

12-03-2020
Ct Admin 2 cert copies

**IN THE COURT OF COMMON PLEAS
OF THE FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA**

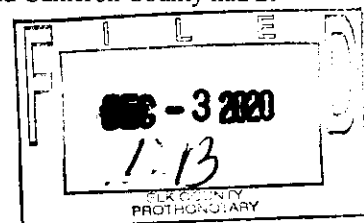
IN RE: 59TH Judicial District of Pennsylvania * **COUNTY BRANCH- ELK/CAMERON**
ACCESS TO JUDICIAL FACILITIES *
COVID-19 Pandemic * **No. 2020-272 (Elk County)**
*
* **No. 2020-357 (Cameron County)**

ADMINISTRATIVE ORDER OF COURT

AND NOW, this 3rd day of December, 2020, upon consideration of Order of the Pennsylvania Supreme Court dated May 27, 2020, effective June 1, 2020, entered by the Pennsylvania Supreme Court at *In Re: General Statewide Judicial Emergency, Nos. 531 and 532* Judicial Administration Docket, which vested President Judges with authority to exercise emergency powers under Rule 1952(B)(2) of the Pennsylvania Rules of Judicial Administration, a judicial emergency having been declared in the Fifty-Ninth Judicial of Pennsylvania, Elk and Cameron Counties, effective March 17, 2020 by Shawn T. McMahon, President Judge, which remains in effect through December 31, 2020, and the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, having recently experienced a significant increase in the community spread of the novel Coronavirus/COVID-19 as evidenced by data published by the Pennsylvania Department of Health¹, consequently, in a necessary effort to mitigate the current significant community spread of the novel Coronavirus/COVID-19 in the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, **IT IS HEREBY ORDERED AND DECREED**, as follows:

1. Any person entering a court facility within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, **shall strictly comply with Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face**

¹ As of December 2, 2020 Elk County had 582 cases (472 confirmed and 110 probable) and Cameron County had 29 cases (26 confirmed and 3 probable). See health.pa.gov –County Case Counts To Date.



Coverings dated November 17, 2020, including any updates or amendments thereto. Specifically, a face covering shall be **properly worn (covering both mouth and nose) at all times** by all persons entering a court facility within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, until further Administrative Order of Court is entered by this Court directing that wearing a universal face coverings shall not be required to be worn in a court facility within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties.

2. The existing judicial emergency declared by Shawn T. McMahon, President Judge, on March 17, 2020 in the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, is extended pursuant to this Administrative Order of Court until **February 27, 2021.**
3. Unless an in-person judicial proceeding is expressly authorized by the President Judge of the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, to be conducted between December 4, 2020 and January 15, 2021, **effective December 3, 2020 at 4:00 o'clock P.M. through Friday, January 15, 2021 at 4:00 o'clock P.M. NO IN-PERSON JUDICIAL PROCEEDINGS SHALL OCCUR within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties,** which includes but is not limited to judicial proceedings before the Court of Common Pleas, Magisterial District Courts and Domestic Relations Sections. Judicial proceedings presently scheduled between December 4, 2020 and January 15, 2021, in the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, intended to be conducted in-person shall not occur in-person but rather attempts shall be made to conduct such judicial proceedings by either advanced telecommunication

technology (Zoom or Lifesize) or by telephone otherwise such judicial proceedings shall be continued and rescheduled until after January 15, 2021. Attorneys and parties are advised that **the Court has limited resources to accommodate scheduling and conducting judicial proceedings by advanced telecommunication technology (Zoom or Lifesize)**; consequently, an immediate analysis of judicial proceedings presently scheduled between December 4, 2020, and January 15, 2021, before the Court of Common Pleas of the Fifty-Ninth Judicial District, Elk and Cameron Counties, shall occur by the President Judge to determine if the judicial proceeding may occur in a manner provided by this Administrative Order of Court. In addition, an immediate analysis of judicial proceedings presently scheduled between December 4, 2020, and January 15, 2021, before the Magisterial District Courts within the Fifty-Ninth Judicial District, Elk and Cameron Counties, shall occur by the Magisterial District Judge to determine if the judicial proceeding may occur in a manner provided by this Administrative Order of Court. Finally, an immediate analysis of judicial proceedings presently scheduled between December 4, 2020, and January 15, 2021, before the Domestic Relations Sections with the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, shall occur by the Director or such other person designated by the District Court Administrator to determine if the judicial proceeding may occur in a manner provided by this Administrative Order of Court.

4. **All cases scheduled for the Criminal Return Day on Monday, December 7, 2020 in Elk County are continued pursuant to this Administrative Order of Court and shall be rescheduled** by the District Court Administrator in accordance with this

Administrative Order of Court. Notwithstanding, the District Court Administrator shall by **Friday, December 4, 2020 at 3:00 o'clock P.M.** advise the Elk County District Attorney and respective Defendants' attorneys if select criminal proceedings may occur on December 7, 2020 provided such proceedings may be conducted in a safe and healthy manner.

