

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: TEMPORARY AMENDMENT)
TO FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 31st day of March 2021, this Court continues to recognize that, due to the high number of positive COVID-19 tests in Allegheny County, ongoing efforts must be made to reduce the amount of people present in court facilities while keeping the courts open to the public. Accordingly, the Court extends its February 24, 2021 temporary amendment of its August 31, 2020 Emergency Operations Order with some modifications and it is hereby **ORDERED** that the following measures be taken pursuant to Pa.R.J.A. No. 1952(B)(2) effective Monday, April 5, 2021 through Friday, April 30, 2021:

Court of Common Pleas

During this period of time, all matters shall be conducted remotely via Advanced Communication Technology (ACT) and no in-person hearings or proceedings shall occur in any division of the Court of Common Pleas other

than as set forth below. All proceedings that can be conducted remotely shall proceed as scheduled subject to the following provisions.

Postponements

- All proceedings scheduled on or prior to April 30, 2021 that cannot be conducted using ACT or in person, as permitted pursuant to this Order, shall be postponed to a date certain after April 30, 2021 pursuant to the procedures for each division.
- All published Civil Division trial lists continue to be suspended subject to the Order of September 17, 2020 (AD 185 of 2020) concerning non-jury trials and the Order of February 5, 2021 (AD 27 of 2021) concerning in-person jury trials.
- Recognizing that the September 4, 2020 Center for Disease Control and Prevention's Order temporarily halting certain evictions nationwide (CDC Order) has been extended through June 30, 2021 and may be further extended, all Civil Division Orders of Court staying a case pursuant to the terms of the CDC Order are hereby extended through June 30, 2021 and further through any additional extension of the CDC Order.
- All in-person arbitration hearings are suspended through April 2, 2021.
 - All previously scheduled fully remote arbitration hearings conducted using ACT shall proceed as scheduled. If an in-person hearing has been suspended pursuant to this Order, the parties may request a fully remote arbitration hearing using ACT. The parties requesting a fully remote ACT arbitration hearing shall do so utilizing the forms, instructions and protocols found on the Court's website at <https://www.alleghenycourts.us/civil/arbitration.aspx>.
 - If an arbitration hearing is continued pursuant to this Order and the parties do not seek a fully remote arbitration hearing, the Court will reschedule the arbitration and the Department of Court Records will send notice of the new arbitration hearing date to the parties.

In-Person Hearings

- ICC Hearings for incarcerated individuals shall proceed as scheduled in the Family Division, with as many participants appearing by ACT as possible, including witnesses and attorneys.
- Delinquency adjudication hearings for juveniles who request an in-person hearing may proceed in person with as many participants appearing by ACT as possible, including witnesses and attorneys. No other juvenile court hearings or proceedings shall be conducted in person.
- In the Criminal Division, only non-jury trials, motions which require witness testimony, and sentencing hearings and pleas where there is a likelihood that an immediate sentence of imprisonment will be imposed, may proceed as scheduled in person with as many participants appearing by ACT as possible, including witnesses and attorneys. No other Criminal Division hearings or proceedings shall be conducted in person.
- No jury trials, non-jury trials, or other proceedings which require the in-person testimony of out-of-state witnesses shall take place in any Division until after April 26, 2021.
- The Civil Division Arbitration Department will resume limited in-person arbitration hearings on April 5, 2021, employing all safety protocols as set forth in the Court's Amended Emergency Operations Plan Order of August 31, 2021.
- Pending further order of court, no jury trials shall take place until after April 26, 2021. The Court shall continue to evaluate the circumstances regarding the positive COVID-19 cases in Allegheny County to determine an appropriate time to resume jury trials.

All Court of Common Pleas facilities shall remain open to the public and open for case filings including, but not limited to:

- The Criminal Division Miscellaneous Motions Counter, Room 534 for acceptance of filings;
- The Formal Arraignment section, Room 519, for those defendants with a scheduled formal arraignment who have not waived their presence;
- The Civil Division Housing Court Help Desk for assistance to landlords and tenants;
- The Family Law Center for the filing of Petitions for Protection from Abuse (PFA) and entry of Temporary PFA Orders per the August 31, 2020 Emergency Operations Order.

