

IN RE : Civil Court Modification

IN THE COURT OF COMMON PLEAS
OF BERKS COUNTY PENNSYLVANIA
EMERGENCY JUDICIAL ORDER
NO. 20-3264

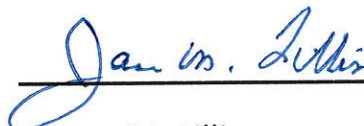
ORDER

AND NOW, this 26th day of April, 2020, while recognizing that many court proceedings have necessarily been curtailed by the Covid-19 public health and related judicial emergencies, certain non-essential matters and associated proceedings may, and should, proceed if they can be achieved by use of advanced communication technology. An example of the type of matter considered under this order is a discovery deposition. The technology utilized must allow for questioning of witnesses by counsel and accurate stenographic recording by court reporters located at remote locations. No party shall use the current health crisis for a litigation advantage. Accordingly, the court hereby directs as follows:

1. Parties shall continue to engage in general discovery including but not limited to interrogatories and depositions consistent with Rules of Court and governing scheduling orders; and
2. To the extent practicable, depositions should be conducted remotely through video conference or similar technology. Court reporters may participate remotely and administer oaths remotely relying upon representations of counsel as to the identity of the witnesses to be sworn. Where parties or witnesses must be gathered, they shall adhere to social distancing recommendations.
3. Notwithstanding the foregoing, depositions of party witnesses shall only be taken remotely upon agreement of the parties. Depositions of physicians,

other healthcare and medical personnel, who are substantially involved in responding to the public health emergency, shall not proceed during the judicial emergency except by specific further order of the assigned judge.

BY THE COURT:



James M. Lillis

Administrative Judge - Civil



Thomas G. Parisi

President Judge