

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: 31st JUDICIAL DISTRICT – : No. 48 MM 2020
DECLARATION OF JUDICIAL EMERGENCY :

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

IN RE: JUDICIAL EMERGENCY ORDER : NO. 2020-J-0094

4th AMENDED EMERGENCY ORDER

AND NOW, this 21 day of April, 2020, the Court having declared a judicial emergency in the 31st Judicial District of Pennsylvania on March 17, 2020, and extended it by declaration filed on April 3, and April 21, 2020; it being the intention to protect the health and safety of the public and court employees and maintain as high a level of operations and service as possible without compromising legal rights; and in accordance with the Supreme Court's Order of April 1, 2020, in In Re General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket);

IT IS ORDERED each judicial office may conduct such business, including court proceedings, by telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing and other advanced communication technology as it determines to be appropriate and feasible, subject to constitutional restrictions.

IT IS FURTHER ORDERED the work of the Court shall be processed as follows:

1.) Civil Division:

a.) All walk-in weekly 9:00 a.m. Civil Motions Courts are cancelled through and

including May 31, 2020.

- b.) Arbitrations, jury trials and non-jury trials are continued through and including May 31, 2020, to a new date to be determined.
- c.) Hearings, arguments and conferences (status, pre-trial and settlement) scheduled through May 31, 2020, will be conducted by the assigned Judge utilizing advanced communication technology; otherwise, will be continued to a new date after May 31, 2020.
- d.) Emergency civil matters (e.g. petitions seeking injunctions, stays or other relief related to public health *involving immediate and irreparable harm*) will be scheduled in the normal course.
- e.) Non-emergency unassigned miscellaneous matters (e.g., structured settlements, etc.) are continued through and including May 31, 2020, to a new date to be determined; except, Petitions for Change of Name shall remain as scheduled for the Court to call the courtroom for objectors, but petitioners are excused from appearing at that time and will be notified of a new date for hearing without the necessity to re-advertise to the new date.
- f.) Magisterial District Judge civil hearings scheduled through and including May 31, 2020, are continued to a new date to be determined by the Magisterial District Judge.
- g.) Mortgage conciliation conferences scheduled through and including May 31, 2020, are continued to a new date to be determined.
- h.) License suspension and title for motor vehicle hearings scheduled through and including May 31, 2020, are continued to a new date to be determined.
- i.) Mental health review hearings pursuant to 50 P.S. §7302 will be scheduled in the normal course.

2.) Family Division:

- a.) Preliminary, final and dismissal/withdrawal hearings under the Protection From Abuse Act will be scheduled in the normal course.
- b.) Indirect criminal contempt hearings under the Protection From Abuse Act will be scheduled by the Family Court Office.
- c.) Custody conferences before the Custody Hearing Officers will be conducted as scheduled through the use of advanced communication technology.
- d.) Custody hearings before the Custody Hearing Officers are continued through and including May 31, 2020, to a new date to be determined.
- e.) Custody pre-trial conferences before Judges may be conducted through the use of advanced communication technology as determined by the assigned Judge; otherwise, such conferences will be continued through and including May 31, 2020, to a new date to be determined.
- f.) Custody trials before Judges are continued through and including May 31, 2020, to a new date to be determined.
- g.) Emergency custody petitions will be scheduled in the normal course; see, the Court's website at <https://www.lccpa.org/Covid19>.
- h.) Domestic Relations conferences will be conducted as scheduled through the use of advanced communication technology.

- i.) Domestic Relations hearings and exceptions are continued through and including May 31, 2020, to a new date to be determined.
- j.) Domestic Relations bench warrants will be scheduled in the normal course.
- k.) Divorce Master's conferences, including the initial conference and settlement conference, will be conducted through the use of advanced communication technology.
- l.) Divorce Master's hearings are continued through and including May 31, 2020, to a new date to be determined.
- m.) Emergent miscellaneous motions and petitions will be scheduled in the normal course; non-emergent miscellaneous motions and petitions are continued through and including May 31, 2020, to a new date to be determined.

3.) Criminal Division:

- a.) Jury and non-jury trials are continued through and including May 31, 2020, to a new date to be determined.
- b.) Summary appeals and Gagnon II hearings are continued through and including May 31, 2020, to a new date to be determined.
- c.) Gagnon I hearings will be scheduled in the normal course.
- d.) Costs, fines and restitution hearings are continued through and including May 31, 2020, to a new date to be determined.
- e.) Bench warrants, body attachments and other emergency matters will be scheduled in the normal course.
- f.) Hearings that have the prospect of releasing the defendant from incarceration (e.g., bail review, habeas corpus, pleas, time-served sentencings, early parole, etc.) shall be scheduled in the normal course upon the joint request of the Commonwealth and the defendant and may be held by video-conferencing with the consent of the defendant.
- g.) All other hearings scheduled through and including May 31, 2020, are continued to a new date to be determined by the Assigned Judge.
- h.) Magisterial District Judge criminal preliminary arraignments and preliminary hearings will be scheduled in the normal course.
- i.) Magisterial District Judge summary trials and truancy hearings scheduled through and including May 31, 2020, are continued to a new date to be determined by the Magisterial District Judge.