5. **All cases scheduled for the Criminal Return Day on Friday, December 11, 2020, in Elk County are continued pursuant to this Administrative Order of Court and shall be rescheduled** by the District Court Administrator in accordance with this Administrative Order of Court. Notwithstanding, the District Court Administrator shall by **Tuesday, December 8, 2020, at 3:00 o'clock P.M.** advise the Elk County District Attorney and respective Defendants' attorneys if select criminal proceedings may occur on December 11, 2020 provided such proceedings may be conducted in a safe and healthy manner.
6. **Jury Selection scheduled for December 14, 2020 in Elk County is cancelled** due to the significant community spread of the novel coronavirus/COVID-19 in Elk County. Jury selection shall resume in the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, as soon as possible to the extent that in-person jury selection may be conducted in a safe and healthy manner for all participants, court staff and the public, including prospective jurors.
7. Pa. Rule Criminal Procedure Rule 600 shall remain suspended in the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, through December 31, 2020. Alternatively, such time for Pa. Rule Criminal Procedure Rule 600 calculation is deemed by this Court to be excludable time due to the unavailability of this Court

to conduct in-person court proceedings, including jury trials, in a healthy and safe manner due to the novel Coronavirus/COVID-19 and the present significant community spread of the same at this time.

8. Although attempts shall be made to conduct all judicial proceedings scheduled within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, between December 4, 2020, and January 15, 2021, in the manner provided by this Order of Court, the following judicial proceedings are deemed essential judicial proceedings that shall be scheduled for an immediate hearing to the extent possible in the manner provided by this Administrative Order of Court including requesting that the President Judge authorize an in- person proceeding to be conducted, to wit:

- a. Bail hearings particularly for an individual currently incarcerated;
- b. Habeas corpus hearings;
- c. Gagnon I hearings;
- d. Bench warrant hearings;
- e. Juvenile delinquency detention;
- f. Juvenile emergency shelter and detention hearings;
- g. Emergency and Temporary Protection From Abuse hearings;
- h. Emergency petitions for child custody or pursuant to any provisions of the Juvenile Act;
- i. Emergency petitions for guardianship;
- j. Civil Mental Health Review Hearings pursuant to 50 P.S. §7302;
- k. Emergency equity civil matters (injunctions and stays);
- l. Any pleading or motion relating to public health concerns and involving immediate and irreparable harm;
- m. Any other function deemed by Shawn T. McMahon, President Judge, Court of Common Pleas of the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, to be essential consistent with the constitutional requirements, including but not limited to the following:
 - i. Any matters concerning the Elk County Prison, including the matters concerning the prison population, an inmate's health, and the safety of the Elk County Prison as it relates to novel Coronavirus/COVID-19 to be matters that are an essential judicial functions and/or proceedings. In this regard, all efforts should be made by law enforcement to the extent possible to bring individuals apprehended on bench warrants directly before the Court of Common Pleas or Magisterial District Court as available and as applicable as oppose to immediately

incarcerating such individuals at the Elk County Prison on a bench warrant served;

- ii. Any matters concerning matters related to any person believing they are being denied or deprived access to the courts and/or a court facility within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, between December 2, 2020 and January 11, 2021 to be matters that are an essential judicial functions and/or proceedings at this time under these circumstances;
- n. Proceedings Before Magisterial District Judges:
 - i. Preliminary arraignments (bail setting) forailable cases;
 - ii. Criminal case filings and subsequent processing;
 - iii. Preliminary hearing for incarcerated persons only;
 - iv. Issuance of search warrants;
 - v. Emergency protection from abuse proceedings; and
 - vi. Any other function deemed by Shawn T. McMahon, President Judge, Court of Common Pleas of the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, to be essential consistent with the constitutional requirements and limitations.

9. All court facilities within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, **shall remain and are open** notwithstanding this Administrative Order of Court. Notwithstanding, **public access to court facilities shall be limited**, which includes the Elk County Courthouse, Cameron County Courthouse and Magisterial District Courts. Specifically, a person shall only be permitted to enter a court facility within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, only after that person has attempted and exhausted all of the following options:

- a. Conduct necessary business with a court facility including offices located therein by using the **United States Postal Service (mail)**;
- b. Conduct necessary business with a court facility including offices located therein by using the **designated drop boxes** located immediately inside the lobby to the Elk and Cameron County Courthouses or the drop box located on the outside of the rear of the Cameron County Courthouse; and

- c. Conduct necessary business with a court facility including offices located therein by **using the telephone**;

After exhausting all of the above options a person shall be permitted to enter a court facility to conduct in-person business **provided the person schedules an appointment in advance with the office located in the court facility to conduct such business**. The purpose of the above manner for conducting business within a court facility including offices located therein between December 4, 2020, and January 15, 2021, is to limit the amount of in-person contact that individuals are having within a court facility in an effort to reduce the community spread of the novel Coronavirus/COVID-19 within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties. In order, to facilitate communicating with court offices in the Elk County Courthouse and Cameron County Courthouse regarding conducting business between December 4, 2020, and January 15, 2021, below find important contacts and email addresses, to wit:

