig R. Baldwin, Administrative Judge


W. Scott Gwin, Judge


William B. Hoffman, Judge


John W. Wise, Judge


Patricia A. Delaney, Judge