4.) Juvenile Division:

- a.) Delinquency detention, adjudication, disposition and review of placement hearings for juveniles held in secure detention will be scheduled in the normal course and conducted by advanced communication technology as feasible.
- b.) Delinquency adjudication and disposition hearings for juveniles not held in secure detention scheduled through May 31, 2020, are continued to a new date to be determined.
- c.) Delinquency review of disposition hearings will be continued through and including May 31, 2020, to a new date to be determined.
- d.) Dependency adjudication, disposition, shelter care and permanency review hearings scheduled through and including May 31, 2020, will be conducted by

telephone or video conference methods with all counsel and parties as scheduled before the juvenile hearing officers by Administrative Judge Reichley.

5.) Orphans' Court Division:

- a.) Emergency incapacity petitions pursuant to 20 Pa.C.S.A. §5513 will be heard on a case-by-case basis per instructions published on the Orphans' Court section of the Court's website at <https://www.lccpa.org/Covid19>.
- b.) Incapacity hearings scheduled for May 12 and 29, 2020, before Judge Varricchio will be conducted by advanced communication technology as feasible.
- c.) Adoption hearings scheduled for May 15, 2020, before Judge Pavlack will be conducted by advanced communication technology as feasible.
- d.) Termination of Parental Rights hearings scheduled for April 23, 24, 27 and 28, 2020, are continued to new dates after May 31, 2020, to be set by separate scheduling orders.
- e.) Conferences scheduled on May 14, 2020, before Judge Reibman and May 18, 2020, before Judge Johnson will be conducted by advanced communication technology.
- f.) Audits remain as scheduled for May 15, 2020.
- g.) Hearings scheduled for May 18 and May 19, 2020, before Judge Johnson are continued to June 29 and 30, 2020.
- h.) Lehigh County residents who have confirmed wedding dates in April and May 2020 may submit applications for marriage licenses pursuant to directions published on the Marriage License section of the Court's website <https://www.lccpa.org/Covid19>.

6.) Sheriff's Sales scheduled for March 27, April 24 and May 29, 2020, are continued to June 26, 2020.

IT IS FURTHER ORDERED the operation of Pa.R.Crim.P.No. 600 is suspended in the 31st Judicial District through May 31, 2020, so that the time period from the date of this order through May 31, 2020, shall be excluded from the time computation under Pa.R.Crim.P.No. 600(C) without prejudice to a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions.

IT IS FURTHER ORDERED time calculations for the purpose of time computation relevant to court cases and other judicial business, as well as time deadlines, are suspended through May 31, 2020, subject to constitutional restrictions.

IT IS FURTHER ORDERED any legal papers, pleadings, motions or petitions, including original service, required to be filed or effected between March 17, 2020, and May 31, 2020, shall be deemed to have been filed timely if they are filed by June 22, 2020, or on a later date as permitted by court order, subject to constitutional restrictions, statute of limitations or appellate court direction.

IT IS FURTHER ORDERED Payments rendered to the Magisterial Court shall not be made in person, but may be accepted by mail, electronically (online), or by telephone. In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District court shall issue a hearing notice scheduling a payment determination hearing to be held on a new date after May 31, 2020. Such missed payment or default shall not result in the issuance of an arrest warrant for failure to make payment, nor shall the non-payment result in driving privileges being suspended prior to such hearing.

IT IS FURTHER ORDERED, through and including May 31, 2020, no officer, official or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a monetary payment. Such payments include rent, loan, mortgage loan, property tax and other similar payments. Nothing herein is intended to preclude requests for orders of possession resulting from judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed through May 31, 2020, subject to further order.

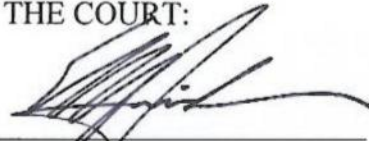
IT IS FURTHER ORDERED all proceedings, including preliminary objections, motions for judgment on the pleadings, discovery and post-trial motions, in all civil cases in which a party is a healthcare professional, para-professional or institution directly providing screening, diagnosis, treatment or care for anyone suspected of having or having COVID-19 are STAYED through May 31, 2020; provided, however, the aforesaid stay may be lifted, in whole or in part, on a case-by-case basis upon application and a showing of prejudice more than mere delay.

IT IS FURTHER ORDERED, NOTWITHSTANDING THE ABOVE, ANY AGREEMENT OR STIPULATION IN ANY MATTER MAY BE SUBMITTED TO THE ASSIGNED JUDGE OR, IF NO ASSIGNED JUDGE, THEN TO THE COURT ADMINISTRATOR.

IT IS FURTHER ORDERED, to the extent possible, all proceedings shall be undertaken consistent with guidance from the United States Centers for Disease Control and Prevention.

IT IS FURTHER ORDERED this Order supersedes all previous Emergency Orders.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Edward D. Reibman', written over a horizontal line.

EDWARD D. REIBMAN, P.J.