

HANCOCK COUNTY, OHIO
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IN THE COURT OF COMMON PLEAS
GENERAL, CRIMINAL AND DOMESTIC RELATIONS DIVISIONS
HANCOCK COUNTY, OHIO

CATHY PROSSER WILCOX
CLERK OF COURTS

**In re: Temporary Orders for the Docket
of Judge Jonathan P. Starn Necessitated
By the Covid-19 (Coronavirus) Public
Health Emergency and State of
Emergency in the Unites States and
State of Ohio**

July 30, 2020

The undersigned Judge Jonathan P. Starn of the Hancock County Court of Common Pleas, General, Criminal and Domestic Relations Divisions (Hancock County Common Pleas Court), makes the following Findings:

1. 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. As of the date of this Order the State of Emergency has not been lifted by the Governor.
2. On March 11, 2020 the World Health Organization officially declared COVID-19 to be a global "pandemic" requiring "urgent and aggressive action" to control the spread of the virus.
3. On March 12, 2020 the State of Ohio Director of Public Health issued a ban on "mass gatherings" and Ohio Governor Mike DeWine ordered the closure of schools in the State of Ohio to control the spread of the virus.
4. On March 13, 2020 President of the United States Donald Trump declared a National Emergency pursuant to the Stafford Act as a result of the Coronavirus pandemic.
5. On March 15, 2020 the State of Ohio Director of Health issued orders limiting access to Ohio's jails to control the spread of the virus.
6. On March 16, 2020 this Court issued Temporary Orders to address the ongoing public health emergency while ensuring the ongoing functioning of this Court and the health and safety of employees and the public. On June 1, 2020, those Temporary Orders were modified and remain effective until July 31, 2020.
7. Various Federal, State and Local Health Agencies continue to urge limitations on public interactions ("social distancing") in an effort to control the spread of the virus from person to person, and on March 17, 2020 the State of Ohio Director of Health reduced the ban on public gatherings to prohibit gatherings of more than 50 people and "strongly

- recommended” that non-family gatherings be limited to 10 or fewer people. As of the date of this Order, subject to certain outlined exceptions, the Interim Director of Health for the State of Ohio, as well as Hancock Public Health, continue to stress that mass gatherings of 10 or more people increase the risk of community transmission of COVID-19.
8. On March 22, 2020 the first confirmed case of COVID-19 was announced in Hancock County, Ohio by the Hancock County Public Health Commissioner. The Hancock County Public Health Commissioner continues to emphasize the importance of adhering to the orders issued by the Governor of the State of Ohio and the State of Ohio Director of Public Health. According to the State of Ohio, as of July 29, 2020, there are currently 279 confirmed cases in Hancock County, and over 100 of those cases are currently active.
 9. On March 22, 2020 the State of Ohio Director of Public Health issued a Stay at Home Order directing all persons to stay at home or their place of residence unless required to leave for essential, exempted purposes. This Order has now been rescinded and replaced with an Urgent Health Advisory encouraging Ohioans to stay at home or their place of residence (see Director of Health’s Order and Urgent Health Advisory, both dated May 20, 2020). Although participation in Court hearings is exempt from the requirements of the restrictions, the public health and safety concerns clearly remain and must be considered by this Court as it considers issues of public health and safety in conjunction with ensuring that essential functions are still performed in an orderly and efficient manner.
 10. As of the date of this Order, the Interim Director of Health for the State of Ohio has extended prior orders that all business require that their employees wear facial coverings at all time, except as specifically outlined. Additionally, business must allow all customers, patrons, visitors, contractors, vendors and similar individuals to use facial coverings, except as specifically outlined. These requirements have been extended by the Interim Director of Health until such time as they are rescinded, modified or the State of Emergency declared by the Governor of the State of Ohio is lifted. Director’s Order, July 6, 2020.
 11. On or about March 27, 2020 Ohio Governor Mike DeWine signed into law Am.Sub. H.B. 197 in response to the COVID-19 public health emergency. Among other provisions, Am.Sub.H.B. 197 tolled speedy trial provisions of R.C. 2945.72 for all cases wherein speedy trial would expire between March 9, 2020 and July 30, 2020.
 12. On March 27, 2020 the Chief Justice of the Ohio Supreme Court Maureen O’Connor issued an Order tolling all time limits imposed by any and all Rules of the Court in response to the COVID-19 public health emergency and in an effort to complement Am.Sub.H.B. 197. Although this Order expires by its terms on July 30, 2020, the undersigned retains inherit authority to address procedures to ensure the health and safety of employees, attorneys, litigants and members of the public that appear before this Court.
 13. On or about July 8, 2020, the Interim Director of the Ohio Department of Health issued an order that established the Ohio Public Health Advisory System. This Advisory System “was established to increase the information available to Ohioans about their COVID-19 risk at the county level” and was in response to the accelerating spread of the COVID-19 in Ohio. As of the date of this Order, Hancock County, Ohio has been elevated to level Orange alert. Additionally, Lucas, Allen, Henry, Defiance, Marion and Hardin Counties have increased to level Red, and Paulding, Putnam, Seneca, Wood and Wyandot Counties are under level Orange.
 14. On July 22, 2020 the Governor of the State of Ohio Mike DeWine announced the issuance of a statewide Order mandating that all citizens wear facial coverings at all times, subject

