STATE OF OHIO	)	IN THE COURT OF APPEALS OF OHIO
	)	
MAHONING COUNTY	) SS:	SEVENTH DISTRICT

CLERK OF COURTS
MAHONING COUNTY, OHIO
MAR 17 2020
FILED
ANTHONY VIVO, CLERK

IN RE:	)	
TEMPORARY ORDER DECLARING A JUDICIAL EMERGENCY AND CONTINUITY OF OPERATIONS OF THE COURT DUE TO THE COVID-19 PANDEMIC	)	CASE NO. 20 MA OPEN JUDGMENT ENTRY

The judges of the Seventh District Court of Appeals make the following findings of fact:

1. The Centers for Disease Control and Prevention (CDC), the State of Ohio, and the United States Government are responding to an outbreak of respiratory disease caused by a new coronavirus that was first detected in China and which has now been detected in more than 140 locations internationally, including 49 states in the United States.
2. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").
3. On January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.
4. On March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio. He ordered state agencies to "develop and implement procedures, including suspending or adopting temporary rules within an agency's authority, consistent with recommendations from the Department of Health designed to prevent or alleviate this public health threat." Subsequent to that order, he has closed schools, limited mass gatherings of over 100 people, and has closed certain

businesses such as bars and restaurants because of the virus.

5. 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 the virus.
6. On March 13, 2020, the President of the United States declared a National Emergency.
7. On March 14, 2020, the Governor of Ohio issued Executive Order 2020-02D with additional provisions dealing with the COVID-19 crisis.
8. Unprecedented closures and cancellations of events, businesses and facilities have occurred in the past two weeks due to the virus.

THEREFORE, IT IS HEREBY ORDERED:

1. These temporary orders are effective for the eight counties under the jurisdiction of the Seventh District Court of Appeals (Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, and Noble).
2. The local rules of the Seventh District Court of Appeals are temporarily modified to allow court flexibility, within constitutional limits, in response to the public health emergency.
3. The courthouse shall have three states of opening, use, and operations, as follows:
    a. "Open" means normal operations, with full, healthy, staffing on hand, and oral arguments will proceed as scheduled to the extent possible under the circumstances. Visitors will be allowed to proceed to the walk-up window and to attend oral arguments.
    b. "Open with Restrictions" means only essential judicial and Court personnel shall be on duty in the courthouse, including sufficient security officers. If oral argument is determined to be necessary, only the persons presenting the argument will be permitted in the building (after passing a health screening), and no other persons will be permitted entry to the building. Visitors may present themselves to the

vestibule for inquiries, but will be subject to a health screening, and then only limited exchange of documents will be permitted at the front door. Visitors will not be permitted any further into the building, and court business will be conducted by phone, mail, email, or other digital means.

c. "Closed" means the courthouse is closed for all operations, or has been moved to a temporary location pursuant to R.C. 2501.20. In this instance, all filing deadlines for appeals and original actions now pending (**BUT NOT INCLUDING THE NOTICE OF APPEAL**) are suspended until the Court has returned to "Open" or "Open with Restrictions" status, or until further order of the Court. All scheduled hearings will be immediately canceled until the court issues notices of rescheduling. The Court will attempt to engage in its day to day business through other means, whether electronically, or otherwise. Phone and video conferencing will be established if possible to conduct necessary meetings and hearings.

4. The Court is immediately entering "Open with Restrictions" status.
5. This public health emergency may be considered to be a finding of "just cause" for continuances or extensions on a case by case basis.
6. For appeals and original actions now pending in this Court, all filing deadlines are extended by fourteen (14) days. **THIS FILING EXTENSION DOES NOT INCLUDE THE FILING OF A NOTICE OF APPEAL**.
7. Oral arguments scheduled for the month of April 2020 are canceled immediately and will be rescheduled, unless oral arguments are waived. Conference (non-oral hearing) cases will proceed as scheduled.
8. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
9. The Court will have the lawful authority, within constitutional limits, to do and direct to be done all things necessary to ensure the orderly and efficient administration of justice for the duration of the declared public health emergency.

10. The Court shall conduct only essential business in the courthouse, as determined by the Court Administrator.
11. When the emergency subsides, the Court shall enter an order declaring an end to the emergency and a resumption of normal operations.
12. This "Temporary Order" shall be served on the Supreme Court of Ohio and the following offices:
    a. the Presiding Judge and the Court Administrator of the Mahoning County Courts of Common Pleas;
    b. the Municipal and County Courts of Mahoning county;
    c. the Mahoning County Prosecutor's office;
    d. The Ohio Public Defender's office;
    e. the Mahoning County Bar Association;
    f. the Daily Legal News;
    g. the Mahoning County Sheriff; and
    h. the Mahoning County Commissioners office.
13. All until further order of the Court.

IT IS SO ORDERED.

signed electronically /Gene Donofrio/
JUDGE GENE DONOFRIO

signed electronically /Cheryl L. Waite/
JUDGE CHERYL L. WAITE
PRESIDING AND ADMINISTRATIVE JUDGE

signed electronically /Carol Ann Robb/
JUDGE CAROL ANN ROBB

signed electronically /David A. D'Apolito/
JUDGE DAVID A. D'APOLITO