

**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

8th AMENDED EMERGENCY ORDER

AND NOW, this ^{19th} day of November, 2020, the Court having declared a judicial emergency in the 31ST Judicial District of Pennsylvania through February 28, 2021, by declarations filed on March 17, April 3, April 21, May 29, June 17, August 31, and November 19, 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, as used herein:

- 1.) "judicial officer" includes a Judge of the Court of Common Pleas, Magisterial District Judge, Master and Hearing Officer.
- 2.) "advanced communication technology" includes Zoom, WebEx, Polycom, telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing, and similar such devices and systems to enable remote communication.

IT IS FURTHER ORDERED, subject to constitutional limitations, the work of the Court shall be processed as follows:

1) Civil Division:

- a.) Jury trials are suspended through February 28, 2021, to a new date to be determined.

b.) License suspension hearings and mortgage foreclosure conciliation conferences are continued through December 31, 2020, to a new date to be determined.

c.) All other proceedings, including non-jury trials, arbitrations, motions and petitions (including unassigned miscellaneous matters, injunctions, stays, petitions for change of name, structured settlements, etc.), arguments, status conferences, pre-trial conferences, and settlement conferences shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the assigned judicial officer, in-person.

2.) Family Division:

a.) All proceedings under the Protection From Abuse Act and Domestic Relations bench warrants shall be scheduled and conducted in the normal course, i.e. in-person; except, however, incarcerated persons shall participate by advanced communication technology unless exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the assigned judicial officer, then in-person.

b.) All other proceedings, including custody conferences, pre-trial conferences and trials; Domestic Relations conferences, hearings and exceptions; Divorce Master's conferences, hearings and exceptions; and other miscellaneous motions and petitions shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the assigned judicial officer, in-person.

3.) Criminal Division:

a.) Jury trials are suspended through February 28, 2021, to a new date to be determined.

b.) Non-jury trials shall be conducted in the normal course, i.e. in-person or, with the approval of the assigned judicial officer, by advanced communication technology.

c.) Summary appeals and costs/fines/restitution hearings are continued through December 31, 2020, to a new date to be determined.

d.) Cases involving Driving Under the Influence (DUI) shall be conducted by advanced communication technology with the Defendant participating by Zoom from the Zoom kiosk in the Lehigh County Courthouse.

e.) All other proceedings, including arraignments, status conferences, pre-trial motions, guilty pleas, sentencings, ARDs, probation/parole revocation hearings, forfeiture hearings, bench warrants and body attachments shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the assigned judicial officer, in-person.

4.) Juvenile Division: All proceedings, including detention, adjudication, disposition, review, permanency review and shelter care hearings, shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be

conducted by advanced communication technology and with the approval of the assigned judicial officer, in-person.

5.) Orphans' Court Division:

a.) Lehigh County residents who have confirmed wedding dates shall submit applications for marriage licenses pursuant to directions published on the Marriage License section of the Court's website <https://www.lccpa.org/Covid19>.

b.) Emergency incapacity petitions pursuant to 20 Pa.C.S.A. §5513 shall be heard on a case-by-case basis in accordance with instructions published on the Orphans' Court section of the Court's website at <https://www.lccpa.org/Covid19>.

c.) All other proceedings, including incapacity hearings, adoption hearings, termination of parental rights hearings, audits and conferences shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the assigned judicial officer, in-person.

6.) Magisterial District Courts:

a.) Criminal hearings for non-incarcerated defendants, civil hearings and summary trials are continued through January 31, 2021, to new date to be determined unless all parties agree to attend by advanced communication technology.

b.) All other proceedings, including landlord and tenant hearings, preliminary arraignments and petitions under the Protection From Abuse Act, shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the assigned judicial officer, in-person.

c.) Preliminary hearings for incarcerated defendants shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the Magisterial District Judge Administrator, in-person.

d.) Cases involving Driving Under the Influence (DUI) shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval of the Magisterial District Judge Administrator, in-person.

e.) The Court's Order dated September 11 and filed on September 14, 2020, pertaining to landlord and tenant matters remains in full force and effect.

IT IS FURTHER ORDERED the Sheriff's Sales scheduled for November 20, and December 18, 2020, are continued to the next scheduled date.

IT IS FURTHER ORDERED the operation of Pa.R.Crim.P.No. 600 is suspended in the 31st Judicial District through February 28, 2021, so that the time period from the date of this order through February 28, 2021, 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 the service of Body Attachments is suspended through February 28, 2021.

IT IS FURTHER ORDERED all payors shall be encouraged to make payments by mail, electronically (on-line), or by telephone rather than in person.

IT IS FURTHER ORDERED 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.

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 February 28, 2021; 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, pursuant to Pa.R.J.A. No. 1952(B)(2)(d), while the judicial emergency remains in effect, access to the Lehigh County Courthouse or any court facility shall be limited to employees of the Unified Judicial System of Pennsylvania or the County of Lehigh; persons having business with the courts, departments or offices contained within such facilities; and persons observing court proceedings open to the general public consistent with the U.S. Centers for Disease Control and Pennsylvania Department of Health recommendations, including the wearing of face masks and maintaining social distancing.

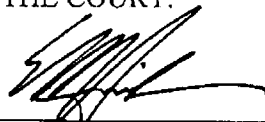
IT IS FURTHER ORDERED, all employees, court users and visitors to any court facility, court proceeding or court-related function shall follow the U.S. Centers for Disease Control and Pennsylvania Department of Health guidelines then in effect, including wearing face masks and maintaining social distancing.

IT IS FURTHER ORDERED the Sheriff of Lehigh County shall assist in implementing this Order.

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 this Order supersedes all previous Emergency Orders.

BY THE COURT:



EDWARD D. REIBMAN, P.J.