

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

FILED  
BLOUNT COUNTY

MAR 16 2020

12:10 pm

STEPHEN S. OGLE  
CLERK & MASTER

IN RE: COVID-19 PANDEMIC

AND

NO. L-15864

IN RE: THE SCHEDULE OF THE BLOUNT  
COUNTY CIRCUIT, CHANCERY AND  
GENERAL SESSIONS COURTS, INCLUDING  
THE PROBATE AND JUVENILE COURTS

FILED

MAR 14 2020

TOM HATCHER  
CIRCUIT COURT CLERK

### ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS

In response to the COVID-19 pandemic, and as mandated by the Order of the Tennessee Supreme Court, No. ADM2020-00428, entered and filed March 13, 2020, it is, herein, ORDERED, ADJUDGED and DECREED as follows:

1. Said Order of the Tennessee Supreme Court is incorporated herein as fully as if stated herein verbatim, and attached hereto as Exhibit 1 to this Order.
2. By Order of the Supreme Court, all in-person proceedings before the Blount County Circuit, Chancery, and General Sessions Courts, including the Probate and Juvenile Courts, are suspended from the close of business on Friday, March 13, 2020 through Tuesday, March 31, 2020, subject to the following exceptions:
  - a. Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters, plea agreements for incarcerated individuals that will result in jail release, and stipulations of probation or community corrections violations that will result in jail release.
  - b. Civil and criminal jury trials that are in progress as of March 13, 2020, but not otherwise.
  - c. Proceedings related to relief from abuse, including but not limited to orders of protection.
  - d. Proceedings related to emergency child custody orders.
  - e. Department of Children's Services emergency matters related to child protection.
  - f. Proceedings related to petitions for temporary injunctive relief.
  - g. Proceedings related to emergency mental health orders.
  - h. Proceedings related to emergency protection of elderly or vulnerable persons.
  - i. Proceedings directly related to the COVID-19 public health emergency; and
  - j. Other exceptions as approved by the Chief Justice of the Tennessee Supreme Court.
3. Counsel, parties and witnesses in any other cases scheduled through March 31, in any of the Blount County courts, should not appear in court. All cases other than those falling within these exceptions will be continued according to the following schedule:

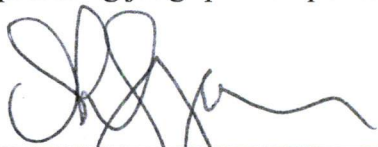
- a. All presently scheduled Blount County Circuit Court criminal matters not within the exceptions will be rescheduled by the Clerk to April 6, 13, 17, 20, 24 or 27.
  - b. All presently scheduled Blount County Circuit Court civil matters not within the exceptions will be continued beyond March 31, 2020. To reschedule such matters, attorneys or *pro se* parties should contact the judge's office to obtain new dates.
  - c. All presently scheduled Blount County Chancery Court matters will be continued beyond March 31, 2020. To reschedule such matters, attorneys or *pro se* parties should contact the Blount County Clerk and Master's Office.
  - d. Blount County General Sessions Court judges will continue to meet their regularly scheduled dockets, but only for the purposes of such emergency matters as are set forth in paragraph 2 herein.
    - i. All other presently scheduled criminal cases, or new cases that arise, in the Blount County General Sessions Courts will be scheduled on the various judges' regular dockets for the week of April 6.
    - ii. All other presently scheduled civil cases, or new cases that arise, including but not limited to detainer warrants, in the Blount County General Sessions Courts will be rescheduled on the various judges' regular dockets for the week of April 13.
    - iii. All Blount County Juvenile Court child support cases will be rescheduled as follows:
      1. Settlement cases set March 16 and 20 will be continued to May 11.
      2. Settlement cases set March 23 and 27 will be continued to May 18.
      3. Settlement cases set March 30 will be continued to June 1.
      4. Contested cases set March 18 will be continued to May 20.
      5. Contested cases set March 25 will be continued to May 27.
      6. With respect to all other Juvenile Court cases, beginning Monday, March 16 and continuing each day thereafter, the Juvenile Court will be calling the attorneys involved in each case docketed for that day, dealing with any emergency matters, and continuing any non-emergency matters to a mutually agreeable date, sometime after April 6. Detention hearings will be handled on a case-by-case basis. If any attorney or the Department of Children's Services seeks to file a petition for the emergency removal of children, they should contact Magistrate Dianne E. Lashmit.
  - e. Magistrate Clark's child support docket cases are rescheduled to April 7.
4. All Circuit Court criminal cases that fall within the exceptions stated in paragraph 2a will be conducted at the Justice Center in Judge David R. Duggan's courtroom by electronic hearing on the date presently scheduled or specially scheduled by the clerk.
  5. All General Sessions Court criminal cases that fall within the exceptions stated in paragraph 2a will be conducted at the Justice Center in Judge Robert Headrick's courtroom by electronic hearing on the date presently scheduled or specially scheduled by the clerk.
  6. With respect to all Circuit Court and General Sessions Court civil cases that fall within the exceptions in paragraph 2, attorneys should coordinate those matters with the judge hearing the case, and attorneys should strive to make arrangements, when possible, to conduct any hearings by Skype, Facetime, or telephonically, and in advance of any such