Magisterial District Courts

The operations in the Magisterial District Courts are temporarily modified as follows:

- Summary Non-Traffic/Traffic proceedings scheduled through April 30, 2021, in which all parties agree and are able to conduct the proceeding using ACT, may be conducted remotely. If the proceedings cannot be conducted using ACT, the proceedings shall be postponed to a date certain after April 30, 2021. Special hardship requests by a defendant for an in-person hearing in a summary case may be granted at the discretion of the Magisterial District Judge, provided that all COVID-19 protocols, including occupancy restrictions in courtrooms and waiting rooms, are strictly followed.
- Commercial Landlord-Tenant proceedings may proceed as scheduled, with as many participants appearing by ACT as possible, including

witnesses and attorneys. Participants who cannot appear by ACT are permitted to appear in person.

- Residential Landlord-Tenant proceedings shall be governed by a separate Order issued this same date.
- Civil proceedings scheduled through April 30, 2021, in which the defendant has notified the Court that they intend to defend the case pursuant to Pa.R.C.P.M.D.J. 304(4)(a), shall be postponed to a date certain after April 30, 2021.
- Civil proceedings scheduled during the period from April 5, 2021 through April 30, 2021, where the defendant has not notified the Court that they intend to defend the case pursuant to Rule 305(4), shall remain on the docket. In such cases:
 - A. If prior to the scheduled hearing date, the defendant notifies the Court that they intend to defend the case, the case shall be postponed to a date certain after April 30, 2021; or
 - B. If the defendant appears on the scheduled hearing date, the case shall be postponed to a date certain after April 30, 2021.

If the defendant fails to comply with A. or B. above, a judgment may be entered against the defendant by default pursuant to Rule 319(B).

- Civil proceedings in which all parties agree to conduct the hearing using ACT may be conducted remotely.
- Preliminary Hearings for non-incarcerated individuals may proceed as scheduled, with as many participants appearing by ACT as possible, including witnesses and attorneys. Participants that cannot appear by ACT are permitted to appear in person.
- Preliminary Hearings for incarcerated individuals shall proceed as scheduled, with as many participants appearing by ACT as possible, including witnesses and attorneys. Participants who cannot appear by

ACT are permitted to appear in person. Incarcerated participants will appear by ACT.

- Emergency PFA Petitioners may appear in person to present their petitions per the August 31, 2020 Emergency Operations Order.
- Preliminary Arraignments will proceed per the August 31, 2020 Emergency Operations Order.

The Magisterial District Courts shall remain open to the public and open for case filings, payments and case processing.

Pittsburgh Municipal Court

The operations in Pittsburgh Municipal Court are temporarily modified as follows:

- Non-Traffic summary proceedings scheduled through April 30, 2021 shall be postponed to a date certain after April 30, 2021.
- Traffic summary proceedings scheduled through April 30, 2021 shall be postponed to a date certain after April 30, 2021, with the exception of traffic summary proceedings involving moving violations which shall proceed as scheduled, with as many participants appearing by ACT as possible, including witnesses and attorneys. Participants that cannot appear by ACT are permitted to appear in person.
- Preliminary Hearings for both non-incarcerated and incarcerated individuals shall proceed as scheduled, with as many participants appearing by ACT as possible, including witnesses and attorneys. Participants who cannot appear by ACT are permitted to appear in person.

- Summary hearings for incarcerated individuals shall proceed as scheduled, with as many participants appearing by ACT as possible, including witnesses and attorneys. Participants who cannot appear by ACT are permitted to appear in person. Incarcerated participants will appear by ACT.
- Emergency PFA Petitioners may appear in person to present their petition per the August 31, 2020 Emergency Operations Order.
- Preliminary Arraignments will proceed per the August 31, 2020 Emergency Operations Order.

Pittsburgh Municipal Court shall remain open to the public and open for case filings, payments and case processing.

All other provisions of the Emergency Operations Plan Order entered on August 31, 2020 as amended shall remain in effect until further Order of Court. All Court facilities shall remain open to the public and open for case filings and other business except as described above.

BY THE COURT:



_____, P.J.
Kim Berkeley Clark
President Judge