

**IN THE CONNEAUT MUNICIPAL COURT**  
**ASHTABULA COUNTY, OHIO**

<b>IN RE:</b>	)	Case No. 20 MIS 7
	)	
<b><u>TENTH EMERGENCY ORDER</u></b>	)	
<b>IN RESPONSE TO THE</b>	)	<b><u>JUDGMENT ENTRY</u></b>
<b>COVID-19 (CORONAVIRUS)</b>	)	
<b>PUBLIC HEALTH CRISIS</b>	)	
<b>(COURT OPERATIONS AND</b>	)	
<b>LOCAL RULES OF COURT</b>	)	August 10, 2020
<b>MODIFIED)</b>	)	

On May 1, 2020, this Court issued its “Ninth Emergency Order in Response to the COVID-19 (Coronavirus) Public Health Crisis (Court Operations and Local Court Rules Modified.”

Except as otherwise provided herein, the Court hereby issues this Judgment Entry which will supersede such prior order **effective on Monday, August 10, 2020**. The May 1, 2020 Judgment Entry shall remain in effect prior to August 10, 2020.

This Judgment Entry will adopt and modify certain provisions of the referenced May 1, 2020 Judgment Entry, and to address in detail court operations and the issues associated with the safe and proper conduct of in-person hearings and appearances, which the Court deems in each individual scheduled case to require immediate attention, along with public access to the courthouse/city hall, all of which have been delayed as a result of the COVID-19 pandemic.

Before adopting the May 1, 2020 Judgment Entry, the Court consulted with and reviewed its provisions with Conneaut City Health Commissioner Nichelle Blood and Conneaut City Manager James Hockaday. Commissioner Blood and Manager Hockaday were satisfied with the process identified herein for the Court to resume in-person appearances in the courthouse/city hall at that time. This Order does not seek to reduce the restrictions established by the May 1, 2020 Judgment Entry, so the Court did not seek approval of the conditions of this Judgment

Entry from Commissioner Blood or Manager Hockaday before adopting it. As noted in prior orders, the Court takes public health and safety seriously and has implemented aggressive policies to prevent the risk of infection for all court users.

The Court hereby adopts the Findings of Fact contained in its March 16, 2020 “Temporary Order in Response to the COVID-19 (Coronavirus) Public Health Crisis” and the conditions of the Ohio Department of Health Director’s Amended “Stay at Home” Order dated April 2, 2020, and all subsequent orders issued by the Director thereafter. As part of its additional findings, the Court further recognizes the recent enactment of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act essentially placing a temporary moratorium on all evictions and foreclosures involving federally-subsidized properties through August 24, 2020; the extension of social distancing guidelines; and the issuance of guidelines from the Ohio Supreme Court, among several other governmental actions.

The Court further finds that Rule 3 of the Ohio Traffic Rules (which have been adopted by this Court in Rule 22 et seq. in its March 2, 2020 Local Rules of Court), the complaint and summons contained in the “Ohio Uniform Traffic Ticket,” and case law interpreting such rule and uniform traffic ticket form, all contemplate that a defendant must sign the traffic ticket as evidence that the defendant has been personally and properly served with the ticket to ensure that the Court has personal jurisdiction over the traffic citation that was issued. The Court finds further that obtaining a signature of the defendant to a traffic ticket, under the current pandemic circumstances, creates a substantial risk to the health and safety of law enforcement officials and should be temporarily suspended provided evidence exists as noted in this Judgment Entry which demonstrates that proper personal service of the ticket upon the defendant has been made.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that, effective on Monday, August 10, 2020 and subject to further order of the Court thereafter, the operation of the Court and the Local Rules of Court are *temporarily* modified herein as follows:

*Utilization of Whereby.com*

The Court is and has been utilizing equipment and technology, including the video-conferencing system known as *whereby.com*, in order to conduct as many virtual hearings and conferences as possible. The Court strongly encourages the conduct of virtual hearings and conferences where possible. Any attorney and/or party who believes a hearing and conference is appropriate to be conducted virtually should immediately contact the Clerk of Courts to make arrangements for the scheduling of such hearing or conference, at which time the Court will provide the parties and all witnesses, victim(s), victim representative(s), and other persons whose presence is necessary to conduct the hearing the Court's *whereby.com* link to be able to virtually attend the hearing or conference.

The Court reserves the right to order all parties, attorneys, and other persons, who are technologically able to do so, to attend any hearing utilizing *whereby.com*.

*Public Access to Courthouse/City Hall*

The only persons permitted access to the courthouse/city hall for Court purposes are parties to a scheduled in-person case before the Court (plaintiff and defendant), any Court-approved representative, any attorney representing a party in such a scheduled case, the victim(s) and/or victim representative(s) appearing for such a scheduled case, any persons subpoenaed to be at Court as a witness in such a scheduled case, any persons seeking to make a payment to the Court, any persons seeking to file any documents with the Court, and any persons permitted herein who are seeking to be married or are witnessing the marriage. All other persons shall not be permitted access until further notice.

