

**STATE OF OHIO, LORAIN COUNTY, ss. - THE LORAIN MUNICIPAL COURT**

IN THE MATTER OF OPERATIONAL ORDERS DURING COVID-19 PANDEMIC	Plaintiff		Attorney for Plaintiff
	Defendant		Attorney for Defendant
Date <u>03/30/2020</u>	Filed		

WHEREAS, on March 9, 2020, the Governor of Ohio declared a State of Emergency in Executive Order 2020-01D, and

WHEREAS, on March 27, 2020, the Governor signed into law Am. Sub. H.B. 197, retroactive to March 9, 2020, and

WHEREAS, on March 27, 2020, the Ohio Supreme Court issued an Order establishing measures to ensure the continued and effective operation of the Courts during this emergency period, now

THEREFORE, on the basis of the foregoing, this Court hereby orders the following:

1. The Lorain Municipal Court will remain open and functioning during this state of emergency, subject to the following.

**Time Limitations and Use of Technology**

2. All statutes of limitation, time limitations, and deadlines in the Ohio Revised Code and the Ohio Administrative Code are tolled, retroactive to March 9, 2020, until the expiration of the aforesaid Executive Order of the Governor, or until July 30, 2020, whichever is sooner.
3. Any time requirements imposed by all "Rules of Court", as defined in the aforesaid Order of the Ohio Supreme Court, and set to expire during the term of said Executive Order, are tolled.
4. Any requirement in a rule of the Court that a party appear in person or requiring in-person service may, at this Court's discretion, be waived by this Court. Appearance or service by the use of technology may be utilized by this Court, so long as it sufficiently guarantees the integrity of the proceedings and protects the parties' interests and rights.

**Continuances**

5. For any case continued pursuant to this Order, the Clerk is directed to issue notice of the continued date to the most recent address on file.

**Assigned cases to be continued, except prisoner cases**

6. Except for cases in which the defendant is being held in jail, all scheduled court hearings for criminal, traffic, and civil cases that are individually assigned to a judge shall be continued to specific dates to be determined as soon as practicable. Other exceptions may be made, on a case by case basis, by individual judges in consultation with counsel for both parties.
7. If fines, fees, or court costs on any criminal or traffic case are not paid by the existing enforcement date, the Clerk is directed to continue the enforcement date by six months.
8. If community service on any criminal or traffic case is not performed by the existing enforcement date, the Clerk is directed to continue the enforcement date by six months.
9. If a defendant does not complete the driver intervention program (D.I.P.) by the enforcement date, the Clerk is directed to continue the enforcement date by six months.

### Traffic arraignment

10. For traffic cases in which a ticket has already been filed, arraignment shall be continued to a specific date at least eight weeks from the date of this Order.

11. For traffic tickets filed within eight weeks from the date of this Order, the Clerk is hereby directed to schedule those cases for arraignment at least eight weeks from the date the ticket is filed.

### Criminal Cases

12. For criminal cases in which the defendant is not being held in jail, arraignment shall be continued to a specific date at least eight weeks from the date of this Order.

13. For criminal complaints filed within eight weeks from the date of this Order, and for which the defendant is to appear in response to a summons, the Clerk is hereby directed to schedule those cases for arraignment at least eight weeks from the date the complaint is filed.

14. Effective immediately, the Clerk of Courts is authorized to grant a recognizance bond and provide a hearing date to any person who is charged with a non-violent misdemeanor or traffic case, and who has had a warrant issued for failure to appear in court, either by personal surrender of the defendant or by presentation in the company of a sworn officer who has effectuated an arrest of the person pursuant to the Warrant previously issued by the Court.

15. Any not guilty plea received by the Clerk during eight weeks from the date of this Order shall be forwarded to the Arraignment Judge for assignment and scheduling.

16. Effective immediately, arraignments, pre-trials, preliminary hearings and trials for defendants who are in custody will be conducted Monday through Friday, by video transmission from the county jail.