to certain limited exceptions. This Order became effective at 6:00 p.m. on July 23, 2020. The Judges of the Hancock County Common Pleas Court issued a similar Order requiring all persons entering into the Hancock County Courthouse to wear appropriate PPE (facial coverings).

15. As of the date of this Order, the Interim Director of Health has extended the mandates requiring appropriate "social distancing" between individuals. Despite all reasonable efforts of the Hancock County elected officials that currently maintain their primary offices in the Hancock County Courthouse, it is not possible to maintain the required social distancing requirements at all times and in all locations within the Courthouse.
16. The undersigned Judge has maintained contact with the Hancock County Sheriff, local health and emergency management personnel, and other Hancock County Elected Officials regarding issues of health and safety impacting upon the Hancock County Courthouse, those working in the Hancock County Courthouse, and members of the public.

Based upon these Findings of Fact, the undersigned Judge of the Hancock County Common Pleas Court will continue to develop flexible responses to this public health emergency. These responses are intended to protect 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 that:

1. The attached Temporary Policies and Procedures shall become effective August 1, 2020 and shall apply to all cases that are assigned to the docket of Judge Jonathan P. Starn of the Hancock County Common Pleas Court.
2. The attached Temporary Policies and Procedures shall remain in effect until further order.



JUDGE JONATHAN P. STARN

THE CLERK OF COURTS SHALL CAUSE A COPY OF THIS ORDER TO BE POSTED IN A CONSPICUOUS LOCATION IN THE OFFICE OF THE CLERK OF COURTS AND SHALL PLACE A COPY IN THE MAIL DRAWERS OF ALL ATTORNEYS LOCATED IN THE OFFICE OF THE CLERK OF COURTS.

Hancock County Common Pleas Court
Judge Jonathan P. Starn
Temporary Policies and Procedures in Response to COVID-19
(Coronavirus) Public Health Crisis
- Effective August 1, 2020 until further order -

All parties and attorneys are encouraged to exercise good health practices as recommended by the Director of Health for the State of Ohio and Hancock Public Health when it comes to appearing for Court hearings. If you are sick, have recently been sick, or are concerned that you may have been recently exposed to the COVID-19 virus (or to someone that may have been exposed to the virus), PLEASE CONTACT THE COURT and opposing counsel to explore options on a case-by-case basis.

All Cases:

- For all hearings, the Court shall be notified prior to the scheduled hearing if any of the following apply to any party, attorney or witness:
 - o Has travelled outside of the United States to a country with travel restrictions designated as Level 2 or higher by the U.S. Department of State and returned to the United States within the 21 days prior to the scheduled hearing;
 - o Has travelled within the last 21 days to any state currently covered by a State of Ohio travel advisory or that has been covered by a State of Ohio travel advisory within the last 21 days;
 - o Has been exposed to the COVID-19 virus or anyone infected with the COVID-19 virus within the 21 days prior to the scheduled hearing;
 - o Currently is quarantined, isolated or otherwise restricted by any health department, director of health, or similar entity.

These hearings will be rescheduled by the Court for good cause.

- Any requests for a continuance relating to health or safety concerns due to COVID-19 shall comply with Hancock County Local Rule 1.14(A)
- All orders of this Court and all orders of the Director of Health for the State of Ohio and of Hancock Public Health shall be complied with regarding use of personal protective equipment (PPE) and social distancing, unless

inconsistent with an order of this Court or a Constitutional, statutory or procedural rule requirement.

