

May 22 2020

United States District Court
Northern District of Ohio
General Order

GENERAL ORDER NO. 2020-08

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

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| In Re: |) | |
| |) | |
| |) | ORDER NO. 2020-08 |
| CORONAVIRUS (COVID-19) |) | |
| PHASED-IN RECOVERY PLAN |) | |
| |) | |

This Court previously issued General Order No. 2020-05, Amended General Order No. 2020-05-1, and Amended General Order 2020-05-2 In Re: CORONAVIRUS (COVID-19) PUBLIC EMERGENCY. These Orders were in response to the exponential spread of COVID-19 and the declaring of a public emergency by the President of the United States and the Governor of the State of Ohio.

The Centers for Disease Control and Prevention and other public health authorities have continued to advise the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease, including the implementation of multi-phase business recovery plans to gradually resume operations.

The Court’s recovery plan will follow a multi-phase approach. The pace and progression of recovery through each phase will be based on health and business recovery guidance from the Administrative Office of the United States Courts and the State of Ohio.

Throughout all phases of recovery, to the extent possible, the Court will protect the vulnerable: 1) People 65 years or older; and 2) people of all ages with underlying medical conditions, particularly if not well-controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.

Reasonable accommodations will be provided wherever possible for individuals and employees who: 1) are vulnerable individuals; 2) are caring for vulnerable

individuals in their households; 3) rely solely on public transportation; and 4) have child care issues due to the closure of schools and/or daycare centers due to COVID-19.

The Court recognizes that jury selection in this District involves large jury venire pools. These pools often consist of many individuals in the categories identified by the Centers for Disease Control and Prevention as being particularly at risk, individuals involved in essential public functions, and individuals responsible for children unable to attend school or daycare due to the pandemic. Further, it will be a challenge to provide for jury trials while abiding by necessary precautions to reduce the possibility of exposure to the disease. Additionally, attorneys are severely limited, or in some cases prohibited, from physical visitation of detained clients for purposes of consultation and trial preparation.

NOW, THEREFORE, in order to continue to protect the health and safety of the public, court personnel, counsel, litigants, jurors, and all other case participants; in order to implement a multi-phase recovery plan to gradually resume court operations; in order to reduce the size of public gatherings necessarily attendant to jury selection and reduce unnecessary travel; and in order to permit effective trial preparation of counsel, the United States District Court for the Northern District of Ohio hereby issues the following Order effective through July 31, 2020 as follows:

FACILITIES:

1. All courthouses of the United States District Court for the Northern District of Ohio shall be closed to the public through July 31, 2020. Only persons having official business authorized by this General Order or by the Chief Judge or a Presiding Judge, including credentialed media, may enter courthouse property. This applies to all divisional locations.

Akron

John F. Seiberling Federal
Building & U.S. Courthouse
2 South Main Street
Akron, OH 44308

Cleveland

Carl B. Stokes U.S. Court
House
801 West Superior Avenue
Cleveland, OH 44113

Howard M. Metzenbaum
U.S. Courthouse
201 Superior Avenue, East
Cleveland, OH 44114

Toledo

James M. Ashley and
Thomas W.L. Ashley U.S.
Courthouse
1716 Spielbusch Avenue
Toledo, OH 43604

Youngstown

Thomas D. Lambros Federal
Building & U.S. Courthouse
125 Market Street
Youngstown, OH 44503

2. All mass public gatherings are suspended, including, but not limited to, group tours and visits, moot courts and mock trials, bar group meetings, seminars, and naturalization ceremonies.
3. The use of face masks or cloth face coverings is required for all individuals in a courthouse, unless otherwise directed by the Court or a courthouse official. The face covering must completely conceal the wearer's nose and mouth at all times. Visitors seeking entrance to a courthouse without a face covering will be asked to contact by telephone the office to be visited to explore alternatives to entering the courthouse.
4. Common areas where employees or the public congregate to interact (e.g., cafeterias, break rooms) will be closed. Physical distancing will be enforced in other public or common areas such as jury assembly, court entrances, intake, lobbies, and reception areas by visible means to demark six-foot distances where practical.

CIVIL CASES:

1. Jury trials will commence on a date to be announced, but no earlier than the month of August.
2. The use of videoconference and teleconference in civil proceedings will continue. If necessary, in-person court proceedings will be limited to 10 people and in-person chambers proceedings will be limited to the number of people which permits the observance of the physical distancing requirement of six feet in all instances.

