

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32<sup>nd</sup> JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020  
: :  
*Judicial Emergency* :  
*Declaration Extension*<sup>1</sup> : DELAWARE COUNTY NO. 5120-17

**FIFTH ORDER EXTENDING THE THIRTY- SECOND (32<sup>ND</sup>) JUDICIAL DISTRICT'S PAST DECLARED EMERGENCY**

AND NOW, this 20<sup>th</sup> day of October, 2020, this court having previously declared in the 32<sup>nd</sup> judicial district (Delaware County) a judicial emergency<sup>2</sup> and subsequently extended that emergent declaration<sup>3</sup> pursuant to such orders of the Pennsylvania Supreme Court sanctioning the same,<sup>4</sup> as well as Pa.R.J.A. No. 1952(B)(1)(2), and the Supreme Court of Pennsylvania by its orders of April 28, 2020, and May 27, 2020,<sup>5</sup> having authorized the judicial districts' president judges as believed appropriate grounded on local conditions to extend past declared judicial emergencies within a court district,<sup>6</sup> it is hereby **ORDERED** and **DECREED** that the 32<sup>nd</sup> judicial district (Delaware County) remains in a continuing state of judicial emergency because of the yet ongoing COVID-19 public health crisis.<sup>7</sup>

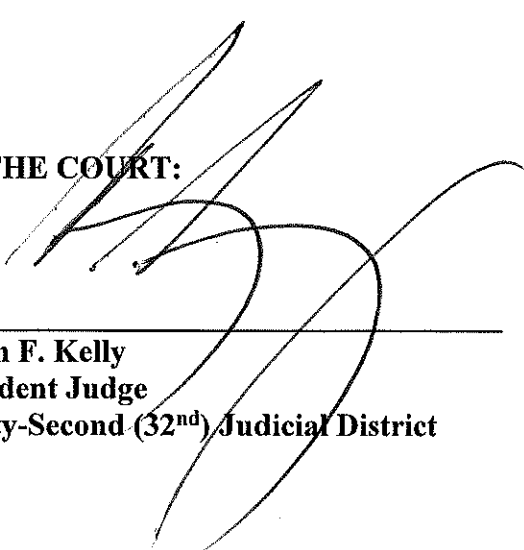
This fifth extension of the prior judicial emergency declaration<sup>8</sup> **SHALL** become **EFFECTIVE IMMEDIATELY** on the same being filed electronically with the Supreme Court of Pennsylvania's Prothonotary Office and **SHALL** continue through and including **JANUARY 31, 2021**, with this court then yet having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s) unless amended, rescinded, modified and/or superseded by a subsequent order of the Pennsylvania Supreme Court.<sup>9</sup>

This court acting under its original emergency declaration, as well as its extensions of the same,<sup>10</sup> and those attendant authorities per Pa.R.J.A. No. 1952(B)(2)(a-s), previously entered a series of emergent orders, the most recent of which by their plain terms still remain in effect through October 31, 2020,<sup>11</sup> unless as presently anticipated such are extended and/or amended allowing for some appropriately measured incremental increase of court operations consistent with the instant order recognizing the COVID-19 driven judicial emergency continuing until at least January 31, 2021.

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).<sup>12</sup>

**BY THE COURT:**



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**Kevin F. Kelly**  
**President Judge**  
**Thirty-Second (32<sup>nd</sup>) Judicial District**

<sup>1</sup> See Pa.R.J.A. No. 1952(B)(1)(2). See also Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; March 24, 2020; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; and Fourth Order Extending Emergency Declaration dated July 8, 2020.

<sup>2</sup> See Emergency Declaration dated March 17, 2020. See also Pa.R.J.A. No. 1952(B)(1)(2).

<sup>3</sup> See Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; and Fourth Order Extending Emergency Declaration dated July 8, 2020.

<sup>4</sup> See Orders dated March 16, 2020; March 18, 2020; April 1, 2020; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; and Fourth Order Extending Emergency Declaration dated July 8, 2020.

<sup>5</sup> See Orders dated April 28, 2020, pp. 2-5 and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

<sup>6</sup> See Orders dated April 28, 2020, pp. 2-5, and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“ ... Pa. reports biggest one-day increase since June 5. ... Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties ... ”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020, Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday – an increase of 398% ... . ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardel, a spokesperson from the state Health Department, said ... ”); August 14, 2020, Section A, p. 1 (“ ... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. ... Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“ ... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ... ”); October 7, 2020, Section A, 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring ... . Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania ... ”); October 8, 2020, Section A, p. 9 (“ ... [S]ince the end of August the average number of new

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coronavirus cases reported each day nearly doubled in Pennsylvania ... . Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week ... .”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months ... .”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing ... , even after warnings last week from officials advising the public to double down on safety practices. ... The commonwealth was averaging 1,300 new cases a day over the last seven days ... . ... Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125 ... .”); and October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases ... , the highest one-day count since April 24 and the 10<sup>th</sup> day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day ... , the highest daily average since April 14, right after the pandemic’s first peak.”).

<sup>7</sup> See Orders dated March 16, 2020; March 18, 2020; March 24, 2020; April 1, 2020; April 28, 2020; and May 27, 2020 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; and Fourth Order Extending Emergency Declaration dated July 8, 2020.

<sup>8</sup> See Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; and Fourth Order Extending Emergency Declaration dated July 8, 2020.

<sup>9</sup> See Pa.R.J.A. No. 1952(B)(1).

<sup>10</sup> See Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May 27, 2020; and Fourth Order Extending Emergency Declaration dated July 8, 2020.

<sup>11</sup> See Fourth Emergency Order Extension – Civil Section dated July 22, 2020; Fourth Emergency Order Extension – Criminal Section dated July 24, 2020; Fourth Emergency Order Extension – Magisterial District Court Operations, *as Amended*, dated September 11, 2020; Fourth Emergency Order Extension – Family Section, *as Amended*, dated August 19, 2020; and Fourth Order Extending Emergency Postponement of Community Service ... dated July 27, 2020.

<sup>12</sup> See Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.