

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

FILED
SARPY COUNTY
DISTRICT COURT
2020 APR 23 AM 11:32
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 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 finds that the spread of COVID-19 has accelerated as have deaths in Nebraska, the United States and worldwide, and;

WHEREAS, The best estimates of health experts suggest that COVID-19 will continue to spread and accelerate for at least 2 weeks; and,

WHEREAS, Michelle Andahl, the duly appointed Sarpy County Election Commissioner responsible for summoning prospective jurors is unable, through no fault or lack of due diligence on her part or that of her office, to perform those duties and comply with the health directives due to the current public health emergency as included in her affidavit attached hereto and incorporated by reference herein as Exhibit “A”; and,

WHEREAS, Dori Heath, Clerk of the Sarpy County District Court duly elected and sworn is unable, through no fault or lack of due diligence on her part or that of her office, to operate her office due to the current public health emergency as set out in her affidavit which is attached and incorporated herein by reference as Exhibit “B”; and,

WHEREAS, Barb Prokupek, Clerk of the Cass County District Court duly elected and sworn is unable, through no fault or lack of due diligence on her part or that of her office, to operate her office due to the current public health emergency as set out in her affidavit which is attached and incorporated herein by reference as Exhibit “C”; and,

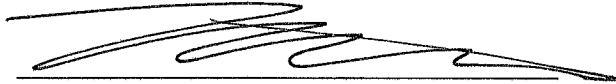
WHEREAS, Section 25-1601 Neb. Rev. Stat. permits the district court to excuse any grand or petit juror upon showing of undue hardship or public necessity; and

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 order at MS 20-01 should be extended such that the jurors called to serve from 17 April 2020 through 31 May 2020 should be excused from service.



IT IS THEREFORE ORDERED that any juror summoned for either grand or petit juries for the Second Judicial District are excused from service from 17 April 2020 through 31 May 2020, subject to extension upon further findings consistent with Section 25-1601 Neb. Rev. Stat.

IT IS SO ORDERED this 3rd day of April 2020.

A handwritten signature in black ink, appearing to read 'Nathan B. Cox', written over a horizontal line.

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

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

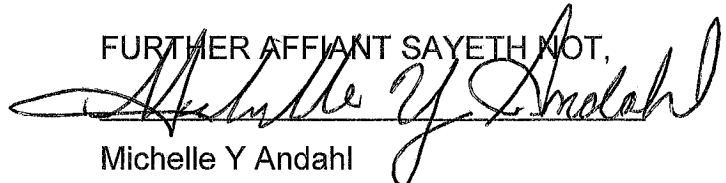
In the matter of)
Jurors)
For the County Court and District Court)
Of the Second Judicial District of)
Nebraska.)

AFFIDAVIT OF MICHELLE Y ANDAHL

MICHELLE Y ANDAHL, being first sworn to tell the truth, makes the following statement:

1. I am the Sarpy County Jury Commissioner. My office address is 501 Olson Drive, Suite 4, Papillion, Nebraska 68046.
2. As the Jury Commissioner for the Second Judicial District, it is my duty to summon prospective jurors under Neb. Rev. Stat. §§ 25-1601 – 25-1643.
3. The County Court and District Court of the Second Judicial District have numerous upcoming jury trials.
4. The process of notifying and impaneling jurors will require the public gathering of citizens of Sarpy County that require no less than 50 people.
5. I am aware of the recommendations and restrictions currently in place by the Center for Disease Control (CDC), the Sarpy/Cass County Health Department, the Nebraska Department of Health and Human Services (DHHS), as well as surrounding cities and counties, limiting the number of persons present at a public gathering to no more than ten (10) people.
6. Properly impaneling the required number of prospective jurors will violate the public gathering limits set forth by the CDC and other entities.
7. The COVID-19 pandemic has raised public health and safety concerns within the Sarpy County Election Commissioner office. As such, I have implemented safety measures within the office to protect my staff and the public we serve.
8. I am unable to notify and impanel the required number of prospective jurors without compromising the safety of the citizens of Sarpy County and my office staff.

FURTHER AFFIANT SAYETH NOT,



Michelle Y Andahl

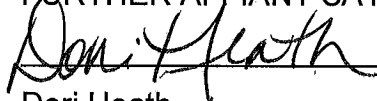
IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

In the matter of)
Jurors)
For the County Court and District Court) AFFIDAVIT OF DORI HEATH
Of the Second Judicial District of)
Nebraska.)

DORI HEATH, being first sworn to tell the truth, makes the following statement:

1. I am the Sarpy County Clerk of the District Court. My office address is 1210 Golden Gate Drive, Suite 3141, Papillion, Nebraska 68046.
2. The County Court and District Court of the Second Judicial District have numerous upcoming jury trials.
3. The process of impaneling jurors will require the public gathering of citizens of Sarpy County that require no less than 50 people.
4. I am aware of the recommendations and restrictions currently in place by the Center for Disease Control (CDC), the Sarpy/Cass County Health Department, the Nebraska Department of Health and Human Services (DHHS), as well as surrounding cities and counties, limiting the number of persons present at a public gathering to no more than ten (10) people.
5. Properly impaneling the required number of prospective jurors will violate the public gathering limits set forth by the CDC and other entities.
6. The COVID-19 pandemic has raised public health and safety concerns within the Sarpy County Clerk of the District Court office. As such, I have implemented safety measures within the office to protect my staff and the public we serve.
7. I am unable to impanel the required number of prospective jurors without compromising the safety of the citizens of Sarpy County and my office staff.

FURTHER AFFIANT SAYETH NOT,



Dori Heath

Exhibit B

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

In the matter of)
Jurors)
For the County Court and District Court)
Of the Second Judicial District of)
Nebraska.)

AFFIDAVIT OF
BARB PROKUPEK

FILED
DISTRICT COURT
CASS COUNTY, NEBR.
2020 APR -1 AM 10:17
BARBARA PROKUPEK
CLERK

State of Nebraska)
County of Cass)

BARB PROKUPEK, being first sworn to tell the truth, makes the following statement:

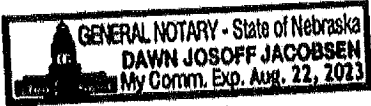
1. I am the Cass County Clerk of the District Court. My office address is 346 Main Street, Plattsmouth, Nebraska 68048
2. As the Cass County Clerk of the District Court for the Second Judicial District, it is my duty to summon prospective jurors under Neb. Rev. Stat. §§ 25-1601 – 25-1643.
3. The County Court and District Court of the Second Judicial District have numerous upcoming jury trials.
4. The process of notifying and impaneling jurors will require the public gathering of citizens of Cass County that require no less than 50 people.
5. I am aware of the recommendations and restrictions currently in place by the Center for Disease Control (CDC), the Sarpy/Cass County Health Department, the Nebraska Department of Health and Human Services (DHHS), as well as surrounding cities and counties, limiting the number of persons present at a public gathering to no more than ten (10) people.
6. Properly impaneling the required number of prospective jurors will violate the public gathering limits set forth by the CDC and other entities.
7. The COVID-19 pandemic has raised public health and safety concerns within the Cass County Clerk of the District Court office. As such, I have implemented safety measures within the office to protect my staff and the public we serve.
8. I am unable to notify and impanel the required number of prospective jurors without compromising the safety of the citizens of Cass County and my office staff.

FURTHER AFFIANT SAYETH NOT,

Barbara Prokupek

Barb Prokupek

Signed and sworn to before me this 1st day of April, 2020.



Dawn Josoff Jacobsen

Notary Public