

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 NOVEMBER 9, 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 January 1, 2021. Cases currently scheduled for trial for the remainder of 2020 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 January 1, 2020. Cases currently scheduled for trial for the remainder of 2020 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 January 1, 2021. Cases currently scheduled for a pre-trial in November and December of 2020 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 January 2, 2021. Cases currently scheduled for hearing for the remainder of 2020 will be continued by written Order of the court for good cause shown pursuant to Neb. Rev. Stat. §29-1207(4)(f).

Diversion checks shall be suspended until after January 1, 2021. Cases currently scheduled for hearing for the remainder of 2020 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 November 9, 2020 through December 31, 2020 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 January 1, 2021. Cases currently scheduled for trial for the remainder of 2020 will be continued to a future date by written Order of the court.

Civil **bench** trials are suspended until after January 1, 2021. Cases currently scheduled for trial for the remainder of 2020 will be continued to a future date by written Order of the court.

Small Claims trials are suspended until after January 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 after January 1, 2021. Motions scheduled for hearing for the remainder of 2020 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 and garnishment exemption hearings**) are suspended until after January 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 January 1, 2021. Cases currently scheduled for a pre-trial in November and December of 2020 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 January 1, 2021. Cases scheduled for hearing for the remainder of 2020 will be continued to a future date by written Order of the court.

Contested probate hearings and trials are suspended until after January 1, 2021. Cases currently scheduled for trial for the remainder of 2020 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 and July 14, 2020.

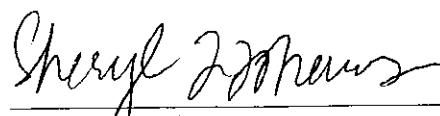
The court continues to urge all court users to utilize the Nebraska Supreme Court website for authorized forms and waivers found at <https://supremecourt.nebraska.gov/forms>.

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 6th day of November, 2020.

BY THE COURT:



Sheryl L. Lohaus
Presiding Judge