

20S-CB-196

**BEFORE THE INDIANA SUPREME COURT  
INDIANAPOLIS, INDIANA**

**NOBLE COUNTY COURTS  
ALBION, INDIANA**

**EMERGENCY PETITION FOR ADMINSTRATIVE ORDERS**

Comes now the Courts of Noble County and petitions 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 Noble County, Indiana have convened en banc and have determined:
  - a. That the Governor of the State of Indiana has declared an emergency due to the COVID-19 virus.
  - b. The World Health Organization (WHO) has declared the Coronavirus a pandemic.
  - c. That the Noble County Health Department has declared a local health emergency.

The Judges of Noble County request that the Supreme Court declare that an emergency exists in Noble County under the authority of Indiana Administrative Rule 17, and to make appropriate emergency orders for Noble County, directing and allowing the courts and Clerk of Noble 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 Noble County:

1. Tolling for a period of 30 days all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all civil and criminal matters before all Noble County courts.
2. Suspending and/or rescheduling criminal and civil jury trials for a limited time (subject in criminal cases to the Constitutional right to speedy trial and Constitutional protection against double jeopardy).
3. Continuing and/or rescheduling non-essential hearings (excluding emergency matters, domestic violence hearings, and evidentiary hearings in criminal cases).

4. Using telephone or video technology in lieu of in-person appearances, unless a litigant's due process rights would be violated.
5. Considering (a) the existence of flu or flu-like symptoms in any judge, attorney, self-represented litigant, or witness expected to testify; (b) exposure of such individuals to anyone who has or may have COVID-19; or (c) status of such individuals in a high risk category; to constitute "good cause" to either appear remotely or continue court hearings, to the extent possible without violating statutory or constitutional rights.
6. Allowing any attorney wishing to appear remotely (e.g., through teleconference systems, etc.) for any status conference or non-evidentiary hearing without further leave of court upon filing a "Notice of Remote Appearance" in the court in which the matter will be heard.
7. Subject to applicable Constitutional limitations, limiting spectators (other than parties to the litigations and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing.
8. For trial court clerks, filings for conventionally filed documents shall be done by mail.
9. Posting 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 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 COVID-19 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 COVID-19; or
  - f. A fever, cough or shortness of breath;
  - g. and directing court security officers to deny entrance to individuals attempting to enter in violation of these protocols.
10. Allowing individuals with legitimate court business to stay home and request a continuance by phone to the Court if they are ill, caring for someone who is ill, or in a high-risk category.

11. If available, providing sanitation materials (such as hand sanitizer or bleach wipes) at all courtroom entrances and counsel tables.

Respectfully submitted: March 17, 2020



Michael J. Kramer, Judge  
Noble Circuit Court



Robert E. Kirsch, Judge  
Noble Superior Court Div. 1



Steven C. Hagen, Judge  
Noble Superior Court Div. 2