

IN THE COUNTY COURT OF BUFFALO COUNTY, NEBRASKA

IN RE: ORDER ON COURT PROCEEDINGS) ADMINISTRATIVE ORDER
IN RESPONSE TO COVID-19 PANDEMIC)

NOW ON THIS 20th day of November, 2020, this matter comes before the judges of the County Court of Buffalo County on the Court's own motion to determine procedures to be utilized during the current state of emergency. Being fully advised in the premises, and in an effort to maintain judicial operations and access to the court system, while mitigating exposure to, and the spread of COVID-19, the Court finds as follows:

On March 13, 2020, President Donald J. Trump declared that the COVID-19 outbreak in the United States is a national emergency.

On November 6, 2020, Nebraska Supreme Court Chief Justice Michael G. Heavican issued an administrative order regarding procedures to be followed in Nebraska's trial and appellate courts in response to the public health emergency caused by the novel coronavirus and the COVID-19 disease.

On November 11, 2020, Governor Pete Ricketts announced statewide changes to the state directed health measures which increase restrictions within the State of Nebraska.

In conformity with the Chief Justice's administrative order, the federal and state emergency declarations, and the guidance from the CDC and the NEDHHS, court procedures in the County Court of Buffalo County, Nebraska should be modified.

IT IS THEREFORE ORDERED THAT, effective immediately, and continuing temporarily until further order of the Court:

GENERAL PRECAUTIONARY MEASURES:

1. All persons entering the judicial wing of the courthouse are required to wear masks or face covering which conceals both the nose and mouth.
2. All persons entering the judicial wing of the courthouse are required to have their temperature taken. Any person with a temperature over 100 degrees or more or if

someone refuses to have their temperature taken will be directed to leave the courthouse.

3. Distancing of at least six (6) feet between persons shall be practiced as much as practicable.
4. Hand sanitizer and/or sanitary wipes shall be provided in each courtroom for use by all who enter. In this connection, court personnel are directed to regularly sanitize highly touched surfaces and areas.
5. Use of technology and videoconferencing hearing options shall be implemented and liberally granted as allowed by statute or by agreement of the parties.
6. No attorney will be allowed in the court staff area without permission of the Clerk Magistrate or her designate.

Civil and Probate cases: All hearings for civil and probate cases which are not emergent in nature, and which do not involve statutorily mandated time limits, shall be conducted by telephone or video conference until further order. Cases considered to be emergent or which involve statutory time limits (i.e. landlord tenant cases, adoptions, protection orders etc.) will be scheduled accordingly.

Civil bench trials are hereby suspended until on or after January 4, 2021. Cases currently scheduled for bench trials for the remainder of 2020 will be continued to a future date by separate written orders of the Court.

Debtors Exams are hereby suspended until on or after January 4, 2021. Cases currently scheduled for debtors exam for the remainder of 2020 will be continued to a future date by separate written orders of the Court.

Motions to continue will be granted for good cause due to COVID-19.

All exhibits shall be submitted in advance at least 2 business days prior to hearings and served upon the opposing party.

It is the responsibility of counsel to arrange for conference calls or WEBEX/ZOOM hearings and are to notify the court's courtroom clerk in advance of the hearings as to the method chosen.

Criminal and Traffic cases:

Arraignments- shall have no more than 15 people in Courtrooms 2 and 3. Public defender requests will be submitted to the judge and defendants will be allowed to leave with a future court hearing.

Pretrials- no defendant appearances are allowed, only defense and prosecuting counsel.

Preliminary Hearings – All waivers of preliminary hearing will be submitted by counsel in writing.

Bond Reviews – All bond reviews shall be done in writing only. At the time the motion is filed, the defense should include an affidavit and written arguments. Thereafter, the State shall have two (2) business days to submit an affidavit and written arguments.

The Court issued an Administrative Order on June 17th, 2020 regarding waivers & fines for certain offenses. That order will remain in effect until further notice.

All exhibits shall be submitted in advance at least 2 business days prior to hearings and served upon the opposing party.

For persons in custody: Hearings not requiring the presentation of evidence shall be conducted via WEBEX/ZOOM.

Non-Contested hearings may be conducted either telephonically or via WEBEX/ZOOM provided the parties agree to do so. It is the responsibility of counsel to arrange for conference call or WEBEX/ZOOM hearings and are to notify the court's courtroom clerk in advance of the hearing as to the method chosen.

Juvenile cases:

Dispositions and non-contested hearings may be conducted via WEBEX/ZOOM, if all parties agree.

Juvenile review and permanency hearings in which there are no objections to the case plan/court report shall be conducted upon the written stipulation of the parties. Upon the filing of a written stipulation, the Court will enter appropriate orders.

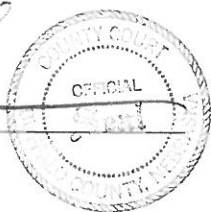
All contested hearings shall be done in person with counsel and clients.

In person pre-hearing conferences are suspended until further notice. Such conferences may be held via telephone or video.

Any party or attorney may petition the Court and request a hearing for relief from this Order, or to object to the procedures set forth in this Order. Such petition shall be heard and addressed by the Court, on the record, as soon as practicable.

This Order may be modified, set aside or vacated by the Court, at any time, with or without notice.

JOHN P RADEMACHER
COUNTY JUDGE



GERALD R JORGENSEN
COUNTY JUDGE