17. Due to the fact that this Court is situated within Lorain City Hall, and that the mayor of Lorain has closed City Hall to the general public, all court sessions for prisoners will not be open to the public. However, the Court has made arrangements with the Mayor for attorneys and witnesses in cases involving defendants in custody to be admitted into City Hall. Hand hygiene and social distancing will be mandated for all such persons, along with court personnel.

### Recovery Court

18. Treatment Team meetings shall continue to take place, by teleconferencing. Status Review hearings shall be conducted, as much as is practical and feasible, by teleconferencing.

### Evictions

19. Except for cases which involve allegations of domestic violence and/or criminal activity, eviction cases shall be handled as set out in Paragraphs 20-24.

20. For pending cases in which the plaintiff seeks restitution of premises, hearings shall be continued to a specific date at least 90 days from the date of this Order.

21. Claims for eviction filed after the date of this Order shall be scheduled for hearing 90 days from the date of filing.

22. For any claim for restitution of premises filed within 90 days of this Order with a second cause of action for money damages, and notwithstanding Civ.R. 12(A)(1), the defendant(s) shall serve any answer to the claim for money damages within 14 days after the claim for restitution of premises is adjudicated. No default judgment on the second cause shall be granted until the claim for restitution of premises has been adjudicated.

23. For 90 days from the date of this Order, no writ of possession shall be executed when the property subject to the judgment for restitution of premises remains occupied. If 5 days have passed since the Service Bailiff served a notice to vacate the premises on the property subject to eviction, and the property is found to be vacant, the plaintiff may be restored to possession of the property by execution of the writ.

24. Notwithstanding Local Rule 9.06(D), supplemental writs of restitution may be issued, on a case by case basis, more than 30 days after the date of judgment for eviction.

25. Eviction cases which involve allegations of domestic violence and/or criminal activity shall follow the Court's ordinary procedures and scheduling. Plaintiffs in actions alleging criminal activity will be required at the time of hearing to present clear and convincing evidence of such activity. In the event insufficient evidence is presented, the case will be rescheduled and handled in accordance with Paragraphs 20-24.

#### Small Claims Division

26. Pending claims in the Small Claims Division shall be continued to a specific date at least eight weeks from the date of this Order.

27. For any new claim received by the Small Claims Division for assignment within eight weeks from the date of this Order, and notwithstanding R.C. 1925.04(B), the Small Claims Division Manager is directed to schedule the case for hearing at least eight weeks from the date of filing.

#### Miscellaneous hearings

28. The handling of Lorain City Housing and Lorain City Income Tax criminal cases will be addressed by separate order.

29. All garnishment hearings, hearings on applications for limited driving privileges, trusteeship hearings, judgment debtor examinations hearings, rent escrow hearings, and damages hearings shall be continued to a specific date at least eight weeks from the date of this Order.

30. For eight weeks from the date of this Order, any garnishment petition, application for limited driving privileges, trusteeship case, judgment debtor examination proceeding, rent escrow case, and damages hearing shall be scheduled eight weeks from the date the applicable motion, petition or partial judgment as to liability was filed.

#### Jury service

31. Individuals who are summoned for jury service are requested to stay home until or unless they are notified that their services are needed for a particular trial.

#### Weddings

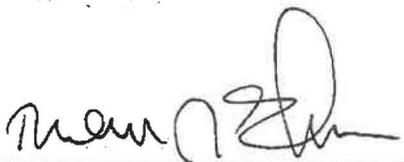
32. All wedding ceremonies shall be scheduled to a specific date at least eight weeks from the date of this Order.

#### Civil filings

33. For eight weeks from the date of this Order, the Clerk shall only accept civil case filings (complaints, motions, notices, etc.) by mail or by fax.

34. A specific order in a case issued on or after March 9, 2020, shall supersede the provisions of this order, unless otherwise noted in that specific order.

**IT IS SO ORDERED.**



Judge Thomas J. Elwell, Jr.  
Presiding Judge



Judge Mark L. Mihok  
Administrative Judge