

STATE OF INDIANA     )  
                                  )SS:  
COUNTY OF ELKHART    )

IN THE ELKHART CIRCUIT COURT  
  
CAUSE NO. 20C01-2003-CB-000024

IN THE MATTER OF THE     )  
ELKHART COUNTY COURTS'    )  
EMERGENCY ORDER            )

## ORDER

The Elkhart Circuit Court, the Elkhart Superior Courts, the Elkhart City Court, the Goshen City Court, and the Nappanee City Court (collectively the “Elkhart County Courts”) enter this Emergency Order pursuant to the Order of the Indiana Supreme Court in Case No. 20S-CB-177, pursuant to the Order of the Indiana Supreme Court in Case No. 20S-CB-123, and in keeping with Executive Orders 20-02, 20-04, 20-06, 20-08, and 20-09. The Elkhart County Courts declare that an emergency exists in Elkhart County as a result of the 2019 Novel Coronavirus (COVID-19) Pandemic and enters this ORDER to insure the orderly and fair administration of justice during this emergency, effective March 17, 2020:

1. Through May 4, 2020, the Elkhart County Courts authorize suspension of all non-essential hearings in civil, domestic relations, juvenile and criminal cases, including, but not limited to: summary domestic relations hearings, routine criminal proceedings such as initial hearings, violation of supervision, financial compliance, status hearings, and pretrial conferences, as well as, small claims hearings, eviction hearings, foreclosure hearings, collections hearings and proceedings supplemental hearings, but excluding emergency matters such as essential domestic violence hearings for the protection of life or limb, and required evidentiary hearings in criminal cases.

2. The Elkhart County Courts authorize immediate suspension of all criminal and civil jury trials, including those with a “fast and speedy” setting requested through May 4, 2020.
3. The Elkhart County Courts authorize the tolling, from the effective date of this ORDER through May 4, 2020, of all laws, rules, procedures setting time limits for speedy trials in criminal and juvenile proceedings, public health, and mental health matters; all judgments, support, and other orders; and in all other civil and criminal matters before the Elkhart County Courts. Further, no interest shall be due or charged during this tolled period.
4. Through May 4, 2020, the Elkhart County Courts are authorized to issue summons in lieu of bench warrants or notice of failure to appear.
5. Through May 4, 2020, any attorney wishing to appear remotely for any status conference or non-evidentiary hearing in any of the Elkhart County Courts may do so without further leave of court upon filing a “Notice of Remote Appearance” in the Court which the matter will be heard.
6. Through May 4, 2020, the Elkhart County Courts are authorized to utilize video or telephonic conferencing in lieu of in person appearances, unless a litigant’s due process rights would be violated.
7. Through May 4, 2020, the Elkhart County Courts may consider:
  - (a) the existence of flu or flu-like symptoms in any attorney, self-represented litigant, or witnesses expected to testify; or
  - (b) exposure of such individuals to anyone who has or may have COVID-19 to constitute “good cause” to either appear remotely or continue a court setting to the extent possible without violating statutory or constitutional rights.
8. Through May 4, 2020, the Elkhart County Courts may allow individuals with legitimate court business who are ill, caring for someone who is ill, or in a high-risk category for COVID-19 to request a continuance by telephone.

9. Through May 4, 2020, the Elkhart County Courts, subject to applicable constitutional limitations, shall limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing. As a general rule, the public will be denied entrance to our courts so long as this Emergency Order is in effect.
10. Through May 4, 2020, the Elkhart County Courts will deny entrance to individuals attempting to enter a courthouse in violation of the COVID-19 protocols in place in Elkhart County.
11. Through May 4, 2020, all clerks serving the Elkhart County Courts are authorized to utilize a drop-box for conventional paper filed documents in each building in Elkhart County housing Elkhart County Courts.
12. Pursuant to Executive Order 20-06, no eviction or foreclosure actions or proceedings involving residential real estate or property, whether rental or otherwise, may be filed with the Clerk of the Elkhart Circuit and Superior Courts between the period from March 19, 2020 until the state of emergency has terminated.

**SO ORDERED** at Elkhart County, Indiana, on March 23, 2020.

/s/ Michael A. Christofeno  
Judge, Elkhart Circuit Court

/s/ Kristine A. Osterday  
Judge, Elkhart Superior Court No. 1

/s/ Stephen R. Bowers  
Judge, Elkhart Superior Court No. 2

/s/ Teresa L. Cataldo  
Judge, Elkhart Superior Court No. 3

/s/ Gretchen S. Lund  
Judge, Elkhart Superior Court No. 4

/s/ Charles C. Wicks  
Judge, Elkhart Superior Court No. 5

/s/ David L. Bonfiglio  
Judge, Elkhart Superior Court No. 6

/s/ Charles H. Grodnik  
Judge, Elkhart City Court

/s/ Richard L. Mehl  
Judge, Goshen City Court

/s/ Christopher G. Walter  
Nappanee City Court