- a. District Court Administrator, LeeAnn Covac
Email: lcovac@countyofelkpa.com
- b. Elk County Prothonotary and Clerk of Courts, Susanne Straub Schneider
Email: sschneider@countyofelkpa.com
- c. Elk County Recorder of Deeds and Register of Wills, Lee R. Neureiter
Email: lneureiter@countyofelkpa.com
- d. Elk County Sheriff, Todd Caltagarone
Email: tcaltagarone@countyofelkpa.com
- e. Cameron County Prothonotary, Clerk of Courts, Register of Wills, and Recorder of Deeds, Mary Grace Olay
Email: mgraceolay@yahoo.com
- f. Cameron County Sheriff, Allen Neyman
Email: camcosd@cameroncountypa.com

10. Court filing by email **is not permitted by attorneys or parties under this Administrative Order of Court** but rather court filings shall occur by either mail or drop box as provided herein above **unless the office within the court facility has**

pre-authorized by telephone an individual, including attorneys, to perform in-person filing within the respective court office or filing office.

11. In order to protect and promote the health, safety and welfare of the public, county and court employees, attorneys, participants and court users as well as to reduce the community spread of the novel Coronavirus/COVID-19 within Elk and Cameron Counties there should be limited in-person contact between individuals within court facilities in the Fifty-Ninth Judicial District, Elk and Cameron Counties, and **if in-person contact is required it should be limited, expedited and occur in a manner where appropriate social distancing occurs between individuals.** In this regard, **telephone communication should be the preferred method of communicating between individuals within a court facility within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties.**
12. Todd Caltagarone, Elk County Sheriff, and his deputies are vested with full authority to enforce this Order of Court.
13. Allen Neyman, Cameron County Sheriff, and his deputies are vested with full authority to enforce this Order of Court.
14. Any person who believes that they are being unjustly denied access to the Elk County Courthouse, Cameron County Courthouse and/or a Magisterial District Court within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, may immediately contact LeeAnn Covac, District Court Administrator of the Fifty-Ninth Judicial District of Pennsylvania by telephone at 814-776-5375 or by email at lcovac@countyofelkpa.com to address being deprived of access to the Elk County Courthouse, Cameron County Courthouse, and/or a Magisterial District Court within

the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties and/or file a petition as provided herein under Court of Common Pleas essential functions and/or proceedings at the above captioned docket number to address being deprived of access to the Elk County Courthouse, Cameron County Courthouse and/or a Magisterial District Court within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties;

15. The Administrative Orders of Court previously entered by this Court in the above captioned matters in Elk and Cameron Counties that are not inconsistent with this Administrative Order of Court are incorporated into this Order of Court as this Administrative Order of Court shall be controlling as to any inconsistencies.
16. The Order dated May 27, 2020 entered by the Pennsylvania Supreme Court at *In Re: General Statewide Judicial Emergency*, Nos. 531 and 532 Judicial Administration Docket, is incorporated into this Administrative Order of Court and shall be controlling as to any matter not specifically addressed in this Administrative Order of Court. Furthermore, any inconsistencies with this Administrative Order of Court and Order dated May 27, 2020 entered by the Pennsylvania Supreme Court at *In Re: General Statewide Judicial Emergency*, Nos. 531 and 532 Judicial Administration Docket the Order entered by the Pennsylvania Supreme Court shall be controlling as to inconsistencies.

The District Court Administrator shall cause a copy of this Administrative Order of Court to be prominently posted on the main entry of the Elk County Courthouse, Cameron County Courthouse, and the offices of Magisterial District Judge James L. Martin (Johnsonburg, PA), Magisterial District Judge Mark S. Jacob (St. Marys, PA) and Magisterial District Judge Barry

D. Brown, II (Emporium, PA), posted on the website of the Fifty-Ninth Judicial District of Pennsylvania, and transmitted to the State Court Administrator of the AOPC. Furthermore, an electronic copy of this Order of Court shall be provided to all members of the Elk and Cameron Counties Bar Association, the Office of the Elk County Commissioners, Office of the Cameron County Commissioners, Elk County Chief Clerk, Cameron County Chief Clerk, Elk County Sheriff, Cameron County Sheriff, Elk and Cameron County Prothonotary, Elk and Cameron County Clerk of Courts, Elk and Cameron County Register of Wills, Elk and Cameron County Recorder of Deeds, Elk and Cameron County Probation, Elk and Cameron County Children and Youth Services, Elk and Cameron County Domestic Relations Sections, Elk Cameron County Treasurers, Elk County Prison Warden, and any other office in the Elk and Cameron County Courthouse that may be effected by this Order of Court.

The Elk County District Attorney and Cameron County District Attorney shall cause a copy of this Administrative Order of Court to be provided to all law enforcement agencies within their respective jurisdictions.

The exclusive purpose of this Administrative Order of Court is reduce the community spread of the novel Coronavirus/COVID-1 and to promote and protect the health, safety and welfare of the citizens of Elk and Cameron Counties, employees and users of court facilities within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties.

This Administrative Order of Court shall remain in effect until February 27, 2021 at 12:00 o'clock A.M. unless modified by further Order of Court.

BY THE COURT:



SHAWN T. MCMAHON, P.J.