

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

IN RE: 31<sup>st</sup> 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

**5<sup>th</sup> AMENDED EMERGENCY ORDER**

AND NOW, this 29<sup>th</sup> day of May, 2020, the Court having declared a judicial emergency in the 31<sup>st</sup> Judicial District of Pennsylvania through June 30, 2020, by declarations filed on March 17, April 3, April 21, and May 29, 2020;

AND 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 May 27, 2020, in In Re General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket);

IT IS ORDERED:

- 1.) The Court's 4<sup>th</sup> Amended Emergency Order is extended through and including June 7, 2020.
- 2.) Effective June 8, 2020, all matters and proceedings shall be scheduled and conducted in the normal course EXCEPT:

a.) All matters and proceedings that can be conducted by advanced communication technology (Zoom, Polycom, telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing, etc.), shall be conducted by advanced communication technology, notwithstanding any general order of court to the contrary but subject to constitutional limitations.

b.) In general, all matters and proceedings requiring in-person attendance, i.e. NOT being conducted by advanced communication technology, shall be scheduled for on/after July 1, 2020.

c.) All in-person proceedings shall be limited to no more than 25 persons in the Common Pleas and no more than 10 persons in the Magisterial District Courts.

d.) Jury trials remain suspended through August 2, 2020, and may resume on August 3, 2020, with priority being given to criminal cases involving Pa.R.Crim.P. 600 or other "speedy trial" issues, incarcerated defendants or felony charges.

e.) Civil Division:

(1) Civil walk-in weekly 9:00 a.m. motions in assigned cases may resume on June 15, 2020.

(2) Petitions for Change of Name and Petitions for a Certificate of Title to a Motor Vehicle 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.

(3) 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 remain STAYED through June 30, 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.

f.) Criminal Division:

(1) Costs, fines and restitution hearings may resume on/after June 15, 2020.

g.) Orphans' Court Division:

(1) Hearings scheduled for May 18 and May 19, 2020, before Judge Johnson are continued to June 29 and 30, 2020.

h.) Magisterial District Courts:

(1) All preliminary hearings will be held through Central Court with the issuing authority as the presiding judge until July 31, 2020, and, when possible, shall be conducted by advanced communication technology.

(2) Payment rendered to the Magisterial District Court prior to July 1, 2020, shall not be made in person, but may be accepted by mail, electronically (on-line), 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 on/after July 1, 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.

(3) Existing Landlord/Tenant actions filed for any reason of eviction:

a) All possession orders issued prior to March 19, 2020, effectuating evictions are stayed through June 7, 2020, regardless of when the action was commenced. The Magisterial District Judge shall reissue the order for possession and deliver it to the Constable or Sheriff for service and execution. The costs for reissuance of the order of possession shall be charged to the County of Lehigh.

(4) Landlord/Tenant actions involving “federally funded covered Properties”:

a) Actions initiated before March 27, 2020, may proceed to a hearing after June 7, 2020, but no eviction may occur before July 10, 2020.

b) Actions initiated on/after March 27, 2020, for failure to pay rent or other fees, are stayed until July 25, 2020.

c) New actions may not be initiated before July 25, 2020. The landlord may issue a 30-day notice to quit (not a 10-day notice) on/after July 25, 2020, and a complaint may be filed on/after August 24, 2020.

(5) Landlord/Tenant actions for failure to pay rent or overstaying the expiration of a lease NOT involving “federally funded covered properties” shall proceed as follows:

a) Possession orders and orders effectuating evictions are stayed through June 7, 2020, regardless of when the action was commenced. After June 7, 2020, actions filed prior to May 11, 2020 may proceed to a hearing in the normal course, but no eviction shall be effectuated until after July 10, 2020.

b) No filings for failure to pay rent or overstaying the expiration of a lease may be accepted between May 11 and July 9, 2020. Any such filing that was accepted between May 11, and July 9, 2020, shall be returned to the Plaintiff and all filing fees and service fees refunded.

c) A landlord may issue notice to quit or, if notice to quit was given prior to May 11, 2020, or is waived in the lease, the landlord may file a complaint for any reason on/after July 10, 2020.

d) Until the expiration of the CARES Act, all landlord/tenant filings, initial complaints and requests for possession for failure to pay rent or for overstaying the terms of a lease shall include an affidavit signed by the landlord verifying the action does not involve a "federally funded covered property." An Affidavit of Compliance with the "CARES Act" shall be available on the Lehigh County website beginning June 7, 2020.

(6) Landlord/Tenant actions for cases other than nonpayment of rent or overstaying the expiration of a lease shall proceed to a hearing after June 7, 2020, but no eviction shall be effectuated until after July 10, 2020.

IT IS FURTHER ORDERED proceedings under the Loan Interest and Protection Law, 41 P.S. § 101 et. seq., ("Act 6"); the Homeowners Emergency Assistance Act, 35 P.S. §1680.41 et. seq., ("Act 91"); the Landlord and Tenant Act of 1951, 68 P.S. § 250.101 et seq.; and the Manufactured Home Community Rights Act, 68 P.S. §398.1 et. seq., are stayed until July 10, 2020, subject to requirements of the Magisterial District Courts section of this order.

IT IS FURTHER ORDERED, through and including July 10, 2020, no officer, official or other person employed by the Pennsylvania Judiciary at any level shall effectuate an ejection or other displacement or eviction from a residence based upon the failure to make a monetary payment or overstaying the term of a lease, subject to the requirements of the Magisterial District Court Section of this order. Such payments include rent, loan, mortgage loan, property tax and other similar payments.

IT IS FURTHER ORDERED the Sheriff's Sales scheduled for March 27, April 24 and May 29, 2020, are continued to 10:00 a.m. on Friday, June 26, 2020, at Cedar Crest College, Alumnae Hall Auditorium, 100 College Drive, Allentown, PA 18104.

IT IS FURTHER ORDERED the operation of Pa.R.Crim.P.No. 600 is suspended in the 31<sup>st</sup> Judicial District through September 30, 2020, so that the time period from March 17, 2020, through September 30, 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 all other time calculations for the purpose of time

computation relevant to court cases and other judicial business, as well as time deadlines, are suspended through June 30, 2020, subject to constitutional restrictions.

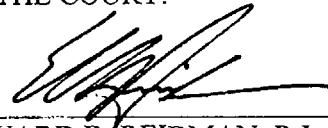
IT IS FURTHER ORDERED any legal papers, pleadings, motions or petitions, including original service, required to be filed or effected between March 17, 2020, and June 30, 2020, shall be deemed to have been filed timely if they are filed by July 20, 2020, or on a later date as permitted by court order, subject to constitutional restrictions, statute of limitations or appellate court direction.

IT IS FURTHER ORDERED, 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 employees, court users and visitors to any court facility, court proceedings or court-related function shall follow the U.S. Centers for Disease Control and Pennsylvania Department of Health guidelines, including wearing face masks and maintaining social distancing.

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

BY THE COURT:



EDWARD D. REIBMAN, P.J.