

**IN THE ERIE COUNTY MUNICIPAL COURT
MILAN, OHIO**

2020 OCT -2 P 2:11

2020-MI-0018

ERIE COUNTY
MUNICIPAL COURT

**SECOND AMENDED AND RESTATED
TEMPORARY ORDER IN RESPONSE TO THE COVID-19
(CORONAVIRUS) PUBLIC HEALTH CRISIS**

The Courts make 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 (thereinafter “Public Health Emergency”).
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. Based on the Public Health Emergency and the above Findings of Fact, this Court has developed a continuum of flexible responses in case the public health crisis escalates. The continuum of responses is intended to protect public health, to maintain court functions, and to continue to protect the rights of all individuals subject to the authority of the Court.
4. The Court, in 2020-MI-0010, issued a Temporary Order in Response to the COVID-19 Public Health Crisis on March 16, 2020, a First Supplemental Order in 2020-MI-0011 on March 20, 2020, and an Amended and Restated Temporary Order in 2020-MI-0013 on May 15, 2020 (collectively “Orders”).
5. The Court finds that it is now necessary to update these Orders to provide for the resumption of certain regular Court operations.

THEREFORE, IT IS HEREBY ORDERED:

1. The prior Orders of the Court are vacated to the extent inconsistent with this Order.
2. The Local Rules of Court may be temporarily adapted to allow Court flexibility, within Constitutional limits, in response to the Public Health Emergency.
3. The Court security policies may be temporarily amended or supplemented to protect public health while maintaining court functions. These changes include, but are not limited to, the following:
 - a. The Clerk of Court's Office is open to walk in traffic Monday through Friday from 8:00 a.m. until 3:30 p.m.
 - b. The Courthouse, beyond the security checkpoint, is closed to all walk-in traffic until further notice. Only parties, attorneys, victims, and witnesses involved in a case on the daily Court docket shall be admitted beyond the security checkpoint of the Courthouse, and only at the time set for hearing or when called for by the Court. NO PERSON SHALL BE PERMITTED TO CONGREGATE IN THE COURTHOUSE LOBBY OR HALLWAYS PRIOR TO THEIR HEARING, BUT MUST INSTEAD REMAIN OUTSIDE THE BUILDING UNTIL THEIR CASE IS CALLED. Exceptions may be made on a case-by-case basis. Requests for exceptions should be made in advance to the Clerk or Bailiff. Individuals may wait in the lobby, following social distancing guidelines, post-hearing while waiting for the Clerk to process their paperwork.
 - c. All persons entering the Courthouse must wear a proper face mask or face covering. In addition, COVID-19 screening questions may be asked of each visitor. Any person may be refused entry to the Courthouse based on their answer to the

screening questions. Entry will be denied to any person that refuses to cooperate with screening or wear a proper mask/covering.

- d. Individuals with pending business with the Erie County Prosecutor's Office shall also be permitted through the security checkpoint at the request of the Prosecutor, provided they follow all other rules applicable to persons inside the Courthouse.
 - e. Any individual with same day business before the Court who is ill should call the Court at 419-499-4689 for further instructions.
4. The Court employment policy may be temporarily adjusted to maintain essential court operations and functions.
 5. The Court authorizes the use of audiovisual devices and technologies for all actions and proceedings, to be determined in a case by case basis. At minimum, the Court will employ audiovisual devices and technology to reduce the need to transport defendants who are in pre-trial confinement, including for all preliminary hearings and pre-trial conferences held during the Public Health Emergency. Counsel of record for a defendant in pre-trial confinement is granted leave to move the Court to order the transport of the defendant to the Courthouse. Any such motion shall state the grounds as to why video appearance is not suitable.
 6. The Public Health Emergency is hereby determined to be good cause for continuances in all proceedings, as deemed necessary on a case-by-case basis. Continuance requests shall be filed in writing.
 7. Unless specifically scheduled as a telephone pre-trial conference in the Notice of Assignment or Scheduling Entry, all pre-trial conferences scheduled in civil, criminal, and traffic cases where the defendant (or plaintiff, if a civil case) is unrepresented by an attorney

shall be in person and require the personal appearance of the defendant (and the plaintiff, if a civil case) at the courthouse. Parties may be asked to wait in their vehicles and called into the Courthouse at the scheduled time, or may be contacted by telephone for purposes of pre-trial conference while waiting in their vehicle. All parties shall provide a valid telephone number to the Court.

8. First and second pre-trial conferences scheduled in criminal and traffic cases where the defendant has counsel shall be held via telephone, with counsel for the defendant required to call the prosecutor at the time scheduled for the pre-trial.
9. All hearings in civil, criminal, and traffic cases (except pre-trial conferences) shall proceed in person with all interested parties appearing in person or, with leave of Court, by way of the Court's video conferencing system.
10. Individuals with open warrants may appear on a Monday, Wednesday, or Friday at 10:00 a.m. or may contact the Court to schedule an different appearance time to address the warrant.
11. All hearing dates are subject to review and adjustment on the Court's own motion based on the status of the Public Health Emergency as it may exist in Erie County at the time of the review.
12. 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.

It is so Ordered.



Carl J. Kamm III, JUDGE