IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

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MAUREEN G. KELLY
LAKE CO. CLERK OF COURT

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

The Judges of the Lake County Court of Common Pleas make the following findings of fact:

1. The Centers 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 rates 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 2020-01D, "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 3-week spring break beginning Monday, March 16. Sporting events have been canceled, including OHSAA, NBA, MAC, Big Ten, NCAA, and all Lake 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.

6. The Lake County Common Pleas Court has consulted with the Lake County Commissioners, Lake County Sheriff, Lake County General Health District, Lake County Emergency Management Agency, Lake County Telecommunications and Information Technology departments, the 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 divisions and each of the judges of the Lake County Court of Common Pleas have 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 each 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, and county's (to the extent that it affects court employees) employee handbook and human resource provisions may be temporarily adjusted to maintain essential court operations and functions.

4. The court authorizes the use of audiovisual devices and technologies for all actions and proceedings.

5. This public health emergency may be considered to be 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. Judicial and clerk's staff, attorneys, witnesses, jurors, and security personnel who exhibit signs of illness shall notify their employing or reporting authority by telephone or email and shall not come into the courthouses or report for duty unless specifically instructed to do so by the employing or reporting authority. Any person employed in the courthouse may be subject to health screening or testing, if testing is available, and exclusion from admission based upon the results of such screening or testing.

8. The courthouses shall have three states of opening, use, and operations, as follows, to be declared by any division of the court or all divisions:

   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, court, and clerk personnel shall be on duty in the courthouses, including sufficient security officers, and if the judge assigned to a case determines that a trial, hearing, or other proceeding is

necessary to be held at that time, only the litigants, their attorneys, and any witnesses and jurors, and limited media if requested, permitted entry, and no other persons will be permitted entry; and any such persons to be admitted may be subject to health screening or testing, if testing is available, and exclusion from admission based upon the results of such screening or testing.

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.

9. The court shall attempt to minimize the amount of travel and social interaction of litigants, attorneys, witnesses, jurors, law enforcement personnel, and judicial personnel by continuing non-essential proceedings or conducting proceedings, as far as practical, by remote video or telephonic means (electronically).

10. The Lake 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 a drive-through or kiosk located in or around the courthouse, or by email.

11. 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 court house each day.

12. Any proceedings conducted electronically shall be held and recorded by Cisco Webex, and the recording saved as the official record in the case. In the event that Webex is not available or accessible, the proceeding may be held and recorded by any other means. If recording is not available or accessible, and 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.

13. Criminal arraignments may be held by video from the Lake County Adult Detention Facility, any institution of the Ohio Department of Rehabilitation and Correction, or any other facility.

14. The Lake County Grand Jury for the April Term 2020 shall be empaneled, if possible, on March 27, 2020, and the Grand Jury for the January Term 2020 shall not be discharged, but its service shall be extended and maintained until further order of the court.

15. 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 hiring authority. All judicial

employees are deemed essential, even if working remotely from home, and shall be paid their regular salaries.

16. Unless otherwise determined by the judge assigned to the case, jury trials, both criminal and civil, are suspended for four weeks commencing the week of March 16, 2020, or for the duration of the emergency.

17. When the emergency subsides, the court shall enter an order declaring an end to the emergency and a resumption of normal operations.

18. This "Temporary Order" is ordered to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Lake County, Lake County Clerk of Courts, Lake County Adult Probation Department, Lake County Bar Association, Lake County Prosecutor's Office, Lake County Public Defender's Office, Lake County Sheriff, Lake County General Health District, Lake County Board of Commissioners, the websites of each of the divisions of this court, and the media.

IT IS SO ORDERED.

DOMESTIC RELATIONS DIVISION

JUDGE COLLEEN A. FALKOWSKI

JUVENILE DIVISION

JUDGE KAREN LAWSON

PROBATE DIVISION

JUDGE MARK J. BARTOLOTTA

GENERAL DIVISION

JUDGE EUGENE A. LUCCI

JUDGE VINCENT A. CULOTTA, Pres.

JUDGE JOHN P. O'DONNELL

JUDGE PATRICK J. CONDON, Admin.