

# In the Indiana Supreme Court

In the Matter of the Petition of the  
Floyd Circuit and Superior Courts for  
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.  
20S-CB-122



## Order

The Circuit and Superior Courts of Floyd County (“the courts”) *en banc* have petitioned this Court for emergency relief pursuant to Indiana Administrative Rule 17. The petition states that the President of the United States of America and the Governor of the State of Indiana have declared an emergency due to the 2019 novel coronavirus (COVID-19, “the virus”), the World Health Organization has declared the virus a pandemic, Floyd County has one confirmed case and two suspected cases of the virus, and the Floyd County Health Department has declared a local health emergency. The courts have appointed Judge J. Terrence Cody as the presiding Judge for this emergency.

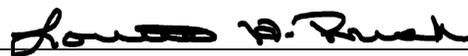
It appears from the petition that this emergency will inhibit litigants’ and courts’ ability to comply with statutory deadlines and rules of procedure. The Court finds that good cause exists for granting emergency relief.

Being duly advised, the Court GRANTS IN PART the petition, DECLARES pursuant to Indiana Administrative Rule 17 that an emergency exists in Floyd County, and APPROVES the plan as set out below. The Court further ORDERS as follows to ensure the orderly and fair administration of justice during this emergency, effective **March 16, 2020**.

1. The Court authorizes the tolling, from the effective date of this order **through May 4, 2020**, of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support, and other orders; and in all other civil and criminal matters before the courts. Further, no interest shall be due or charged during this tolled period.
2. This Court authorizes immediate suspension of all jury trials **through May 4, 2020**. The courts are directed to review **no later than April 17, 2020** whether continued suspension is necessary; and if it is not, to resume jury trials **no later than May 4, 2020** to allow adequate notification of the jury pool. If the courts believe continued suspension is necessary, they may petition this Court to extend the suspension.
3. **Through May 4, 2020**, the courts are authorized, in their discretion, to:
  - a. continue all pre-trial conferences and non-essential hearings that will not result in a resolution of the case;
  - b. hold pre-trial and discovery status hearings by counsel only;

- c. allow attorney-only conferences whenever possible without the requirement of a motion; and
  - d. allow counsel to appear remotely by CourtCall or conference call by filing a “Notice of Remote Appearance” at least 24 hours prior to the scheduled hearing.
4. **Through May 4, 2020**, the courts are authorized, in their discretion, to continue all bench trials; to continue all non-essential matters; to use CourtCall or conference calls to conduct hearings that involve agreed issues and allow parties to appear remotely, unless a litigant’s due process rights would be violated; and to allow attorneys to appear remotely for any civil status conference, pre-trial conference, or non-evidentiary hearings by filing a “Notice of Remote Appearance” at least 24 hours prior to the scheduled hearing.
  5. **Through May 4, 2020**, the courts are authorized, in their discretion, to allow attorneys-only conferences whenever possible without the requirement of a motion; to suspend issuing civil body attachments and Title IV-D attachments; and to postpone all juvenile court and child in need of services (CHINS) cases, which postponements shall not count against any time limits pursuant to Paragraph 1 above.
  6. **Through May 4, 2020**, the courts are authorized, in their discretion and subject to applicable Constitutional limitations, to limit spectators (other than parties to the litigation and their attorneys) in the Floyd County City-County Building, to the extent necessary to provide adequate social distancing.
  7. The courts shall file a status update no later than **April 16, 2020** to inform this Court of whether there is an ongoing need for emergency relief.

Done at Indianapolis, Indiana, on 3/18/2020.



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Loretta H. Rush  
Chief Justice of Indiana