The Supreme Court of Ohio

ADMINISTRATIVE ACTIONS

April 14, 2020

[Cite as *04/14/2020 Administrative Actions*, 2020-Ohio-1461.]

In re Application of the Rules of Practice of the Supreme Court of Ohio

WHEREAS, on March 9, 2020, the Governor of Ohio issued Executive Order 2020-01D and declared a state of emergency in Ohio in response to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring "urgent and aggressive action" to control the spread of COVID-19;

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency;

WHEREAS, on March 27, 2020, the Governor of Ohio signed into law Am.Sub.H.B. No. 197, which immediately tolled all statutes of limitations and other criminal, civil, and administrative time limitations under the Ohio Revised Code and the Ohio Administrative Code set to expire between March 9, 2020, and the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, on March 27, 2020, the Court issued the order entitled "Tolling of Time Requirements Imposed by Rules Promulgated by the Supreme Court and Use of Technology," which immediately tolled all time requirements imposed by rules promulgated by the Court set to expire between March 9, 2020, and the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner;

WHEREAS, the Court's hearing and consideration of cases ordinarily require limited personal interaction between the Justices and employees of the Court, attorneys, parties, and the public;

WHEREAS, through the use of technology such as video conferencing, those portions of the hearing and consideration of cases that ordinarily necessitate personal interaction can be performed in a manner that complies with social-distancing requirements;

WHEREAS, the Court utilizes the E-Filing Portal, which allows for the electronic filing of case documents, and in 2019 the E-Filing Portal accounted for 67% of all filings, including 92% of all attorney filings;

WHEREAS, parties who are unable to use the E-Filing Portal may still maintain social distancing by filing paper documents by submission through delivery service or the mail, or in person at the Clerk's office;

WHEREAS, as the court of last resort in Ohio, parties and the public anticipate and expect the Court's issuance of decisions;

WHEREAS, as the court of last resort in Ohio, the Court's hearing and consideration of cases and issuance of decisions is vital to promoting uniformity and continuity amongst the courts of Ohio and ensuring the continued and effective operation of the judicial system;

WHEREAS, the effects of and measures necessitated by the COVID-19 emergency, including but not limited to social distancing, stay-at-home orders, and other directives of the Ohio Department of Health and local health departments, may require the extension of time for filing a document;

WHEREAS, in light of the foregoing, the Court has the ability and obligation to continue hearing and considering cases and issuing decisions during the emergency period;

NOW THEREFORE, the Court hereby orders the following:

(A) As used in this order, "time requirement" means a time for filing a pleading, appeal, or other filing; time limitation; deadline; or other directive related to time, including a non-constitutional jurisdictional deadline; imposed by the Rules of Practice of the Supreme Court.

(B) This order shall be effective April 21, 2020, and shall expire on the date the emergency period declared by Executive Order 2020-01D ends or July 30, 2020, whichever is sooner.

(C) This order shall supersede the March 27, 2020, order, but only as it applies to the time requirements prescribed by the Rules of Practice of the Supreme Court.

(D) The following shall apply to filings with the Court:

(1) For any document that was filed between March 9, 2020, and April 21, 2020, and for which a time requirement had expired during that time period, the document is deemed properly filed;

(2) For any document that has not been filed and for which a time requirement would have expired between March 9, 2020, and April 21, 2020, but for the March 27, 2020 order, the party shall file the document within 30 days of this order. A party that fails to timely file pursuant to this division may file a motion for leave to file out of time, and the Clerk shall accept the motion if the delay in filing is due to the effects of or measures necessitated by the COVID-19 emergency and the motion explicitly states it is being filed because of the COVID-19 emergency.

(3) For any other document that is filed after April 21, 2020, the party shall comply with the applicable time requirements. In addition to the provisions of S.Ct.Prac.R. 3.03(B), the Court will also grant reasonable requests to extend the time for filing of any type of document, provided that the request is necessitated by the COVID-19 emergency. A party may also file a motion for leave to file out of time, and the Clerk shall accept the motion if the delay in filing is due to the effects of or measures necessitated by the COVID-19 emergency and the motion explicitly states it is being filed because of the COVID-19 emergency.