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2020 MAR 26 PM 12:17

CLERK OF
ELYRIA MUNICIPAL COURT

IN THE ELYRIA MUNICIPAL COURT
ELYRIA, OHIO

BY: 

STATE OF OHIO :

:ss

COURT ORDER

LORAIN COUNTY :

One of the important functions of the Municipal Court is to provide a legal forum for civil cases. To provide fairness to litigants in these cases, the Court has promulgated new rules for the duration of the National Health Crisis.

THEREFORE, the Elyria Municipal Court issues the following temporary Order regarding resolution of civil cases:

1. Parties may continue to file complaints and motions. Parties shall only file civil case filings (complaints, motions, notices, etc.) by mail or fax, except under compelling circumstances.
2. LANDLORD/TENANT ACTIONS:
 - a. All eviction hearings, processing of writs of restitution, and putouts on judgments of evictions are immediately stayed, unless otherwise ordered, with the hope to reset hearings and resume a normal schedule of putouts as soon as is practicable in light of the emergency situation.
 - b. All new eviction filings shall be scheduled after June 1, 2020, unless good cause exists to advance those dates.
 - c. In the event of bona fide exigent circumstances that present an imminent, material risk to health or safety to the parties or the public and which may only be addressed by prompt court action, a party may apply in writing for an exception to the above standards.

- d. In the event that a plaintiff has evidence that the premises are already vacant, a party may apply in writing for exception to the above stay as to evictions.
- e. Notice of new hearing dates will be issued by regular mail or by facsimile transmission.

3. SMALL CLAIMS CASES:

- a. Pending claims in the small claims division shall be continued to a specific date as determined in the discretion of the Court.
- b. New claims filed in the small claims division between the date of this order and June 1, 2020, shall be set for hearing no sooner than eight weeks from the date of filing.
- c. The above scheduling may be waived upon written application and good cause shown.

4. MISCELLANEOUS HEARINGS:

- a. All pending debtor examinations and hearings on damages involving unliquidated claims shall be continued to a specific date as soon as is practicable in light of the emergency situation.
- b. Pending pretrials and other hearings may be continued with telephone, fax or mail notice to the parties.
- c. IF NOT NOTIFIED OTHERWISE, parties shall assume that pretrials and other hearings, such as for default judgment and for disposition of a case, shall remain pending. Arrangements may be made to hold the hearing by phone or video conferencing. Plaintiffs or movants are responsible for establishing connections for conference calls.
- d. Hearings on all new filings of motions and new pretrials will be scheduled as soon as is practicable in light of the emergency situation.
- e. The Clerk may continue to set garnishment, rent escrow, and trusteeship proceedings in due course.
- f. Pro se defendants who appear for default hearing will be instructed to phone in their appearances and the case will be reviewed with them procedurally as though they appeared in person. Plaintiffs shall be available by phone.

Date: March 25, 2020

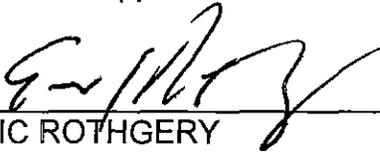


JUDGE GARY C. BENNETT
Administrative and Presiding Judge



JUDGE ROBERT C. WHITE

Read and approved:



ERIC ROTHGERY
Clerk of Courts