

Court of Appeals of Ohio, Eighth District
County of Cuyahoga

Journal Entry

On March 27, 2020, in response to Governor Mike DeWine signing into law Am. Sub. H.B. 197, the Chief Justice of the Ohio Supreme Court entered an order immediately tolling all time requirements until the date of emergency ends, or July 30, 2020, whichever is sooner (“Tolling Order”). “Tolled” means the time is effectively frozen. The Chief Justice’s order is retroactive to March 9, 2020.

For the duration of the tolling order, the Eighth District Court of Appeals will continue to maintain its daily operations to the extent possible while ensuring the safety of the public, attorneys, and staff. In line with the orders of the Governor and the Chief Justice of the Ohio Supreme Court, the Eighth District Court of Appeals will implement the following measures:

- (1) The Eighth District Court of Appeals continues to conduct court business, with judges continuing to consider and decide cases, to the extent possible while ensuring the safety of the public, attorneys, and staff for the duration of the Tolling Order.
- (2) The deadline for filing new appeals is tolled by the Tolling Order. However, parties may still file new appeals and they will be processed for decision as they were before the Tolling Order to the extent possible while maintaining safety and observing social distancing practices.
- (3) The court finds that any matter that can be processed safely and in compliance with the Tolling Order and health directives does require the Court’s immediate attention. Therefore, this Court’s scheduling orders issued on filed cases are not tolled for the duration of the Tolling Order. The court will continue to decide cases that have been filed. The court will handle all cases as usual unless a party, clerk of court, or court reporter moves for a Covid-19 related extension of time pursuant to the Tolling Order.
- (4) For the duration of the Tolling Order, the time for completing the appellate record pursuant to App.R.9(B)(5) for cases on the regular calendar will be extended from 40 days to 54 days. The court will also consider further requests for Covid-19 related extensions of time for



completing the record pursuant to the Tolling Order on a case-by-case basis.

- (5) Attorneys and parties are required to comply with pre-existing court deadlines issued prior to, and after, the Tolling Order to the extent the attorneys and parties can do so while maintaining their safety and observing social distancing practices. If a party or attorney believe they cannot comply with a court order, they shall file a motion with the court explaining their reasons why an extension is necessary. If a party or attorney is unable to file a motion, they are instructed to call (216)443-6350 and leave a detailed message with this information, including case name, case number, and reason for inability to comply, and their contact name, their email address, and a number where they can be reached.
- (6) Because the preparation of trial transcripts are essential to the continuing operations of the court, court reporters should file transcripts with the clerk during the period of the Tolling Order to the extent court reporters can do so while maintaining their safety and observing social distancing practices. Court reporters must continue to supply electronic transcripts to the court and attorneys in accordance with previously established practices. If a transcript cannot be prepared within established deadlines, a motion shall be filed with the court stating the reasons why an extension of time is necessary.
- (7) Briefs, motions, and transcripts must be filed with the appropriate clerk of court. The requisite clerk's office will continue to deliver filings to the Cuyahoga County Clerk of Courts. The Cuyahoga County Clerk of Courts may be reached at (216)443-7937.
- (8) All oral arguments that have already been scheduled will be decided by the judges on the briefs only. There will be no oral argument unless a party requests oral argument in writing prior to the previously scheduled oral argument date.
- (9) The Court will continue to decide cases that have been fully briefed. If no previous oral argument has been set, there will be no oral argument unless a party requests argument in writing prior to the submitted on brief date. Parties will be notified of the submitted on brief date by written notice.

- (10) Any requests for oral argument will be considered by the court and scheduled for a later date to be determined by the court. The court may direct that rescheduled oral arguments be conducted through remote technology.
- (11) Original actions will continue to be processed in accordance with Loc.App.R. 45 unless a party moves for an extension of time pursuant to the Tolling Order. However, the Court will order that a case remain active if it relates to a situation that requires immediate attention.
- (12) All mediations will be conducted remotely.
- (13) The main office of the Eighth District Court of Appeals is closed for public visits.
- (14) All individuals desiring to enter the courthouse for essential matters will be subject to health screening or testing and may be excluded from admission based upon the results of such screening and testing.
- (15) The Court's website at appeals.cuyahogcounty.us provides several resources and information. Messages can be left for the court at (216)443-6350. The voice mail is checked regularly for messages and calls are returned based on priority.
- (16) This order will remain in effect until the expiration of the Executive Order 2020-01D or July 30, 2020, whichever is sooner, or as otherwise modified by order of this court.

IT IS SO ORDERED

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT




Hon. Eileen T. Gallagher
Administrative & Presiding Judge

April 7, 2020

Dated

FILED AND JOURNALIZED
PER APP.R. 22(C)

APR X 7 2020

CUYAHOGA COUNTY CLERK
OF THE COURT OF APPEALS
By  Deputy