

FILED  
IN THE LIMA MUNICIPAL COURT  
LIMA, ALLEN COUNTY, OHIO  
2020 MAR 24 AM 7:59

ORDER DECLARING A JUDICIAL EMERGENCY  
AND CONTINUITY OF OPERATIONS OF  
THE COURT DUE TO COVID-19 PANDEMIC

JIM LINK  
CLERK OF COURT  
LIMA MUNICIPAL COURT

SUPPLEMENTAL  
AND  
CUMULATIVE

JOURNAL ENTRY

NO.

20 MISC 008

The Judges of the Lima Municipal Court make the following findings of fact:

1. The Center for Disease Control and Prevention (CDC) is 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 100 locations internationally, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named coronavirus disease 2019 (abbreviated "COVID-19").
2. On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern". 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. On March 11, 2020, WHO publicly characterized COVID-19 as a global "pandemic" requiring urgent and aggressive action to control the spread of the virus.
3. According to the CDC, more cases of COVID-19 are likely to be identified in the United States in the coming days, including more instances of community spread. It is likely that at some point, widespread transmission of COVID-19 in the United States will occur. Widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time. Schools, childcare centers, and workplaces may experience more absenteeism. Mass gatherings may be sparsely attended or postponed. Public health and healthcare systems may become overloaded, with elevated rate of hospitalizations and deaths. Other critical infrastructure, such as law enforcement, emergency medical services, and sectors of the transportation

industry may also be affected. Healthcare providers and hospitals may be overwhelmed. At this time, there is no vaccine to protect against COVID-19 and no medications approved to treat it. Non-pharmaceutical interventions would be the most important response strategy.

4. The United States Government has taken unprecedented steps to respond to the coronavirus and protect the health and safety of Americans. The U.S. Government has cautioned that Americans should be prepared for the possibility of a COVID-19 outbreak in their community. The community can take measures to reduce the spread of COVID-19. As a vaccine or drug is not available for COVID-19, community-based interventions such as school dismissals, event cancellations, social distancing, and creating employee plans to work remotely can help slow the spread of COVID-19. Individuals can practice everyday prevention measures like frequent hand washing, staying home when sick, and covering coughs and sneezes. Decisions about the implementation of community measures will be made by local and state officials, in consultation with federal officials as appropriate, and based on the scope of the outbreak and the severity of illness. Implementation will require extensive community engagement, with ongoing and transparent public health communications.

5. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01 D, 'Declaring a State of Emergency,' in response to the growing COVID-19 public health crisis. Governor DeWine and public health officials urged people to avoid large indoor gatherings to minimize close contact and potential exposure to the coughs or sneezes of others. Many Ohio colleges are going to online learning and extending spring breaks to keep students out of classrooms. Governor DeWine has ordered that all Ohio schools take an extended three-week spring break beginning Monday, March 16, 2020. Sporting events have been canceled, including OHSAA, NBA, MAC, Big Ten, NCAA, and all Cleveland, Columbus, and Cincinnati professional sports teams. Many other attractions have closed, including, concerts, shows, museums, and other events. On March 12, 2020, Governor DeWine and Ohio Department of Health Director Amy Acton, M.D., MPH, signed an order to prohibit mass gatherings in the state of Ohio. Mass gatherings are defined as any event or convening that brings together 100 or more persons in a single room or single space at the same time such as an auditorium, stadium, arena, large conference room, meeting hall, theater, or any other confined indoor or outdoor space. Subsequent to that action, bars and restaurants were ordered to essentially cease operations other than delivery and take-out service.

6. The Lima Municipal Court has consulted with the Lima City Mayor, Allen County Commissioners, Allen County Prosecutor, Allen County Public Defender, Lima Municipal Court Clerk, Sheriff, Allen County Board of Health, Supreme Court of Ohio, and other local and state agencies, and upon recommendations obtained from the foregoing, including the U.S. Government, hereby declares an emergency and makes the following orders regarding the continuity of operations of the court.

7.. Based upon these findings of fact, the Lima Municipal Court has developed a continuum of flexible responses in case the public health crisis escalates, and to be in effect until such time as the response to the COVID- 19 local health crisis has resulted in control of the spread of the disease or otherwise until further order of the court. The continuum of responses is intended to protect public health, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the court.

THEREFORE, IT IS HEREBY ORDERED:

1. The local rules of Lima Municipal Court may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.

2. The Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.

3. The Court's Personnel Policies and Procedures Handbook and other usual and customary human resource provisions may be temporarily adjusted to maintain essential court operations and functions.

4. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings.

5. This public health emergency may be considered a finding of "just cause" for continuances deemed necessary by assigned judges on a case-by-case basis.

6. 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.

7. To that end, all criminal and civil jury trials are suspended for a period of 60 days, unless a criminal case implicates constitutional "speedy trial" issues for which a waiver from the defendant has not been obtained.

