

*Judges*  
Sheryl L. Lohaus  
Presiding Judge

Grant A. Forsberg  
Stephanie R. Hansen  
Thomas K. Harmon  
Marcena M. Hendrix  
John E. Huber  
Marcela A. Keim  
Darryl R. Lowe  
Jeffrey L. Marcuzzo  
Craig Q. McDermott  
Stephanie S. Shearer  
Derek R. Vaughn

# COUNTY COURT Douglas County, Nebraska

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Omaha, Nebraska 68183  
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Ronald D. Murtaugh  
Judicial Administrator  
444-7550

*Civil/Small Claims Division*  
Omaha/Douglas Civic Center  
1819 Farnam Street  
444-5424

*Criminal/Traffic Division*  
Hall of Justice, 2nd Floor  
1701 Farnam Street  
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*Probate Division*  
Hall of Justice, 3rd Floor  
1701 Farnam Street  
444-7152

## PRESS RELEASE

**Date:** March 20, 2020  
**To:** All Media Outlets  
**From:** Ronald D. Murtaugh, Judicial Administrator  
**RE:** Response to COVID-19

The Douglas County Court, in collaboration with various agencies, have identified key efforts the court can take to contribute to the prevention of the spread of COVID-19. The Douglas County Court Judges considered not only the coronavirus and its risk to the public and employees of the Douglas County Court but also obligations and duties the court must provide as required by the United States Constitution, the Nebraska Constitution and Nebraska Statutes and Court rules.

Attached is the Administrative Order signed by the Presiding Judge, of Douglas County. This release and Order is only for the Douglas County Court. People affected should monitor their mail and email for Notices and additional information regarding their cases.

The Douglas County Court Judges considered not only the coronavirus and its risk to the public and employees of the Douglas County Court but also obligations and duties the court must provide as required by the United States Constitution, the Nebraska Constitution and Nebraska Statutes and Court rules.

This order applies only to the Douglas County Court.

**IN THE COUNTY COURT OF DOUGLAS COUNTY, NEBRASKA**

**IN RE: NOVEL CORONAVIRUS/** )  
**COVID 19** )  
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**ADMINISTRATIVE ORDER**

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

IT IS HEREBY ORDERED:

**CRIMINAL AND TRAFFIC CASES**

1. Criminal and Traffic trials shall proceed as scheduled unless a party requests a continuance. The court shall liberally grant any requested continuance. Attorneys are encouraged to file a motion to continue with a proposed order. The request shall specify whether the matter is continued to a trial date or for a plea. The court will review motions without hearing.
2. Criminal pretrial hearings and diversion checks shall proceed as scheduled unless a party requests a continuance. The court shall liberally grant any requested continuance. Attorneys are encouraged to file a motion to continue with a proposed order. The court will review motions without hearing.
3. Sentencing hearings for incarcerated defendants shall proceed as scheduled unless a party requests a continuance. The court shall liberally grant any requested continuance. Attorneys are encouraged to file a motion to continue with a proposed order. The court will review motions without hearing. Sentencing hearings for incarcerated defendants will be held at the Douglas County Correctional Center or

via video conference. To appear via video conference, a defendant shall either make a written consent to appear by video or provide such consent on the record.

Sentencings hearings for non-custodial defendants, which are **post plea**, shall be continued for 60 days on motion of the court.

County Court judges may allow any party (prosecutor, defense counsel, defendant, victims, probation officers, etc.) to appear by video conference with that party's consent.

4. Arraignments scheduled after March 25, 2020, but before April 20, 2020, shall be continued on motion of the Court for good cause, pursuant to Neb. Rev. Stat § 29-1207(4)(f), approximately 45 days. **(See attached Douglas County Board of Health Order dated March 18, 2020.** <https://www.docdroid.net/j6Ellsv/health-directors-order-3182020.pdf> ) Defendants may waive their appearance and arraignment by executing a written waiver of arraignment and plea of not guilty. Waiver of arraignment and plea of not guilty forms are available at the Douglas County Court offices. Arraignments of incarcerated defendants shall be held at the Douglas County Correctional Center or via video conference.

