

IN THE MUNICIPAL COURT OF FAIRBORN OHIO

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FAIRBORN MUNICIPAL COURT  
2020 MAY 26 PM 3:43

ADMINISTRATIVE ENTRY AND ORDER

FAIRBORN COUNTY COURT  
MELISSA A. LITTERAL  
CLERK OF COURTS

This Temporary Administrative Entry and Order is made upon this Court's own motion, and for good cause shown, in the interest of the health, welfare, and safety of the general public, and of this Court's employees. Administrative Judge Beth W. Cappelli, makes the following findings of fact:

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D "Declaring a State of Emergency" in the State of Ohio; and

WHEREAS 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; and

WHEREAS on March 13, 2020, the President of the United States declared a national emergency to provide federal funding to fight the COVID-19 pandemic and empowered the Secretary of Health and Human Services to waive certain laws and regulations to ensure the virus can be contained and patients treated; and

WHEREAS on March 27, 2020, Am. Sub. H.B. 197 was enacted which tolls time limitations and deadlines in the Ohio Revised Code and the Ohio Administrative Code; and

WHEREAS on March 27, 2020, Chief Justice Maureen O'Conner issued an Entry, complimentary to Am. Sub. H.B. 197, to toll time limitations and deadlines in the rules established by The Supreme Court of Ohio, which will expire either when the emergency period ends and Executive Order 2020-01D expires, or on July 30, 2020, whichever is sooner; and

WHEREAS the Centers for Disease Control and Prevention (CDC) has recommended Americans wear cloth face coverings in public to help slow the spread of COVID-19. That recommendation was made based on studies that show a significant proportion of people with COVID-19 lack symptoms and can transmit the virus to others in close proximity, through speaking, coughing, sneezing, or other means; and

WHEREAS, on March 22, 2020, under the direction of Ohio Governor Mike DeWine, Ohio Department of Health Director Amy Acton, M.D., MPH a mandatory Stay-At-Home Order was issued lasting until 11:59 p.m. on April 6, 2020. Further, Dr. Acton issued a new Stay-At-Home Order that began on April 7, 2020 and lasts through May 1, 2020; and

WHEREAS, as of April 27, 2020, Governor DeWine announced details of Ohio's Responsible Restart Ohio Plan which requires general safe business practices for the reopening of businesses. But, because the danger of COVID-19 still exists, Ohio's Stay-At-Home Order

remains in effect to encourage Ohioans to continue making reasonable, rational decisions about leaving home; and

WHEREAS, on April 30, 2020 the Ohio Department of Health issued the Stay Safe Ohio Order that reopened businesses, with exceptions, and continued a stay healthy and safe at home order.

Therefore, Fairborn Municipal Court hereby continues to require safety measures as follows:

- All individuals are required to wear face coverings within the Courthouse unless one of the following apply:
  - The face covering is not advisable for health purposes;
  - The person is sitting alone in an enclosed space; or
  - There is a practical reason a face covering cannot be worn by a person

If any exceptions apply to an employee, written justification must be provided upon request.

- Employees must perform a daily symptom assessment to determine if they should work;
- Employees must maintain good hygiene at all times and are required to regularly wash their hands;
- Employees are required to clean and sanitize work areas throughout the day and at the close of business or between shifts;
- Employees must stay home if symptomatic;
- Occupancy capacity will be limited to meet social distancing guidelines;
- All individuals must be a minimum of 6 feet between each other unless a proper barrier exists or the person is alone in an office;
- Individuals exhibiting symptoms of COVID-19 are not permitted to enter the Courthouse.

Fairborn Municipal Court will continue to limit entrance to the Courthouse to necessary parties to a case or those with business before the Court. Individuals may be required to wait in their vehicles before being allowed into the building if occupancy capacity has been met due to social distancing guidelines.

Staff will continue to work remotely when possible. The Court is continuing to reintegrate hearings back onto the docket. Due to the tolling for objections to Magistrate's decisions, all matters that are dispositive will continue to be scheduled before the Judge until the State of Emergency ends, or July 30, 2020, whichever is sooner. Hearings will be held using remote technology if the capability and consent is available. In addition to initial hearings for detained Defendants, arraignments for felony and violent offenses, felony preliminary hearings,

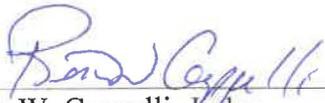
temporary protection order hearings, probation violation hearings, pretrials that occur via telephone conference, emergency hearings deemed appropriate by the Court, and weddings, the Court will now schedule hearings and trials for cases which contain criminal charges, minor misdemeanors, and traffic charges forthwith. Jury trials for the month of June are continued. Forcible Entry and Detainer cases will be scheduled in mid-June. Leave is granted until May 30, 2020 for Plaintiffs to amend all Forcible Entry and Detainer Complaints presently filed in order to comply with Executive Order 2020-081D/federal Coronavirus Aid, Relief, and Economic Security (CARES) Act in accordance with Fairborn Municipal Court's Administrative Order dated April 30, 2020. The Court continues to urge parties to discuss potential resolutions of their forcible entry and detainer cases as people begin to re-enter the workforce in accordance with Governor DeWine's Responsible Restart Ohio Plan. Civil trials will be scheduled for late June/early July.

The Court hereby continues to order that all criminal and civil pretrials with Attorneys for both parties to be held via telephone. If a Defendant in a criminal or traffic chooses not to accept an offer made at the pretrial, the case will be scheduled for a telephonic status conference with the Judge. All discovery must be exchanged and reviewed prior to this status hearing. At the status hearing, the Judge will set deadlines and order dates to be set in order to complete the case. This procedure shall supersede Local Rule 3, "Case Management in Criminal & Traffic Cases", until July 30, 2020, or until the Emergency Order ends, whichever is sooner. All matters with incarcerated Defendants will continue to be held remotely. Probationers will continue to meet with probation officers virtually when possible, at the discretion of the officers. The Bond Schedule filed March 18, 2020, continues to remain in effect. Law enforcement shall release any person on a recognizance bond who is arrested on a warrant unless the underlying charge is a violent or sexual offense or is a warrant issued due to a probation/community control violation allegation. The public health emergency may be considered to be a finding of good cause for continuances deemed necessary by the Judge on a case-by-case basis.

If not specifically mentioned, the Court will use discretion to determine if a matter needs addressed in order to protect an individual's health, safety, housing, or prevent other imminent, serious harm, that cannot be remedied otherwise. The Court shall ensure the orderly and efficient administration of justice for the duration of this emergency while continuously assessing the situation to determine if additional precautions are necessary. Time is tolled

accordingly. This Administrative Entry and Order supersedes the previous Administrative Orders promulgated in response to the COVID-19 pandemic.

**IT IS SO ORDERED.**

  
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Beth W. Cappelli, Judge