

FILED  
WOOD COUNTY, OHIO

2020 APR -3 AM 9:25

SIXTH DISTRICT  
COURT OF APPEALS  
CINDY A. HOFNER, CLERK

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT

**DECISION AND JUDGMENT**

Decided: APR 03 2020

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TOLLING OF TIME REQUIREMENTS IMPOSED BY RULES PROMULGATED BY  
THE OHIO SUPREME COURT AND USE OF TECHNOLOGY

This matter is before the Court sua sponte. The Court has previously entered Temporary Orders on March 17 and 18, 2020, in response to the COVID-19 (Coronavirus) State of Emergency issued by Governor Mike DeWine. On March 27, the Chief Justice of the Ohio Supreme Court Maureen O'Connor entered an order "Tolling of Time Requirements Imposed by Rules Promulgated by the Ohio Supreme Court and Use of Technology." Pursuant to the Tolling Order, the Court find and declares as follows:

1. The Court will maintain and continue its daily, and essential operations for the duration of the Tolling Order.

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2. The Court will continue to monitor its pending caseload.
3. Briefs and motions must, as always, be filed with the appropriate clerk of court, and the clerks will continue to deliver those filings to the Court. Many clerks have modified their in-person hours of operation and filing procedures to accommodate alternatives to in-person filing. Specific filing questions should be directed to the respective clerk's office.
4. The Court encourages attorneys and parties to comply with pre-existing court deadlines, to the extent the parties and attorneys are able to do so while maintaining their safety and observing social distancing practices, issued prior to the Tolling Order.
5. The Court encourages the preparation of trial transcripts by court reporters, and filing with the clerk, during the period of the Tolling Order to the extent the court reporters are able to do so while maintaining their safety and observing social distancing practices.
6. The Court encourages the clerks of court to file trial court records and supplemental records during the period of the Tolling Order to the extent the clerks of court are able to do so while maintaining their safety, the safety of their employees, and while observing social distancing practices.

2.

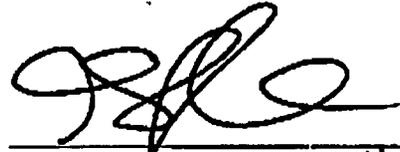
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7. All filing deadlines have been “tolled” until the date the period of emergency ends or July 30, 2020, whichever is sooner, pursuant to the Tolling Order. The Court will continue to decide cases that have been fully briefed and are ready to be submitted.
8. The Court will also handle cases as usual unless a party moves for an extension of time pursuant to the Tolling Order.
9. The Court will order that a case remain active if it is related to a situation that requires immediate attention. The Court’s determination of whether a case necessitates immediate attention shall be decided on a case-by-case basis.
10. In determining whether the facts and circumstances of a particular case require immediate attention, the Court will consider factors, including, but not limited to, the type of case before the Court, the specific order being appealed from, the date the notice of appeal was filed, the length of transcripts, if any, the number of extensions, which were granted prior to the issuance of the Tolling Order, and the alternatives to in-person access provided by the clerk of courts.
11. In the event the Court issues an order, necessitated by the Court’s determination of a need for immediate attention, which a party believes the party is unable to safely comply with, that party shall file a motion advising the Court of the party’s respective safety concerns.

12. The Court will strive to be uniform in its conformance with the language, intent, and its application of the Tolling Order.

Gene A. Zmuda, P.J.

  
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JUDGE 4/3/20

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