IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY MAYS, et al., Plaintiffs, v. THOMAS J. DART, Sheriff of Cook County, Defendant.	)	Case No. 20-CV-2134 Hon. Matthew F. Kennelly, in his capacity as Emergency Judge Hon. Robert W. Gettleman, District Court Judge Hon. M. David Weisman, Magistrate Judge

DEFENDANT'S SUPPLEMENTAL BRIEF IN OPPOSITION TO PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

NOW COMES the Defendant, THOMAS J. DART, in his Official Capacity as Sheriff of Cook County, and for his Supplemental Brief in Opposition to Plaintiffs' Emergency Motion for Temporary Restraining Order or Preliminary Injunction, states as follows:

I. INTRODUCTION

Following the preliminary hearing on Plaintiffs' Emergency Motion for Temporary Restraining Order or Preliminary Injunction, the Court ordered the parties to submit supplemental briefs addressing the element of likelihood of success on the merits. The Court asked the parties to address (1) what standard to apply to Plaintiffs' §1983 claim for a violation of their constitutional rights based on the conditions of confinement, specifically in regards to the "objectively reasonable" standard recently applied by the Supreme Court and expanded by the Seventh Circuit to pretrial detainee claims; and (2) whether Plaintiffs had exhausted their state court remedies in for their 28 U.S.C. § 2241 claim.

I. Sheriff Dart's actions to utilize public health officials and efforts to continually comply with CDC guidelines were objectively reasonable.

In *Kingsley v. Hendrickson*, the United States Supreme Court analyzed the standard to be applied to a pretrial detainee's excessive force claim brought under §1983. 135 S. Ct. 2466 (2015). The Court undertook an analysis of the "legally requisite state of mind." *Id*. at 2472. In a "case like this one," involving an allegation of excessive force, there are two separate state-of-mind questions. *Id*.

First, the court must evaluate defendant's state of mind with respect to the "bringing about of certain physical consequences in the world." *Id*. That is, whether the defendant was purposeful or knowledgeable about whether he brought about the challenged actions. The intent here was to distinguish between a claim of harm resulting from a negligent or accidental act, which is not actionable under §1983, and an act the defendant knowingly performed. *Id*.

The second aspect of state of mind focuses on the *interpretation* of that purposeful conduct relative to the claimed harm. *Id*. In *Kingsley*, it was the use of force. In an eighth amendment analysis, a plaintiff is required to prove the defendant's subjective intent to cause harm; that is, that he intended to cause harm or was deliberately indifferent to the fact that his actions would cause harm. *Id*. at 2475. In a fourteenth amendment analysis, the Court announced that the plaintiff no longer needed to prove the defendant's subjective intent, but need only prove that the defendant's conduct was objectively unreasonable under the circumstances. *Id*. at 2473. Prior to these decisions, the lower courts had commonly applied the eighth amendment standard to fourteenth amendment claims. Because the language of the two clauses differs, and the nature of the two clauses differs, the analyses also must differ. *Id*.

The Court noted that the objective reasonableness standard cannot be applied mechanically; instead it "turns on the 'facts and circumstances of each particular case." *Kingsley v. Hendrickson*, 135 S. Ct. 2466, 2473 (2015). Courts must consider the "perspective of a reasonable officer" on the scene, including what he "knew at the time, not with the 20/20 vision of hindsight." *Id.* Courts also must "account for the 'legitimate interests that stem from [the government's] need to manage the facility in which the individual is detained,' appropriately deferring to 'policies and practices that in th[e] judgment' of jail officials 'are needed to preserve internal order and discipline and to maintain institutional security.'" *Id*., quoting *Bell v. Wolfish*, 441 U.S. 520, 540 (1979). For example, in the context of use of force, it is important to consider the relationship between the need for use of force and the amount of force used; the extent of the plaintiff's injury; any effort made by the officer to temper or limit the amount of force; the severity of the security problem at issue; the threat reasonably perceived by the officer; and

whether the plaintiff was actively resisting. *Id*. These are the "types of objective circumstances potentially relevant to a determination of excessive force." *Id.*

