

FILED

IN THE LIMA MUNICIPAL COURT
LIMA, ALLEN COUNTY, OHIO

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JIM LINK
CLERK OF COURT
LIMA MUNICIPAL COURT

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

SUPPLEMENTAL
AND
CUMULATIVE
Effective 05.04.2020

JOURNAL ENTRY NO. 20MISC009

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 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 healthcare systems may become overloaded, with an 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 likely 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 cease operations other than delivery and take-out service.

6. On March 27, 2020, both the Ohio General Assembly and the Supreme Court of Ohio enacted legislation (Am Sub. H.B. 197) and an administrative order (2020-1166) tolling applicable time limitations for the commencement of actions, speedy trial, as well as all time limitations imposed by criminal and civil rules of practice until either the end of the pandemic or July 30, 2020, whichever is earlier.

7. On April 2, 2020, the Ohio Director of Health extended the stay-at-home until May 1, 2020. Significantly, mass gatherings were limited to less than 10 persons.

8. On April 3, 2020, the Centers for Disease Control recommended that members of the public wear facemasks and continue to use social distancing protocols, including remaining at least six feet away from other persons, to mitigate the spread of COVID-19.

9. On April 27, 2020, Governor Mike DeWine indicated the existing stay at home order, set to expire on May 1, 2020, would be extended but revised to permit selected businesses, including office environments, to reopen to the public so long as those businesses implemented mandatory and recommended protective measures, including requiring employees and patrons to wear facemasks and maintain six feet of separation, and minimized gatherings to ten or less individuals.

10. The Lima Municipal Court has consulted with the Lima City Mayor, Allen County Commissioners, Allen County Prosecutor, Lima Law Department, 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.

11. 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 may temporarily amend or supplement its security policies to protect public health while maintaining essential court functions.
3. The Court may temporarily adjust its Personnel Policies and Procedures Handbook and other usual and customary human resource provisions to maintain essential court operations and functions.
4. The Court authorizes the use of audio-visual devices and other similar technologies for all actions and proceedings.
5. Assigned judges or magistrates may consider this public health emergency a finding of "just cause" for continuances 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 until June 1, 2020, 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 until May 4, 2020. Civil proceedings may be conducted via telephone at the discretion of each individual judge or magistrate.
12. 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.
13. 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.
14. 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.
15. 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 is authorized to determine who may be present in the courtroom other than those necessary to conduct the trial or proceedings; 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.

Under this amended order, the courthouse is open with restrictions.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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

22. 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, Lima Law Department, the website of this Court, and distributed to the media.

23. Local Rule 21 is suspended. Defendants and complaining witnesses are not required to appear for pre-trial hearings.

24. For all other proceedings, witnesses other than primary officers and victims are **not** required to attend unless the subpoenaing party, prosecutor, or court specifically and telephonically directs said person to appear.

25. All court employees and persons shall wear a protective facemask upon entering the building. Judicial officers, attorneys, and witnesses may remove their facemasks for in-court proceedings so long as they maintain proper social distancing.

26. Prosecutors and defense counsel SHALL conduct pretrial hearings telephonically.
27. ALL Wage Garnishments, Bank Garnishments, Executions, and Contempt Cases are suspended until further order. Debtor examinations and hearings on wage and bank garnishments will be rescheduled after May 4, 2020.
28. ALL small claims are continued and will be rescheduled after May 4, 2020.
29. All forcible entry and detainer (eviction) cases, except emergency evictions at the court's discretion, are continued until May 4, 2020 and will be rescheduled after that time. "Emergency evictions" include, but are not limited to, evictions due to drug-related activities.
30. Land Contract forfeiture cases are continued until after May 4, 2020 and will be rescheduled after that time.
31. If Defendants wish to contest a 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 Court's Office.
32. Defendants appearing for Minor Misdemeanor Traffic Arraignments shall be provided a Written Waiver of Rights and an alternative to plead in writing either Guilty, Not Guilty, or No Contest.
33. If a Written Waiver of Rights and Written Plea 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.
34. In cases of a Guilty plea to an Unspecified Misdemeanor, the fine imposed shall be \$200.00, plus court costs, and appropriate points assessed.
35. 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.

36. All appearances for Criminal, Traffic and Traffic cases are limited to Defendants, Primary Officers, and Victims in the proceedings. Persons required to appear in court shall not bring guests.

37. 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, resolving a driver's license warrant block or license forfeiture, or obtaining driving privileges or release of your vehicle.

38. Defendants represented by the Public Defender or retained counsel should contact their attorney to request a continuance if they have health concerns with appearing in court.

39. Self-represented plaintiffs or defendants may call the court to request a continuance if they have health concerns with appearing in court.

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

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

THIS ORDER IS EFFECTIVE ON MAY 4, 2020 AND SUBJECT TO REVIEW AND TERMINATION BY THE ADMINISTRATIVE JUDGE. THE PRIOR ORDER DATED APRIL 8, 2020 REMAINS IN EFFECT UNTIL 11:59 P.M. ON MAY 3, 2020.

IT IS SO ORDERED.

LIMA MUNICIPAL COURT



Tammie K. Hursh
Judge



David A. Rodabaugh
Presiding & Administrative
Judge