

JANE DOE

[Plaintiff/Petitioner]

v.

JOHN DOE

[Defendant/Respondent]

\*

\*

\*

\*

\*

\*

IN THE

\_\_\_\_\_ COURT

FOR

\_\_\_\_\_ COUNTY

Case No.: XXXXXXXXXX

\* \* \* \* \*

**[PLAINTIFF’S/PETITIONER’S] MOTION FOR A REMOTE HEARING**

Now comes the [Plaintiff/Petitioner], \_\_\_\_\_, by her attorney, \_\_\_\_\_, and hereby moves the Court to hold the [TYPE OF HEARING] scheduled for [DATE] by remote means, and states:

1. [Plaintiff/Petitioner] currently lives in the State of Maryland with [family members, roommates, household members].
2. The State of Maryland is currently in a state of emergency [or recently reopened from a state of emergency] due to the novel coronavirus pandemic. Md. Proclamation “Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19” (Mar. 5, 2020) available at <https://governor.maryland.gov/wp-content/uploads/2020/03/Proclamation-COVID-19.pdf>.
3. The novel coronavirus and the disease that it causes, COVID-19, are highly infectious and may result in serious illness or death if contracted. COVID-19 can be spread from person to person through direct contact as well as interaction with infected surfaces. Md. Proclamation (Mar. 5, 2020).

4. Due to the COVID-19 pandemic, there is a threat of potentially lethal harm if [Plaintiff/Petitioner] physically appears in court and interacts with court personnel or others present in the judicial facility.
5. Based on currently available information, certain populations are at higher risk for serious illness and complications from COVID-19. These populations include adults over 65 as well as individuals with chronic lung disease, moderate to severe asthma, immunodeficiencies, serious heart conditions, diabetes, kidney disease, HIV positive status, or other underlying medical conditions. Center for Disease Control and Prevention, *People Who Are at Higher Risk for Severe Illness* (May 14, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.
6. [insert information specific to client, if there is specific health or safety related concerns]
7. Due to the communicable nature of COVID-19, if [Plaintiff/Petitioner] physically appears in court, she may pose a lethal threat to [herself, others, or those in her household].
8. Pursuant to Maryland Rule 3-513, the court may find good cause to allow a witness to present testimony by telephone if “the witness is otherwise unavailable to appear because of age, infirmity, or illness” or “the personal appearance of the witness would be an undue hardship to the witness.”
9. [Details about the petitioner that would support the arguments about age, infirmity or illness OR undue hardship. Ex: lack of alternative childcare, essential work, current illness, underlying medical condition, lack of financial means to attend, lack of transportation, etc.]
10. Consistent with Rule 3-513, [arguments about age, infirmity, or illness] or [it would be an undue hardship] on [Plaintiff/Petitioner] to physically attend the hearing on [DATE].

11. Further, pursuant to the Amended Administrative Order on Remote Proceedings Held During the COVID-19 Emergency, as authorized by MD Rule 19-1000, “to the extent that the courts have the capacity to hear emergency and other matters remotely, this Administrative Order authorizes such proceedings, with access to members of the public as justice requires.”
12. This Court is authorized to grant Plaintiff’s motion according to both new and well-established Maryland Rules.
13. Federal case law also supports the use of videoconference as a suitable alternative to traditional courtroom proceedings during the coronavirus pandemic. *See Gould Elecs. Inc. v. Livingston Cty. Rd. Comm'n*, No. 17-11130, 2020 U.S. Dist. LEXIS 118236, at \*9 (E.D. Mich. June 30, 2020) (stating a videoconference bench trial “will observe the traditional formalities of an in-person trial, including that the [judge] will preside over the proceedings, that the parties and counsel will be present, that the proceedings will take place on the record, and that the proceedings will be open to the public.”); *see also ResCap Liquidating Tr. v. Primary Residential Mortg., Inc. (In re RFC & ResCap Liquidating Tr. Action)*, No. 0:13-cv-3451 (SRN/HB), 2020 U.S. Dist. LEXIS 44607, at \*25 (D. Minn. Mar. 10, 2020) (stating “COVID-19's unexpected nature, rapid spread, and potential risk” established good cause for conducting the final two days of a six-week bench trial by videoconference).
14. [Plaintiff/Petitioner] and undersigned counsel are able to participate in a remote hearing via [telephone, videoconference, any means the court finds appropriate, etc.]

**WHEREFORE**, Plaintiff prays this Honorable Court grant her motion for a remote hearing on [DATE] and such other and further relief that the interests of justice may require.

Respectfully submitted,

\_\_\_\_\_  
[ ] Esq.  
CPF #000000000000  
Sexual Assault Legal Institute  
Maryland Coalition Against Sexual Assault  
P.O. Box 8782  
Silver Spring, MD 20907  
(301) 565-2277  
Attorney for [Plaintiff/Petitioner]

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this \_\_\_ day of \_\_\_\_ 2020, a copy of the foregoing was served upon the attorney for the [Defendant/Respondent], via [mail/electronic filing].

\_\_\_\_\_  
[ ], Esq.