However, in a different type of case the inquiry will look different given the deep reliance on context in a discussion of objective reasonableness. For example, in *Bell v. Wolfish*, a group of pretrial detainees challenged the practice of "double-bunking" while awaiting trial as an unconstitutional condition of confinement. *Id*. at 2473-74, citing *Bell*, 441 U.S. at 541-43. In this context, *Kingsley*'s discussion of *Bell* turned the inquiry to a traditional rational basis analysis based on "objective evidence that the challenged governmental action [was] rationally related to a legitimate nonpunitive government objective." *Id*. Analyzing objective considerations such as the size of the rooms, available amenities, and limited time spent in the room, the Court concluded that double-bunking was reasonably related to the legitimate purpose of holding detainees for trial, not some type of punishment. *Id*.

Indeed, as the circuit courts have applied *Kingsley* more broadly beyond the context of excessive force, now including all condition of confinement claims, the analyses become as unique as each situation. *Miranda v. County of Lake* was the first case to extend the objective reasonableness test to pretrial detainees' medical care, but it did not provide much guidance on the practical application of the new standard. 900 F.3d 355, 352 (7th Cir. 2018). The court answered the first state-of-mind inquiry, but remanded the matter for additional proceedings before addressing objective reasonableness. *Id*. at 353-54.

In *McCann v. Ogle County*, the court analyzed the objective reasonableness of a nurse administering a fatal dose of medication to a detainee that was prescribed by his doctor. 909 F.3d 881, 886-88 (7th Cir. 2018). The court articulated the standard as a "focus on the totality of facts and circumstances faced by the individual alleged to have provided inadequate medical care and

to gauge objectively—without regard to any subjective belief held by the individual—whether the response was reasonable." *Id*. at 886. In finding the nurse's actions objectively reasonable, the court noted that it was the doctor who determined the appropriate dose of medication to give, and it was not the nurse's place to second guess his medical judgment. The court also looked more broadly at the nurse's conduct, calling her otherwise "diligent and attentive" to this particular patient: she tended to him frequently, called or visited him on her days off, and generally went out of her way to care for the deceased detainee. These factors convinced the court that it was objectively reasonable for the nurse to administer the medication under these circumstances and that her conduct was not otherwise questionable. *Id*. at 887-88.

In *Hardeman v. Curran*, the court analyzed whether a jail warden's decision to shut off the water at a jail for three days, apparently to replace a pump, was objectively reasonable. 933 F.3d 816, 824-25 (7th Cir. 2019). The court acknowledged that making timely repairs to the jail's infrastructure is an important governmental objective, that some inconvenience can be expected when these types of repairs are made, and that some degree of discomfort is to be expected while in custody. *Id*. at 824. However, without any running water for three days, the toilets filled up and could not be flushed, the inmates could not shower or brush their teeth, and they had no drinking water. The court found his actions to be objectively unreasonable because the water shutoff was planned, making it foreseeable that these sanitary consequences would occur. Yet the warden took little to no action to prevent the them. He brought in some water on the first day, but did not attempt to replenish it for the remaining days; he did not investigate bringing in portable toilets; and after detainees complained, he allegedly retaliated against them. *Id*.

These cases have taken a very situation-specific approach to the applying this newly-emerging objective reasonableness analysis. Not surprisingly, no cases have applied the objective reasonableness standard to the Sheriff's efforts to control the transmission of a novel and highly contagious coronavirus in the jail during a worldwide global pandemic. None of these cases have articulated a universal focus or quantum of evidence necessary to arrive at a constitutional breaking point. What is clear, however, is that the inquiry always begins by identifying the specific actions being challenged.

To state the obvious, the Sheriff's office, like governmental officials around the world, is responding to a global pandemic unseen in a century, and unknown in in 21st Century. The "objectively reasonable standard" is a relatively new concepts only recently applied in *Kingsley*, and applied and expanded by the Seventh Circuit in Miranda and Hardeman. While there is not substantial case law that identifies a clear test to demonstrate whether the Sheriff has met the objective reasonableness standard in responding to the COVID-19 pandemic, it is clear from the circumstances that whatever that test may be, the Sheriff has met it.

