

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: TEMPORARY AMENDMENT)
TO FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 3rd day of December 2020, this Court continues to recognize, that due to the rising number of positive COVID-19 tests in Allegheny County, further efforts must be made to reduce the amount of people present in court facilities while keeping the courts open to the public. Accordingly, the Court extends its November 20, 2020 temporary amendment of its August 31, 2020 Emergency Operations Order with some modifications and it is hereby **ORDERED** that the following measures be taken pursuant to Pa.R.J.A. No. 1952(B)(2) effective Monday December 7, 2020 through Friday January 8, 2021:

Court of Common Pleas

During this period of time all matters shall be conducted remotely via Advanced Communication Technology and no in-person hearings or proceedings shall occur in any division of the Court of Common Pleas other

than as set forth below. All proceedings that can be conducted remotely shall proceed as scheduled.

Postponements

- All proceedings scheduled between December 7, 2020 and January 8, 2021 that cannot be conducted using Advanced Communication Technology shall be postponed to a date certain after January 8, 2021 pursuant to the procedures for each division.
- All published Civil trial lists continue to be suspended subject to the Order of September 17, 2020 (AD 185 of 2020) concerning non-jury trials in the Civil Division, attached hereto.
- Parties with Civil Division jury trials scheduled within this time period should contact Civil Division Calendar Control to reschedule the jury trial. The Calendar Control Department can be contacted by emailing Denise.seibel@alleghecourts.us or, by calling 412-350-5417.
- All in person arbitration hearings are suspended through January 8, 2020.
 - All previously scheduled remote arbitration hearings conducted using Advanced Communication Technology (ACT) shall proceed as scheduled. If an in-person hearing has been suspended pursuant to this Order, the parties may request a remote arbitration hearing using ACT. The parties requesting a remote ACT arbitration hearing shall do so utilizing the forms, instructions and protocols found on the Court's website at <https://www.alleghecourts.us/civil/arbitration.aspx>.
 - If an arbitration hearing is continued pursuant to this Order and the parties do not seek a remote arbitration hearing, the Court will reschedule the arbitration and the Department of Court Records will send notice of the new arbitration hearing date to the parties.

In-Person Hearings

- ICC Hearings for incarcerated individuals shall proceed as scheduled in the Family Division, with as many participants appearing by Advanced Communication Technology as possible, including witnesses and attorneys.
- Delinquency Adjudication Hearings for Juveniles who are detained and who request an in-person hearing may proceed with an in-person hearing.

All Court of Common Pleas facilities shall remain open to the public and open for case filings including, but not limited to:

- The Criminal Division Miscellaneous Motions Counter, Room 534 for acceptance of filings;
- The Formal Arraignment section, Room 519, for those defendants with a scheduled formal arraignment who have not waived their presence;
- The Civil Division Housing Court Help Desk for assistance to landlords and tenants;
- The Family Law Center for the filing of Petitions for Protection from Abuse (PFA) and entry of Temporary PFA Orders per the August 31, 2020 Emergency Operations Order.

Magisterial District Courts

The operations in the Magisterial District Courts are temporarily modified as follows:

Postponements

- All Summary Non-Traffic/Traffic proceedings scheduled between December 7, 2020 and January 8, 2021, shall be postponed to a date certain after January 8, 2021 with the exception of Truancy cases as indicated below.
 - All Landlord-Tenant proceedings scheduled between December 7, 2020 and January 8, 2021 shall be postponed to a date certain after January 8, 2021.
 - Civil proceedings scheduled between December 7, 2020 and January 8, 2021, in which the defendant has notified the Court that they intend to defend the case pursuant to Pa.R.C.P.M.D.J. 304(4)(a), shall be postponed to a date certain after January 8, 2021.
 - Civil proceedings scheduled between December 7, 2020 and January 8, 2021, where the defendant has not notified the Court that they intend to defend the case pursuant to Rule 305(4), shall remain on the docket. In such cases:
 - A. If, prior to the scheduled hearing date, the defendant notifies the Court that they intend to defend the case, the case shall be postponed to a date certain after January 8, 2021, or
 - B. If the defendant appears on the scheduled hearing date, the case shall be postponed to a date certain after January 8, 2021.
- If the defendant fails to comply with (A) or (B) above, then a judgment may be entered against the defendant by default pursuant to Rule 319(B).
- Civil proceedings in which all parties agree to conduct the hearing using Advanced Communication Technology may be conducted remotely.