### ***Health Screening and Face Covering Required***

No persons shall be permitted entry into the courthouse/city hall for Court purposes unless they allow their forehead temperature to be taken by Court security staff and the temperature result is less than 100.4 F; are wearing a mask or other face covering over their nose and mouth; place hand sanitizer on their hands during the screening process; and answer in the negative all of the following questions:

- a. Have you been on a cruise or international travel in the last 14 days?
- b. Have you had a fever, a cough, shortness of breath, or loss of taste or smell over the last few days?
- c. Have you been in close contact with anyone who has been confirmed to have Coronavirus/COVID-19?
- d. Have you been tested for or diagnosed with Coronavirus in the last 14 days?
- e. Have you previously been tested for Coronavirus but have now been cleared?

If a question arises as to whether a person should be permitted entry for Court purposes, Court security staff shall immediately consult with the Judge who shall make the final determination whether the person should be permitted entry.

**Failure by any defendant to wear a mask or other face covering and comply with health and security screening protocol of this Court will be treated as a failure by the defendant to appear for the scheduled hearing.**

Employees of the Court are strongly encouraged but not required to wear face coverings if they are working in the Clerk's office area, Judge's office, or probation office and storage area, provided that they maintain physical distancing during this time.

### ***Payments of Fines, Costs and Bonds***

Persons who wish to pay fines, costs, and bonds to the Court shall continue to be permitted to do so, but are strongly encouraged by the Court to make such payments by telephone to the Clerk of Court with credit card information, by mail, or, *as a last resort*, by

placing the payment into the Drop Box utilized by the Conneaut Water and Sewer Department located on the north side of the courthouse/city hall building.

### ***Court Filings***

Court filings shall continue to be permitted to be made in person, although filings by fax and mail pursuant to the Local Rules of this Court are strongly encouraged by the Court.

### ***Weddings***

Weddings will continue to be permitted to take place in the courtroom, as long as they are scheduled with the Clerk of Court at least one week in advance. Only the bride and groom and three other adult persons are permitted into the courthouse/city hall to attend the wedding, and must comply with all health screening and face covering protocol outlined in this Judgment Entry.

### ***Traffic: Ohio Uniform Traffic Ticket Offenses***

Any requirement that a defendant sign a traffic ticket after it has been properly issued by a law enforcement officer, as required by the Ohio Traffic Rules, case law, and the Local Rules of this Court, shall continue to be **temporarily suspended**, provided that the law enforcement officer has obtained reliable evidence, such as body camera video or a witness who made personally observation, demonstrating that the defendant has been appropriately served with the traffic ticket. Law enforcement officers shall write on the traffic ticket “COVID-19” on the line where the defendant is to normally place his or her signature.

### ***Criminal: Initial Appearances (Arraignments)***

Unless a *whereby.com* video initial appearance (arraignment) hearing has been scheduled in a particular case by agreement of the parties, all in-person initial appearance hearings (arraignments) of defendants released on bond shall take place as follows:

1. **Groups of no more than five defendants shall be permitted in the courtroom at the same time.** Any other defendants who arrive at the scheduled date and time shall wait in an appropriate place inside or outside of courthouse/city hall, as determined by Court security staff, until they are summoned by the Court to report to the courtroom.
2. When the defendant arrives and checks in for their scheduled hearing, he or she shall be properly screened for security and health purposes, wear a mask or other face covering, and place sanitizer on their hands, as required herein.
3. After their arrival and check-in, the defendants shall wait outside the north door of the courthouse/city hall entrance in the areas identified by the Court and maintain a distance of at least six feet from other persons until all defendants who are scheduled for that hour arrive and check in, at which time the bailiff shall escort all of the scheduled defendants to the courtroom and strategically seat said defendants therein.
4. **At no time shall there be more than ten (10) persons in the courtroom or in the same location in any other part of the courthouse/city hall.**
5. All defendants shall maintain social distancing (6 feet apart) throughout their visit to the courthouse/city hall, and shall avoid touching anything, other than paperwork, in the courthouse/city hall.
6. Painter's tape may be used to make an "X" marking 6-foot intervals both outside and inside the courthouse/city hall.
7. After leaving the courtroom, each defendant shall appear at the Clerk of Court window to receive and execute any necessary documentation, among other things,

prior to departing the courthouse/city hall. All other persons shall immediately depart the courthouse/city hall unless otherwise directed by the Court.

8. Court personnel shall clean the courtroom after each group of initial appearance hearings.

Initial appearances (arraignments) of persons incarcerated in the Conneaut City Jail and Ashtabula County Jail shall be conducted by video.