8. For any criminal case that must proceed, jurors will be instructed to utilize a "call-in" system to determine the necessity of their appearance.
9. Criminal arraignments may be held by video from the Allen County Correction Center, any institution of the Ohio Department of Rehabilitation and Correction, or any other facility.
10. Further, all criminal proceedings will be reviewed on a case-by-case basis, with an emphasis on expediting those cases involving incarcerated individuals.
11. Further, all in-person civil proceedings, except emergency actions, are suspended for a period of 30 days. Civil proceedings may be conducted via telephone at the discretion of each individual judge.
12. All Land Contract forfeiture cases are hereby stayed for a period of 60 days.
13. Further, the time suspensions set forth herein may be further extended for a greater period of time, to include the duration of the public health crisis and public emergency.
14. All individuals, including Court judicial officers and personnel, desiring to enter the courthouse may be subject to available health screening or testing and excluded from admission based upon the results of such screening or testing.
15. Any Court employee who exhibits signs of illness must notify their direct supervisor by telephone or e-mail and shall not come into the courthouse or report for duty. Any individual within the courthouse who exhibits signs of illness shall be directed to leave the building immediately and seek medical advice before being permitted to re-enter the building at a later date.
16. The courthouse shall have three states of opening, use, and operations, as follows, to be declared by the Court:
  - A. "Open" means normal operations, with full, healthy, staffing on hand, and full hearings and trials, both civil and criminal, jury and bench, to the extent possible under the circumstances.
  - B. "Open with Restrictions" means only essential judicial and Court personnel may be on duty in the courthouse, including sufficient security officers, and if a trial, hearing, or other proceeding must be held, the judge assigned to that case shall conduct a "just cause" hearing and determine who may be present in the courtroom other

than the litigants, their attorneys, witnesses, jurors and limited media if requested; no other persons will be permitted entry.

- c. "Closed" means the courthouse is closed for all operations, in which instance, all filings are preserved to the next business day that the courthouse is not closed, and all trials, hearings, and appearances are postponed unless the same can be conducted electronically.

17. The Court shall attempt to minimize the social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel by continuing non-essential proceedings or conducting proceedings, to the extent practicable, by remote video, telephonic or other available technological means.

18. The Lima Municipal Clerk of Courts shall conduct business in the clerk's offices, with essential personnel only, as determined by the clerk, and may determine to conduct the receipt of filings or other transactions by designated methods determined by the Clerk.

19. Judicial officers may issue all orders electronically, serve orders by email notification, and use video and telephone conferencing in an effort to reduce the number of people who come into the courthouse each day.

20. Any proceedings conducted electronically where a record is desired or necessary, the Court and parties shall jointly craft a statement in lieu of a transcript of the proceedings in accordance with the appellate rules.

21. Employees of the court not on duty in the courthouse shall work, to the extent possible, remotely, and in accordance with the directives of their department head and/or supervisor.

22. When the emergency subsides, the Court will enter an order declaring an end to the emergency and a resumption of normal operations.

23. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Allen County Adult Probation Department, Allen County Bar Association, Allen County Prosecutor's Office, Allen County Public Defender's Office, Allen County Sheriff, Allen County Board of Health, Allen County Commissioners, Lima City Council, Lima Mayor's Office, the website of this Court, and distributed to the media.

24. Local Rule 21 is hereby suspended. Defendants and complaining witnesses are not required to appear for pre-trial hearings. Defendants and witnesses are specifically requested to NOT appear in person for pretrials.

25. Prosecutors and Defense Counsel SHALL conduct all pretrial hearings by telephone.
26. ALL Wage Garnishments, Debtor's Exams, Bank Garnishments, Executions and Contempt Cases are suspended until further order of the Court.
27. ALL small claims and forcible entry and detainer (eviction) cases move outs are continued for three weeks and will be rescheduled after that time period.
28. If Defendants wish to contest the traffic ticket, Defendants are encouraged to submit Written Pleas of Not Guilty in all traffic minor misdemeanor offenses. Forms are available on the Court's website or at the Clerk of Courts Office.
29. **Minor Misdemeanor Traffic Arraignments** the Defendant shall be provided a Written Waiver of Rights and an alternative to plead in writing either Guilty, Not Guilty, or No Contest.
30. If a Written Waiver of Rights and Written Pleas of Guilty is entered in a minor misdemeanor traffic case, that person will be assessed a **\$25.00** fine and court costs, along with the number of points required to be assessed for the offense. This same fine and court costs shall apply to Written Pleas of No Contest, with the Defendant agreeing to a finding of Guilty.
31. In cases of a Guilty plea to an Unspecified Misdemeanor, the fine imposed shall be \$200.00 plus court costs and appropriate points assessed.
32. If a written Plea of Not Guilty is entered to any minor misdemeanor traffic offense, a Time Waiver will be provided for signature and bond set at \$1250.00 Unsecured Appearance. A trial date shall be set.
33. All appearances for Criminal, Traffic and Traffic cases are limited to Defendants, Witnesses, and Victims in the proceedings. Persons required to appear in person at the court are not to bring anyone else to court with them unless absolutely necessary.
34. If you do not have any personal business before the Court, you will not be permitted into the Courthouse. Personal business is defined as attendance

at a scheduled hearing, a warrant block on your driver's license, a license forfeiture needing released or a driving letter or release of your vehicle.

35. Defendants represented by either the Public Defender or retained Counsel should contact their attorney to request a continuance.

36. Pro se Defendants should contact the Court to request a continuance.

37. The \$20.00 filing fee associated with all continuances will be waived until further order of this Court.

38. Witnesses concerned about appearing in Court during this health crisis should contact the attorney for the party that issued the subpoena for their appearance.

39. Victims should contact the prosecutor's office should they have concerns about appearing due to the health crisis.

40. All Civil trials and hearings are continued for sixty (60) days.

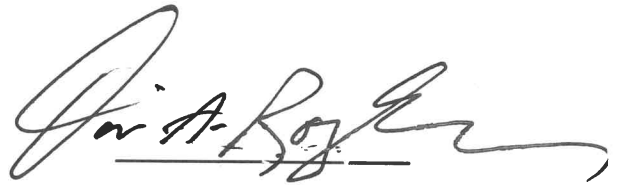
**THIS ORDER IS SUBJECT TO REVIEW AND TERMINATION BY THE ADMINISTRATIVE JUDGE.**

IT IS SO ORDERED.

LIMA MUNICIPAL COURT



Tammie K. Hursh  
Judge



David A. Rodabaugh  
Presiding & Administrative  
Judge