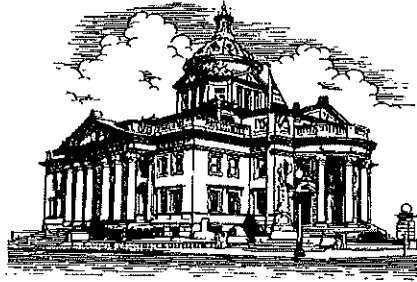


D. GREGORY GEARY
PRESIDENT JUDGE

SCOTT P. BITTNER
JUDGE

DANIEL W. RULLO
JUDGE



TAMMY J. LAMBIE
COURT ADMINISTRATOR

111 EAST UNION STREET
SUITE 200
SOMERSET, PA 15501

(814)445-1473 FAX (814)445-1455

SOMERSET COUNTY COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL DISTRICT

March 25, 2020

Supreme Court of Pennsylvania
C/O John Vaskov, Esq
Deputy Prothonotary
801 City-County Building
414 Grant Street
Pittsburgh, PA 15219


Dear Mr. Voskov Esquire,

Enclosed is Somerset County's Administrative Docket Order outlining our policies and procedures during this pandemic for filing.

I will also be emailing this to the State Court Administrator and Stacey Witalec for publication on the AOPC website.

Thanks in advance for filing.

Stay safe and healthy!!!


Tammy Lambie

CC: Geoff Moulton, State Court Administrator
Stacey Witalec, Communications Director
file

**IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY, PENNSYLVANIA
ADMINISTRATIVE DOCKET**

IN RE: SIXTEENTH JUDICIAL
DISTRICT, EMERGENCY
OPERATIONS

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No. _____ AD 2020

ORDER OF COURT

AND NOW, this twenty-fifth day of March, 2020, consistent with the Orders of the Supreme Court of Pennsylvania dated March 16, 2020, and March 18, 2020, this Court now issues the following directives:

GENERAL DIRECTIVES

1) Subject to the Specific Directives below, all court facilities **SHALL BE CLOSED TO THE PUBLIC** as to non-essential functions through **April 14, 2020**. Essential Functions include the following:

- i. Emergency bail review and habeas corpus hearings;
- ii. Gagnon I hearings;
- iii. Bench warrant hearings pursuant to Rule of Criminal Procedure 150;
- iv. Juvenile Delinquency detention;
- v. Juvenile emergency shelter and detention hearings;
- vi. Temporary protection from abuse hearings;
- vii. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- viii. Emergency petitions for guardianship;
- ix. Civil mental health reviews, *see*, 50 P.S. § 7302;
- x. Emergency equity civil matters (injunctions and stays);
- xi. Any pleading or motion relating to public health concerns and involving immediate and irreparable harm; and

xii. Commencement of a civil action, by *praecipe* for a writ of summons, for purposes of tolling a statute of limitations.

2) If practicable, all persons seeking to avail themselves of this Court's essential functions **SHALL** initiate contact with the Court by telephoning the appropriate Row or Court Office (e.g., Clerk of Courts, Register of Wills, Prothonotary, Court Administrator, etc.). Row/Court Office staff shall instruct said persons how to proceed.

3) Unless otherwise indicated herein, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are **SUSPENDED** through April 14, 2020, subject to additional orders of this Court.

4) Any legal papers or pleadings which are required to be filed between March 19, 2020, and April 14, 2020, **SHALL BE DEEMED** to have been timely filed if they are filed by April 17, 2020, or on a later date as permitted by this Court upon consideration of the potential volume of such filings. Alternative methods of signing, delivery and service of court documents shall be **PERMITTED**.

5) Use of advanced communication technology to conduct court proceedings is **ENCOURAGED AND SHALL BE USED IF POSSIBLE**. Advanced communication technologies include videoconferencing, teleconferencing, and email.

6) When a court reporter is unavailable for any court proceeding, alternate forms of recording **SHALL BE PERMITTED**.

7) In order to limit potential COVID-19 exposure which could result from judges, court staff, and county agency staff interaction with the public, all persons entering the Court of Common Pleas of the Sixteenth Judicial District, and its magisterial district courts, for an essential function **SHALL BE REQUIRED** to answer COVID-19 screening questions.

8) If a person seeks a protection from abuse (PFA) order after 4:30 p.m., the person should call 911 and a police officer will arrange an immediate hearing before a magisterial district judge.

**SPECIFIC DIRECTIVES FOR THE COURT OF COMMON PLEAS, SIXTEENTH
JUDICIAL DISTRICT**

1) All court calendars, scheduling notices, subpoenas or other court orders compelling the appearance of any attorney, litigant, or other participant in any non-essential case are hereby continued or postponed until further order of the Court.

2) Jury, non-jury trials and accompanying proceedings, both criminal and civil, are **SUSPENDED** and will be scheduled for a date in the future by this Court.

