

JEFFERSON CIRCUIT COURT
DIVISION FOUR (4)

GENERAL ORDER OF APRIL 23, 2020 REGARDING
DOCKET & MOTION PROCEDURES
DURING PANDEMIC PROTOCOL

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On April 14, 2020, the Supreme Court of Kentucky entered Amended Order 2020-22 which extended through May 31, 2020, the in-court restrictions imposed to slow the spread of the COVID-19 virus. In response to said extension, and in an effort to clarify this Court's docket and motion procedures under said directives, the Court enters the following General Order:

1. This Order is limited to the court schedule and procedures for Division Four (4) of Jefferson Circuit Court. *It does not apply to any other division of the 30th Judicial Circuit.*

2. The Supreme Court has directed that “[w]ith the exception of emergency and time-sensitive matters . . . all civil and criminal dockets shall be canceled, unless a judge determines in his or her discretion that a matter requires prompt attention.”

3. In compliance with said Amended Order, this Court's motion hours are temporarily suspended until further notice. It is anticipated that a special procedure will be crafted in advance of motion hour resuming given the volume of matters likely to require circuit court attention. Counsel are advised to review and follow such procedure once it is implemented.

4. Telephonic or video hearings which allow for appropriate physical distancing will be used for emergency and time-sensitive matters, or matters deemed to require prompt attention. Any hearings on motions in criminal cases must be conducted remotely as well and can include the participation of an in-custody defendant from Metro Corrections if the defendant will accept same and waive his right to a personal appearance.

5. When filing a motion, the moving party shall: *a) prepare a pleading supporting the motion in detail -- as though it will be decided “on the pleadings”; b) indicate if a hearing is desired; c) state the motion is to be considered “at the convenience of the Court”; and d) include on the pleading the phone number and e-mail address of all counsel and pro se litigants, if known.*

6. The Court again reiterates that there will not be in-person, courtroom hearings on these motions. Rather, a litigant may request a remote hearing. The Court will consider the motion initially solely for docketing purposes and advise all counsel if a response is needed and whether a hearing will be set. If a hearing is to be set, the Court’s administrative assistant, JuNelle Anderson will coordinate scheduling same.

7. When any motion is filed requesting a remote hearing, counsel shall contact Court staff to advise of the filing of the motion. This should be done by e-mail to either Ms. Anderson (junelleanderson@kycourts.net) or the Division Four staff attorney, Mark Webster (MarkWebster@kycourts.net). This will help insure the motion is brought to the Court’s attention.

8. Counsel should consider both the feasibility and the necessity of a remote hearing before filing a motion seeking a hearing during this period. If there are unrepresented litigants for example, it may be difficult to conduct a remote hearing. At a minimum, counsel should confer with opposing counsel to see if the matter can be resolved by agreement. The Court will generally accept counsel's representation that the matter "requires prompt attention" but necessarily reserves the right to conclude the matter can wait.

9. If a matter is already scheduled for a hearing or was already noticed for a future Monday motion hour, the parties do not need to request a new hearing or re-notice those for a hearing. The Court will review those matters, and the Court or staff will contact the parties with further instructions regarding those cases.

10. The procedures set forth above are limited to the time frame set forth in Kentucky Supreme Court Amended Order 2020-22, which governs through May 31, 2020. However, if the Supreme Court extends the effective date of that Order, this Order is hereby comparably extended. If the Supreme Court modifies its restrictions, this Court will enter subsequent orders providing guidance to parties, attorneys, and litigants.

DATED the 23rd day of April, 2020.

CHARLES L. CUNNINGHAM, JR.
JUDGE, DIVISION FOUR