***Criminal and Civil: Bench Trials***

Unless a *whereby.com* video bench trial has been scheduled in a particular case by agreement of the parties, all in-person bench trials, **including but not limited to criminal bench trials, forcible entry and detainer actions, and small claims hearings,** shall take place as follows:

1. When each of the parties, attorneys, subpoenaed witness(es), victim(s) and/or victim representative(s) arrive and check in for the scheduled hearing, he or she shall be properly screened, place sanitizer on their hands, and wear a face covering as required herein.
2. After their arrival and check-in, the persons who checked in shall wait outside the north door of the courthouse/city hall entrance in areas identified by the Court and maintain a distance of at least six feet from other persons until the Court is ready to proceed, at which time the bailiff shall escort all of the persons to the courtroom and strategically seat said persons therein; provided, however, that **no more than five persons, including the parties and attorneys,** shall be permitted access to the courthouse/city hall during the date and time they are scheduled to report.
3. Prior to entering the courtroom, the bailiff shall appropriately use the wand and otherwise to search the persons for security purposes.

4. **At no time shall there be more than ten (10) persons in the courtroom or in the same location in any other part of the courthouse/city hall.**
5. All persons shall maintain social distancing (6 feet apart) throughout their visit to the courthouse/city hall, and shall avoid touching anything, other than paperwork, in the courthouse/city hall.
6. Painter's tape may be used to make an "X" marking 6-foot intervals both outside and inside the courthouse/city hall.
7. After leaving the courtroom, each person shall immediately depart the courthouse/city hall unless otherwise directed by the Court to do so.
8. Court personnel shall clean the courtroom after each hearing.

***Criminal and Civil: Jury Trials***

All jury trials, both criminal and civil, shall proceed as normal. The Court shall adopt a separate order in a particular case detailing the health and safety procedures associated with jury selection and the conduct of the jury trial at least five (5) days before any scheduled jury trial.

***Criminal and Civil: All Other Hearings or Conferences***

Unless a *whereby.com* video hearing or conference has been scheduled in a particular case by agreement of the parties, all other criminal or civil hearings or conferences shall take place as follows:

1. When each of the parties, attorneys, subpoenaed witness(es), victim(s) and/or victim representative(s) arrive and check in for the scheduled hearing, he or she shall be properly screened, place sanitizer on their hands, and wear a face covering as required herein.
2. After their arrival and check-in, the persons who checked in shall wait outside the north door of the courthouse/city hall entrance in areas identified by the Court and

- maintain a distance of at least six feet from other persons until the Court is ready to proceed, at which time the bailiff shall escort all of the persons to the courtroom and strategically seat said persons therein; provided, however, that **no more than five persons, including the parties and attorneys,** shall be permitted access to the courthouse/city hall during the date and time they are scheduled to report.
3. Prior to entering the courtroom, the bailiff shall appropriately use the wand and otherwise to search the persons for security purposes.
  4. **At no time shall there be more than ten (10) persons in the courtroom or in the same location in any other part of the courthouse/city hall.**
  5. All persons shall maintain social distancing (6 feet apart) throughout their visit to the courthouse/city hall, and shall avoid touching anything, other than paperwork, in the courthouse/city hall.
  6. Painter's tape may be used to make an "X" marking 6-foot intervals both outside and inside the courthouse/city hall.
  7. After leaving the courtroom, each party shall appear at the Clerk of Court window to receive and execute any necessary documentation, among other things, prior to departing the courthouse/city hall. All other persons shall immediately depart the courthouse/city hall unless otherwise directed by the Court.
  8. Court personnel shall clean the courtroom after each hearing.

Preliminary hearings and all other hearings of persons incarcerated in the Conneaut City Jail, Ashtabula County Jail and any other jail or prison facility shall be conducted by video utilizing *whereby.com*.

### *Criminal: Probation Appointments*

Subject to further order of the Court, **no more than four** priority in-person probation conferences shall take place per day. All other probation appointments shall be conducted virtually or telephonically. All in-person probation conferences between the defendant and probation officer shall take place as follows:

1. When the defendant arrives and checks in for their scheduled hearing, he or she shall be properly screened, place sanitizer on their hands, and wear a face covering as required herein.
2. After their arrival and check-in, the defendant shall wait outside the north door of the courthouse/city hall entrance in areas identified by the Court and maintain a distance of at least six feet from other persons until the Court is ready to proceed, at which time the bailiff or probation officer shall escort the defendant to the probation office.
3. Prior to entering the office, the probation officer or bailiff may use the wand and otherwise to search the defendants for security purposes.
4. All defendants shall maintain social distancing (6 feet apart) throughout their visit to the courthouse/city hall, and shall avoid touching anything, other than paperwork, in the courthouse/city hall.
5. Painter's tape may be used to make an "X" marking 6-foot intervals both outside and inside the courthouse/city hall.
6. The probation officer shall clean the probation office after each conference.

### *Evictions and Writs of Restitution*

All Writs of Restitution and move-outs involving properties subject to the federal CARES Act shall **not be executed until after August 24, 2020, unless otherwise extended by the federal government.**

**The Court hereby reserves the right to modify or terminate this Judgment Entry at any time with respect to a particular case pending before the Court or otherwise.**

**IT IS SO ORDERED.**

*Nicholas A. Iarocci*

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NICHOLAS A. IAROCCI, JUDGE  
CONNEAUT MUNICIPAL COURT