

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

In the Matter of: : MISCELLANEOUS NO.
Emergency Administrative Order : 20AP-01
regarding COVID-19 :
Public Health Emergency :

JOURNAL ENTRY

On March 9, 2020, Ohio Governor Mike DeWine ("Governor") issued Executive Order 2020-01D "Declaring a State of Emergency" in response to the growing COVID-19 public health emergency.

In consideration of said Executive Order, on March 16, 2020, the Court filed Journal Entry 20AP-01 ("*In re COVID-19 Emergency I*").

On March 22, 2020, the Director of the Ohio Department of Health, Dr. Amy Acton, M.D., MPH, ("Director") issued a "Director's Stay at Home Order" to prevent the spread of COVID-19 into the State of Ohio.

On April 2, 2020, the Director issued an "Amended Director's Stay At Home Order" to prevent the spread of COVID-19 into the State of Ohio.

In consideration of said Executive Order and the Amended Director's Stay At Home Order, on April 16, 2020, the Court filed Journal Entry 20AP-01 ("*In re COVID-19 Emergency II*") modifying *In re COVID-19 Emergency I*.

On April 30, 2020, the Director issued the "Director's Stay Safe Ohio Order," reopening businesses with exceptions and continuing a stay healthy and safe at home order.

On May 20, 2020, the Director issued an Order rescinding and modifying portions of the Director's Stay Safe Ohio Order.

On May 20, 2020, the Director issued an "Urgent Health Advisory - Ohioans Protecting Ohioans."

On May 29, 2020, the Director issued an Order updating and revising business guidance and social distancing. On June 30, 2020, the expiration date for this order was extended until July 7, 2020.

In consideration of the Governor's Executive Order, and the Director's Orders and Urgent Health Advisory, on June 15, 2020, the Court filed Journal Entry 20AP-01 ("*In re COVID-19 Emergency III*") modifying and superseding, as relevant, *In re COVID-19 Emergency I* and *In re COVID-19 Emergency II*.

On July 2, 2020, the Governor issued a press release announcing the implementation of the Ohio Public Health Advisory System consisting of four alert levels and specific risk guidance for each alert level. Franklin County was one of the counties designated at Alert Level 3. Alert Level 3 was defined as "Very high exposure and spread. Limit activities as much as possible."

On July 6, 2020, the Columbus City Council passed Ordinance 1643-2020 requiring facial coverings in public within city limits. This ordinance superseded Executive Order 2020-08 issued on July 2, 2020 by the Columbus Mayor, Andrew J. Ginther, which required facial coverings in specified situations when within six feet of another person.

On July 8, 2020, the Interim Director of the Ohio Department of Health, Lance D. Himes, ("Interim Director") issued an "Order for Facial Coverings in *** Franklin *** Count[y] [and other counties] in Level 3 Public Health Advisory" explaining the Ohio Public Health Advisory System indicators and alert levels, and requiring facial coverings in Franklin County and other counties designated as Alert Level 3. This Order was amended on July 10, 2020 and July 17, 2020 to designate additional counties as Alert Level 3.

On July 14, 2020, the Franklin County Board of Public Health passed an Emergency Order mandating the wearing of facial coverings within county limits.

In consideration of the Governor's Executive Order, the Orders and Advisories of the Ohio and Franklin County Departments of Health, the Columbus Ordinance and the designation as Alert Level 3, on August 10, 2020, the Court filed Journal Entry 20AP-01 ("*In re COVID-19 Emergency IV*") modifying and superseding, as relevant, *In re COVID-19 Emergency I*, *In re COVID-19 Emergency II*, and *In re COVID-19 Emergency III*.

On October 15, 2020, after having previously been designated Alert Level 2 in late August, Franklin County was again designated Alert Level 3 pursuant to the Ohio Public Health Advisory System.

On November 11, 2020, after reporting record high numbers of COVID-19 cases, hospitalizations, and intensive care admissions, the Governor in a statewide address to Ohioans called on citizens to recommit to their individual efforts to prevent coronavirus spread.

On November 17, 2020, the Ohio Department of Health announced a statewide, overnight stay-at-home Order for all Ohioans from 10 p.m. to 5 a.m. The Order is effective November 19, 2020 and is to remain in place for 21 days.

On November 18, 2020, Health Commissioners for Columbus Public Health and Franklin County Public Health announced a stay-at-home Advisory effective November 20, 2020 at 6:00 p.m. The Advisory advises all residents of Columbus and Franklin County to stay at home and to only leave home to go to work, school, or for essential needs, and strongly advises residents to avoid traveling in and out of the state and to forgo having guests in their homes during the upcoming holiday season. The Advisory is to remain in effect for 28 days, or until both health departments determine a change is appropriate.

On November 19, 2020, Franklin County was elevated to Alert Level 4 pursuant to the Ohio Public Health Advisory System. Alert Level 4 is defined as "Severe exposure and spread. Only leave home for supplies and service."

In consideration of the above, the Governor's Executive Order, the Orders and Advisories of the Ohio, Franklin County and Columbus Departments of Health and the designation as Alert Level 4, the Court modifies and supersedes, as relevant, *In re COVID-19 Emergency I*, *In re COVID-19 Emergency II*, *In re COVID-19 Emergency III*, *In re COVID-19 Emergency IV* and orders as follows:

1. The Tenth District Court of Appeals is continuing to conduct court business.
2. Administrative offices for the Tenth District Court of Appeals will be open to address inquiries *remotely* Monday through Friday during normal business hours of 8:00 a.m. to 5:00 p.m.
3. Administrative offices for the Tenth District Court of Appeals will be open to address inquiries *on-site* Monday through Friday from 9:00 a.m. to 3:00 p.m. until further order of the Court.
4. For information regarding how to contact the Court, interested persons should consult the Court's website at tenthdistrictcourt.org or call 614-525-3580. For the health and safety of litigants, lawyers, staff and the public, the Court encourages *remote* inquiries.
5. At this time, oral arguments will not be conducted in person. Oral arguments will be conducted remotely pursuant to alternative oral argument arrangements as determined appropriate by the Court. The Court will provide parties with instructions regarding alternative oral argument arrangements. Interested persons wishing to listen to oral arguments should consult the Court's website for instructions.

6. The Court will resume oral arguments in person on February 2, 2021, unless the Court determines that public health circumstances or guidelines require otherwise. In such event, counsel and the parties will be notified. Furthermore, once the Court resumes oral arguments in person, the Court will consider requests for accommodations or continuances as determined appropriate for COVID-19. For information regarding, the Court's COVID-19 Accommodations Policy, interested persons should consult the Docket page of the Court's website at tenthdistrictcourt.org.



Judge Julia L. Dorrian
Administrative Judge