- Truancy cases may be conducted remotely using Advanced Communication Technology at the discretion of the Magisterial District Judge.
- Preliminary hearings for non-incarcerated individuals scheduled between December 7, 2020 and January 8, 2021, shall be postponed to a date certain after January 8, 2021.

In-Person Hearings

There will be no in-person hearings in the Magisterial District Courts except:

- Preliminary Hearings for incarcerated individuals shall proceed as scheduled, with as many participants appearing by Advanced Communication Technology as possible, including witnesses and attorneys. Participants that cannot appear by ACT are permitted to appear in person.
- Emergency PFA Petitioners may appear in person to present their petitions per the August 31, 2020 Emergency Operations Order.
- Preliminary Arraignments will proceed per the August 31, 2020 Emergency Operations Order.

The Magisterial District Courts shall remain open to the public and open for case filings, payments and case processing.

Pittsburgh Municipal Court

The operations in Pittsburgh Municipal Court are temporarily modified as follows:

Postponements

- Non-Traffic summary proceedings scheduled between December 7, 2020 and January 8, 2021, shall be postponed to a date certain after January 8, 2021.
- Preliminary hearings for non-incarcerated individuals scheduled between December 7, 2020 and January 8, 2021, shall be postponed to a date certain after January 8, 2021.

In-Person Hearings

There will be no in-person hearings at Pittsburgh Municipal Court except:

- Traffic summary proceedings will take place in person as scheduled at the David L. Lawrence Convention Center.
- Preliminary Hearings for incarcerated individuals shall proceed as scheduled, with as many participants appearing by Advanced Communication Technology as possible, including witnesses and attorneys. Participants that cannot appear by ACT are permitted to appear in person.
- Emergency PFA Petitioners may appear in person to present their petition per the August 31, 2020 Emergency Operations Order.
- Preliminary Arraignments will proceed per the August 31, 2020 Emergency Operations Order.

Pittsburgh Municipal Court shall remain open to the public and open for case filings, payments and case processing.

All other provisions of the Emergency Operations Plan Order entered on August 31, 2020 shall remain in effect. All Court facilities shall remain open

to the public and open for case filings and other business except as described above. Should the situation in Allegheny County regarding the number of positive COVID-19 tests in Allegheny County improve prior to January 8, 2021, this Order may be modified to permit some additional in-person proceedings including jury trials. Further Order of Court will be issued on or before January 8, 2021.

BY THE COURT:



_____, P. J.

Kim Berkeley Clark
President Judge

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

EMERGENCY JUDICIAL ORDER

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) Administrative Docket

) AD 185 2020 CI

ORDER OF COURT

AND NOW this 17th day of September 2020, it is hereby ORDERED, JUDGED AND DECREED that Non-Jury Trials identified on all published trial lists which are currently suspended pursuant to President Judge Clark's Emergency Order of August 31, 2020 may be specially set for a remote Non-Jury trial under the following circumstances:

- Should all parties agree and present a consented-to Motion to the Calendar Control Judge requesting that the Non-Jury trial be specifically set for remote Non-Jury trial; or
- Should the parties not agree, but one party wishes to proceed with a remote Non-Jury trial, the moving party may present a contested Motion to the Calendar Control Judge requesting that the case be scheduled for remote Non-Jury trial, and the Calendar Control Judge will rule upon the contested Motion; or
- At the parties' request, and at the Administrative Judge's or Calendar Control Judge's discretion, Non-jury trials may be heard in person utilizing all COVID-19 Safety Protocols as set forth in P.J. Clark's Order of August 31, 2020. Parties wanting to have their case heard in person must present a Motion to either the Calendar Control Judge or the Civil Division Administrative Judge explaining why their case cannot be tried remotely.

BY THE COURT,

Christine A. Ward J.

SEPT. OF COURT REC'D
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

2020 SEP 18 PM 3:40

FILED