

IN THE DISTRICT COURTS OF THE SECOND JUDICIAL DISTRICT, NEBRASKA  
IN RE MATTER OF JURY PANELS  
DURING THE CURRENT PUBLIC  
HEALTH EMERGENCY

SARPY COUNTY  
DISTRICT COURT

Case No. MS 20-1

2020 MAY 21 PM 3:09 ORDER

*Dani Hesser*  
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 as have deaths in Nebraska, the United States and worldwide, 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, the County Court has a smaller jury and jury selection process, and;

WHEREAS, The County Court has communicated that they have sufficient space in the Sarpy County courtrooms and facilities to conduct a jury trial as requested by the parties, using recommended safety guidelines including personal protective equipment, social distancing, and regular disinfecting of the courtrooms and facilities, 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 20-01 and MS 20-01 should be extended such that the jurors should be excused from service in the District Court but not excused from service in the County Court and that this order be for the entire month of June 2020.

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 jury panel for the month of June 2020 but are not generally excused from service on the County Court jury panel for the month of June 2020, subject to extension or modification upon further findings consistent with Section 25-1601 Neb. Rev. Stat.

IT IS FURTHER ORDERED that County Court shall use the District Court jury list as authorized by Neb. Rev. Stat. §25-2705.

IT IS SO ORDERED this 21 day of May 2020.



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