

ERIC A. COMMER
JUDGE
Division 28



Phone: (316) 660-5628
Fax: (316) 660-5784
<http://www.dc18.org>

DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT
SEDGWICK COUNTY COURTHOUSE
525 NORTH MAIN, 4th FLOOR
WICHITA, KANSAS 67203

March 26, 2020 **SEDGWICK CO. CIVIL DEPARTMENT**
APPLICATION OF SUPREME COURT ADMINISTRATIVE ORDERS
2020-PR-16 Issued March 18, 2020 and
GOVERNOR'S EXECUTIVE ORDER 20-06 Issued March 17, 2020
ALL IN RESPONSE TO COVID-19

Members of Sg. Co. Civil Bar:

Questions from the above Orders beg for a uniform response from our civil court. This letter addresses the approach Sg. Co. will be taking, subject to later amendments. This afternoon I latently received a copy of Governor's Exec. Order No. 2010 signed March 23. I am aware it rescinds and may relax EO 20-06 which was considered when this letter was drafted March 23. This letter's sections on **Mortgage Foreclosures** and **Evictions** will be reviewed by the SG. Co. Civil Bench to see if any changes can be made when considered with existing Supreme Court Orders regarding emergency orders and limitations to matters requiring expeditious handling.

GENERAL ELECTRONIC FILING OPERATIONS

Electronic filings of pleadings and documents will continue to occur. Without increasing contacts that could transmit COVID-19, all judges in our civil department have access to their court email and review of some e-filed documents through transportable laptops, home computers or other transportable devices.

Therefore, judges can safely review and approve proposed orders as would occur under normal conditions. As has been requested by the Supreme Court, filers are asked to give due deference to delays in that process due to limited staffing in **all** offices of the Courts.

EMERGENCY CIVIL HEARINGS

The only specific emergency "civil" hearings specifically listed in AO 2020-PR-16 are Protection from Abuse and Protection from Stalking temporary orders and extensions. Those will commonly be addressed by the domestic department judges.

The last bullet point of section 5 of AO 2020-PR-16 does allow hearings in "Any other matters that would require expeditious handling."

Chief Judge Goering and I anticipate that bullet point could apply in a few situations to request a Temporary Restraining Order pursuant to 60-903. If counsel believe such an order is justified, discretion is granted to the assigned judge for the case to determine whether an emergency civil hearing is necessary.

For any such request for a temporary restraining order, counsel should expect the assigned judge will want to confirm that reasonable efforts have previously been made to resolve the matter by agreement with counsel for the defending party(ies) or with the defending party(ies) themselves, if not represented by counsel.

CIVIL DEADLINES

Civil deadlines included in Case Management or Scheduling Orders are still in place. However, the assigned civil judge, may within their discretion liberally grant extensions or amendments of those deadlines. Attorneys are requested to graciously agree to reasonable extensions. That seems especially appropriate when discovery is delayed due to limited staffing, limited space for maintaining safe distances or any reasonable consequence of efforts to avoid potential for transmission of COVID-19. Agreed extensions should be submitted by E-filing.

MORTGAGE FORECLOSURES [\[this section under review in light of Ex. Ord. 20-10\]](#)

After reviewing Governor Kelly's Executive Order No. 20-06, an email response from Governor Kelly's Legal Assistant and careful consideration:

- No documents to initiate a new foreclosure case will be accepted for filing.
- If a foreclosure petition was filed prior to March 17, 2020, service of process on party defendants may continue subject to the discretion of the assigned judge.
- If service of process was completed prior to March 17, subject to the discretion of the assigned judge, the filing of a judgment of foreclosure by default or by agreement of all active parties may be approved. PROVIDED HOWEVER, no Order for a Sheriff's Sale to occur prior to May 2, 2020 will be granted.
- At the discretion of the assigned judge, legal publications of the *Notice of Sale* (3 consecutive weeks) may run, but only for a Sheriff's Sale which would occur after May 1, 2020.
- No action should be taken that will start the running of the redemption period in a foreclosure case prior to May 2, 2020.

EVICTION CASES [\[this section under review in light of Ex. Ord. 20-10\]](#)

NO filings to initiate or take any action in any commercial or residential eviction case will be accepted or permitted, except under circumstances that create an emergency threat to human life or human health; or significant damage or destruction of property as determined in the discretion of the assigned judge.

All of the above guidance may be subject to change due to new or amended Orders from the Governor or the Supreme Court of the State of Kansas.

"The Assigned Judge"

Wherever this phrase is used in this document, it refers to the judge assigned to a court case at filing. If the assigned judge has declared themselves to be non-essential AND are not reasonably available, the presiding civil judge or acting presiding civil judge may act in place of the assigned judge.

Godspeed,

Eric A. Commer

*Presiding Civil Judge Eric A. Commer
Sedgwick Co. Courthouse*