

IN THE COURT OF APPEALS
FIFTH APPELLATE DISTRICT

STELLA JOHNS
CLERK OF COURT OF APPEALS
STARK COUNTY, OHIO

2021 JUL 20 PM 2:19
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 May 18, 2020, this Court issued an Order that all cases would be submitted without oral argument, if fully briefed and ready to be assigned to a panel for merit review, unless a party files a written request for oral argument upon being notified of such submission. Any written request for oral argument shall be made within 15 days of the filing of the Order submitting the case for merit review, unless good cause to extend the time is shown.

WHEREAS, this Court amended its Local Rules, eff. March 1, 2021, to require parties to request oral argument by including the words "ORAL ARGUMENT REQUESTED" prominently on the cover page of a party's initial brief, pursuant to App. R. 21. See 5th Dist. Loc. R. 10(A). That revised Rule shall apply to all appeals instituted on or after March 1, 2021. Any appeal pending prior to March 21, 2021 may rely on the prior order of this Court or the revised Local Rule.

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

NOW THEREFORE, when oral argument is scheduled, effective immediately, whether pursuant to this Court's May 18, 2020 Order or pursuant to this Court's Revised Local Rules, the following applies:

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

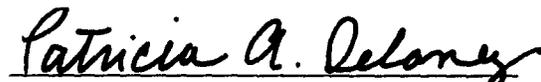
- C. During the duration of this transitional temporary order, should parties express different preferences for oral argument, the matter will be set for a remote telephone or videoconference oral argument;
- D. Information regarding how the public and the media may listen to remote arguments will be provided upon request.

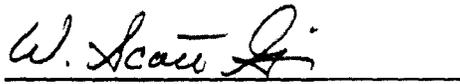
This Order is intended to be a transitional order as the pandemic continues to evolve. The Court will continue to monitor the situation and circumstances of this pandemic and re-evaluate this Order as deemed appropriate.

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

IT IS SO ORDERED.

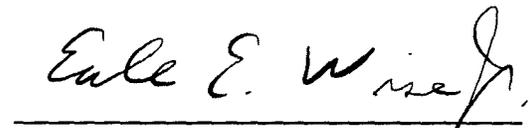

Craig R. Baldwin, Presiding Judge


Patricia A. Delaney, Administrative Judge


W. Scott Gwin, Judge


William B. Hoffman, Judge


John W. Wise, Judge


Earle E. Wise, Jr., Judge