5. Preliminary hearings shall proceed as scheduled unless a party requests a continuance. The court shall liberally grant any requested continuance. Attorney are encouraged to file a motion to continue with a proposed order. The court will review motions without hearing.

Waivers of preliminary hearing shall be in writing **only**; the Court will not allow in person waivers. Incarcerated defendants shall not be transported to the Douglas County courthouse for a preliminary hearing unless specifically requested in writing. Preliminary hearings for incarcerated defendants may be held via video conference. To appear via video conference, a defendant shall either make a written consent to appear by video or provide such consent on the record.

6. Any other scheduled non-evidentiary hearings shall be permitted via video conference. The presence of the defendant shall be excused from all non-evidentiary hearings, such as motions for bond review, to consolidate, to continue, etc.

7. Bond settings for felony, misdemeanor, and traffic offenses will continue as scheduled. Video conferencing may be used for bond setting purposes.

### **CIVIL CASES**

8. Civil jury trials scheduled for March 2020 and April 2020 shall be continued by order of the Court to the next available jury panel.

9. Civil jury and bench pretrial hearings scheduled in April 2020 and May 2020 shall be continued on motion of the Court to the next pretrial date.

10. All civil bench trials scheduled in April 2020 and May 2020, including Small Claims, shall be continued by order of the Court at the discretion of the Court.

11. Civil motions set after March 20, 2020, but before April 20, 2020, shall be continued by order of the Court approximately 45 days.

12. Restitution of premises and forcible entry and detainer trials shall proceed as scheduled unless the parties agree to a continuance or in accordance with Neb. Rev. Stat. §25-21,225. Attorneys are encouraged to file a motion to continue with a proposed order. The court will review motions without hearing.

13. Garnishment hearings for exemption shall proceed as scheduled. If there is no objection to the requested exemption, the opposing party shall inform the Court in writing and the exemption shall be granted without hearing.

14. Any other non-evidentiary civil matters scheduled in courtroom 20 after March 20, 2020, but before April 20, 2020, shall be continued by order of the Court approximately 45 days.

## **PROBATE**

15. All show cause hearings, estate matters, and non-emergency appointments of a Guardian or Conservator scheduled for March 2020 and April 2020 shall be continued, for good cause, on motion of the court.

16. All petitions for emergency temporary or permanent appointments of a Guardian or Conservator will be heard via video conference if available, telephone, or in person at the discretion of the Court.

17. All adoptions shall proceed as scheduled unless a party requests a continuance. The court will liberally grant any requested continuance and encourages attorneys to file a motion to continue with a proposed order. The court will review motions without hearing.

## **PROTECTION ORDERS**

18. Ex-parte requests for protection orders shall be forwarded to the court via email or placed on SIGNDESK for review.

18. All evidentiary hearings shall be heard via video conference or in person at the discretion of the court.

IT IS FURTHER ORDERED:

This order shall be followed in conjunction with the Administrative Order of Chief Justice Heavican issued March 12, 2020, [https://supremecourt.nebraska.gov/sites/default/files/Administratio n/emergency/order3.12.20.pdf](https://supremecourt.nebraska.gov/sites/default/files/Administratio%20n/emergency/order3.12.20.pdf) and the Administrative Order of Presiding Judge Lohaus issued March 13, 2020.

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

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

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

IT IS SO ORDERED.

Dated this 20<sup>th</sup> day of March 2020.



