

20S-CB-185

**WHITLEY CIRCUIT and SUPERIOR COURTS
COLUMBIA CITY, INDIANA**

Come now the Courts of Whitley 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. Judge Matthew Rentschler and Judge Douglas Fahl of the Whitley Circuit and Superior Court have consulted one another and have determined:
 - a. That the Governor of the State of Indiana has declared an emergency due to the COVID-19 virus.
 - b. That the WHO has declared the Coronavirus a Pandemic.
 - c. That the Whitley County health department has declared a local health emergency.
 - d. That an individual has tested positive for COVID 19 in Noble County which borders Whitley County to the north.
 - e. US Highway 30 traverses Whitley County. US Highway 30 is a primary route for travel between Chicago and Fort Wayne, Indiana. A significant number of litigants in the Whitley County Court System are travelers from US Highway 30.
 - f. That the local courts have appointed Judge Douglas M. Fahl as the presiding Judge for this emergency.

The Judges of Whitley County request that the Supreme Court declare that an emergency exists in Whitley County, under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Whitley County, directing and allowing the courts and Clerk of Whitley 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

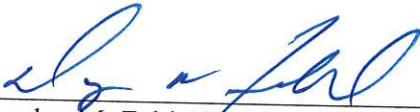
The Courts submit the following as the Emergency Plan of Whitley County:

1. Suspend CR 4 due to public health risk.
 - a. The Court will hold pre-trial and discovery status hearings by counsel only, except when required by the Court. Counsel may appear remotely via conference call. Counsel may submit a simple "Notice of Remote Appearance" at least 24 hours prior to a scheduled hearing to inform the Court that they wish to appear remotely.
 - b. Defendants will appear via teleconference from the jail for any other hearing excepting change of plea hearings and contested sentencings, except when determined necessary by the Court.
 - c. The Court will continue non-essential criminal hearings until such time as the health risk no longer exists.
 - d. The Court will continue criminal jury trials until such time as the health risk no longer exists and until a pool of jurors can be assembled without health risk.
2. Allow Parties to appear remotely, via conference call in all non-evidentiary civil matters.

3. Continue civil pre-trial conference and non-essential hearings, as determined by the Judges, until such time as the health risk no longer exists.
4. Conduct hearings that involve agreed issues by conference call.
5. Allow attorney-only conferences whenever possible without the requirement of a motion.
6. Allow attorneys to file a simple "Notice of Remote Appearance" to inform the Court that they wish to appear remotely for any civil status conference, pre-trial conference or non-evidentiary hearing and permit them to do so.
7. Limit admittance to the Whitley County Courthouse to the litigants, lawyers and essential witnesses . No spectators will be permitted to enter the Courthouse without good cause shown. No more than ten (10) people shall be allowed in the Courthouse for any given hearing. All other personnel involved in said hearing must remain outside the Courthouse unless or until they are admitted to the Courthouse.
8. Continue all civil jury or bench trials until such time as the health risk no longer exists.
9. Continue all non-essential civil matters, at the Court's discretion, until such time as the health risk no longer exists.
10. Continue all criminal trials until such time as the health risk no longer exists.
11. Conduct all mental health hearings by conference call.
12. Setting/Re-setting Juvenile Termination hearings outside the statutory timeframes as deemed necessary by the Court.

The Whitley County Courts propose this plan to remain in effect until June 12, 2020.

Respectfully submitted,



Douglas M. Fahl, Presiding Judge