

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

In Re: The County of Allegheny

CIVIL DIVISION

Misc, No. 20-mc-394-MRH

Chief Judge Mark R. Hornak

**MOTION TO EXTEND STAY IN CERTAIN CASES**

On March 17, 2020, this Court entered an Order holding in abeyance certain civil action obligations in 30 cases in which Allegheny County or Allegheny County employees were a party. (ECF 3:20-mc-00394-MRH #3.) This stay was necessary because of the emergency situation in Allegheny County created by impact of the Coronavirus disease, COVID-19 within Allegheny County.

The stay is set to expire on April 17, 2020. The Order provides that an extension of the period of abeyance could be sought if circumstances warrant. For the reasons set forth below Allegheny County respectfully requests an extension of the abeyance in 15 of the original 30 cases, and one new case. Attached as Exhibit "A" is a list of these cases.<sup>1</sup>

1. Assistant County Solicitors and the Allegheny County Law Department are representing Allegheny County and/or the individual County employees in all of these actions.
2. These 16 cases involve Allegheny County Departments that are currently facing unprecedented responsibilities that call upon all their available time, talent, and resources to ensure they continue to perform vital governmental functions for the residents of Allegheny County and adequately address the unique concerns created by the COVID-19 pandemic. All but one of these cases involve either the Allegheny County Jail, the Department of Human Services; or the Allegheny County Emergency Services (911).<sup>2</sup>

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<sup>1</sup> The new case #15 on the attached list.

<sup>2</sup> Case #14 on the attached list mainly involves the Allegheny County Manager's office and the Allegheny County Department of Public Works. In this case, all counsel have been consulted and have graciously consented to the

3. In each of these cases, if the stay were lifted, the involved department would be required within the next 30 days to devote significant time, resources, and attention to defend the lawsuit. Respectfully, this is time, resources, and attention that must be devoted now to combating the impact of COVID-19 in Allegheny County.

4. In all the cases, where a party is represented by counsel, that attorney has been contacted and either consented to the granting of this motion or has not responded to the request.

5. This motion is made with the good faith belief that all counsel who have not responded do not oppose the granting of this motion.

6. On March 13, 2020, the federal government declared a national emergency concerning the Coronavirus disease, COVID-19.

7. On March 23, 2020 the Pennsylvania Governor issued a stay-at-home order that included Allegheny County, and, among other things ordered the closing of non-essential services. That order is currently in place until April 30, 2020. The essential work of Allegheny County, including the Allegheny County Jail, the Allegheny County Department of Human Services (Children, Youth, and Families), and Allegheny County Emergency Services (911) are exempt from that order.

8. As of April 15, 2020, Allegheny County Department of Health advised that in Allegheny County there are 904 reported COVID-19 cases, 146 hospitalizations, 10,479 total tests, and 26 deaths.

9. The Commonwealth of Pennsylvania has announced the closing of all schools through the end of the school year.

10. The departments of Allegheny County that are the focus this motion are required at this time of emergency to focus all of their available manpower and resources to address the essential needs of Allegheny County's residents and fulfill their obligations to the populations they serve, including addressing the unique challenges COVID-19 presents. By way of example:

- a. There has now been positive testing of COVID-19 at the Jail, and extreme efforts are underway to address the emergency situation, quarantine inmates where appropriate, follow evolving guidelines, and provide unique medical

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services and care to inmates. The Jail must continue to devote its time and manpower to ensuring the health and safety of its inmate population and all personnel employed in this secure correctional facility;

- b. Allegheny County Department of Children Youth and Families, must devote its time and manpower to respond to Child Line calls, home visits, investigations, placement of children, and monitor families in the child welfare system, all of which is on-going with new evolving protocols to minimize contact, conduct hearings remotely, and still address concerns over increases in abuse situations, and other risk factors that may be caused by necessary stay-at-home rules, the closing of schools, social distancing, and other impacts of COVID-19 on families in Allegheny County;
  - c. The increase in emergency calls and dispatches that are coming through Allegheny County Emergency Services, where residences are flagged for COVID-19 and responses have to be handled with utmost precision, while ensuring that non-COVID-19 calls continue to be handled in a manner that ensures the health and safety of all Allegheny County residents;
  - d. The manpower and workload issues that have arisen in all the affected departments due to staffing concerns because of the stay at home order, closing of supporting facilities, leave use and other COVID-19 related employee issues;
  - e. All three departments are required to operate 24/7 and continue to have to perform all of their other mandatory obligations while adding to their work the complexities presented by COVID-19.
11. All of these Allegheny County departments have been called upon to assess, marshal, and redeploy their resources to focus upon meeting these needs.
12. The Allegheny County Law Department is also called upon to divert its resources to providing unique legal advice to various County Departments presented by employee-related issues of COVID-19 and needs to be available to perform new work necessitated by the COVID-19 emergency. Including the rescheduling of primary elections, and planning on other contingencies, including a sharp increase in mail-in balloting.
13. Allegheny County needs its employees in the Jail, Human Services, and Emergency Services to be able to devote as much time and attention as possible to addressing the emergency situation created by COVID-19.
14. The Allegheny County Solicitor needs Law Department attorneys to be able to devote their time and attention to the new duties they are called upon to perform.
15. Allegheny County respectfully requests that the 15 cases listed in the attached Exhibit be

16. The granting of this Motion will assist the government of Allegheny County in being able to expend its resources in a manner that best serves the interests of the residents of Allegheny County in this time of emergency.

WHEREFORE, the Allegheny County requests a 30-day stay in all cases set forth in the attached document.