Applying the objective reasonableness standard here begins by identifying the precise actions Plaintiffs take issue with. In their complaint and motion for a temporary restraining order, with respect to the §1983 claim, they asserted that the Sheriff had taken no action to protect them from the coronavirus and demanded that he implement the CDC Guidance for Correctional and Detention Facilities at the Jail. After the Sheriff responded with reams of documents and a dozen declarations of Sheriff's Office personnel and experts demonstrating the active implementation of those guidelines at the Jail over the past two months, Plaintiffs today told the Court that there was "little" about the Sheriff's efforts that they view as "deficient." How could Plaintiffs reach any other conclusion? The Sheriff from the beginning of the outbreak has tried to implement

CDC guidelines for prisons and jail in the Cook County Jail. As new information has been provided, the Sheriff has adjusted. The Sheriff is constantly updating policies, seeking cleaning supplies, PPE, and training staff and detainees on how to minimize the risk of infection.

The world is in the midst of a global pandemic caused by a novel, highly contagious, and potentially fatal virus, the likes of which has not been seen in a century. The virus is not unique to the Jail, although the Jail is a unique environment for the virus. The CDC, as the leading authority on infectious disease, recognized this and put out specially tailored guidelines for this type of facility. The Sheriff took his first actions to prepare for the approaching pandemic in January, before our federal government acknowledge that the virus could reach these proportions. And the Sheriff's first action was to implement the specific CDC guidelines that applied to jails. The details of that implementation are fully addressed in Defendant's Brief in Opposition to Plaintiffs' Motion for Supplemental Relief.

Plaintiffs' admissions at today's hearing narrow their revised criticism to three items: 1) the Sheriff's policy descriptions did not reference "social distancing" efforts; 2) Plaintiffs concern about certain quarantine and isolation procedures; and 3) their desire for a policy identifying medically vulnerable detainees who may be at risk for infection. The question here is whether the Sheriff's actions with respect to these three items was reasonable under the circumstances.

Social Distancing. As to social distancing, on March 16, 2020, the Cook County Department of Corrections began airing messages for detainees on tier televisions regarding COVID-19 prevention, precautions, and procedures. These messages, aired on televisions in the various divisions, provided both updates and instructions. (Dkt 30-14, Declaration of Jane

Gubser, ¶24) These video presentations include detailed information related to social distancing and hygiene to fight the spread of COVID-19. *Id.* at ¶26.

The Chicago Department of Public Health (CDPH) is aware of the Sheriff's Office's practices and procedures that are being implemented as it pertains to housing detainees in isolation and quarantine. (Dkt. 30-7, Declaration of Rebecca Levin, ¶12; Dkt. 30-8, Declaration of Michael Miller, ¶18). These practices and procedures align closely with the housing "algorithm" provided as part of the CDPH recommendations, which provides an alternate manner of gauging the appropriateness of social distancing in the context of shared housing. *Id.*

The CDC guidelines provide jails with flexibility in implementing even the modified correctional facility guidelines, the Sheriff's office has been, and continues to, communicate with local authorities to seek advice about how to make those modifications. He is also informing the detainees of the measures they need to take to protect themselves.

Isolation and quarantine procedures. The Sheriff's Office has implemented a quarantine procedure that identified any individual who has been in contact with a symptomatic detainee. (Dkt. 30-8, Declaration of Michael Miller, ¶19) These individuals are then quarantined for 14 days and quarantine is renewed if any new symptomatic detainees are discovered. (Dkt. 30-8, Declaration of Michael Miller, ¶19(a)(iii))

Isolation tiers house symptomatic and positive tested detainees, to receive immediate care and be isolated from the rest of the Jail population. (Dkt. 30-8, Declaration of Michael Miller, ¶19(b)) Symptomatic detainees are held in different tiers than known positive detainees. *Id.* These individuals are in isolation for at least 14 days, a time period that is renewed as necessary. (Dkt. 30-8, Declaration of Michael Miller, ¶19(b)(ii))

The Sheriff's office has planned and taken action, as recommended by the CDC, to ensure that appropriate procedures were in place, and then implemented when necessary, to respond to symptomatic and COVID-19 positive detainees and staff. These procedures have been implemented by countless other officials throughout the nation, as officials continue to respond to this unprecedented circumstance.