hearings. If necessary, cases that fall within the exceptions will be conducted by in-person hearing. Any in-person hearing must be approved by the judge hearing the case as well as by the Circuit Court presiding judge or presiding judge *pro tempore*. Any Circuit Court hearings will be conducted at the Justice Center in Judge David R. Duggan's courtroom. Any General Sessions Court hearings will be conducted at the Justice Center in Judge Robert Headrick's courtroom. Any Juvenile Court hearings will be conducted at the Blount County Courthouse in Magistrate Dianne E. Lashmit's courtroom.

7. The only persons who will be allowed to attend in-person hearings will be attorneys, parties, witnesses subpoenaed or named by an attorney for a party, security officers, and other necessary persons, including victims, as determined by the Circuit Court presiding judge or presiding judge *pro tempore*.
8. No attorney seeking to schedule a case that falls within paragraph 2 should come to the Justice Center and seek to approach a judge without first contacting that judge's office by telephone or email.
9. All pending and all *ex parte* orders of protection issued between this Order's date and April 6 are continued and extended to their rescheduled court date.
10. Emergency mental health hearings will continue to be heard by use of the existing video conferencing procedure.
11. All proceedings directly related to the COVID-19 public health emergency will be handled on a case-by-case basis and must be heard by the Circuit Court presiding judge or presiding judge *pro tempore*.
12. All lawyers and other persons are encouraged to communicate about their cases telephonically or electronically prior to any scheduled court date, and to the greatest extent possible, including but not limited to visiting with incarcerated clients in the Blount County jail. Through March 31, negotiations in a court setting will not be allowed. Such negotiations should take place prior to any hearing.
13. During this period of suspension any court filing may be lodged with the appropriate clerk's office by email or facsimile or by use of the dropbox, and any fees related thereto will be postponed until an order taxing costs is entered. There is a dropbox in the 24-hour lobby at the jail at the Justice Center. Any filing for the Circuit Court/General Sessions Court Clerk and the Clerk and Master's office may be filed using said dropbox. Attorneys and litigants are encouraged to use these methods to file rather than filing in person.
14. If this Order does not address any attorney's, party's or citizen's specific concerns, please contact the office of the Circuit Court presiding judge or presiding judge *pro tempore*.

This the 14 day of March, 2020.

