

SANDRA KURT

2022 FEB 28 IN THE COURT OF COMMON PLEAS
GENERAL DIVISION

SUMMIT COUNTY SUMMIT COUNTY, OHIO
CLERK OF COURTS

MISC ORDER
February 28, 2022

**UPDATED EMERGENCY ORDER IN RESPONSE TO THE COVID-19
PUBLIC HEALTH CRISIS**

FEBRUARY 28, 2022

Administrative Judge Amy Corrigan Jones, hereby makes the following Findings of

Fact:

1. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D “Declaring a State of Emergency” in response to the growing COVID-19 public health crisis.
2. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus.
3. President Donald Trump proclaimed and declared a state of emergency for the United States of America on March 13, 2020.
4. The Summit County Court of Common Pleas General Division Judges addressed the threat of COVID-19 to the public health in Misc. Order 2020-700, filed on March 13, 2020, and incorporated and referenced herein.
5. On March 13, 2020, all trials were suspended for fourteen days up and through March 27, 2020, with the exception of State vs. Stanley Ford. This timeframe may be extended if deemed necessary and appropriate.
6. On March 13, 2020, the Court ordered that inmates shall not be transported from the Summit County Jail to the Summit County Courthouse for fourteen

days up and through March 27, 2020. This timeframe may be extended if deemed necessary and appropriate.

7. On March 13, 2020, the Court ordered that all criminal matters with incarcerated individuals other than Stanley Ford shall be conducted via video conference in coordination with the Summit County Jail for fourteen days up and through March 27, 2020. This timeframe may be extended if deemed necessary and appropriate.
8. On March 13, 2020, the Court ordered that all civil matters shall be conducted by telephone or video conference for fourteen days up and through March 27, 2020. This timeframe may be extended if deemed necessary and appropriate.
9. On March 13, 2020, the Court ordered that all mediations shall be continued for fourteen days up and through March 27, 2020. This timeframe may be extended if deemed necessary and appropriate.
10. On March 13, 2020, the Court ordered that all probationers shall report via telephone for fourteen days up and through March 27, 2020. This timeframe may be extended if deemed necessary and appropriate.
11. To protect the public health by reducing the spread of COVID-19, Governor DeWine limited public gatherings to less than 50 persons as of March 16, 2020.
12. On March 16, 2020, the President of the United States recommended that public gatherings be restricted to no more than 10 persons.
13. On March 17, 2020, the Ohio Director of Public Health, Amy Acton, M.D. MPH, issued an order in accordance with President Trump's recommendations that public gatherings be restricted to no more than 10 persons.
14. On March 19, 2020, the Court issued Misc. Order 700 enumerating further restrictions in the General Division. That Order is incorporated and referenced herein.

15. On March 20, 2020, the Court issued Misc. Order 700 suspending all Sheriff Sales up and through April 24, 2020. That Order is incorporated and referenced herein.
16. On March 22, 2020, the Ohio Director of Public Health, Amy Acton, M.D. MPH, issued a “Stay at Home’ order. That Order is incorporated and referenced herein.
17. Both the United States District Court, Northern District of Ohio and the United States District Court, Southern District of Ohio have issued orders addressing the public health emergency in response to the spread of COVID-19. Those Orders are incorporated and referenced herein.
18. On April 2, 2020, the Ohio Director of Public Health, Amy Acton, M.D. MPH, issued a “Stay at Home’ order up and through 11:59 p.m. on May 1, 2020. That Order is incorporated and referenced herein.
19. On April 3, 2020, the Court issued Misc. Order 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
20. On April 10, 2020, the Court issued Misc. Order 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
21. On April 27, 2020, Ohio Governor Mike DeWine issued a plan to restart Ohio's economy during the ongoing COVID-19 pandemic. Governor DeWine did not lift or modify Ohio's Stay at Home order currently in effect. That Order is incorporated and referenced herein.
22. On May 4, 2020, certain environments were permitted to reopen if businesses were able to meet mandatory safety requirements for members of the public and employees.
23. Safe practices include requiring face coverings for all employees and recommending them for members of the public at all times, conducting daily assessments, maintaining good hygiene such as social distancing and sanitizing workplaces, and limiting capacity to meet social distancing guidelines.

