

STATE OF OHIO)

IN THE COURT OF APPEALS OF OHIO

MAHONING COUNTY)

) SS:

SEVENTH DISTRICT

CLERK OF COURTS
 MAHONING COUNTY, OHIO

APR 15 2020

FILED
 ANTHONY VIVO, CLERK

AMENDMENT 2 TO MARCH 17, 2020)
 TEMPORARY ORDER DECLARING A)
 JUDICIAL EMERGENCY AND)
 CONTINUITY OF OPERATIONS OF THE)
 COURT DUE TO THE COVID-19)
 PANDEMIC)

CASE NO. 20 MA OPEN

JUDGMENT ENTRY

TOLLING OF TIME REQUIREMENTS IMPOSED BY RULES PROMULGATED BY
 THE OHIO SUPREME COURT AND USE OF TECHNOLOGY

This matter is before the Seventh District Court of Appeals (“the Court”) sua sponte. We previously entered Temporary Orders in response to the COVID-19 (Coronavirus) State of Emergency issued by Governor Mike DeWine. On March 27, 2020 the Chief Justice of the Ohio Supreme Court Maureen O’Connor entered an order “Tolling of Time Requirements Imposed by Rules Promulgated by the Ohio Supreme Court and Use of Technology” (hereinafter, “Tolling Order”). The Tolling Order expires on the date the State of Emergency ends, or July 30, 2020, whichever is sooner. Pursuant to the Tolling Order, the Court finds and declares as follows:

1. This amendment to our temporary orders is effective for the eight counties under the jurisdiction of the Court (Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, Monroe, and Noble).
2. All filing deadlines, including the filing of notices of appeal, have been tolled until the date the period of emergency ends or July 30, 2020, whichever is sooner, pursuant to order of the Chief Justice of the Supreme Court of Ohio. This does not prevent a party from voluntarily filing a notice of appeal or any other filing in an appeal, and such filings will be processed to the extent possible during this tolling period.
3. The tolling period is retroactive to March 9, 2020.
4. In person oral arguments are suspended during the effective period of the Tolling Order, and any previously ordered in person oral argument hearings are canceled and will be rescheduled if necessary, unless parties waive oral arguments then the case will be conferenced.



5. The Court will maintain and continue its daily, and essential operations for the duration of the Tolling Order.
6. The Court will continue to monitor its pending caseload, and the Court will issue orders with respect to those matters that require immediate attention.
7. The preparation of the trial transcripts by court reporters is essential to the continuing operation of the Court. Court reporters are encouraged to prepare and file trial transcripts during the period of the Tolling Order to the extent the court reporters are able to do so while maintaining their safety and observing social distancing practices.
8. The Court's determination of whether a case, or any issue related to a case, necessitates immediate attention shall be decided on a case-by-case basis.
9. In determining whether the facts and circumstances of a particular case require immediate attention, the Court will consider factors, including, but not limited to, the type of case before the Court, the specific order being appealed, the date the notice of appeal was filed, the length of transcripts, if any, the number of extensions, which were granted prior to the issuance of the Tolling Order, and the alternatives to in-person access provided by the clerk of courts.
10. In the event the Court issues an order, necessitated by the Court's determination of a need for immediate attention, which a party believes the party is unable to safely comply with, that party shall file a motion advising the Court of the party's respective safety concerns.
11. The Court will strive to be uniform in its conformance with the language, intent, and its application of the Tolling Order.

signed electronically /Gene Donofrio/
JUDGE GENE DONOFRIO

signed electronically /Cheryl L. Waite/
JUDGE CHERYL L. WAITE
PRESIDING AND ADMINISTRATIVE JUDGE

signed electronically /Carol Ann Robb/
JUDGE CAROL ANN ROBB

signed electronically /David A. D'Apolito/
JUDGE DAVID A. D'APOLITO