FILED
MAR 16 2020
Clerk of Courts
Cuyahoga County, Ohio

IN THE COURT OF COMMON PLEAS
GENERAL DIVISION
CUYAHOGA COUNTY, OHIO

In Re:	)	
	)	
ORDER DECLARING A JUDICIAL EMERGENCY AND CONTINUITY OF OPERATIONS OF THE COURT DUE TO COVID-19 PANDEMIC	)	**JOURNAL ENTRY**
	)	
	)	

The Judges of the Cuyahoga County Court of Common Pleas – General Division 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 Cuyahoga County, Cleveland, Columbus, and Akron professional sports teams. Many local attractions have closed, including Playhouse Square, Cleveland Orchestra, 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 Common Pleas Court – General Division has consulted with the Cuyahoga County Executive, Prosecutor, Public Defender, Clerk, Sheriff, Cuyahoga 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 Court of Common Pleas – General Division 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 court for the General Division 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 30 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 Cuyahoga 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. Any person who is unable to access e-filing can either utilize regular United States mail or hand-deliver any filing to the Clerk of Courts.

12. All foreclosure cases are hereby stayed for a period of 60 days. Through a directive from the County Executive, all Sheriff's sales are suspended for 60 days. The Sheriff is ordered to return the order of sale without execution in all Sheriff's sales cases on the following dates: March 23, 30, April 6, 13, 20, 27, May 4 and 11, 2020. All private selling officer sales are suspended as well and the private selling officer shall return the orders of sale.

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 Cuyahoga County 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 via e-filing or other designated methods determined by the Clerk.

19. Judicial officers may file all orders electronically (e-filing), 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. The Cuyahoga County Grand Jury for the May Term 2020 shall be empaneled, if possible, on May 4 - 5, 2020, and the Grand Jury for the January Term 2020 shall not be discharged, but its service may be modified and maintained by further order of the Court.

22. 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.

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

24. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Cuyahoga County, Cuyahoga County Clerk of Courts, Cuyahoga County Adult Probation Department, Cleveland Metropolitan Bar Association, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Criminal Defense Lawyers Association, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, Cuyahoga County Council, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

CUYAHOGA COUNTY COMMON PLEAS COURT - GENERAL DIVISION

Brendan J. Sheehan

HON. BRENDAN J. SHEEHAN
ADMINISTRATIVE & PRESIDING JUDGE

March 16, 2020

DATED