Identifying medically vulnerable detainees. Since January 24, 2020, Cermak worked to create and implement a strategy aimed at adapting standard jail processes to conform with the CDC and CDPH recommendations as they have evolved. (Dkt. 30-6, Declaration of Concetta Menella, ¶6) Dr. Menella, Chair of Correctional Health at Cook County Health, has worked closely with the Cook County Health Department of Infection Control, CCDOC, Sheriff's Office, and CDPH to implement these plans in accordance with guidance issued by the CDC as related to congregate housing settings and modeling the community shelter in place initiatives. *Id.*

The Sheriff's office worked closely with stakeholder agencies to identify individuals in potentially vulnerable populations, due to age or medical condition, for consideration of release. (Dkt. 30-2, Declaration of Henriette Gratteau, ¶17) The Sheriff's office provided rosters listing detainees in the targeted groups to stakeholder agencies. *Id.*

Plaintiffs do not articulate to this Court what more the Sheriff should, or could, be doing. Plaintiffs' declarations make anecdotal points (often through hearsay, or hearsay upon hearsay) to argue the Sheriff is not complying with CDC guidelines. But even accepting this declarations as true, imperfections in implementing new policies to adjust to everchanging recommendation in the midst of a pandemic cannot be considered "unreasonable." Nearly nothing goes perfectly

in a crisis, nor does the Constitution require perfection. Instead, this Court should determine whether the Sherriff's response is reasonable in these circumstances. I

In order to fall below the objective reasonableness standard, Plaintiffs must establish the Sheriff's action are objectively unreasonable. There is no case the either party can cite to say what the objectively reasonable response to a pandemic is. But whatever the minimum objectively reasonable response to a pandemic in a jail is, doing everything humanly possible to comply with CDC guidelines must, under the circumstances, meet or exceed that threshold. In fact, Plaintiffs' response to this Court's April 3, 2020 order all but admits that Plaintiffs believe the Sheriff cannot do more than he has. In the response, Plaintiffs ask this Court to impose a preliminary injunction to follow CDC guidelines, but then argue "Plaintiff's Proposed Injunctive Relief May Not Be Sufficient." (Dkt. 26-1, pg. 16 (heading)). Plaintiffs then make the claim "[e]ven after the Court would order the Sheriff to comply with CDC Guidance, as Plaintiffs request the Court to do, it will become readily apparent (to the extent it is not already) that *those measures alone will be insufficient to protect the class and particularly the members of Subclass A from the unacceptable risk of infection and possible death.*" *Id.* pg. 21 (emphasis in original).

Plaintiffs thus ask this Court to order the Sheriff to follow guidelines he is already following, but then asks this Court to find the Sheriff has violated Plaintiffs and their proposed class's constitutional rights by doing so. As a result, Plaintiffs ask this Court to order a three judge court to be empaneled to consider a prisoner release order. Essentially, Plaintiffs are arguing incarceration in jails themselves are objectively unreasonable in a time of a pandemic. Though the law on the objectionable reasonable standard is relatively new, and certainly never applied to a pandemic situation, the Constitution simply cannot require that the only objectively

reasonable response to the current pandemic is for wardens across the country to be forced to open the jail doors.

The Sheriff's actions in responding to the approaching pandemic in the Jail must be judged from the perspective of a reasonable person in this situation, considering what he knew at the time, not with hindsight. The Sheriff needs to manage the facility, even with its unique characteristics, in light of a crisis that the greatest medical minds in the world don't yet know how to control. The Sheriff consulted the foremost authority on public health to respond to the COVID-19 pandemic, with policy and action, as effectively as possible.

