

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA**

**IN RE: :
SIXTH JUDICIAL DISTRICT OF THE :
COURT OF COMMON PLEAS OF :
ERIE COUNTY - DECLARATION OF :
JUDICIAL EMERGENCY :**

ADMINISTRATIVE ORDER

90014
NO. ___ OF 2020

CLERK OF RECORDS
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3/17/20
COMMON PLEAS COURT
ERIE, PA

EMERGENCY JUDICIAL ORDER

AND NOW, this 17th day of March, 2020, in accord with the Order of the Supreme Court of Pennsylvania dated March 16, 2020, authorizing this Court to declare a judicial emergency, it is hereby declared that a judicial emergency exists in the Sixth Judicial District of the Court of Common Pleas of Erie County, Pennsylvania, from March 18, 2020 until April 14, 2020, due to the COVID-19 virus.

Consistent with the foregoing Declaration and in concert with this Court's authority under Pa.R.J.A. Rule 1952(B)(2), it is hereby **ORDERED**:

1. The operation of Pa.R.Crim.P. 600 shall be suspended in the Sixth Judicial District of the Court of Common Pleas of Erie County, Pennsylvania, during the period of local judicial emergency. The time period of the duration of the judicial emergency shall be excluded from any time computation pursuant to Pa.R.Crim.P. 600. The Court finds that such delay is not chargeable to the Commonwealth or the Defendants.
2. All trial-specific deadlines in all civil and criminal cases remain in effect unless modified by further Order of this Court or Order of the assigned judge.
3. The use of technology, including teleconference and video conferencing, is permitted, and encouraged, for any available Court proceedings.

4. All provisions of this Order apply to cases scheduled from March 18, 2020 through April 14, 2020.
5. The Court adopts the following modifications to processes and procedures for the scheduling and hearing of cases on a temporary basis until further notification:

a. Civil Division

- i. All civil jury trials are suspended pending further Order of Court. Non-jury trials may be suspended on a case-by-case basis.
- ii. The presentation and acceptance of civil motions shall be restricted to Petitions for Injunctive Relief relating to public health concerns and/or any other Emergency Motion.
- iii. In any other case for which a judge has been assigned, all inquiries should be addressed to that Judge.

b. Criminal Division

- i. Except as indicated below, all criminal proceedings, including Accelerated Rehabilitative Disposition (ARD), license suspensions, and summary appeals, are hereby postponed and will be rescheduled.
- ii. Pretrial conferences and formal arraignments will be rescheduled. Waiver of arraignments will still be accepted.
- iii. Bail hearings, warrants, and emergency motions will be heard according to the usual procedure.
- iv. Indirect Criminal Contempts (ICC) will be heard according to the usual procedure.
- v. When possible, the use of telecommunications/video conferencing is encouraged, including when defendants are incarcerated.

c. Protection From Abuse

- i. Protection From Abuse (PFA) matters will be heard according to usual procedure (for ICCs, see Paragraph (b)(iv)).

d. Family Court Division

- i. Except as indicated below, all scheduled hearings, conferences, and trials shall be postponed.
- ii. Bench warrants will continue to be heard according to the usual procedure.
- iii. The regularly scheduled Family/Orphans Motion Court is hereby suspended. However, Emergency Motions for Special Relief may be presented to the scheduled Motion Court duty judge at 9:00 a.m.
- iv. Uncontested motions may be sent to the Family/Orphans Court Duty Judge for consideration. All uncontested motions shall be accompanied by a Proposed Order of Court and an Affidavit signed by one of the two parties or the parties' attorney(s) stating therein that the opposing party has seen the Motion/Proposed Order and consents and/or does not oppose the Motion/Proposed Order of Court.

e. Orphans Court Division

- i. Except as indicated below, all scheduled hearings, conferences, and trials shall be postponed.
- ii. The presentation and acceptance of contested motions shall be restricted to Emergency Motions for Special Relief.
- iii. Uncontested motions may be sent to the Family/Orphans Court Duty Judge for consideration. All uncontested motions shall be accompanied by a Proposed Order of Court and an Affidavit signed by one of the two parties or the parties' attorney(s) stating therein that the opposing party has seen the Motion/Proposed Order and consents and/or does not oppose the Motion/Proposed Order of Court.

f. Juvenile Court

i. Delinquency

1. All juvenile delinquency matters shall be handled on a case-by-case basis.
2. When possible, the use of telecommunication/video conferencing is encouraged.

ii. Dependency

1. All juvenile dependency matters shall be handled on a case-by-case basis.
2. The Court shall continue to issue orders for protective custody pursuant to Pa.R.J.C.P. Rule 1210 and to hold shelter care proceedings pursuant to 42 Pa.C.S.A. § 6332.
3. When possible, the use of telecommunication/video conferencing is encouraged.
4. In accord with Administrative Order No. 22 of 2020, all court ordered treatment plans for any party subject to a dependency case shall be temporarily suspended until further Order of Court.

