

20S-CB-122

FLOYD CIRCUIT AND SUPERIOR COURTS

NEW ALBANY, INDIANA

RULE AR 17 PETITION

Comes now the Courts of Floyd County and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this Petition, the Courts inform the Supreme Court as follows:

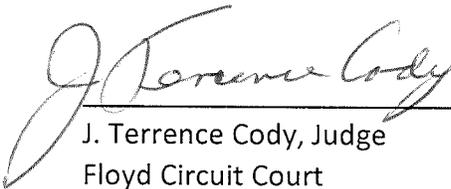
1. The Courts of Floyd County, Indiana have convened en banc and have determined;
  - a. That the President of the United States of America and the Governor of the State of Indiana have declared an emergency due to the COVID-19 virus.
  - b. That the WHO has declared the Coronavirus a Pandemic.
  - c. There is one confirmed case of Covid-19 in Floyd County and two suspected cases.
  - d. That the Floyd County Health Department has declared a local health emergency.
  - e. That the local courts have appointed Judge J. Terrence Cody as the presiding Judge for this emergency.

The Judges and Magistrate of Floyd County request that the Supreme Court declare that an emergency exists in Floyd County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Floyd County directing and allowing the courts and clerk of Floyd County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith, so as to appropriately address this emergency.

EMERGENCY PLAN

1. Tolling 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 Floyd County Courts. Further, no interest shall be due or charged during this tolled period.
2. The Courts shall be allowed to, in their discretion:
  - a. Continue all pre-trial conferences and non-essential hearings that will not result in a resolution of the case;
  - b. Hold pre-trial and discovery status hearings by counsel only;

- c. Allow attorney-only conferences whenever possible without the requirement of a motion;
  - d. Allow counsel to appear remotely by CourtCall or conference call by filing a "Notice of Remote Appearance" at least 24 hours prior to the scheduled hearing;
  - e. Continue trials for non-incarcerated individuals;
  - f. Continue all jury trials until **no later than May 8, 2020** to allow adequate notification of the jury pool.
3. The Courts shall be allowed, in their discretion, to:
    - a. Continue all jury trials until **no later than May 8, 2020** to allow adequate notification of the jury pool;
    - b. Continue all bench trials;
    - c. Continue all non-essential matters;
    - d. Use CourtCall or conference call to:
      - i. Conduct hearings that involve agreed issues;
      - ii. Allow parties to appear remotely, unless a litigant's due process rights would be violated; and
      - iii. Allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearings by filing a "Notice of Remote Appearance" at least 24 hours prior to the scheduled hearing;
    - e. Allow attorney-only conferences whenever possible without the requirement of a motion;
    - f. Suspend issuing civil body attachments and Title IV-D attachments; and
    - g. Postpone all juvenile court and child in need of services (CHINS) case and such postponements shall not count against any time limits.
  4. The Courts shall be allowed to, in their discretion and subject to applicable Constitutional limitations to limit spectators (other than parties to the litigation and their attorneys) in the Floyd County City County Building, **to the extent necessary to provide adequate social distancing.**
  5. The Floyd County Courts 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.

  
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J. Terrence Cody, Judge  
Floyd Circuit Court