ENTER:

  
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Blount County Circuit Court Presiding  
Judge or Presiding Judge *Pro Tempore*

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

03/13/2020

Clerk of the  
Appellate Courts

## IN RE: COVID-19 PANDEMIC

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No. ADM2020-00428

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**ORDER SUSPENDING IN-PERSON COURT PROCEEDINGS**

In response to the COVID-19 pandemic, the Chief Justice of the Tennessee Supreme Court hereby declares a state of emergency for the Judicial Branch of Tennessee government and activates the following Continuity of Operations Plan for the courts of Tennessee. See Tenn. Const. Art. VI, § 1; Tenn. Code Ann. §§ 16-3-501 to 16-3-504 (2009); Moore-Pennoyer v. State, 515 S.W.3d 271, 276-77 (Tenn. 2017); Tenn. Sup. Ct. R. 49. First and foremost, the local and state courts of the State of Tennessee are open and will remain open under all circumstances, subject to the provisions of this order.

Under the constitutional, statutory, and inherent authority of the Tennessee Supreme Court, we adopt the following provisions. All in-person proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, are suspended from the close of business on Friday, March 13, 2020 through Tuesday, March 31, 2020, subject to the exceptions below.

Exceptions to this suspension of in-person court proceedings include, but are not limited to:

- Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters and plea agreements for incarcerated individuals
- Civil and criminal jury trials that are in progress as of March 13, 2020
- Proceedings related to relief from abuse, including but not limited to orders of protection
- Proceedings related to emergency child custody orders
- Department of Children's Services emergency matters related to child protection
- Proceedings related to petitions for temporary injunctive relief
- Proceedings related to emergency mental health orders
- Proceedings related to emergency protection of elderly or vulnerable persons
- Proceedings directly related to the COVID-19 public health emergency
- Other exceptions as approved by the Chief Justice

The presiding judge or the designee of the presiding judge of each judicial district is authorized to determine the manner in which in-person court proceedings for the exceptions listed above are to be conducted. Other exceptions to the suspension of in-person court proceedings must be approved by the Chief Justice. Any permitted in-court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as determined by the trial judge.

Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, court clerks are charged with ensuring that court functions continue. See Tenn. Code Ann. §§ 18-1-101 (2009); 18-1-105 (Supp. 2019). Nevertheless, all judges and court clerks are urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing. Any Tennessee state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended until March 31, 2020. See, e.g., Tenn. R. Civ. P. 43.01.

If it becomes necessary to close judges' offices or court clerks' offices during the period of suspension, these offices shall remain accessible by telephone and email to the extent possible during their regular business hours. If available, drop boxes should be used for conventionally filed documents.

This order expressly does not prohibit court proceedings by telephone, video, teleconferencing, email, or other means that do not involve in-person contact. This order does not affect courts' consideration of matters that can be resolved without in-person proceedings.

Deadlines set forth in court rules, statutes, ordinances, administrative rules, or otherwise that are set to expire between March 13 and March 31, 2020 are hereby extended through April 6, 2020. Statutes of limitations and statutes of repose that would otherwise expire during the period between March 13 and April 6, 2020 are hereby extended through April 6, 2020. See Tenn. Code Ann. § 28-1-116 (2017). Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 13 and April 6, 2020 are not extended or tolled by this order.

Orders of protection and temporary injunctions that would otherwise expire between March 13 and March 31, 2020 are hereby extended until April 6, 2020.

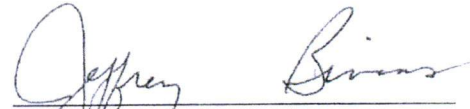
This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

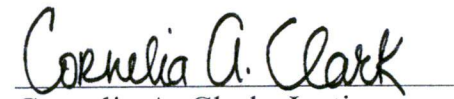
Under the terms of this order, the courts of Tennessee remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19.


This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.


It is so ORDERED.

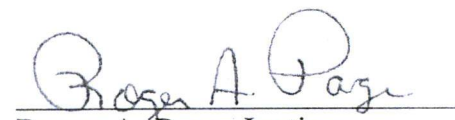
FOR THE COURT:

  
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Jeffrey S. Bivins, Chief Justice

  
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Cornelia A. Clark, Justice

  
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Sharon G. Lee, Justice

  
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Holly Kirby, Justice

  
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Roger A. Page, Justice