

# COVID-19 PROTOCOLS

## For the Honorable James M. Alexander

These protocols will continue in effect until the Oakland County Circuit Court determines otherwise. The COVID-19 Protocols supersede the Business Court Case Management Protocol until further notice.

### Courtroom Proceedings.

**The Court will not conduct in-court, personal proceedings unless the matters are deemed by the Court to be essential, criminal matters. All other proceedings must be conducted remotely via electronic means through Zoom video and/or audio conferences. See page 3 for contact details.**

Case Management Conferences. Case Management Conferences will continue to be scheduled. In the interest of mitigating the spread of COVID-19, however, the Court will issue a Scheduling Order, utilizing the Joint Case Management Plan as a guide. Should a Case Management Conference be necessary, the Court will conduct the conference via electronic means through Zoom video and/or an audio conference.

Civil Scheduling Orders. If the parties seek an adjournment of the dates outlined in their Scheduling Order, they may file one Stipulated Order to extend all dates up to 60 days for the Court's consideration. All other adjournment requests must be brought before the Court by way of a formal motion.

Civil Pretrials. All civil pretrials shall be conducted remotely via electronic means through Zoom video and/or an audio conference.

Case Evaluations, Settlement Conferences, and Trials. All case evaluations and settlement conferences shall be conducted remotely via electronic means through Zoom video and/or audio conference. The Court shall determine: if, when, and how bench trials will proceed on a case-by-case basis. Jury trials are suspended until further notice.

Criminal Call. The Court intends to conduct pretrials and sentencings. Videoconferencing of in-custody defendants will continue from the jail. Counsel will participate by Zoom video and/or audio conferences, as is necessary. Defendants not in custody will participate via Zoom video and/or audio conferences, as is necessary. If confidential matters need to be discussed as these matters occur, the Court will terminate the hearing and allow counsel and Defendants to confer in confidence outside of the Zoom platform by either passing the case or setting the matter for another date. *Defendants must agree to this procedure, otherwise these matters will be adjourned.*

## **Motions.**

**MCR 2.119 continues to govern all motions filed with the Court, including the filing deadlines and notice requirements set forth in MCR 2.119(C), unless otherwise ordered by the Court.**

*Scheduling of Summary Disposition Motions.* All motions for summary disposition will continue to follow the normal protocol (i.e., chambers will issue a specific scheduling order for briefing and hearing, to be conducted remotely via electronic means through Zoom video and/or audio conference). When deemed appropriate, the Court may issue its Opinion and Order regarding a Summary Disposition Motion without oral argument. See MCR 2.119(E)(3).

*Scheduling of Discovery Motions and Motions for Default or Default Judgment.* Discovery motions and motions for default judgments may now be praeciped and noticed for hearing pursuant to the Michigan court rules.

### *Resumption of Computation of Days to Determine Deadlines.*

Pursuant to the Michigan Supreme Court's Administrative Order No. 2020-18, "[f]or time periods that started before Administrative Order No. 2020-3 took effect, the filers shall have the same number of days to submit their filings on June 20, 2020, as they had when the exclusion went into effect on March 23, 2020. For filings with time periods that did not begin to run because of the exclusion period, the filers shall have the full periods for filing beginning on June 20, 2020."

*Emergency Motions.* If you have filed an emergency motion, you must contact the clerks via email at [thorndycraftj@oakgov.com](mailto:thorndycraftj@oakgov.com) and [dossj@oakgov.com](mailto:dossj@oakgov.com) to notify the Court of said motion. The Court will review the motion and determine whether to issue an Order, if it is in fact an emergency. If the Court, in its discretion, does not determine that it is an emergency, the moving party will be directed to follow the procedure for scheduling the motion for hearing as outlined below.

*Scheduling of All Other Motions.* The Oakland County Circuit Court is now accepting praecipis to set motions for hearing. Judge Alexander will continue his practice of dispensing with oral argument on many motions. For motions necessitating oral argument, Judge Alexander will hear such motions remotely via electronic means through Zoom video and/or audio conferences, as is necessary.

## **Procedure for Scheduling a Motion for Hearing.**

**If you wish to have a previously filed or newly filed motion to be heard, you must file a praecipe with the Case Management Office by 4:30pm the Wednesday prior to the motion hearing date. The response to the motion must be filed no later than 4:30pm on the Friday before the motion hearing date. Motions will not be considered prior to the designated date for the hearing unless all parties have filed answers to the motion.**

If the Court is unable to honor the requested date and time of the motion hearing, chambers will notify the parties of the exact date and time of the rescheduled motion hearing via email. The

hearing will be conducted remotely via electronic means through Zoom video and/or an audio conference. As noted previously, the Court may dispense with oral argument and issue an Order on the motion when appropriate.

### **Zoom Information**

- Direct Link: <https://miscao.zoom.us/my/jamesalexander>
- From browser: [www.zoom.us](http://www.zoom.us) - Join meeting with ID 248 858 5285
- From telephone: (646) 876-9923 - meeting ID 2488585285
- From h.323: 162.255.37.11##2488585285
- From iOS/Android: Download Zoom from App Store/Google Play Store and choose Join Meeting - ID 248 858 5285

Please note that you will be placed in a virtual waiting room until your case is ready to call. This will happen when there is another case being heard or until all parties have joined. Please do not leave the Zoom waiting room.