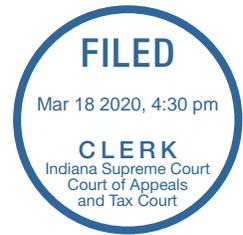


# In the Indiana Supreme Court



In the Matter of the Petition of the  
Miami County Courts for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-157

Trial Court Case No.  
52C01-2003-CB-228

## Order

The courts of Miami County *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the Governor of Indiana has declared a public health emergency due to the spread of the novel coronavirus (COVID-19) and has announced additional restrictions as a result of the significant threat the virus poses to the public, including the closure of bars and restaurants to in-person patrons through the end of March 2020 and restrictions on gatherings of 50 or more people. It appears from the petition that this emergency is likely to inhibit litigants' and courts' ability to comply with statutory deadlines and rules of procedure. The Honorable Timothy P. Spahr has been appointed as the presiding Judge for this emergency.

The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Miami County, and APPROVES the plan as submitted. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 17, 2020**:

1. The Court authorizes the tolling, from the effective date of this order **through April 30, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts of Miami County. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all criminal and civil jury trials, including those with a "fast and speedy" setting requested, through **April 30, 2020**. The courts of Miami County are directed to review **no later than April 16, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than April 30, 2020** to allow adequate notification of the jury pool. If the courts of Miami County believe continued suspension is necessary, they may petition this Court to extend the suspension.

3. **Through April 30, 2020**, this Court authorizes the Miami County courts, in their discretion, to continue all hearings they deem non-essential.
4. **Through April 30, 2020**, this Court authorizes the Miami County courts to allow the use of telephone and/or videoconferencing in lieu of in-person appearances, if no litigant's constitutional rights would be violated.
5. **Through April 30, 2020**, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the courts of Miami County may do so without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
6. **Through April 30, 2020**, the courts of Miami County may consider (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witness expected to testify; or (b) exposure of such individuals to anyone who has or may have COVID-19; to constitute "good cause" to either appear remotely or continue a court setting, to the extent possible without violating statutory or constitutional rights.
7. **Through April 30, 2020**, the courts of Miami County are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
8. **Through April 30, 2020**, the courts of Miami County are authorized to post signage at all public entry points to judicial facilities advising individuals not to enter the building if they have:
  - a. Visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the Centers for Disease Control and Prevention ("CDC") in the previous 14 days;
  - b. Resided with or been in close contact with someone who has been in any of those countries within the previous 14 days;
  - c. Traveled domestically within the United States where the virus has sustained widespread community transmission;
  - d. Been asked to self-quarantine by any doctor, hospital, or health agency;
  - e. Been diagnosed with or had contact with anyone who has been diagnosed with the virus, or
  - f. Has a fever, cough, or shortness of breath;and to direct bailiffs or court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
9. **Through April 30, 2020**, the courts of Miami County are authorized to reduce the number of court staff members working and/or to permit working remotely if feasible; provided, however, that the courts shall maintain sufficient operations to process emergency matters.
10. **Through April 30, 2020**, the courts of Miami County are authorized to make drop boxes available for use by the public for the submission of conventionally filed

documents and shall ensure that those filings, all e-filings, and all orders of the court continue to be processed and distributed in a consistent, timely fashion.

11. **Through April 30, 2020**, the Court authorizes each of the judges of the courts of Miami County to exercise general jurisdiction over any and all cases in each other's courts.
  12. The courts of Miami County shall file a status update **no later than April 16, 2020** to inform this Court of whether there is an ongoing need for emergency relief.
- Done at Indianapolis, Indiana, on 3/18/2020.



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Loretta H. Rush  
Chief Justice of Indiana