Civil Cases (including Domestic Relations, Foreclosures and Workers Compensation):

- All pre-trials that are not designated as a final pre-trial, unless otherwise specifically ordered by the Judge or Magistrate handling the case, shall be conducted by telephone (conference call). Unless otherwise ordered or agreed to by all parties, the Plaintiff shall be responsible for initiating all pre-trial conference calls. If a 'call-in' or 'access' number is required, it shall be provided to all parties and the court at least 48 hours prior to the scheduled pre-trial. The parties, unless appearing *pro se* or otherwise approved by the Court in advance, shall not participate in the telephone pre-trial, but shall be available to counsel either in person (but not listening in on the pre-trial) or by telephone.
- All final pre-trials, if a trial date has already been scheduled, will be addressed on a case-by-case basis and will occur as scheduled unless otherwise ordered.
- All mediations scheduled with the Court's Mediators will be addressed on a case-by-case basis and shall occur as scheduled so long as the Mediator believes the mediation can occur in a manner that is consistent with current health directives. Any request to permit a party to the mediation to appear other than in person shall be directed to the Mediator assigned to the case first. No requests to appear other than in person will be permitted by the Court unless first approved by the Mediator.
- All jury trials will be reviewed by the Court on a case-by-case basis and may be continued by the Court unless good cause is shown as to why a continuance would result in undue hardship or a miscarriage of justice. Counsel for all parties shall discuss, prior to the final pre-trial, whether or not a continuance is warranted in a particular case. Counsel for all parties shall also discuss, prior to the final pre-trial, any health or safety issues that may be unique to the case and that will need to be addressed as part of any jury trial.

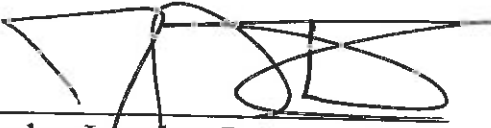
Criminal Cases:

- All first and second pre-trials and any pre-trials that are not scheduled to occur with the Judge assigned to the case shall be held by telephone between defense counsel and the prosecuting attorney assigned to the case. The pre-trial shall occur on or before the scheduled date and time. The prosecuting attorney shall initiate the calls for all pre-trials. Defense counsel shall, prior to the pre-trial occurring, have had appropriate contact with their client and shall have reviewed with the defendant all discovery provided by the State of Ohio up to that time. Defense counsel shall either sign the pre-trial form or otherwise approve the form within 24 hours of the pre-trial occurring. The State of Ohio shall, within 48 hours of the scheduled date/time for the pre-trial, submit the appropriate pre-trial form to the Court. *The pre-trial form shall be fully completed and shall explain in detail the status of the case.*
- All jury trials will be reviewed by the Court and may be continued as appropriate. Counsel for the State of Ohio and the Defendant shall, at least 30 days before the scheduled jury trial or prior to the final pre-trial, whichever is earlier, discuss whether or not a continuance of the jury trial is warranted in a particular case. Counsel for the State of Ohio and the Defendant shall be prepared to discuss any health or safety issues that may be unique to the case as they may relate to any procedures regarding how the jury trial will be conducted.
- For all pre-trials with the Court in cases where the Defendant is currently incarcerated, the Defendant shall not, unless specifically ordered by the assigned Judge, be transported to the courthouse by the Hancock County Sheriff. **Counsel for the Defendant shall meet with the Defendant prior to the pre-trial** with the Court and again within 24 hours following the pre-trial with the Court.
- Any CBCF 'completion' or 'exit' hearings will be either conducted by video or cancelled. Counsel for the Defendant and the State of Ohio shall contact the Court prior to the hearing date/time to determine how to proceed.
- All arraignments for Defendants that are in custody (in-custody arraignments) shall occur in Courtroom 2 and not in the Hancock County Jail. The Defendant will continue to be taken to the 'jail courtroom' and shall appear by video. **Counsel for the Defendant shall meet with the Defendant prior to the scheduled arraignment.** Counsel for the Defendant, if appointed or retained less than 48 hours prior to the scheduled arraignment, shall make all

reasonable efforts to meet with the Defendant prior to the arraignment. Defense counsel, if needed, will be permitted to speak privately with the Defendant by video during arraignments.

- During in-custody arraignments, due to the need of counsel to be able to speak privately with their clients by video during the hearings, those not directly associated with the case being conducted shall wait in the hallway until their case is called.
- The parties are encouraged, to the extent appropriate, to utilize written pleas in lieu of appearing in person for arraignments.
- Financial Review Hearings will be addressed on a case-by-case basis and may be continued if necessary.
- The Adult Probation Department will continue to review, on a case-by-case basis, appropriate modifications to reporting requirements for both bond and community control supervision. All questions should be directed to the supervising officer.

UNLESS MODIFIED ON A CASE-BY-CASE BASIS, THESE MODIFIED POLICIES AND PROCEDURES SHALL BECOME EFFECTIVE AUGUST 1, 2020 AND SHALL REMAIN IN EFFECT UNTIL FURTHER ORDER.



Judge Jonathan P. Starn