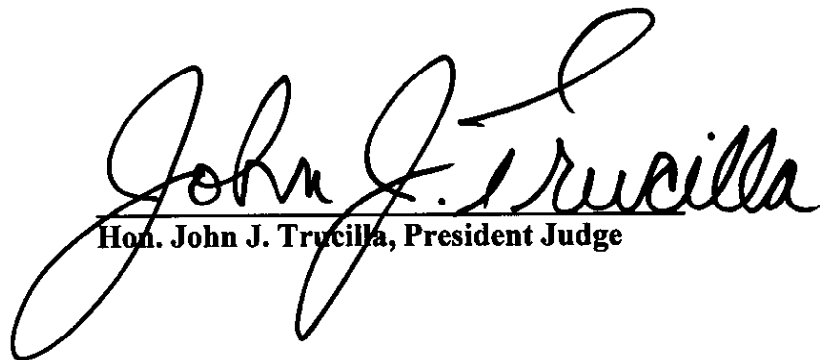
g. Magisterial District Courts

- i. Preliminary hearings shall be held only for defendants in custody. Preliminary hearings scheduled at the individual Magisterial District Court offices shall continue as scheduled, with the Magisterial District Judge having the discretion to permit the defendant to appear via video conferencing. For preliminary hearings scheduled at Central Court in the Erie County Courthouse, the defendant shall appear via video conferencing. Attendance at preliminary hearings shall be limited to only necessary parties, to include attorneys, affiants, essential witnesses and media.

- ii. All preliminary hearings for defendants not in custody are hereby postponed until further Order of Court.
 - iii. The Magisterial District Courts will remain open for specific designated operations, to include arraignments, bond hearings, criminal case filings and subsequent processing, issuance of search warrants and Emergency Protection from Abuse petitions.
 - iv. All landlord/tenant eviction proceedings are hereby stayed until further Order of Court.
6. In addition to the above general modifications, individual judicial officers may continue to hold hearings, conferences, sentencings, pleas, and bench trials in the exercise of their sound discretion, after reasonable consultation with counsel. To the extent possible, the use of telecommunication/video conference should be utilized. The judicial officer is expected to limit in-person proceedings to necessary parties only.
7. The situation will continue to be monitored and this Court may respond by exercising and implementing any of the other special powers authorized by Pa.R.J.A. Rule 1952(B)(2).
8. This Order has been transmitted to the Pennsylvania State Court Administrator's Office and the Prothonotary of the Supreme Court of Pennsylvania, and is effective immediately.

9. This Order shall be posted on the entry doors of the Erie County Courthouse and on the entry doors of the Magisterial District Court offices. The Prothonotary is directed to forward this Order to the Erie County Bar Association. The District Court Administrator shall disseminate a copy to the Magisterial District Court Judges. A copy of the Order is available at www.eriecountypa.gov.

3-17-2020
Date


Hon. John J. Trucilla, President Judge

Cc: Geoff Moulton, Court Administrator of Pennsylvania
The Honorable Stephanie Domitrovich
The Honorable Elizabeth K. Kelly
The Honorable Daniel Brabender, Jr.
The Honorable John J. Mead
The Honorable Joseph M. Walsh, III
The Honorable Marshall J. Piccinini
The Honorable David G. Ridge
The Honorable Erin Connelly Marucci
Robert Catalde, Esq., District Court Administrator
Rebecca Humphrey, Esq., Deputy Court Administrator
Julia Bagnoni, Esq., Deputy Court Administrator

John Loomis, Erie County Sheriff
Kenneth Gamble, Esq., Clerk of Records
Kelly Malone, Esq., Prothonotary
Aubrea Haynes, Clerk of Courts
Tammi Elkin, Esq., Register of Wills
David Bradford, Esq., Recorder of Deeds
Jack Daneri, Esq., District Attorney
Patricia J. Kennedy, Esq., Public Defender