

FILED
LUCAS COUNTY

2020 SEP 25 PM 1:49

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

**IN RE:
COVID-19 PANDEMIC AND ALL MATTERS INVOLVING JURY TRIALS**

**ORDER DESIGNATION TEMPORARY COURT LOCATIONS: ORC 2301.04;
TEMPORARY EMERGENCY COURT OPERATIONS FOR JURY SELECTION AND JURY
TRIALS**

This matter is before the Court for consideration out of the Court's obligation to manage the business of the Court, such as providing a space for a petit jury to deliberate, while balancing the rights of the accused, the rights of the victims, and public safety.

The Court hereby makes the following findings of fact:

1. A state of emergency in the State of Ohio has been declared by executive orders signed by Ohio Governor Mike DeWine on March 9, 2020. As of the date of this Entry, said declared state of emergency is still in effect.
2. On March 11, 2020, the World Health Organization officially declared the virus commonly known as COVID-19 to be a global pandemic requiring "urgent and aggressive action" to control spread of the virus.
3. A state of emergency in the United States of America has been declared by executive orders signed by President Donald J. Trump on March 13, 2020. As of the date of this Entry, said declared state of emergency is still in effect.

4. As more information concerning the potential spread of COVID-19 has come to light, there have been numerous recommendations and/or executive orders recommending "social distancing" and limiting gatherings to a certain number of people.

5. On March 17, 2020, President Trump and the Centers for Disease Control and Prevention issued a federal advisory that social gatherings be limited to no more than ten (10) people in order to slow the spread of COVID-19.

6. On March 18, 2020, Dave Yost, the Attorney General of the State of Ohio, issued Opinion 2020-002, in which he stated the following: "... Owing to the high risk of contagion and the danger presented by the novel coronavirus, especially to the elderly population, the Ohio Department of Health has recently banned gatherings of 50 or more people in a single room. Although smaller gatherings are not prohibited, the Department of Health "strongly recommends)" that Ohioans avoid unnecessary non-family social gatherings of more than 10 people. Even for those smaller gatherings, the Department of Health has encouraged people to remain approximately six feet away from one another. These steps have been deemed necessary to halt the community spread of the novel coronavirus that causes COVID-19. See Ohio Department of Health Amended Order to Limit and/or Prohibit Mass Gatherings and the Closure of Venues in the State of Ohio, March 17, 2020. The practicalities of jury service make it difficult, if not impossible, to adhere to these recommendations. That means going forward with a trial would endanger jurors- and thus anyone else with whom those jurors might interact... "

7. April 30, 2020, The Director of the Ohio Department of Public Health extended Ohio's "Stay at Home" order. While this order may not directly apply to court operations and jury service, it is some guidance as to public health in relations to gatherings

of people as would be necessary for a jury service, and the on-going danger during the month of May. It may also add to confusion among potential jurors, increase their fears about jury service, and reduce the courts ability to seat a jury.

8. According to information published by the Toledo – Lucas County Health Department, the number of confirmed cases of COVID-19 in Lucas County is now 6,816. The number of confirmed deaths in Lucas County now stands at 316.

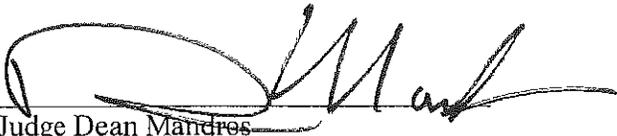
9. The Lucas County Common Pleas Court, General Division, finds the presence of the coronavirus (COVID-19) in Lucas County, Ohio, to be an extraordinary circumstance that interrupts the orderly operation of the General Division of the Lucas County Common Pleas Court for purposes of conducting jury selection and/or jury trials in a safe and orderly fashion in the Lucas County Courthouse.

10. With the consent and cooperation of the Toledo Lucas County Public Library, it is the **ORDER** of this Court that the Lucas County Court of Common Pleas, General Division, is authorized to operate at a temporary location, specifically McMaster Auditorium, in the main branch of the Toledo Lucas County Public Library, 325 N. Michigan St., Toledo, Lucas County Ohio, located one block from the Lucas County Courthouse.

This **ORDER** goes into effect commencing on September 28, 2020, and continues through December 31, 2020, unless withdrawn prior to December, 31, 2020. Pursuant to this **ORDER**, the judges of the General Division of the Lucas County Court of Common Pleas are authorized to conduct jury selection for upcoming trials in the 300-seat McMaster Auditorium. The Director of the Toledo Lucas County Health Department has inspected this facility and found it to be large enough to employ appropriate social distancing to conduct jury selection in a safe manner to protect the health of all involved.

The issuance of this **ORDER** does not divest the Lucas County Courthouse from its authorization and jurisdiction to conduct the normal operations of the Lucas County Court of Common Pleas, General Division, but authorizes McMaster Auditorium, located in the Toledo Lucas County Public Library as an additional courtroom to conduct court operations because of the extraordinary health circumstances facing the citizens of Lucas County and the State of Ohio.

IT IS SO ORDERED.


Judge Dean Mandros
Administrative Judge

A copy of this order will be published on the Court's website and shall be served by regular or electronic mail upon the following:

Maureen O'Connor – Chief Justice of the Ohio Supreme Court
Julia Bates – Lucas County Prosecuting Attorney
John Tharp – Lucas County Sheriff
Pete Gerken – Lucas County Commissioner
Tina Skeldon Wosniak – Lucas County Commissioner
Gary Byers – Lucas County Commissioner
Sean McNulty – Chief Public Defender
Toledo Bar Association
Counsel of Record in affected cases