

FILED  
SARPY COUNTY  
DISTRICT COURT

IN THE DISTRICT COURTS OF THE SECOND JUDICIAL DISTRICT, NEBRASKA

IN RE MATTER OF JURY PANELS  
DURING THE CURRENT PUBLIC  
HEALTH EMERGENCY

Case No. MS 20-1

ORDER

2020 DE 22 PM 1:47  
*Dani Heath*  
CLERK DISTRICT COURT

The Court having monitored the current state of emergency involving Novel Coronavirus and COVID-19 has found it essential to the public health and safety to issue the following findings and order:

WHEREAS, the Court having previously issued Order MS 20-1 dated 18 March 2020 which is incorporated herein by reference, found and ordered that juries could not be summoned and comply with the local health directive aimed at “flattening the curve” and limiting the spread of COVID-19 and excused prospective jurors through 17 April 2020, and;

WHEREAS, the Court having previously issued order MS 20-1 dated 3 April 2020 which is incorporated herein by reference, found and ordered that juries could not be summoned and comply with the local health directive aimed at “flattening the curve” and limiting the spread of COVID-19 and excused prospective jurors through 31 May 2020, and;

WHEREAS, the Court finds that the spread of COVID-19 has continued to cause deaths in Nebraska, the United States, and worldwide, and;

WHEREAS, the number of infections and occupancy of hospital beds having increased since the Court’s June order, and;

WHEREAS, Douglas County, Lancaster County, and the federal courts have canceled jury trials for January 2021, and;

WHEREAS, vacation travel for the holidays has raised the specter of further spread of COVID-19, and;

WHEREAS, there is no generally accepted timeline for cessation of precautions including but not limited to social distancing, and the use of personal protective equipment (PPE), and;

WHEREAS, prospective jurors continue to justifiably identify concern for the spread of COVID-19 as a basis for being excused from service on a jury, and;

WHEREAS, the District Court rooms and facilities of Sarpy County are inadequate, as to space for accommodating social distancing defined as a 6-foot separation between prospective jurors seated for a jury trial, not to mention the inability to accommodate prospective jurors during the jury selection process and provide adequate PPE during such process, and;

WHEREAS, the District Court finds, after due consideration, that it is unable to conduct a legitimate jury trial for the parties under the current conditions and limitations, and;

WHEREAS, Section 25-1601 Neb. Rev. Stat. permits the district court to excuse any grand or petit juror upon showing of undue hardship or public necessity; and

WHEREAS, the Court, as presiding district court judge for the Second Judicial District finds that based upon the aforementioned emergency, a sufficient showing has been made that undue hardship presently exists in relation to the Novel Coronavirus and COVID-19 and that the Court's prior orders at MS 20-1 and MS 20-1 should be extended such that the jurors should be excused from service in the District Court and County Court and that this order be for the entire month of January 2021.

IT IS THEREFORE ORDERED that any juror summoned for either grand or petit juries for the Second Judicial District is generally excused from service on the District Court and County Court jury panel for the month of January 2021, subject to extension or modification upon further findings consistent with Section 25-1601 Neb. Rev. Stat.

IT IS SO ORDERED this 22<sup>nd</sup> day of December 2020.



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Nathan B. Cox, Presiding District Court Judge  
Second Judicial District