When it appeared that COVID-19 could become a public health threat, the Sheriff's office joined with criminal justice partners to immediately seek a reduction in the Jail population. Since that time, almost 1,200 detainees have been released and the Sheriff's office continues to evaluate options for increasing the space available to detainees within the jail.

As detailed above, whether an official acted reasonably "turns on the 'facts and circumstances of each particular case.'" *Kingsley v. Hendrickson*, 135 S. Ct. 2466, 2473 (2015). Courts must consider the "perspective of a reasonable officer" on the scene, including what he "knew at the time, not with the 20/20 vision of hindsight." *Id.* Courts also must "account for the 'legitimate interests that stem from [the government's] need to manage the facility in which the individual is detained,' appropriately deferring to 'policies and practices that in th[e] judgment' of jail officials 'are needed to preserve internal order and discipline and to maintain institutional security.'" *Id*., quoting *Bell v. Wolfish*, 441 U.S. 520, 540 (1979).

"Conversely, if a restriction or condition is not reasonably related to a legitimate goal -- if it is arbitrary or purposeless -- a court permissibly may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon

detainees *qua* detainees." *Bell v. Wolfish*, 441 U.S. 520, 539 (1979). "Courts must be mindful that these inquiries spring from constitutional requirements and that judicial answers to them must reflect that fact rather than a court's idea of how best to operate a detention facility." *Id.*

More generally, the Court stressed that running a jail is "an inordinately difficult undertaking" and "safety and order at these institutions requires the expertise of correctional officials, who must have substantial discretion to devise reasonable solutions to the problems they face." *Id*. at 2474. Therefore, courts must judge the reasonableness of the conduct with the perspective and knowledge of the defendant. Moreover, a court must "take account of the legitimate interests in managing a jail, acknowledging as part of the objective reasonableness analysis that deference to policies and practices needed to maintain order and institutional security is appropriate." *Id.* The actions articulated in Sheriff Dart's Brief in Opposition to Plaintiff's Motion for Temporary Restraining Order and accompanying exhibit explain, in detail, the actions that the Sheriff's office has taken to balance all needs in the Jail setting, while ensuring staff and detainees are protected during this unprecedented pandemic.

II. Plaintiffs are unlikely to succeed on their habeas claims because they have failed to exhaust state-law remedies.

The Sheriff's office addressed Plaintiffs' failure to exhaust state-court remedies to seek release from the Jail in detail in his Brief in Opposition to Plaintiffs' Motion for Temporary Relief or Permanent Injunction. (Dkt. 29-1, pp. 13-15) During the preliminary hearing on this matter, Plaintiffs' counsel argued that the Cook County Public Defender's Petition was sufficient to exhaust state-court remedies. At the same time, counsel indicated that they did not know if named Plaintiff, or any member of the potential class, sought release through the state court. Regardless, Plaintiffs cannot establish their state court remedies have not been exhausted.

Under Illinois law, a detainee's right to seek modification of his bail conditions does not have a time limit. 725 ILCS 5/110-6. Further, Illinois law recognizes a "strong preference that bail be available to criminal defendants." *People v. Simmons,* 2019 IL App (1st) 191253, ¶13. Specifically, monetary bail should be "set only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of bond." *People v. Simmons,* 2019 IL App (1st) 191253, ¶13.

