

**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.

/s/ S. Lohaus  
Sheryl L. Lohaus  
Presiding Judge  
Douglas County Court