

FILED
COURT OF APPEALS
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CLERK OF COURTS
MONTGOMERY CO. OHIO
36

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT

IN RE: ADMINISTRATIVE ORDER
REGARDING "TOLLING OF TIME
REQUIREMENTS IMPOSED BY
RULES PROMULGATED BY THE
OHIO SUPREME COURT AND USE
OF TECHNOLOGY"

ORDER

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This matter is before the Court *sua sponte*. The Court previously entered a Temporary Administrative Order on March 18, 2020, in response to the COVID-19 (Coronavirus) State of Emergency issued by Governor Mike DeWine. On March 27, the Chief Justice of the Ohio Supreme Court, Maureen O'Connor, entered an order, "Tolling of Time Requirements Imposed by Rules Promulgated by the Ohio Supreme Court and Use of Technology." The Tolling Order expires on the date the State of Emergency ends, or July 30, 2020, whichever is sooner. Pursuant to the Tolling Order, the Court orders as follows:

1. The Second District Court of Appeals continues to serve the citizens of Champaign, Clark, Darke, Greene, Miami, and Montgomery Counties during the COVID-19 public health emergency.
2. The Court will maintain its essential and daily operations for the duration of the Tolling Order, and the Court will continue to monitor its pending caseload.
3. Briefs and motions must, as always, be filed with the appropriate clerk of court, and the clerks will continue to deliver those filings to the Court. Clerks have modified

their in-person hours of operation and filing procedures. Specific filing questions should be directed to the respective clerk's office.

4. The Court encourages attorneys and parties to comply with pre-existing court deadlines, to the extent the parties and attorneys are able to do so while maintaining their safety and observing social distancing practices, issued prior to the Tolling Order.
5. The Court encourages the preparation of trial transcripts by court reporters, and filing with the clerk during the period of the Tolling Order to the extent the court reporters are able to do so while maintaining their safety and observing social distancing practices.
6. The Court encourages the clerks of court to file trial court records and supplemental records during the period of the Tolling Order to the extent the clerks of court are able to do so while maintaining their safety, the safety of their employees, and while observing social distancing practices.
7. All filing deadlines have been "tolled" until the date the period of emergency ends or July 30, 2020, whichever is sooner, pursuant to the Tolling Order. The Court will continue to decide cases that have been fully briefed and are ready to be submitted.
8. The Court will also continue to decide motions and to advance cases to their next step based upon filings made during the tolling period.
9. The Court will order, *sua sponte* or upon motion of a party, that a case proceed if it is related to a situation that requires immediate attention. The Court's determination

of whether a case necessitates immediate attention shall be decided on a case-by-case basis.

10. In determining whether the facts and circumstances of a particular case require immediate attention, the Court will consider factors, including, but not limited to, the type of case before the Court, the specific order being appealed from, the date the notice of appeal was filed, the length of transcripts, if any, the number of extensions, which were granted prior to the issuance of the Tolling Order, and the options available to parties to conduct case-related work in compliance with social distancing practices.)
11. In the event the Court issues an order, which a party believes the party is unable to safely comply with, that party shall file a motion advising the Court of the party's respective safety concerns.


MICHAEL L. TUCKER, Administrative Judge

DATE: April 7, 2020