

In re: Tolling of Time Requirements
Imposed by Local Appellate Rules
Promulgated by the Fifth District Court
of Appeals and Use of Technology

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ORDER

CLERK OF COURT OF APPEALS
STARK COUNTY, OHIO
2020 APR 13 PM 5:23
FMJ 13-12

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

WHEREAS, social distancing must be observed during the emergency period in all court proceedings in order to mitigate the spread of COVID-19;

WHEREAS, on March 27, 2020, the Governor of Ohio signed into law Am. Sub. H.B. 197, which immediately tolled, retroactive to March 9, 2020, all statutes of limitations, time limitations, and deadlines in the Ohio Revised Code and the Ohio Administrative Code until the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, on March 27, 2020, the Ohio Supreme Court issued an order tolling the time requirements imposed by the rules promulgated by the Ohio Supreme Court and further addressed the use of technology;

WHEREAS, the Ohio Supreme Court's Order specifically provides the Order does not preclude filings during the duration of the Order if the court or clerk is able to receive filings due to local accommodations and the matter is related to a situation that requires immediate attention;

SCANNED

WHEREAS, it is necessary for this Court to establish a temporary measure promoting uniformity and continuity among its fifteen (15) counties comprising the Fifth District Court of Appeals to ensure the continued and effective operation of the Court during the emergency period;

NOW THEREFORE, the Court hereby Orders the following:

- (A) This Order shall apply retroactively to March 9, 2020, the date of the emergency declared by Executive Order 2020-01D, and shall expire on the date the period of emergency ends or July 30, 2020, whichever is sooner.
- (B) As used in this Order:
 - (1) "Local Appellate Rules" means the rules promulgated by the Fifth District Court of Appeals;
 - (2) "Time requirements" means the time for filing all pleadings, appeals, and all other filings; time limitations; deadlines; and other directives related to time, including non-constitutional jurisdictional deadlines.
- (C) Any requirement in the Local Appellate Rules of this Court that requires a party to appear in person may be waived by the Court. Appearance by use of technology that guarantees the integrity of the proceedings and protects the parties' interest and rights may be used.
- (D) The time requirements imposed by the Court's Local Appellate Rules and set to expire during the term of this order shall be tolled.
- (E) Notwithstanding the tolling of time requirements imposed by this Order in Section (D), nothing in this Order precludes filings during the duration of the order as long as the Court and clerk are able to receive filings due to local accommodations.
- (F) Notwithstanding the tolling of time requirements imposed by this Order in Section (D), the Court may still require filings in accordance with its Local Appellate Rules and may issue orders setting a specific schedule in a case or requiring parties to file documents by a specific due date if pertaining to a situation that requires immediate attention.

(G) A specific order in a case issued on or after March 9, 2020, shall supersede the tolling provisions of this order, unless otherwise noted in the specific order.

(H) Upon the expiration of this order, all time requirements tolled by this Order shall resume.

IT IS SO ORDERED.

William B. Hoffman
WILLIAM B. HOFFMAN, PRES. JUDGE

Earle E. Wise Jr.
EARLE E. WISE, JR., ADM. JUDGE

W. Scott Gwin
W. SCOTT GWIN, JUDGE

John W. Wise
JOHN W. WISE, JUDGE

Patricia A. Delaney
PATRICIA A. DELANEY, JUDGE

Craig R. Baldwin
CRAIG R. BALDWIN, JUDGE