CRIMINAL CASES:

Due to the Court's reduced ability to obtain and protect an adequate spectrum of jurors, and the effect of the public health recommendations on the availability of counsel and court staff to be present in the courtroom, the time period of the continuances implemented by the General Order will be excluded under Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the interest of the public and any defendant's right to a speedy trial pursuant to 18 U.S.C. Section 3161(h)(7)(A). Accordingly,

1. Jury trials will commence on a date to be announced, but no earlier than the month of August.
2. The use of video conference and teleconference as permitted by law for criminal proceedings will continue. If necessary, in-person court proceedings will be limited to 10 people.

3. The use of videoconference and teleconference for change of plea hearings will proceed as permitted by law. Otherwise, to the extent possible and with the agreement of the defendant, after filing a notice to enter an open guilty plea or plea agreement signed by the defendant and/or defense counsel, the taking of the plea of guilty and the sentencing shall be consolidated for a date after the presentence report has been prepared.
4. Grand jury proceedings will proceed if absolutely necessary and with the approval of the Chief Judge.
5. All in-person reentry court sessions will be conducted via videoconference or teleconference.
6. All petty offense (CVB) proceedings are suspended through July 31, 2020.
7. All detainees, upon arrival at a courthouse and before appearance in court, will undergo screening for fever and other symptoms of COVID-19 contamination. Such screening will be administered by and/or at the direction of the United States Marshals Service (USMS) or its agencies or designees. The presiding judge must be notified if the detainee exhibits risk factors and will have the discretion to order the detainee returned to the facility from which they came.

EMPLOYEES:

1. All employees of the District Court will continue to telework except when directed by their supervisors/judges to report to the courthouse to perform essential functions.
2. Employees required to report to a courthouse will self-monitor for indicative COVID-19 symptoms before reporting to the workplace. If COVID-19 symptoms are present, the employee will stay home and contact their healthcare provider for medical care and guidance regarding when it is safe to return to the workplace.
3. While in the workplace, employees will follow current guidance from the Centers for Disease Control and the Ohio Department of Health including frequent hand washing, maintaining social distancing of six feet with others, refraining from touching nose and face with unwashed hands, and sanitizing personal workspace.
4. The use of face masks or cloth face coverings is required for all employees in a courthouse. Face coverings must completely conceal the wearer's nose and mouth at all times. Employees may temporarily remove face coverings when alone in a private office or workspace which permits at least six feet of physical distance from other persons.

5. Business travel required to perform essential functions is permitted.

OTHER:

1. The Clerk's Office intake windows will be closed. Electronic filings may still be made through the CM/ECF system. For those without access to CM/ECF, documents may be submitted by mail, or in the event of an emergency, may be submitted by email to: EmergencyFiling@ohnd.uscourts.gov. All emergency filings must include an email address and phone number where the filer may be reached. Filings submitted by mail and email will be processed each business day. Mail will be received and processed each business day. Clerk's Office staff will be available by telephone from 9:00 a.m. to 4:00 p.m. each business day as follows:

Akron: (330) 252-6020
Cleveland: (216) 357-7011
Toledo: (419) 213-5521
Youngstown: (330) 884-7420

Payments by attorneys using the CM/ECF system will be processed via credit card utilizing Pay.gov. Payments by check or money order will be accepted by mail and will be processed when received.

Cash payments will not be accepted during this period. Any *pro se* litigant filing a case via email who cannot secure a check or money order should submit his or her filing by mail, and the Clerk's Office will send a notice directing payment be submitted after courthouses reopen.

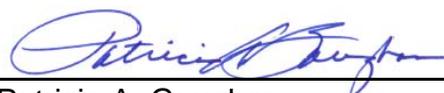
2. All Pretrial Services & Probation Offices will operate on skeleton crew. For information or assistance, a duty officer will be available at 216-357-7300.

This General Order supersedes Amended General Order No. 2020-05-2, which is hereby vacated.

This Court will regularly review this General Order No. 2020-08, which will be vacated or amended no later than July 31, 2020.

IT IS SO ORDERED.

FOR THE COURT



Patricia A. Gaughan
Chief Judge