

**IN THE THIRD JUDICIAL DISTRICT COURT,  
IN AND FOR TOOELE COUNTY, STATE OF UTAH**

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**March 30, 2020**

**Information regarding Tooele District Court Operations through June 1, 2020**

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Due to the Coronavirus pandemic, and our collective community efforts to mitigate the spread of that virus, Utah's courts have modified its operations over the next 60 to 90 days. The Utah Supreme Court issued an Administrative Order on March 21, 2020. The Third District Court's Presiding Judge Mark Kouris issued a Standing Order on March 18, 2020. The purpose of this document is to provide specific guidance on what to expect if you have a state court matter pending in Tooele County. Note: this does not cover Tooele's Juvenile Court or Justice Court operations.

**General**

1. The Tooele County courthouse is open during regular business hours and, absent any additional guidance or directive, will continue to provide service to the community. Please note that the Court will be operating with only half the normal staff. We will endeavor to continue providing the same level of service, without any delay, but, please understand if responses are slower than normal.
2. The Court's staff is available by telephone and by email to assist you.
  - a. **Phone:** 1-435-833-8000; **Email:** [3rdtooeleteam@utcourts.gov](mailto:3rdtooeleteam@utcourts.gov)
  - b. **Note:** If you send an email to a specific clerk, there may be a delay in response. Please include the [3rdtooeleteam@utcourts.gov](mailto:3rdtooeleteam@utcourts.gov) email in all correspondence with the Court.
3. The Court shall continue to accept filings on all new and pending cases.
  - a. **Lawyers** must continue to submit by E-filing.
  - b. **Parties not represented by a lawyer** must submit pleadings / motions / other documents to the Court by email.
    - i. Self-represented parties may file, without a wet signature, protective order requests, stalking injunction requests, and other pleadings. The Court will consider such a pleading "signed" consistent the Uniform Electronic Transactions Act, if (1) the self-represented party includes their name on the signature line of a pleading with the following language: "I declare under criminal penalty under the law of Utah that everything stated in this document is true."; and (2) the pleading is sent as an attachment in an email with a visible email address. Clerks of this Court shall accept emailed filings meeting these requirements.
4. **Starting a new matter:** If you need to file a pleading to start a new matter or you need to file a notice of appeal, you should contact the Court by telephone to make arrangements for filing.

5. **Pending cases:** see cases by subject matter.
  - a. **Rescheduling:** This Court will be flexible in rescheduling hearings and will liberally grant motions for extensions of time. Lawyers are encouraged to stipulate to extensions.
  - b. **Current Deadlines:** This Order does not extend any deadlines.

#### **Criminal Cases**

6. **Goal:** to continue criminal cases to the extent we can do so, in compliance with any and all government, public health and court orders, and with the goal of mitigating health risks for everyone involved. Absent exigent circumstances, all hearings shall be conducted remotely. In-person hearings due to exigent circumstances are and will be the exception.
7. **Defendants “in custody”:** This Court will proceed with all “mission-critical” hearings for in-custody defendants. “Mission-critical” includes, but is not necessarily limited to, probable cause review of warrantless arrests, bail hearings, bench warrant hearings, first appearances, appearances mandated by statute, preliminary hearings, sentencing hearings and OSC hearings.
  - a. Defendants will not be transported to court. Defendants will appear remotely *via* video conferencing. Attorneys will be given either a telephone conference line (audio) or a Webex (video conferencing) invite to appear remotely on all cases.
  - b. Counsel with clients housed in the Tooele County jail can make arrangements with the jail to visit with their clients remotely. *Contact Laura Mott at the Tooele County Jail to make arrangements.*
  - c. Counsel with clients in custody outside of Tooele will need to make arrangements with the appropriate detention center to meet with their clients. Counsel should advise the court if their client is held in custody outside of Tooele to confirm that the Court has made arrangements for the defendant’s appearance at the scheduled hearing *via* video-conferencing.
  - d. **Absent future changes / directives:**
    - i. **All in-custody hearings previously set March 24 and 31 are rescheduled to April 7 at 9:00 a.m.**
    - ii. **All other in-custody hearings will remain as scheduled.**
    - iii. **In-custody Initial appearances will continue every Monday at 10:30 a.m.**
    - iv. **The Criminal Calendar for defendants in custody is every Tuesday at 9:00 a.m.**
8. **Defendants “out of custody”:** All out of custody criminal hearings will be rescheduled to a date after June 1, 2020. If the Defendant or Counsel requests, this Court will schedule “mission critical” hearings prior to June 1, 2020. These hearings will be held remotely via teleconference or video conferencing.
  - a. Hearings have been rescheduled as follows:
    - i. **March 24 1:30 p.m. and May 12 at 9:00 a.m. continued to June 9 at 9:00 a.m.**
    - ii. **March 31 1:30 p.m. continued to June 16 at 9:00 a.m.**
    - iii. **April 7 and 14 at 1:30 p.m. continued to June 23 at 9:00 a.m.**
    - iv. **April 21, 28 and May 5 at 1:30 p.m. continued to June 30 at 9:00 a.m.**
    - v. **May 19 and 26 continued to July 7 at 9:00 a.m.**