24. Certain establishments were ordered to remain closed, including schools, daycares, dine-in restaurants, older adult daycares, senior centers, entertainment, recreation and gyms. Large gatherings of more than 10 people were still prohibited.
25. On April 29, 2020, the Court issued Misc. Order 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
26. Throughout May 2020, Governor DeWine lifted certain restrictions and implemented further recommendations.
27. On May 22, 2020, the United States District Court, Northern District of Ohio issued Misc. Order 2020-08. That Order is incorporated and referenced herein.
28. In Its Order, the United States District Court, Northern District of Ohio addressed the necessity and obligation of the Court to protect the health and safety of the public, court personnel, counsel, litigants, jurors, and all other case participants by implementing a multi-phase recovery plan to gradually resume court operations. The Court acknowledged the necessity to reduce the size of public gatherings necessarily attendant to jury selection, reduce unnecessary travel and ensure effective trial preparation of counsel.

Specifically, the Court indicated that:

“Throughout all phases of recovery, to the extent possible, the Court will protect the vulnerable: 1) People 65 years or older; and 2) people of all ages with underlying medical conditions, particularly if not well-controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.

Reasonable accommodations will be provided wherever possible for individuals and employees who: 1) are vulnerable individuals; 2) are caring for vulnerable individuals in their households; 3) rely solely on public

transportation; and 4) have child care issues due to the closure of schools and/or daycare centers due to COVID-19.

The Court recognizes that jury selection in this District involves large jury venire pools. These pools often consist of many individuals in the categories identified by the Centers for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic. Further, it will be a challenge to provide for jury trials while abiding by necessary precautions to reduce the possibility of exposure to the disease. Additionally, attorneys are severely limited, or in some cases prohibited, from physical visitation of detained clients for purposes of consultation and trial preparation.”

29. On May 28, 2020, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.

30. On July 13, 2020, Chief Justice Maureen O’Connor issued an email to judges across the State of Ohio stating,

“that on June 17, 2020, the U.S. Department of Housing & Urban Development extended the CARES Act moratorium on foreclosure filings in connection with the COVID-19 national emergency until August 31, 2020.”

Chief Justice O’Connor further stated,

“We must appreciate that courts are not businesses like stores, restaurants, or salons. When people come into our courthouses, they most often are not doing so by choice but instead, they are appearing because they have been summoned to appear either as a party to a case, as a witness, or as a juror. As such, we must be cautious about who we require to appear, and we should require an in-person appearance only in cases with immediate need. We must remember those vulnerable populations and their risk to appear.

In the event you do have members of the public in your courthouse, please consider how you can conduct business consistent with Governor DeWine's and the Director of Public Health's latest orders. Safety means requiring staff and the public alike to have their temperature taken at the door, wear face coverings, make hand sanitizer readily available in multiple locations, following social distancing for both common areas and courtrooms, thorough cleaning after each in-person court event and granting continuances for jury trials."

31. On July 23, 2020, the Interim Ohio Director of Public Health, Lance D. Himes, issued a "Director's Order for Facial Coverings throughout the State of Ohio". That Order is incorporated and referenced herein.
32. On July 23, 2020, Governor Mike Dewine issued a travel advisory stating,
"All individuals coming into Ohio from states reporting positive COVID-19 testing rates of 15 percent or higher.
Those traveling from one of the following states should self-quarantine for 14 days at home or in a hotel."
 - Alabama
 - Arizona
 - Florida
 - Georgia
 - Idaho
 - Mississippi
 - Nevada
 - South Carolina
 - Texas

The self-quarantine recommendation applies to those who live in Ohio and to people who are traveling into Ohio from any of these states."

33. The State of Ohio has been designated by surrounding state governments as a location that if entering from, an individual must self-quarantine for fourteen days.
34. On July 27, 2020, Akron Public Schools Board of Education voted to

begin the school year remotely. Akron Public Schools Superintendent David W. James, Ed.D., stated,

“We have studied and researched. We have followed guidance from all of the experts locally, regionally, statewide and nationally. We have also met with and discussed plans with other Ohio schools large and small. It is our belief this is the best way to begin; the safest way for the greatest number of students and staff.”

35. On July 28, 2020, the United States District Court, Northern District of Ohio issued Misc. Order 2020-08. That Order is incorporated and referenced herein.
36. Chief Judge Patricia A. Gaughan ordered that all courthouses of the United States District Court for the Northern District of Ohio shall be closed to the public until further notice. Only persons having official business authorized by the Order, the Chief Judge or a Presiding Judge.
37. Chief Judge Patricia A. Gaughan ordered that jury trials will not commence any earlier than September 21, 2020.
38. Chief Judge Patricia A. Gaughan stated,

“Jury trials during the pandemic present unique challenges. The Court recognizes that jury selection in this District involves large jury venire pools. These pools often consist of many individuals in the categories identified by the Centers for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic. Further, it will be a challenge to provide for jury trials while abiding by necessary precautions to reduce the possibility of exposure to the disease, not only to jurors but to other trial participants as well. Jury trials particularly present a challenge to attorneys who must continuously communicate with clients during the course of a trial.”