On March 23, 2020, Judge Martin ordered expedited bond hearings for detainees in the Jail "to limit the risk of jail detainees being exposed to the COVID-19 virus, yet balance the rights of the accused and public safety; To give the Cook County Sheriff the enhanced ability to exercise social distancing in the jail…" (Dkt. 31-1, Judge Martin Order) As the result of the expedited hearings, 424 detainees were released from CCDOC in one week. (Dkt. 30-2, Declaration of Henriette Gratteau, ¶27) Cook County Judges have released 1,163 detainees since the beginning of March 9, 2020, which is the day Governor Pritzker declared a disaster area as a result of COVID-19. (Dkt. 30-2, Declaration of Henriette Gratteau, ¶11; ¶29) As a result, the current jail population as of April 4, 2020 was 4,535. (Dkt. 30-2, Declaration of Henriette Gratteau, ¶29) The current number of detainees is at a historic low. (Dkt. 30-2, Declaration of Henriette Gratteau, ¶28)

Plaintiffs have not presented any evidence that the named plaintiffs here, or any member of the potential class, availed themselves of the expedited bond hearing process, or any bond hearing process. Even now, any detainee may seek modification of bail by motion in the state criminal court on an emergency basis.

Chief Judge Timothy Evans entered an order that limited court operations to emergency matters on March 17, 2020. The order, however, ensured that bail reviews for pretrial defendants in Cook County Jail will continue to be conducted during the limited court operations. Supplemental Ex. A, Cook County Circuit Court General Administrative Order 2020-01, ¶2. Cook County criminal judges will continue to be available every day, *including weekends*, and will hear all requests for bail reviews. *Id.* Chief Judge Evans also released the following statement related to bail reviews during the COVID-19 epidemic:

> "We stand ready to handle these cases on an expedited basis so that judges may balance a defendant's rights, public safety and public health. There is no precedent for the current situation in which the court is operating. I want the public to know that the judiciary is prepared to work with the other stakeholders in the justice system to conduct as many reviews of bail as they request. The judges of the Circuit Court of Cook County will continue to navigate every matter through the lens of what justice and Illinois law require."[1]

Plaintiffs ask this court to order the mass release of detainees that have not sought review of the state courts tasked with weighing each defendant's rights with the public interest. At the preliminary hearing, Plaintiffs' counsel suggested the bond process was too slow. Yet Chief Evans' order makes clear that detainees bail reviews are available on an emergency basis, including during this weekend. This suggests had Plaintiffs sought bail modification rather than filing this lawsuit, it is possible the named plaintiffs and the class could have already have received relief from state court. Instead, Plaintiffs failed to exhaust their state remedies and filed this lawsuit instead. This Court should therefore deny Plaintiffs relief under 28 U.S.C. § 2241.

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[1] Bail reviews during the COVID-19 epidemic, Circuit Court of Cook County, (Mar. 21, 2020) http://www.cookcountycourt.org/HOME/INFORMATIONREGARDINGCORONAVIRUS.aspx. (last visited April 7, 2020).

II. CONCLUSION

WHEREFORE, for all of the foregoing reasons, Defendant Thomas J. Dart, Sheriff of Cook County, respectfully requests that this Honorable Court enter an order denying Plaintiffs' Emergency Motion for Temporary Restraining Order or Preliminary Injunction and for any further relief this Court deems just.

By: */s/ Robert T. Shannon*
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

GENERAL ADMINISTRATIVE ORDER: 2020-01

Cook County Circuit Court General Administrative Order No. 2020-01 (dated March 13, 2020; eff. March 17, 2020) is hereby amended, *nunc pro tunc*, as follows:

SUBJECT: COVID-19 EMERGENCY MEASURES

In light of global coronavirus pandemic, and in order to protect the health and safety of the general public, the court's judges and employees, and elected officials, after conferring with the offices of the Cook County State's Attorney, Public Defender, Sheriff, Clerk, County Board President, the Circuit Court Executive Committee, and representatives of the private bar, and pursuant to Illinois Supreme Court Rule 21(b) and the court's inherent authority,

IT IS HEREBY ORDERED that except as provided below, all matters in all Districts and Divisions of the Circuit Court of Cook County, Illinois, are rescheduled and continued for a period of 30 days from the originally scheduled court date, unless the 30th day falls on a weekend, in which case it will be continued until the following business day;

IT IS FURTHER ORDERED that except as necessary for the purposes enumerated below, all judges and employees of Circuit Court of Cook County shall be encouraged to work remotely and conduct business telephonically or via videoconference for a period of 30 days from the effective date of this order;

