

IN THE DISTRICT COURT OF JOHNSON COUNTY KANSAS
LIMITED ACTION DEPARTMENT

vs.

Case No. _____
Division M4/Chapter 61

NOTICE OF TRIAL UNDER COVID-19 EMERGENCY OPERATIONS

The court will hold a Trial on the above matter on the _____ day of _____, 2023 at _____ o'clock a.m. in Division M4/Chapter 61 of the Johnson County Courthouse, 150 W. Santa Fe St., Olathe, Kansas.

Per this Court's standing Order, all Hearings in Division M4/Chapter 61 Limited Action cases are being held by Video Conference due to Covid-19 emergency operations to restrict large gatherings in the Courthouse. You are scheduled to appear in court on the date listed in this Notice.

IMPORTANT NOTICE
READ CAREFULLY

You will not appear in person on this date. Instead, you will appear by video or telephone.

Prior to your court date you must do the following:

1. Call your attorney and he/she may appear for you unless otherwise directed.
2. If you do not have an attorney, you must appear by Video Conferencing.

Zoom.us is the web site for your computer or you can download the Zoom App from your smartphone or tablet app store. **Make sure you test your video and audio.** On the date and time of your hearing, you must appear either:

- a. through the Zoom App using the Meeting ID:

Division M4 Meeting ID: 9137153348

Please make sure you are identified by your name; or

- b. if you do not have internet or have a smartphone, you are required to call in to the hearing by calling **1-346-248-7799** or **1-312-626-6799** and enter **Zoom Meeting ID: 9137153348.**

3. You will not receive an "Invite" to the hearing as the Court does not have your email address so you must follow the instructions above.

4. **When you sign into the Video Conference, you must enter your legal name as it appears on the case caption above.** Failure to do so will cause further delays in the Court calling your case on your scheduled date.
5. Additional instructions on how to use Zoom are at: <https://support.zoom.us/hc/en-us/articles/206175806>
6. If you need special help due to language or hearing issues, to make sure an interpreter will be at your hearing you must email your name, case number, and spoken language immediately upon receipt of this Notice to either:

For an interpreter, email to: Dca-foreigninterpreter@jocogov.org
For sign language, email to: DCASignInterp@jocogov.org
7. A few highlights and tips for good video hearings:
 - Be sure you have a good internet connection. Wi-Fi works but may be unstable. Wi-Fi is notoriously unstable. A direct hardwire internet connection works best. If you must use Wi-Fi, please be in a location that gives you the best connection opportunity.
 - Turn off all other programs running in the background that you do not need for the hearing. Other programs can degrade your connectivity.
 - Use ear buds or headphones to cut out the echo and feedback.
 - Make sure your camera and microphone are working prior to the hearing. And if you have clients or witnesses connecting for a hearing, make sure they do the same.
 - Please remember these are Court proceedings and decorum is still expected, particularly from Counsel. Your dress and demeanor will be a positive influence in our hearings.
8. **You need to log in no earlier than 5 minutes prior to the schedule hearing time, nor later than 5 minutes after the scheduled hearing time. Otherwise, to prevent a disruption of the proceedings, you will be locked out of the hearing and unable to appear, and Judgment may be entered against you. Please keep your microphone muted until your case is called. You may be placed into a waiting room if necessary.**

Trials, Including Eviction Trials:

- 1) Trials on non-eviction cases: Self-Represented parties or attorneys should contact the Chapter 61 Clerks at DCC-Chapter61@jocogov.org to schedule the Trial date and then fill out and file with the Clerk the Covid-19 Notice of Trial, and send a copy to the other party (or their attorney). A Pretrial Conference is required prior to the scheduling of a trial.
- 2) Eviction trials: If possession of the premises is in issue and the Court sets the matter for trial on its Eviction Trial docket (normally Fridays at 9:00 a.m.),

Self-Represented parties or attorneys should immediately following the Answer docket fill out and file with the Clerk the Covid-19 Notice of Trial, and send a copy to the other party (or their attorney).

Exhibits

- 1) The parties are required to email the Court their exhibits at least five days prior to the trial. They will email it to DCC-Chapter61@jocogov.org.
- 2) Since the Chapter 61 clerks receive many emails, the attorneys/party are required to put on the **subject line of the email either “Plf Exhibits or Def Exhibits”**. In the email itself they will have to state the case number and the caption and then attach their Exhibits. Plaintiffs should mark their exhibits 1-100 and Defendants shall mark their exhibits A-Z.
- 3) When emailing exhibits to the court they must be copied to all opposing parties/counsel. When multiple exhibits are in one file, the participant should be encouraged to **bookmark** each exhibit. Rebuttal exhibits should be prepared in advance so to be easily transmittable to the court and opposing party/counsel if needed.

Witnesses

1. **Witnesses** should identify where they are, physically. Ideally they should be alone with a separate Video Conference connection.
2. The witness may be in the attorney’s office but the attorney is not allowed to prompt any specific answer from the witness by writing notes, etc. to show the witness.
3. If a witness must be subpoenaed, the process should be discussed and resolved in advance.
4. **Pursuant to 2020-RL-037 the court may administer oaths by remote means including videoconferencing or teleconferencing. It is recommended that judges consider the following colloquy with remote witnesses:**
 - A) **“We are conducting this hearing pursuant to K.S.A. 60-243. The witness is not located in the court room but is appearing through electronic means. I am allowing this testimony based on the good cause that the Courthouse is restricted from large gatherings and my courtroom is not large enough to provide proper social distancing due to the number of cases scheduled on this docket.”**

(1) (to the witness) **“Do you affirm to tell the truth, the whole truth and nothing but the truth under the penalty of perjury?”**

(2) (assuming yes, next question) “Do you submit to the jurisdiction of the State of Kansas and the United State of America for the purposes of your testimony today, and any further proceeding as it relates to your testimony, including, but not limited to an action for perjury arising out of your testimony today?”

(3) “Based on the witness’ answer in the affirmative, I find that adequate safeguards have been put in place and I will allow this hearing to proceed with the presentation of evidence electronically.”

5. It is recommended that you remind a testifying party or witness that he or she may not have anything in their hand and **may not refer to notes**, papers, phones, computers or anything else without permission from the court.
6. Remind witnesses that all **electronic devices** other than the device facilitating the testimony must be turned off unless the court gives permission otherwise.
7. To enforce “the sequestered rule”, the Court can place the witness in a “**waiting room**” until his or her testimony is needed. The court controls who will be allowed in the waiting room. Witnesses should be advised that counsel and the court may ask at any time to see anything the witness sees or to adjust cameras to ensure **compliance** with all court orders and directives.
8. Remind witnesses that **no program or window will be open** on any computer or electronic device in the witness’ possession during testimony. No one is allowed to pass the functional equivalent of **notes by electronic means** to or from the witness during the time the witness is testifying.
9. Because audio tends to lag behind video, for **evidentiary objections: Ask** the objecting party to simply say “Objection” and make a visible signal such as waving our raising a hand to draw the court’s attention, and allow the court to stop the witness, recognize the objecting party and then allow the objecting party to make their objection.

Failure to appear for your hearing by video or by phone may result in a Judgment being entered for the relief requested in the Petition or dismissal of the case and is not subject to the suspension of time limitations as set forth in the Supreme Courts current Administration Order.

Name:

Address:
City, State, Zip:
Telephone Number (Required):
Email (Required):
Attorney for Plaintiff or Defendant

CERTIFICATE OF SERVICE AND MAILING

I certify that on the _____ day of _____, 2021, I sent a true copy of this Notice to:

_____ (insert name and address) by depositing it in the United States mail, postage prepaid.

Name: