

**IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)**

IN RE: PANDEMIC

BLANKET ORDER

**ORDER ADOPTING PLAN
FOR PROCEEDINGS IN COURT
DURING COVID-19 PANDEMIC**

WHEREAS, the Tennessee Supreme Court (hereafter TSC) declared a State of Emergency due to the COVID-19 Pandemic on March 13, 2020 and subsequent Orders from TSC directed Trial Courts "...to conduct as much business as possible by means other than in-court proceedings..." encouraging courts "...to continue and even increase the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact." (see TSC ADM2020-00428).

WHEREAS, "All courts within a judicial district shall continue to operate under the guidelines and restrictions ...until the Chief Justice has approved a written plan for the judicial district within which the court is located."

WHEREAS, despite having successfully adjudicated hundreds of cases during the quarantine without requiring in-person court proceedings; it is appropriate for this Court in the overall performance of its duties and for the administration of justice to adopt a plan to permit in-person court proceedings to resume to the extent necessary.

THEREFORE, this Court finds as follows:

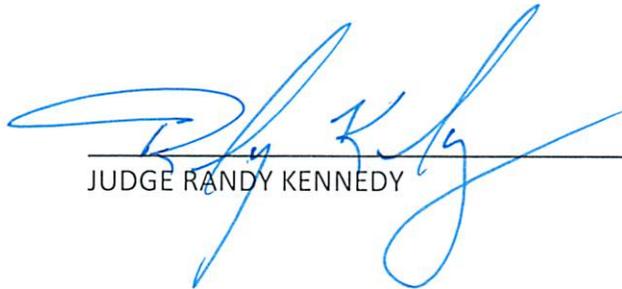
1. This Court will reopen its courtroom for the purpose of conducting such in-person court proceedings as may be filed with (or are properly assigned or transferred to) Seventh Circuit Court, except as otherwise noted herein.
2. Social Distancing Guidelines shall be enforced in all in-person proceedings. Social Distancing is defined by the Center for Disease Control (CDC) and referred to in Executive Order No. 30 issued by Tennessee Governor Bill Lee on April 28, 2020, to all of which reference is here made.
3. To promote the health and safety of litigants, witnesses, attorneys, staff, security and the general public, any person who enters the courtroom shall be seated no less than six feet (6') from anyone else in the courtroom. Each person entering the Courtroom shall be required to wear a surgical (or suitable substitute) mask that adequately covers both mouth and nose.
4. Any attorney (or pro se litigant) intending to present live testimony shall inform opposing counsel (and any unrepresented or self-represented party) and the Court at least 72 hours prior to the trial or hearing date as to the number of witnesses that are expected to be called. The failure to do so may in the discretion of the Court result in a continuance or the Court barring a witness, or witnesses, from testifying.

5. No more than 10 people including Judge, staff and any Court stenographer or interpreter will be permitted inside the Courtroom at any time. In light of limitations on the number of persons permitted in the Courtroom, members of the general public will not be permitted to be in attendance during in-person proceedings.
6. All attorneys and self-represented litigants who intend to participate in a trial or hearing should be or become familiar with matters approved by this Court and placed on the <http://circuitclerk.nashville.gov/probate/> website, and review any updated instructions or any emergency changes that may be posted upon the website.
7. As a result of COVID-19, this Court adopted several other blanket Orders which may still be applicable to in-person proceedings in which you are involved. However, it is the intention of this Court to restore in-person proceedings to the extent that justice requires. Nevertheless, if a case is uncontested and can be presented to this Court on sworn pleadings and without testimony in Open Court, this Court encourages setting such cases upon the Court's regular Wednesday or Thursday dockets and presented without litigants and witnesses in attendance, (i.e., Petitions to: Probate Wills in Common Form, for Muniment of Title, to Appoint Administrator, to Appoint Administrators ad litem, to Establish, Reform, or Dissolve Trusts, to List or Sell Real Property, to Re-Open Estates, etc.). All of the foregoing matters are also subject to paragraphs 13 and 14 of this Order.
8. In an effort to permit attorneys and litigants to avoid having to appear in Court or to attend in-person Court proceedings on Motions unnecessarily, the Seventh Circuit Court will now adopt the "No Response" Docket procedures currently being utilized in other civil (non-domestic and non-probate) Courts in the 20th Judicial District with respect to Motions. See Local Rule 26 of Court for further information, and as further noted below.
9. Local Rule of Court 39.13 (hereafter L.R.) covers motion practices in this Court. In pertinent part, the L.R. refers to "L.R. 26.04(g) which provides Motions shall automatically be granted if a written response is not timely filed, shall not apply in matters involving conservatorships, guardianships, fee requests, encroachments upon assets of an estate, and other Motions for which discretionary review by the Court is appropriate." That Rule is amended to reflect that this Court will maintain a "No Response" Motion Docket in addition to its traditional Motion Docket. Consequently, all attorneys and litigants must be aware that the Court may, in its discretion, grant a Motion in any matter if no written response is timely filed pursuant to L.R. 26.04(g) without any in-person Court appearance or oral argument.
10. All attorneys and all self-represented litigants are reminded that this Court hears Motions on Fridays and does not hear Motions taking more than 20 minutes unless specially set. Consequently, all Motions expected to take more than 20 minutes shall be specially set, and scheduled on a day other than Friday, whenever possible. This Court also requires that any hearing or trial expected to take more than 20 minutes be specially set.
11. This Court has exclusive and/or concurrent jurisdiction over myriad types of litigation too numerous to list in this Order. However, the vast majority of our cases are in the following categories:
 - A. Administration of decedents' estates
 - B. Conservatorships
 - C. Guardianships
 - D. Trusts

- E. Actions for Change of Name
- F. Removal of Minority and Approval of Recording and Performance Contracts for Minors
- G. Adversary proceedings

12. Adversary Proceedings are dealt with in detail in Local Rule 39.02 to which reference is here made. Types of Adversary Proceedings include, but are not limited to, the following: Will Contests, Breach of Fiduciary Duty, Removal of Fiduciary, Spousal Entitlement & Recoupment Actions, Objections to Inventories, Objections to Property Management Plans, Objections to Accountings, Contested Creditor Claims and Fee Disputes.
13. Upon filing of any initial (or amended) pleading in the categories described in paragraph 11(A), (D), and (E) above, and upon the Petitioner having set the matter upon the Judge's docket, the Special Master will review the matter with the Judge. If, however, the matter is both uncontested and can be expedited without delay; the matter can be presented to the Special Master who is authorized to sign an Order granting the relief sought in the initial (or amended) pleading.
14. All cases filed in categories described in Paragraph 11 above (unless expressly assigned to the Probate Master, or a Special Master for review, deliberation, or other disposition) involving a question of law or which is determined by the Court to be contested shall be specially set before the Judge. In addition, all cases in categories described in Paragraph 11 (B), (C), (F), and (G) and Paragraph 12 shall be tried by the Judge either on a regularly scheduled docket or specially set in the discretion of the Judge.
15. Due to the limited space provided in both the Judge's chambers and the staff's office, no attorneys, their designees, or litigants shall be permitted into the offices of the Seventh Circuit Court.
16. It is anticipated that additional guidelines and requirements for the health and safety of attorneys, litigants, witnesses, and visitors to the sixth floor of the Historic Courthouse may be adopted by the 20th Judicial District, and/or by the Metropolitan Government of Nashville and Davidson County, Tennessee relative to the operation and maintenance of the Historic Courthouse. To the extent that such guidelines are promulgated, it is the intention of this Court to review them and to adopt such additional guidelines and/or requirements as may be appropriate.

IT IS SO ORDERED.



JUDGE RANDY KENNEDY