

LOUIS P. GRAYSON  
CLERK OF COURT OF APPEALS  
STARK COUNTY, OHIO

2020 APR 15 PM 5:48

FIFTH DISTRICT COURT OF APPEALS

In re: Waiver of Oral Arguments and  
Submission of Cases on the Briefs

:  
:  
:  
:

JUDGMENT ENTRY

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

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

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;

WHEREAS, the Ohio Supreme Court issued its Order as a temporary measure to ensure the continued and effective operation of the judicial system during this emergency period;

WHEREAS, the Chief Justice further ordered that "[a]ny requirement in a rule of the Court that a party appear in person . . . may be waived by the Court";

WHEREAS, this Court agrees with the Ohio Supreme Court Order's intention to protect the citizens of Ohio and this District during this emergency period;

NOW THEREFORE, in accordance with the Ohio Supreme Court Order issued on March 27, 2020, this Court hereby Orders the following with regard to the waiver of oral arguments and the submission of appeals on the briefs for the protection, health, and safety of the parties, our clerks of courts and their staff and court personnel:

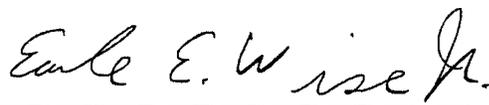
- (A) Due to the retroactive application of the Chief Justice's order, all cases that were scheduled for oral argument between March 9, 2020 and April 16, 2020 shall be submitted on the briefs, without oral argument, even if a party

previously declined to submit the case on the briefs and requested a continuance for purposes of oral argument;

- (B) After April 16, 2020, all cases that are fully briefed and ready to be assigned to a panel for merit review shall also be submitted on the briefs without oral argument;
- (C) The Court shall issue an order scheduling the cases for submission on the briefs on a specific date and assign the appeal to a panel of Judges for decision;
- (D) The Court will continue to monitor the situation and circumstances of this pandemic and re-evaluate this Order as circumstances evolve and improve;
- (E) This Order shall apply retroactively to March 9, 2020, the date of the emergency declared by Executive Order 2020-01D, and shall expire on the date the period of emergency ends, July 30, 2020 or upon further Order of this Court, whichever is sooner.

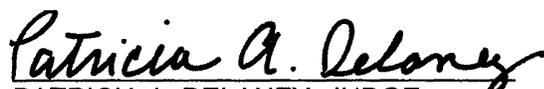
IT IS SO ORDERED.

WILLIAM B. HOFFMAN, PRES. JUDGE

  
EARLE E. WISE JR., ADM. JUDGE

  
W. SCOTT GWIN, JUDGE

  
JOHN W. WISE, JUDGE

  
PATRICIA A. DELANEY, JUDGE

  
CRAIG R. BALDWIN, JUDGE