

IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA

IN RE: ORDER ON COURT PROCEEDINGS) ADMINISTRATIVE ORDER
IN RESPONSE TO COVID 19) OF THE PRESIDING JUDGE
PANDEMIC) OF DOUGLAS COUNTY,
) NEBRASKA
)
)
) EFFECTIVE DECEMBER 14, 2020
)

Douglas County Court continues to ensure continuity of operations while complying with directives from local, state, and federal governments and protecting public safety by mitigating the public health impact of coronavirus/COVID-19.

IT IS HEREBY ORDERED:

Criminal/Traffic Cases

Criminal and traffic **jury** trials are suspended until after March 1, 2021. Cases currently scheduled for trial in January and February of 2021 will be continued by written Order of the court for good cause shown pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Criminal and traffic **bench** trials are hereby suspended until after March 1, 2021. Cases currently scheduled for trial in January and February of 2021 will be continued by written Order of the court for good cause shown pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Criminal and traffic pre-trial hearings are suspended until after March 1, 2021. Cases currently scheduled for a pre-trial in January and February of 2021 will be continued to a future date by written Order of the court for good cause shown pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Pleas, sentencings and admission on Violations of Probations of defendants who are not in custody are suspended until after March 1, 2021. Cases currently scheduled for hearing in January and February of 2021 will be continued by written Order of the court for good cause shown pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Out of custody defendants charged with a criminal matter may request an early plea and/or sentencing to the judge assigned to their case and schedule in Courtroom No. 227 at 9:00 am or 1:30 pm via WebEx. The 24 hour request rule shall still apply.

Judges, bailiffs and prosecutors will appear in person in Courtroom No. 227. Interpreters, defendants and defense counsel will appear via WebEx. Defendants are required to immediately report to the Douglas County Clerk's Office located on the 2nd Floor, after the hearing. Failure to do so will result in a warrant issued for their arrest. This procedure will begin December 21, 2020.

Diversion checks shall be suspended until after March 1, 2021. Cases currently scheduled for hearing in January and February of 2021 will be continued by written Order of the court for good cause shown pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Preliminary hearings shall occur in person, attended only by essential persons, on the date and times set by the court.

Criminal and traffic arraignments will continue to occur in person on the dates and times previously set by the court.

Early pleas, sentencings and admissions on Violation of Probation for in custody persons will continue to occur via WebEx in the jail courtroom on Tuesday, Wednesday and Friday at 10:00 am.

Felony bond settings and misdemeanor and traffic arraignments for in custody persons will continue to occur via WebEx in the jail courtroom.

Each and every criminal jury and criminal bench trial that is or would be set during January 4, 2021 through February 28, 2021 are continued by the court for good cause shown. The court considers the following as good cause to continue these matters:

1. The current state of the COVID-19 pandemic in Douglas County, Nebraska;
2. The current state of emergency that has been declared by the Governor of the State of Nebraska;
3. The COVID-19 issues outlined in this Administrative Order;
4. The COVID-19 issues outlined in previous Orders from the Nebraska Supreme Court on the pandemic; and
5. The permission from the Nebraska Supreme Court to have limited and restricted access to the Douglas County Court.

The court specifically finds good cause exists to continue these matters pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Civil Cases

Civil **jury** trials are suspended until after March 1, 2021. Cases currently scheduled for trial in January and February of 2021 will be continued to a future date by written Order of the court.

Civil **bench** trials are suspended until March 1, 2021. Cases currently scheduled for trial in January and February of 2021 will be continued to a future date by written Order of the court.

Small Claims trials are suspended until March 1, 2021. Cases currently scheduled for trial will be continued to a future date by written Order of the court.

Civil motions are suspended until March 1, 2021. Motions scheduled for hearing in January and February of 2021 will be continued to a future date by written Order of the court.

Civil hearings typically scheduled in Courtroom No. 20, (**with the exception of restitution trials, replevin hearings and garnishment exemption hearings**) are suspended until after March 1, 2021. Cases scheduled for hearing will be continued to a future date by written Order of the court.

Civil pre-trial hearings are suspended until after March 1, 2021. Cases currently scheduled for a pre-trial in January and February of 2021 will be continued to a future date by written Order of the court.

Restitution trials and garnishment hearings will be conducted in person, on the record, at dates and times set by the court.

Harassment and protection order hearings shall occur in person, on the record, attended only by essential persons, at dates and times set by the court.

Probate Cases

Ex parte probate hearings are suspended until after March 1, 2021. Cases scheduled for hearing in January and February of 2021 will be continued to a future date by written Order of the court.

Contested probate hearings and trials are suspended until after March 1, 2021. Cases currently scheduled for trial in January and February of 2021 will be continued to a future date by written Order of the court. Litigants may request in writing contested probate hearings via WebEx or other video conferencing by agreement of the parties and with prior permission of the court.

Adoption hearings shall occur in person, attended only by essential persons on the date and times set by the court.

Expedited or emergency probate hearings may be heard via WebEx or other video conferencing if requested and by agreement of the parties and with prior permission of the court.

IT IS FURTHER ORDERED:

The media will be allowed into the building but will be escorted by security and subject to the permission of the respective presiding judge.

IT IS FURTHER ORDERED:

This Order shall be followed in conjunction with the Administrative Order of Chief Justice Heavican issued June 30, 2020, https://supremecourt.nebraska.gov/sites/Administration/emergency/Covid_Order_11-6-20.pdf and the Administrative Orders of Presiding Judge Lohaus issued March 13, 2020, March 20, 2020, July 14, 2020 and November 9, 2020.

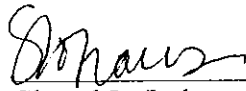
The court continues to urge all court users to utilize the Nebraska Supreme Court website for authorized forms and waivers found at <https://supremecourt.nebraska.gov/forms>.

The court hereby suspends the operation of any court rule that is in conflict with this Order.

The court will continue to monitor conditions and update Orders as needed.

Dated this 14 day of December, 2020.

BY THE COURT:



Sheryl L. Lohaus
Presiding Judge