IT IS FURTHER ORDERED that the Sheriff of Cook County shall cease execution of eviction orders relating to residential real estate effective March 14, 2020. The Sheriff shall resume execution of said orders in 30 days;

IT IS FURTHER ORDERED AS FOLLOWS:

1. **ALL DIVISIONS:** Judges will be available in person in each division and department to hear emergency matters

2. **PRETRIAL DIVISION:** Bail hearings, including motions to review bail, will be conducted daily at all locations;

3. **CRIMINAL DIVISION:**
   - **a)** Preliminary hearings and arraignments that have commenced as of the effective date of this order will proceed as scheduled.
   - **b)** Court will be in session for plea agreements.
   - **c)** Jury trials in progress as of the effective date of this order will proceed as scheduled and juror deliberations in progress as of the effective date of this order will continue until concluded.

4. **JUVENILE JUSTICE DIVISION:** Juvenile detention hearings and demands for trial will be conducted daily at 1100 S. Hamilton Ave., Chicago.

5. **CHILD PROTECTION DIVISION:** All temporary custody hearings and emergency motions will be heard as scheduled.

6. **CHANCERY DIVISION:** There shall be a moratorium on final judgments and executions of judgments in mortgage foreclosure proceedings.

7. **MUNICIPAL DIVISION, ALL DISTRICTS**
All traffic and misdemeanor cases are continued to the next key date at least 30 days following the originally scheduled court date. The Clerk of the Circuit Court shall provide postcard notice to the defendant.

8. **ADULT PROBATION DEPARTMENT, SOCIAL SERVICE DEPARTMENT, AND JUVENILE JUSTICE AND COURT SERVICES DEPARTMENT:** In-person meetings between probation officers and social service caseworkers and the persons under their supervision will be reserved for high-risk clients. For low- and moderate-risk clients, probation officers and social service caseworkers will contact clients to schedule essential meetings to be held via either video or telephone conference.

9. **CIVIL MATTERS IN ALL DIVISIONS:** Matters agreed by all parties to be emergencies will be heard and may be conducted either in-person or via video or telephone conference. Discovery in civil matters will continue as scheduled.

10. **EMERGENCY CIVIL ORDERS OF PROTECTION** will be heard at 555 W. Harrison St., Chicago, and in Municipal Districts 2,3,5, and 6, and when sought in connection with a Domestic Relations matter, at the Richard J. Daley Center.

11. **MENTAL HEALTH HEARINGS** will continue as scheduled.

12. **GRAND JURY**: No new grand jury shall be empaneled before May 1, 2020. Grand juries whose terms expire on or before March 31, 2020, shall be extended until April 30, 2020.

13. **FILINGS OF INITIAL PLEADINGS OR RESPONSIVE MOTIONS:** Initial pleadings or responsive motions may be filed in person or via electronic filing through the Clerk of the Circuit Court.

14. **MANDATORY ARBITRATION:** All hearings shall be rescheduled and continued for a period of 30 days from the date originally scheduled.

15. **FORENSIC EXAMINATIONS:** All forensic examinations of criminal defendants, both adult and juvenile, shall be rescheduled for a period of 30 days from the originally scheduled date or the date of the order requiring such examination, whichever is later.

16. OTHER: Non-essential gatherings, meetings, and travel are canceled, and programs including Traffic Safety School and SWAP are entered and continued until rescheduled. No marriages will be performed in Marriage Court during the 30-day period following the effective date of this order.

The Court may issue further Orders regarding this matter as necessary to address the circumstances arising from this pandemic. Further information will be published on the court's website.

Dated this 13th day of March, 2020, and effective March 17, 2020. This Order shall be spread upon the records of this Court and published.

ENTERED:

ENTERED
JUDGE TIMOTHY EVANS-1592
MAR 16 2020
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY, IL
DEPUTY CLERK

Timothy C. Evans
Chief Judge
Circuit Court of Cook County