39. On July 29, 2020, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is

incorporated and referenced herein.

40. On July 31, 2020, the Ohio Supreme Court issued the following Administrative Order regarding the use of technology and remote administration of oaths and affirmations:

“NOW THEREFORE, the Court hereby orders the following:

(A) This order shall apply retroactively to the date of the emergency declared by Executive Order 2020-01D and shall remain in effect until further order of the Court.

(C)(1) Any requirement in a rule of the Court that a party appear in person or requiring in-person service may be waived by the Court, local court, hearing panel, board, or commission, as applicable. Appearance, service, or oral argument by use of technology shall be allowed if it sufficiently guarantees the integrity of the proceedings and protects the parties’ interests and rights.

*2 (2) Proceedings for which the personal appearance of a party may be waived include, but are not limited to, the following:

(a) Arraignments pursuant to Crim.R. 10;

(b) Pleas pursuant to Crim.R. 11;

(c) The issuance of a warrant pursuant to Crim.R. 41;

(d) Oral arguments pursuant to App.R. 21, provided nothing in this order shall deny a party oral argument when properly requested;

(e) Arraignments pursuant to Traf.R. 8.

(D) Any oath or an affirmation required by a rule of the Court may be administered remotely by use of audio or video communication technology, provided the technology shall allow the person administering the oath or affirmation to positively identify the person taking the oath or making the affirmation.”

41. On September 3, 2020, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.

42. On October 1, 2020, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division.

That Order is incorporated and referenced herein.

43. On November 6, 2020, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
44. On December 9, 2020, the General Division Judges were notified that a trustee inmate in the Summit County Jail exhibited symptoms and tested positive for Covid-19.
45. On December 10, 2020, Chief Justice Maureen O'Connor issued additional statewide guidance to Ohio courts, indicating:

“Courts must operate with a strong presumption toward remote proceedings. Courts will leverage technology to conduct all trials and proceedings remotely to the extent possible, including but not limited to jury trials, bench trials, oral arguments, pre-trials, status conferences, evidentiary hearings, motion hearings, or any other similar hearings.

If a trial cannot be held remotely, judges should liberally grant continuances. In criminal preliminary hearings and jury trials, a judge may grant a continuance under R.C. 2945.72(H), citing the COVID-19 pandemic as the basis. For additional information regarding the continuance of criminal jury trials, please consult [AG Opinion 2020-002](#).”

46. On December 11, 2020, an additional 31 inmates in the Summit county Jail were diagnosed with Covid-19.
47. On December 31, 2020, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
48. On January 28, 2021, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
49. On April 1, 2021, the Court issued Misc. Order 2020 700 enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.
50. On April 29, 2021, the Court issued Misc. Order 2020 700

enumerating further public health protections in the General Division. That Order is incorporated and referenced herein.

51. On May 16, 2021 the Center for Disease Control and Prevention issued recommendations for fully vaccinated individuals as follows:

“Fully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.”

52. On May 28, 2021, County Executive Shapiro issued an Executive Order as follows:

“County employees who are fully vaccinated are not required to wear a face covering while at work in a County building, but are strongly encouraged to do so.

County Employees who are not fully vaccinated will be required to wear a face covering while in any public area of a County building or when interacting with co-workers or members of the public.

Members of the public who enter a County building shall follow the same guidelines as employees.”

53. On June 2, 2021, Governor DeWine lifted the statewide mask mandate, stating:

“Ohioans have done a great job during the pandemic. And, with more than 5 million Ohioans who have received at least the first dose of the COVID-19 vaccine, we are getting back to living the lives we want. However, it is important that we all still remember that there are a significant number of Ohioans who remain unvaccinated and are at-risk, including everyone under the age of 12. It’s important that those not fully vaccinated continue to wear masks indoors and follow other preventative measures to keep themselves as healthy as possible.”

54. As of June 3, 2021, Summit County’s vaccination rate was 43.41%.

55. On June 3, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division.

That Order is incorporated and referenced herein.

56. As of July 2, 2021, Summit County's total vaccination rate is 48.65% and the World Health Organization and CDC have made recommendations regarding the Covid-19 Delta variant and masks for vaccinated and non-vaccinated individuals.
57. On July 2, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
58. On July 27, 2021, the Center for Disease Control issued the following recommendations:

“To reduce the risk of being infected with the Delta variant and possibly spreading it to others, wear a mask indoors in public if you are in an area of substantial or high transmission.

