

**COMMONWEALTH OF KENTUCKY
FORTY-FIFTH JUDICIAL CIRCUIT
MUHLENBERG CIRCUIT COURT
MCLEAN CIRCUIT COURT**

**CIRCUIT COURT RE-OPENING SCHEDULE AND PROTOCOL
AS AMENDED NOVEMBER 10, 2020**

In order to comply with Supreme Court of Kentucky Administrative Orders addressing court operations during the 2020 COVID-19 pandemic, the measures set out herein shall be implemented by the 45th Judicial Circuit of the Commonwealth of Kentucky. **This schedule and protocol replaces in full this court's prior schedule and protocol issued on or about August 20, 2020.**

I. GENERAL MATTERS

A. The Muhlenberg County Judicial Building and the McLean Courthouse Annex shall remain open and continue to provide in-person services to the public.

B. All persons entering the judicial facilities shall wear a mask or other protective facial covering and shall observe all social distancing measures (1) imposed by Kentucky Supreme Court Administrative Order 2020-55, (2) set out in Kentucky Court of Justice COVID-19 Health and Safety Requirements, and (3) implemented by the 45th Judicial Circuit Chief Circuit Judge, as indicated in this protocol and on signage posted at the entrances and throughout the judicial facilities.

C. All attorneys shall be permitted access to the Muhlenberg County Law Library located on the second floor of the Muhlenberg County Judicial Building and the McLean County Law Library located on the first floor of the McLean County Courthouse Annex, so long as they observe social distancing measures while doing so. Other members of the general public may only access the library upon scheduling an appointment through the office of the law librarian (i.e., the circuit court clerk).

II. CIVIL AND DOMESTIC RELATIONS MATTERS.

A. Matters Not Requiring a Hearing.

1. **Uncontested divorce proceedings.** Contrary to 45th Judicial Circuit Local Rule 3 (which requires one court appearance by a party and residency witness in order to obtain a decree of dissolution), effective June 1, 2020 and **until further notice**, divorce actions may be tried by deposition or written interrogatories of one party and the residency witness. Motions to submit may be filed with the clerk and will be promptly reviewed by the circuit judge.

2. **Motion practice on civil matters.** Pursuant to CR 78(2), motions for (a) judgment and order of sale, (b) default judgment, (c) summary judgment, and (d) other miscellaneous motions in civil matters (e.g., motions to amend pleadings and motions to add parties to pending suits) shall be determined by the court without oral hearing. The moving party shall file the motion with the clerk and state in the accompanying notice that the motion will be granted ten (10) days after filing unless an objection is filed. The clerk will immediately, upon receipt, forward the motion to the judge. In the event an objection is filed, the court shall rule promptly after reviewing the "brief written statements of reasons in support and opposition." CR78(2).

B. Motion Days for Civil and Domestic Relations Matters.

1. The Muhlenberg Circuit Court and the McLean Circuit Court shall continue hearing civil matters each Monday **until further notice**. Each Monday: (a) the McLean Circuit Court shall call two (2) civil dockets, one at 8:30 a.m. and the other at 10:00 a.m.; and (b) the Muhlenberg Circuit Court shall call two (2) civil dockets, one at 1:00 p.m. and the other at 3:00 p.m. **NO CRIMINAL ACTIONS SHALL BE SCHEDULED IN MUHLENBERG CIRCUIT COURT ON THESE DAYS.**

2. Parties and/or counsel shall be responsible for spraying disinfectant on the counsel table used by them at the conclusion of each hearing and wiping said table down with disinfectant cloths. Cleaning supplies shall be provided by the court.

3. Except in cases where the judge in his reasonable discretion determines that a matter requires in-person attendance, **civil matters to be heard during motion hour shall be heard remotely utilizing available telephonic and video technology.**¹

4. (a) To docket a matter for a Monday motion hour in either county, a party must file his or her motion with the clerk by e-filing or by placing the motion and accompanying papers in the drop-box outside of the judicial building.² This filing must be done by 4:00 p.m. on the Wednesday immediately preceding the Monday on which the motion is to be heard.

(b)(i) Movants must ensure that a notice is attached to each motion setting out the date and time of the remote hearing, and the means of contacting counsel, parties and necessary witnesses. Attorneys, parties and witnesses may appear telephonically or by video.