3) **Jurors SHALL NOT REPORT for jury duty on or before April 14, 2020.**

4) Unless otherwise required herein, **any in-person** pretrial conference, case management conference, status conference, diversionary conference, discovery motions practice, motions practice or other hearing, whether civil or criminal, **IS HEREBY POSTPONED** until a future date to be set forth by this Court. To the extent that such matters may be handled through advanced communication technology consistent with constitutional limitations, **THEY MAY AND SHOULD PROCEED.**

5) Bail review requests and requests for habeas corpus **SHALL BE REVIEWED** on a case-by-case basis consistent with the Rules of Criminal Procedure and the Pennsylvania Constitution.

6) If a person seeking to avail himself/herself of an essential judicial function fails COVID-19 screening under General Directive 7, all proceedings involving that person **MUST** be conducted through use of advanced communication technology. Further, that person **SHALL** be required to wear a protective mask and gloves throughout the time the person is present in the courthouse.

7) It is further **DIRECTED** that, during the period encompassed by this Order, 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 rent, loan, or other similar payment. Nothing herein is intended to preclude requests for

orders of possession resulting from judgment entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed to a date on or after April 14, 2020, subject to further orders.

8) Until further Order of Court, no inmate will be transported to the Court from a state correctional institution or county jail. Essential functions involving inmates **MUST** be conducted through use of advanced communication technology.

**SPECIFIC DIRECTIVES FOR THE MAGISTERIAL DISTRICT COURTS IN
SOMERSET COUNTY**

1) Magisterial District Courts in Somerset County **SHALL BE CLOSED TO THE PUBLIC, as to non-essential functions through April 14, 2020.** Essential functions include the following:

- i. Preliminary arraignments (bail setting) in criminal cases;
- ii. Resulting preliminary hearings for incarcerated individuals **ONLY**;
- iii. Criminal case filing and subsequent processing;
- iv. Issuance of search warrants;
- v. Emergency protection from abuse petitions; and
- vi. Hearings pursuant to 42 Pa.C.S. § 5761 (*Nebbia* Hearings).

2) Advanced Communication technology or closed-circuit video technology **SHALL BE USED** to complete as many of these functions as practicable consistent with constitutional limitations, and necessary accommodations shall be made, to the extent practicable, to ensure that these essential functions can be adjudicated by use of such technology.

3) All other cases pending in the Magisterial District Courts of the Sixteenth Judicial District are **POSTPONED**.

4) Payments rendered to the Magisterial District Courts **SHALL NOT BE MADE IN PERSON** but may be accepted by mail, electronically (online), or by telephone.

5) If any payment is missed or a default of 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 after April 14, 2020 or such date as shall be subsequently specified. Such missed payments and defaults **SHALL NOT RESULT** in the issuance of an arrest warrant for failure to make payment, nor shall non-payment result in driving privileges being suspended prior to such hearing.

6) If a person seeking to avail himself/herself of an essential judicial function fails COVID-19 screening under General Directive 7, all proceedings involving that person **MUST** be conducted through use of advanced communication technology. Further, that person **SHALL** be required to wear a protective mask and gloves throughout the time the person is present in the magisterial district court offices.

SPECIFIC DIRECTIVES FOR OTHER OFFICES IN THE SIXTEENTH JUDICIAL DISTRICT

1) The Somerset County Domestic Relations Office will be **CLOSED TO THE PUBLIC** through **April 14, 2020**. All filings shall be submitted electronically. No conferences or hearings will be scheduled. The Director is permitted to adopt personnel and other safety measures she deems necessary to protect staff from potential COVID-19 exposure.

2) Somerset County Probation Services will be available to handle **ESSENTIAL FUNCTIONS** but otherwise will be **CLOSED TO THE PUBLIC** through **April 14, 2020**. To the extent possible, supervision services will be handled using advanced communications technology. The Director is permitted to adopt personnel and other safety measures he deems necessary to protect staff from potential COVID-19 exposure.

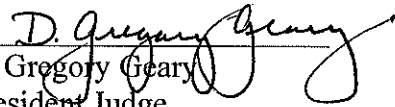
3) The Somerset County Child Custody Office will be available to handle **ESSENTIAL FUNCTIONS** but otherwise will be **CLOSED TO THE PUBLIC** through **April 14, 2020**. To the extent possible, custody services will be handled using advanced communications technology. The Director is permitted to adopt personnel and other safety measures he deems necessary to protect staff from potential COVID-19 exposure.

4) Arbitrations and Hearings before a Board of Viewers through **April 14, 2020** are **POSTPONED** and will be rescheduled by further Order of Court.

5) Somerset County Law Library will remain **CLOSED** to the public until further notice.

6) The Somerset County Booking Center will be **CLOSED TO THE PUBLIC** through **April 14, 2020**.

BY THE COURT:



D. Gregory Geary
President Judge

DATE: March 25, 2020