Respectfully submitted,

	<p><u>/s/ Andrew F. Szefi</u> PA ID# 83747 ALLEGHENY COUNTY LAW DEPARTMENT 445 Fort Pitt Blvd. Suite 300 Pittsburgh, PA 15219 (412) 350-1173 <a href="mailto:Andrew.Szefi@AlleghenyCounty.US">Andrew.Szefi@AlleghenyCounty.US</a></p> <p>Solicitor for Allegheny County</p> <p><u>/s/ Virginia Spencer Scott</u> PA ID# 61647 ALLEGHENY COUNTY LAW DEPARTMENT 445 Fort Pitt Blvd. Suite 300 Pittsburgh, PA 15219 (412) 350-1173 <a href="mailto:Virginia.Scott@AlleghenyCounty.US">Virginia.Scott@AlleghenyCounty.US</a> Assistant County Solicitor</p>
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**“Exhibit A to Motion to Extend Stay in Certain Allegheny County Cases”**

	<b>Case Caption</b>	<b>Docket Number</b>	<b>Assigned Judge</b>	<b>AC Attorney</b>	<b>Department</b>
1.	Kimberly Andrews v. Allegheny County, et al.	2:19-cv-00670	Marilyn J. Horan	J.B.	Jail
2.	APCO v. County of Allegheny	2:19-cv-01353	William S. Stickman	V.S.	Emergency Services
3.	Carl English v. Allegheny County, et al.	2:18-cv-00651	Maureen P. Kelly	J.B.	Jail
4.	Adam Anderson, on behalf of Joel Valazquez-Reyes, deceased, v. Allegheny County, et al	2:19-cv-00612	Maureen P. Kelly	J.B.	Jail
5.	Richard Allen Hammonds II v. Allegheny County Bureau of Corrections, et al.	2:18-cv-01389	Cynthia Reed Eddy	L.D.	Jail
6.	Daelon Hill-Johnson v. Deangeus, et al.	2:19-cv-01277	Lisa Pupo Lenihan	J.B.	Jail
7.	William Holmes v. Allegheny County Health Network, et al.	2:19-cv-00661	Lisa Pupo Lenihan	D.B.J.	Jail
8.	Julius Hurt v. Allegheny County Medical Staff, et al.	2:19-cv-00653	Lisa Pupo Lenihan	J.B.	Jail
9.	“Jane Doe” v. Allegheny County, et al.	2:19-cv-00954	Maureen P. Kelly	J.B.	Jail
10.	Bianca Morris v. Orlando Harper, et al.	2:19-cv-01639	J. Nicholas Ranjan	J.B.	Jail
11.	Tara Pellecchia v. Allegheny County	2:17-cv-00242	Nora Barry Fischer	V.S. F.L.	Jail
12.	Leo Russo v. County of Allegheny	2:18-cv-00097	Mark R. Hornak	J.B.	Jail
13.	Natalie Vallecorsa v. Allegheny County, et al.	2:19-cv-01495	J. Nicholas Ranjan	F.L.	Emergency Services
14.	Jules Williams v. Allegheny County, et al.	2:17-cv-01556	Marilyn J. Horan	J.B.	Jail
15.	Kyle Holbrook v. City of Pittsburgh, et al.	2:18-cv-00539	Assigned to Marilyn J. Horan / Referred to Patricia Dodge	D.B.J.	Manager
16.	Charell Harrington v. UPMC & Allegheny County	2:20-cv-00497	Robert J. Colville	J.B.	DHS

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

INRE: MOTION OF	)	Misc. No. 2:20-mc-394-MRH
ALLEGHENY COUNTY TO	)	(This Order to also be cross-
EXTEND ABEYANCE OF	)	filed on the docket of each
CERTAIN CIVIL ACTION	)	affected civil action as listed on
OBLIGATIONS	)	Exhibit "A" hereto)

AND NOW, this \_\_\_\_ day of April 2020, after consideration of Allegheny County's MOTION TO EXTEND STAY IN 16 CASES, and for good cause shown upon the face of such Motion and in this Court's Administrative Order of March 13, 2020 at this docket number, ECF No. I, said MOTION is GRANTED AS FOLLOWS.

As to those civil actions set forth in Exhibit "A" hereto, all filing/scheduling/ ADR discovery/discovery response deadlines, and all other case management/administration obligations and deadlines of the parties, in such listed actions are held in abeyance from the date of this Order until and including May 16, 2020, unless that period of abeyance is modified by subsequent Order of the undersigned or of the judicial officer assigned to any such civil action. Any party to a listed civil action may apply to this Court or to the assigned judicial officer for an extension of the period of abeyance, if the circumstances warrant. The judicial officer assigned to any such listed civil action may elect to formally stay the action and administratively close the action, in their sound discretion.

This Order is entered without prejudice to the rights or position of any party to any such civil action, and any party who believes that their substantial rights have been impaired by the grant of this extension of period of abeyance may file a motion for appropriate relief with the judicial officer to whom the specific civil action is assigned, who will be in the best position to make such determinations.

As to those civil actions in this Court as to which Allegheny County or one of its individual employees or officers is a defendant but which action is **not** listed on Exhibit "A", application for appropriate relief should be made in the first instance to the assigned judicial officer.

The Clerk shall file this Order on the docket at 20-mc-394-MRH, and upon the docket of each civil action listed on Exhibit "A".

Counsel for Allegheny County shall forthwith serve a copy of this Order upon all other parties (via counsel in the case of represented parties) to any action listed in Exhibit "A" by electronic means (if such electronic service is possible) and if electronic means is not possible by first class mail, and shall promptly file a certificate of such service upon this docket, and upon the docket of the involved civil actions.

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Mark R. Hornak  
Chief United States District Judge