(ii) In the event an appearance is occurring by videoconference, **THE MOVANT AND NONMOVANT MUST INCLUDE IN THE NOTICE (OR RESPONSE THERETO) A VALID EMAIL ADDRESS ASSOCIATED WITH A SKYPE FOR BUSINESS ACCOUNT.** The court will send a Skype meeting invitation from donnagregory@kycourts.net to the emails provided by the parties prior to the hearing, and the person appearing may join at the time the hearing is to begin by clicking on the “join skype meeting” prompt in the invitation received from the court.

(iii) In the event an attorney is appearing at a hearing by telephone, a valid number by which he or she can be reached must be attached to the notice accompanying the motion. The contact numbers of parties or witnesses appearing telephonically may be provided by the parties at the commencement of the hearing or, in the case of a witness, immediately before he or she is called to testify.

(iv) Movants shall be responsible for obtaining and providing contact information to the court regarding an opposing party if the opposing party is appearing *pro se*.

C. Commonwealth Child Support Docket Days.

1. (a) Because the Commonwealth’s child support collection actions routinely involve *pro se* litigants with no means of accessing video-conferencing, and further, given that in such cases telephonic conferencing is often impractical and ineffectual, division of child support dockets may be conducted by local counsel for the Commonwealth in person if said counsel deems it necessary.

(b) During in-person child support sessions, **ALL SOCIAL DISTANCING MEASURES SET OUT IN KENTUCKY SUPREME COURT ADMINISTRATIVE ORDER 2020-39 AND THIS LOCAL PROTOCOL MUST BE OBSERVED. ALL APPEARING MUST WEAR MASKS OR OTHER PROTECTIVE FACIAL COVERINGS.**

¹ See Kentucky Supreme Court Administrative Order 2020-55.B.2.

² Pursuant to Kentucky Supreme Court Administrative Order 2020-55.C.2., all filings must be mailed, e-filed or conventionally filed using a drop-box provided outside the judicial facility.

2. Muhlenberg Circuit Court and District Court Child Support Actions. Muhlenberg Circuit Court and Muhlenberg District Court child support matters involving the Commonwealth as a party shall be docketed for the first and third Wednesday of each month. Sessions shall occur in the Muhlenberg Family Courtroom. Two dockets on the first and third Wednesdays of each month may be scheduled at the discretion of counsel for the Commonwealth, one beginning at 9:00 a.m., and the other beginning at 11:00 a.m. Additionally, counsel for the Commonwealth may docket child support matters every Friday at 1:00 p.m. if he or she so desires. **NO MORE THAN EIGHT (8) CASES PER DOCKET MAY BE SCHEDULED.**

3. McLean Circuit Child Support Actions. McLean Circuit Court child support matters involving the Commonwealth as a party shall be docketed for regular motion hours (Mondays) at 8:30 a.m. or 10:00 a.m., at the discretion of the McLean County Attorney. **NO MORE THAN FIVE (5) CHILD SUPPORT CASES MAY BE SCHEDULED FOR THE EACH MOTION HOUR.**

D. Hearings in Civil and Domestic Relations Matters Requiring Over Twenty (20) Minutes.

Hearings on motions requiring more than twenty (20) minutes must be scheduled by appointment and shall be heard remotely via telephone and/or videoconference. Requests for in-person conferences may be made at the time a hearing date is scheduled, and a determination shall be made by the court on a case-by-case basis.

III. Criminal Matters.

A. Criminal motion hour shall occur in Muhlenberg Circuit Court on every Tuesday **until further notice.** Two dockets shall be called, one at 10:00 a.m. and one at 1:00 p.m.

B. Criminal motion hour shall occur in McLean Circuit Court on every Monday **until further notice.** Two dockets shall be called, one at 8:30 a.m., and one at 10:00 a.m.

C. Hearings shall be conducted remotely except in cases where the court, upon consultation with defense counsel and the Commonwealth's Attorney, determines that an in-person appearance is necessary and safe. In any event, in-custody defendants shall appear for arraignment by videoconference.

D. At in-person criminal hearings, parties and/or counsel shall be responsible for spraying disinfectant on the counsel table used by them at the conclusion of each hearing and wiping said table down with disinfectant cloths. Cleaning supplies shall be provided by the court.

IV. If to any extent these local protocols are inconsistent or otherwise conflict with COVID-19-related administrative orders issued by the Supreme Court of Kentucky, the administrative orders shall prevail.

/s/ Brian Wiggins

Brian Wiggins, Circuit Judge