9. **In-person hearings:** If exigent circumstances justify an “in-person” hearing, the Court shall conduct the hearing consistent with all applicable government and public health Orders and the Utah State Court’s Pandemic Response Plan. Current Orders prohibit more than 10 people gathering together and everyone in the court room will be required to stay six or more feet apart.
10. **Preliminary Hearings:** In line with the guidance above, preliminary hearings can be conducted via teleconference (audio), Webex (video conferencing) or, in exigent circumstances, arrangements can be made for a limited in-person preliminary hearing in accordance with all government, public health and court orders.
11. **Criminal Jury Trials:** All criminal jury trials currently set will be rescheduled to a date after June 1, 2020.
12. **Hearings in general:** Most hearings can be conducted remotely. Please contact Judge Gibson’s team if special arrangements need to be made to support a remote hearing or if an in-person hearing is requested.

#### **Civil Cases**

13. **Goal:** to continue civil cases to the extent we can do so, in compliance with any and all government, public health and court orders, and with the goal of mitigating health risks for everyone involved. Absent exigent circumstances, all hearings shall be conducted remotely. In-person hearings are and will be the rare exception. As discussed above, the Court continues to accept E-Filing and pro-se filings by e-mail. To the extent a hearing is not required, the Court will decide motions and issues on the papers.
14. **Mission-critical civil functions will continue:** “Mission critical” civil functions include, but are not necessarily limited to, protective order hearings, stalking injunction hearings, temporary restraining order hearings, guardianship hearings where the minor or incapacitated person is at risk of harm, hearings related to enforcement of custody and parent-time orders and hearings statutorily required to be held within a certain period of time. Other civil hearings not specifically listed here may also be scheduled and heard remotely, at the request of a party or counsel.
15. **All hearings will be conducted remotely:** All currently set and any future scheduled hearings will be conducted remotely, *via* teleconferencing (audio) or Webex (video conferencing). With some exceptions, if a hearing is already scheduled, the hearing will proceed, unless reset at the request of parties or by this Court.
16. **In-person hearings:** If exigent circumstances justify an “in-person” hearing, the Court shall conduct the hearing consistent with all applicable government and public health Orders and the Utah State Court’s Pandemic Response Plan. Current Orders prohibit more than 10 people gathering together and everyone in the court room will be required to stay six or more feet apart.
17. **Civil Jury Trials:** All civil jury trials currently set will be rescheduled to a date after June 1, 2020. *The Court will schedule a telephonic status conference with the parties to reschedule the date.*

18. **Bench Trials and other Substantive / Evidentiary Hearings:** In line with the guidance above, this Court can conduct a Bench Trial and other substantive hearings via teleconference (audio) or Webex (video conferencing). *The Court will contact the parties to inquire if the parties wish to proceed remotely or if they would like to reschedule after June 1.*
19. **Hearings in general:** Most hearings can be conducted remotely. Please contact the Court if special arrangements need to be made to support a remote hearing. The Court will be flexible in rescheduling bench trials and any hearing that the parties would prefer to conduct in person.

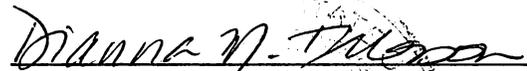
#### **Protective Order Hearings**

20. **All Protective Order hearings will be conducted via teleconference.** The Court will contact parties and counsel with scheduled hearings to provide further direction on how to proceed and to provide dial-in information.

#### **Debt Collection Cases**

21. **Supplemental Proceedings, Orders to Show Cause, Garnishee Orders to Show Cause and Pretrial hearings will be rescheduled after June 1, 2020.** Due to the nature of these proceedings, the Court cannot continue to conduct these hearings in compliance with current governmental, public health and the Utah Supreme Court's Administrative Order. The Court will work with counsel and parties to reschedule these hearings in June 2020.
22. On a case-by-case basis, and when exigent circumstances exist, certain hearings can be conducted remotely. Any party may request the Court schedule a telephonic or Webex hearing on any debt collection case.

Thank you all for your patience and cooperation as we all work through the challenges facing our community and our nation. Please contact the Court with any questions.

  
Dianna M. Gibson  
Third District Court, Tooele County

