

In the Painesville Municipal Court
Lake County, Ohio

2020 MAR 20 PM 1: 04

Administrative Order Number: 1-2020 Effective: **3-20-2020**

NICHOLAS C. CLERK
CLERK OF COURT

The Painesville Municipal Court makes the following Findings of Fact:

- I. 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.
- II. 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.
- III. On March 13, 2020, President Trump issued a "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak," stating that "[a]dditional measures" are "needed to successfully contain and combat the virus in the United States."
- IV. On March 13, 2020, Chief Justice Maureen O'Connor issued a letter to Ohio judges. The Chief Justice specifically did not issue an order waiving speedy trial requirements and other tollings. However, she acknowledged that a public health emergency may be considered to be a finding of good cause for continuances deemed necessary by judges on a case-by-case basis.
- V. On March 15, 2020, Governor Mike DeWine ordered closed all bars and restaurants other than carry-out service. On March 16, 2020, Governor DeWine ordered closed gyms, fitness centers, recreation centers, bowling alleys, indoor water parks, movie theaters, and other business. Currently, the ban does not include public buildings, office environments, or places where it is unusual for a large number of people to be within arm's length of each other.
- VI. On March 19, 2020, Chief Justice Maureen O'Connor went on to further explain her letter of March 13, 2020 and took questions regarding same. She specifically stated that courts are not ordered to continue evictions at this time.

Based upon these Findings of Fact, the Painesville Municipal Court has developed a flexible response for this public health crisis. The response 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. All appearances and hearings will be limited to attorneys, defendants, litigants and victims, or anyone making payments to the court. **Anyone not having business with the Court will not be permitted entrance to the courthouse.** The Court is compelled to do all things necessary to ensure the orderly and efficient administration of justice for the duration of the emergency and balance same for the protection of staff and the public.
2. The Painesville Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the following.
3. Hours that the courthouse will be open to the public will be: Monday 8a.m.–3p.m., Tuesday 8a.m.–3p.m., Wednesday 8a.m.–3p.m., Thursday 8a.m.–1p.m., and Friday 8a.m.–1p.m. **The court will remain staffed and available by phone (440-392-5901) from 8a.m. – 4:30p.m. Monday- Friday.**
4. Bonds can be paid over the phone by credit card or debit card every weekday from 8 a.m. until 4:30 p.m. **Individuals are encouraged to pay their court fees via online (pmcourt.com), by phone (866-895-0198), or mail.**
5. Night Court will be discontinued until the 2nd week of May, 2020.
6. For any case continued pursuant to this Order, the Clerk is directed to issue notice of the continued date to the most recent address on file. **All persons doing business with the Court are required to keep the Court informed of your current phone number, address and email.**
7. **For any matter continued pursuant to this Order, and to which R.C. 2945.71 applies, the period of the continuance will toll the running of the time for speedy trial as the period of any reasonable continuance granted other than upon the accused's own motion. R.C. 2945.72(H). The court finds the COVID-19 public health emergency is "just cause" for such continuance and prudent.**
8. Except for cases in which the defendant is being held in jail, all scheduled court hearings for criminal, traffic, and civil cases may be (not shall) continued to specific dates to be determined as soon as practicable. Other exceptions may be made, on a case by case basis, in consultation with counsel for both parties. Preliminary hearings will go forward as scheduled but may be continued on a case by case basis. Continuance fees will be waived if the matter is continued for COVID-19 issues.
9. For traffic cases in which a ticket has already been filed, arraignment will be set 4 weeks out or continued to a specific date at least 4 weeks from the date of this Order.
10. For criminal cases in which the defendant is not being held in jail, arraignment shall be continued to a specific date at least 4 weeks from the date of this Order.
11. Felony cases in which the defendant does not waive preliminary hearing shall be presented to the Judge for disposition pursuant to Crim.R. 5(B).

12. For pending **eviction** cases in which the plaintiff seeks restitution of premises, hearings shall be continued to a specific date at least 4 weeks from the date of this Order.
13. Claims for eviction filed on March 20, 2020 or before will proceed as regularly scheduled.
14. Pending claims in the Civil Division may be continued to a specific date as determined in the discretion of the assigned Magistrate.
15. Those who have scheduled weddings at the Courthouse are discouraged from having their weddings take place during the next eight weeks. However, for weddings that do go forward, only six individuals may attend the wedding, in addition to the individuals being married. More than six individuals will be allowed if the weather permits the function to be outside. The court will delay accepting applications until the 2nd week of May, 2020.

The actions taken herein are being done for just cause during these unparalleled times. I thank the Painesville Municipal Court Staff for their continued hard work and accommodations along with our partners. Updates can be found on our website at www.pmcourt.com. Be safe!

IT IS SO ORDERED.

March 20, 2020

Date



JUDGE PAUL R. MALCHESKY

PAINESVILLE
MUNICIPAL COURT

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NICHOLAS CINDRIC
CLERK OF COURT