You might choose to wear a mask regardless of the level of transmission if you have a weakened immune system or if, because of your age or an underlying medical condition, you are at increased risk for severe disease, or if a member of your household has a weakened immune system, is at increased risk for severe disease, or is unvaccinated.

If you travel in the United States, you do not need to get tested before or after travel or self-quarantine after travel.

You need to pay close attention to the situation at your international destination before traveling outside the United States.

You do NOT need to get tested before leaving the United States unless your destination requires it.

You still need to show a negative test result or documentation of recovery from COVID-19 before boarding an international flight to the United States.

You should still get tested 3-5 days after international travel.

You do NOT need to self-quarantine after arriving in the United States.

If you've been around someone who has COVID-19, you should get tested 3-5 days after your exposure, even if you don't have symptoms. You should also wear a mask indoors in public for 14 days following exposure or until your test result is negative. You should isolate for 10 days if your test result is positive."

59. As of July 28, 2021, 50.2% of Summit County residents were fully vaccinated. The top seven zip codes with the highest vaccination rates of 65.9% include Peninsula, Hudson, Bath, Copley, Fairlawn, Twinsburg, Macedonia, Richfield and northern Cuyahoga Falls.

The seven zip codes with the lowest vaccination rates also generally have the most COVID cases in 2021. The areas that have a combined vaccination rate of 29.6% include most of urban Akron, including downtown Akron, East Akron, Kenmore, Sherbondy Hill, Firestone Park, East Akron and Summit Lake areas.

60. On July 28, 2021, the Akron Beacon Journal reported that Summit County Public Health Director Donna Skoda "believes everyone should again wear masks indoors and in crowded outdoor settings".

61. On July 28, 2021, Summit County Sheriff Fatheree informed the General Division that individuals and inmates at the Summit County Jail have tested positive for Covid-19 and jail access will be restricted.

62. On July 30, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.

63. On August 6, 2021, County Executive Shapiro issued an Executive Order taking effect on August 9, 2021 mandating masks in all county buildings, with few exceptions.

64. On August 9, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
65. As of September 9, 2021, there were 7,897 new COVID-19 cases reported to the Ohio Department of Health. Ohio's positivity rate is 13.3%.
66. On September 9, 2021, President Biden announced that employers with more than 100 employees shall require them to be vaccinated or test for the virus weekly.
67. On September 10, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
68. On October 8, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
69. As of November 11, 2021, 56% of Summit County residents were fully vaccinated.
70. On November 12, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
71. As of December 10, 2021, there were 7,359 new COVID-19 cases reported to the Ohio Department of Health. Multiple media outlets reported that local hospitals are at capacity and elective procedures/surgeries have been suspended.
72. On December 10, 2021, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
73. On January 20, 2022, there were 20,483 new COVID-19 cases reported to the Ohio Department of Health.

74. On January 21, 2022, the Court issued Misc. Order 2020 700 enumerating public health protections in the General Division. That Order is incorporated and referenced herein.
75. On February 25, 2022, the CDC issued new recommendations based on a new tool to help communities decide what prevention steps to take based on the latest data. Levels can be low, medium, or high and are determined by looking at hospital beds being used, hospital admissions, and the total number of new COVID-19 cases in an area.
76. On February 25, 2022, The General Division Judges conducted a meeting to determine health and safety protocols for the Summit County Common Pleas Court, General Division.
77. On February 26, 2022, there were approximately 1,300 new COVID-19 cases reported to the Ohio Department of Health.

The Court has considered the guidance and orders of the Center for Disease Control, Prevention, and local public health authorities to effectuate the public health goals and to serve the public.

In response to the current public health setting, in accordance with the latest CDC recommendations on February 25, 2022 and as agreed to by the majority of the General Division Judges on February 25, 2022,

IT IS HEREBY ORDERED:

1. The General Division shall follow current CDC health and safety recommendations and comply with the current Summit County Executive Face Covering Order, if any, in effect.
2. Unless present and participating in a courtroom proceeding subject to #3 and #4 below, General Division employees shall wear masks/face shields while

interacting with members of the public, jurors, and other employees and in accordance with current CDC health and safety recommendations.

