

WILLOUGHBY
MUNICIPAL COURT
WILLOUGHBY, OHIO

WILLOUGHBY MUNICIPAL COURT
LAKE COUNTY, OHIO

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**IN RE: FOURTH ADMINISTRATIVE ORDER IN RESPONSE TO THE COVID-19
PUBLIC HEALTH CRISIS**

On March 13, 2020, this Court issued two Administrative Orders in Response to COVID-19 Public Health Crisis. On March 16, 2020, this Court issued a Third Administrative Order in Response to COVID-19 Public Health Crisis. The Court has continued to operate and continue court business, while maintaining social distancing strategies set forth by the Center for Disease Control ("CDC"). This Court has made every effort to protect the public health, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the Court. The Court finds that additional protective measures can be taken to protect staff and the public at large, noting directives from the State and Federal government. Therefore, it is hereby ordered:

1. The Willoughby Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the following:
2. For any case continued pursuant to this Order, the Clerk is directed to issue notice of the continued date to the attorney on file or to most recent address on file for unrepresented Defendants.
3. Parties are ordered to monitor the Court's online public docket for court dates and changes in schedule at www.willoughbycourt.com.
4. 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).
5. The Court may continue to toll the time under R.C.2945.72 (H) by Administrative Order in response to the Public Health Crisis, should it not subside by the dates set forth in this Order.

Assigned cases to be continued, except in cases

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6. Except for cases in which the Defendant is being held in jail, all scheduled court hearings for unrepresented defendants in criminal and traffic cases, shall be continued to specific dates to be determined as soon as practicable. Other exceptions may be made, on a case by case basis.
 7. Cases currently scheduled for incarcerated Defendants will proceed as scheduled via video conferencing.
 8. All traffic pre-trials and criminal pre-trials currently scheduled where Defendant is represented by counsel shall be conducted via telephone or video conference between the parties. All discovery shall be exchanged electronically between Prosecutor and Defense counsel. The Court shall be notified in writing by the Prosecutor of the outcome of the pre-trial within 24 hours of the scheduled hearing. Upon completion of the scheduled pre-trial, the matter will be set for change of plea hearing or bench trial, based on notification from the Prosecutor. Speedy trial time is tolled pursuant to R.C.2945.72(H).
 9. If fines, fees, or court costs on any criminal or traffic cases are not paid by the existing enforcement date, the Clerk is directed to continue the enforcement date by ninety (90) days.
 10. If community service on any criminal or traffic case is not performed by the existing enforcement date, the Clerk is directed to continue to enforcement date by ninety (90) days.
 11. If a defendant does not complete the driver intervention program (D.I.P) by the enforcement date, the Clerk is directed to continue the enforcement date by ninety (90) days.

Traffic arraignment

12. For traffic cases in which a ticket has already been filed, arraignment shall be continued to a specific date at least sixty (60) days from the date of this Order.
13. No traffic arraignments shall occur from the date of this Order until April 14, 2020.
14. All minor misdemeanors are waiverable online at www.willoughbycourt.com.

Criminal arraignment

15. For criminal cases in which the defendant is not being held in jail, arraignment shall be continued to a specific date at least thirty (30) days from the date of this Order.
16. For criminal complaints filed within thirty (30) days from the date of this Order, and for which the defendant is to appear in response to a summons, the Clerk is hereby directed to schedule those cases for April 14, 2020 or a reasonable time thereafter.
17. Any not guilty pleas filed by counsel that are received by the Clerk during the sixty (60) days from the date of this Order, shall be scheduled for pre-trial conference to occur by phone. All discovery shall be exchanged electronically between Prosecutor and Defense counsel. The Court shall be notified in writing by the Prosecutor of the outcome of the pre-trial within 24 hours of the scheduled hearing. Upon completion of the scheduled pre-trial, the matter will be set for change of plea hearing or bench trial, based on notification from the Prosecutor. Speedy trial time is tolled pursuant to R.C.2945.72(H).
18. Arraignments for defendants who are in custody will be conducted as needed by the Judge or Magistrate.

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Other Criminal

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19. All bond reviews, probable cause warrants, and search warrants will be heard by electronic communication. The Clerk shall use electronic means whenever possible to accept and file new complaints. Probable cases warrants shall be sworn over electronic communication whenever possible.
20. A temporary bond schedule was adopted on March 16, 2020 and distributed to local law enforcement, city prosecutors, the Lake County Public Defender's Office, and the Lake County Bar Association. The bond schedule is posted online at www.willoughbycourt.com.

Forcible Entry and Detainer

21. For pending cases in which the Plaintiff seeks restitution of premises, hearings shall be continued to a specific date at least sixty (60) days from the date of this Order.
22. Claims for eviction filed between March 16, 2020 and sixty (60) days from the date of this Order shall be scheduled for hearing sixty (60) days from the date of filing.
23. For any claim for restitution of premises filed within sixty (60) days of this Order with a second cause of action for money damages, and notwithstanding Civ.R. 12(A)(1), defendant(s) shall serve any answer to the claim for money damages within fourteen (14) days after the claim for restitution of premises is adjudicated. No default judgment on the second cause shall be granted until the claim for restitution of premises has been adjudicated.
24. For sixty (60) days from the date of this Order, no writ of possession shall be executed when the property subject to the judgment for restitution of premises remains occupied. If five days have passed since the Bailiff served a red tag notice to vacate the premises on the property subject to eviction, and the property is found to be vacant, the plaintiff may be restored to possession of the property by execution of the writ.

Civil Division

25. All civil pre-trials shall be conducted via telephone or video conference between the parties. The Court shall issue all Pre-Trials Orders in writing.
26. All civil trials, judgment debtor examinations hearing, garnishment, objections, bank attachments, rest escrow hearings, and damages hearings shall by continued to a specific date at least sixty (60) days from the date of this Order.
27. For sixty (60) days from the date of this Order, any motion for judgment debtor examination, any motion pertaining to a rent escrow matter, and any damages hearing shall be scheduled sixty (60) days from the date the motion or partial judgment as to liability was filed.
28. Applications relating to limited driving privileges, 12-point license suspensions, and trusteeship cases shall be scheduled and heard as normal.

Small Claims

29. Pending claims in the Small Claims Division shall be continued to a specific date as determined in the discretion of the assigned Magistrate.
30. For any new claim received by the Small Claims Division for assignment within sixty (60) days from the date of this Order, and notwithstanding R.C. 1925.04(B), the Clerk is directed to schedule the case for hearing sixty (60) days from the date of filing.

Probation

31. Probationers shall report by phone to their Probation Officer as scheduled. Failure to do so may result in a warrant.

Weddings

32. Weddings are canceled until further notice.

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Jury service

33. Individuals who have received a summons for jury service are requested to stay home until or unless they are notified that their services are needed for a particular trial. Notification shall occur via telephone call-in, as detailed on the summons.

This Administrative Order supersedes the Second Administrative Order modifying the Local Rules of Court filed March 13, 2020. All other Administrative Orders related to COVID-19 Public Health Crisis remain in effect.

IT IS SO ORDERED.



JUDGE MARISA L. CORNACHIO

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