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Sheryl L. Lohaus  
Presiding Judge  
Douglas County Court



**DOUGLAS COUNTY BOARD OF HEALTH  
DOUGLAS COUNTY, NEBRASKA**



**ORDER**

**WHEREAS**, The Novel Coronavirus (COVID-19, also known as severe acute respiratory syndrome coronavirus 2, or "SARS-Cov-2") has dramatically impacted the citizens of Douglas County, Nebraska; and

**WHEREAS**, Pursuant to Nebraska Revised Statute section 71-501 and Omaha Municipal Code, Article XII, section 12-23, the Douglas County Board of Health is authorized to promulgate rules and regulations concerning contagious, infectious, and malignant diseases in the county under its jurisdiction; and

**WHEREAS**, Pursuant to Nebraska Revised Statute section 71-1631(7), the Douglas County Board of Health has promulgated such regulations concerning public health and the prevention of communicable diseases within its jurisdiction as approved by the Nebraska Department of Health and Human Services and amended through March 18, 2020; and

**WHEREAS**, Pursuant to the Douglas County Rules and Regulations for the Prevention of Spread of Communicable Disease, Illness, or Poisoning, Section 4, the Director of the Douglas County Health Department ("the Director") has the authority to implement Directed Health Measures, including protocols or measures as identified as effective against public health threats by the United States Department of Health and Human Services Centers for Disease Control and Prevention ("the CDC"); and

**WHEREAS**, Pursuant to the Omaha Municipal Code, Article XII, the Director has authority to issue such orders, regulations and instructions as may, in her judgment, limit the threat of an epidemic or contagious disease;

**WHEREAS**, On March 16, 2020, the CDC issued Interim Guidance for COVID-19, specifically warning against gatherings of more than ten (10) people for the next fifteen (15) days;

**WHEREAS**, The Director makes the following findings:

1. I have received information from the WHO, CDC and treating health care providers that the general public may have been exposed to a communicable disease.
2. I find that Directed Health Measures exist to effectively prevent, limit or slow the spread of communicable disease.
3. I further find that the disease presents a risk of death to any person; and that the exposure is wide-spread and poses a significant risk of harm to people in the general population; and that there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk.

4. In assessing the nature of the risk presented, I further find that the threat is from a novel infectious agent.
5. I do hereby further find that a delay in the imposition of Directed Health Measures and evaluation would significantly jeopardize the ability to prevent or limit the transmission of a communicable disease and pose unacceptable risks to any person or persons.

**WHEREAS, The Director hereby orders:**

1. All public gatherings within the jurisdiction of the Douglas County Health Department with an expected presence of more than 10 individuals taking place between March 18, 2020 and April 30, 2020 are hereby prohibited. If a venue is subdivided into multiple spaces separated by physical walls or sufficient airspace, the limit per subdivision of space is 10.
2. It is further ordered that even for gatherings below this size, if a minimum social distance of six feet between attendees cannot be maintained in the venue or a subdivision thereof, the gathering is prohibited.
3. This Order does not apply to courts of law, medical providers, public utilities, critical county and city operations, continuity of business operations, logistics/distribution centers, congregate living settings, shelters, public transportation, airport travel, necessary shopping at fuel stations, stores or malls, or to family residences housing ten or more people. However, these settings are instructed to observe all applicable state and federal guidelines for infection control.
4. Daycare and childcare facilities must operate under the following mandatory conditions: A. Childcare must be carried out in stable groups of 10 or fewer children; "stable" means that the same 10 or fewer children are in the same group each day. B. Children shall not change from one group to another. C. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other. D. Childcare providers shall remain solely with one group of children.
5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected at least 197,000 individuals worldwide and is implicated in over 7,00 worldwide deaths. Douglas County has twenty (20) cases.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the Douglas County, Nebraska and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially, increasing the likelihood that such gatherings will impair efforts at mitigating the spread of the illness.
8. To the extent necessary, the Director requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order. Pursuant to Nebraska Revised Statute sections 71-502 and 506 and Nebraska Administrative Code 173 sections 6-009 and 6-006, any person violating this order may be subject to a Class V Misdemeanor for each offense.



9. This Order is effective immediately.

Dated this 18th day of March, 2020



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Dr. Adi Pour  
Douglas County Health Director