3. While present in a courtroom, all individuals shall follow health and safety protocols as directed by the individual presiding judge assigned to the matter and in accordance with current CDC health and safety recommendations.
4. Judges may require masks, face shields or facial coverings as determined appropriate by the individual presiding judge and in accordance with current CDC health and safety recommendations.
5. The General Division will follow all current CDC recommendations, if any, regarding “quarantine” and “isolation” timeframes for employees, jurors, lawyers and members of the public.
6. The General Division will follow all current public health recommendations, if any, regarding social distancing protocols.
7. Inmates shall not be transported from the Summit County Jail, unless authorized by the Administrative Judge.
8. Individuals and employees entering the courthouse are strongly encouraged to be fully vaccinated for Covid-19.
9. Ohio Revised Code § 2945.72 (H) provides in pertinent part that: the time within which an accused must be brought to trial, or, in the case of felony, to preliminary hearing and trial, may be extended ** the period of any reasonable continuance granted other than upon the accused's own motion.

The 9th District Court of Appeals has held that a trial court may continue a trial date without violating a defendant’s right to a speedy trial if the purpose and length of the continuance are reasonable. *State v. Brewer*, 2016 Ohio 5366.

The current public health emergency and the aforementioned findings of fact that are referenced and incorporated herein are reasonable for continuances deemed necessary by assigned Judges on a case-by-case basis.

10. Criminal jury trials, civil jury trials and bench trials will be authorized by the Administrative Judge to proceed through April 4, 2022, so long as there are not more than seven jury trials scheduled to be conducted at any one time.

This provision and timeframe may be modified or extended at any time, if deemed necessary and appropriate to address public safety concerns.

a. In the event that a criminal or civil jury trial proceeds, a maximum of forty (40) jurors, unless a number exceeding forty (40) is authorized by the Administrative Judge, shall report directly to the Ceremonial Courtroom and all trials will commence in the Ceremonial Courtroom pursuant to the following schedule, with no scheduling modifications:

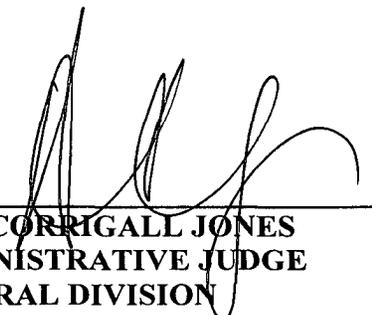
Judge Alison McCarty – Mondays 8:30 a.m.;
Judge Mary Margaret Rowlands – Mondays 1:00 p.m.;
Judge Christine Croce – Tuesdays 8:30 a.m.;
Judge Susan Baker Ross – Tuesdays 1:00 p.m.;
Judge Tammy O'Brien – Wednesdays 8:30 a.m.;
Judge Alison Breaux – Wednesdays 1:00 p.m.;
Judge Joy Malek Oldfield – Thursdays 8:30 a.m.;
Judge Kathryn Michael – Thursdays 1:00 p.m.;
Judge Amy Corrigall Jones – Fridays 8:30 a.m.;
Judge Kelly McLaughlin – Fridays 1:00 p.m.

** In the interest of judicial economy, Judges have discretion to exchange voir dire time slots per week, if mutually agreed upon and authorized by the Administrative Judge.

- Each judge shall commence voir dire in the Ceremonial Courtroom during her allotted timeframe. Thereafter, if distancing protocols can be met, voir dire may continue in the individual judge's courtroom.
- All General Division areas, courtrooms, restrooms and elevators shall be regularly disinfected immediately prior to and after each voir dire session; after each morning session, regularly between witness testimony and at the end of each daily session.

- Hand sanitizer and disinfectant shall be readily available and accessible in all courtrooms, common areas, restrooms, elevators and any other area utilized by the community.
 - The visiting judge courtroom will be designated as a viewing room and all safety protocols referenced herein shall be adhered to at all times.
11. All probationers shall report via telephone/video conference, unless authorized by the Director of Offender Services. This provision and timeframe may be modified or extended at any time, if deemed necessary and appropriate to address public safety concerns.
 12. Employees will continue the current work setting.
 13. Sheriff sales may proceed online, unless authorized by the Administrative Judge. This provision and timeframe may be modified or extended at any time, if deemed necessary and appropriate to address public safety concerns.
 14. The individual assigned judge may authorize all foreclosures, evictions and any judgment relating to real and personal property, unless prohibited by law. This provision may be modified at any time, if deemed necessary and appropriate to address public safety concerns.
 15. This Order supersedes all previously issued orders.
 16. The General Division shall continue to 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.

IT IS SO ORDERED.



**AMY CORRIGALL JONES
ADMINISTRATIVE JUDGE
GENERAL DIVISION**