

COVID-19

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99 WM 2020

IN THE SUPREME COURT OF PENNSYLVANIA

Docket No. ____ WM 2020

JASON BAYLES and LESLEY BAYLES, as Parents and Natural Guardians
of BROOK LACEY BAYLES,

Plaintiffs-Petitioners,

v.

ELIZABETH TYLER-KABARA, M.D., Ph.D., c/o Children's Hospital of Pittsburgh;
UNIVERSITY OF PITTSBURGH PHYSICIANS; CHILDREN'S HOSPITAL OF PITTSBURGH;
CHILDREN'S HOSPITAL OF PITTSBURGH UPMC, and UPMC HEALTH SYSTEM.

Defendants-Respondents.

**APPLICATION FOR EXTRAORDINARY RELIEF UNDER
42 Pa.C.S. § 726 OF JASON AND LESLEY BAYLES**

On petition from a matter pending in the Allegheny County Court of
Common Pleas docketed as G.D. No. 16-005501

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TO MR. CHIEF JUSTICE SAYLOR AND THE HONORABLE JUSTICES OF THE SUPREME COURT OF PENNSYLVANIA:

Petitioners Jason and Lesley Bates respectfully ask this Court to exercise its extraordinary jurisdiction to consider the issues raised herein and afford Petitioners relief as requested below.

I. Concise statement of the case

A. Brook Bayles sustained serious injuries during spine surgery.

Brook Bayles is currently a 20-year old young woman. As an infant, she was diagnosed with Klippel-Feil syndrome. Klippel-Feil syndrome is a bone disorder characterized by the abnormal joining of vertebrae at the base of the skull. As a result of this disorder, Ms. Bayles's skull is abnormally small and her cerebellum is displaced downward into the spinal canal. During her childhood, Ms. Bayles underwent medical treatment and several surgeries related to her condition, but otherwise lived an active, independent life.

On April 1, 2014, then-13-year old Ms. Bayles underwent a spinal surgery performed by Dr. Elizabeth Tyler-Kabara at Children's Hospital of Pittsburgh-University of Pittsburgh Medical Center. Dr. Tyler-Kabara and her surgical team used a fluoroscopy unit to obtain continuous imaging of Ms. Bayle's spine during surgery. One member of the team was Agnieszka Czechowski, a second-year student at Westmoreland Community College. During the procedure, Ms. Czechowski was directed to move the fluoroscopy imaging unit in order to clear the surgical field.

Unfortunately, the C-arm of the imaging unit was not properly locked. As Ms. Czechowski was moving the unit, the C-arm rocked on its axis and struck a Penfield dissector that the surgical team had placed as a marker in Ms. Bayles' back. The C-arm drove the dissector into Ms. Bayles' spinal canal. Dr. Tyler-Kabara assessed that the dissector caused a 4-cm tear in the tissue covering Ms. Bayles' spinal cord and that the dissector had been driven between the nerve roots. Dr. Tyler-Kabara noted release of blood and spinal fluid. She noted that instruments monitoring electrical impulses through the spinal cord indicated damage on the right side of her body. *See* Complaint (Exhibit "A").

Ms. Bayles suffered permanent injuries from this incident. She has permanent and significant neurologic deficits that affect mobility in all four limbs. Those deficits are especially pronounced on the right side of her body. She also suffers cognitive impairments, swallowing difficulties requiring a gastronomy tube, loss of bladder and bowel control, chronic muscle spasms, severe scoliosis, and pain in her abdomen and back. She has required multiple additional surgeries to address these conditions. Because of these conditions, she also suffers from anxiety and depression. *Id.*

In September 2016, Plaintiffs filed suit against Dr. Tyler-Kabara; University of Pittsburgh Physicians; Children's Hospital of Pittsburgh; Children's Hospital of Pittsburgh UPMC, and UPMC Health System (together "UPMC"), alleging that UPMC was negligent for the acts of its employees and ostensible agents. She demanded a civil

jury trial. *Id.* After discovery and pre-trial proceedings, the trial court entered an order listing the case on the May 2020 trial list with a trial date certain and jury selection to commence on May 18, 2020. *See* Order, dated July 15, 2019 (Exhibit “B”).

B. Trial of Ms. Bayles case has been indefinitely postponed because of an order enabling defendants to veto trial from being scheduled.

On March 16, 2020, because of the Covid-19 pandemic, this Court declared a state-wide judicial emergency and authorized president judges of individual judicial districts to declare judicial emergencies within their districts and take emergency action authorized by Pa.R.J.A. 1952. *See* Order, dated March 16, 2020 (Exhibit “C”). This Court maintained the state-wide judicial emergency in subsequent orders dated March 18, March 24, April 1, and April 28, 2020. The state-wide judicial emergency ceased on June 1, 2020.

Pursuant to the authority afforded by these orders, the Honorable Kim Berkeley Clark, President Judge of the Fifth Judicial District, issued an order declaring a judicial emergency within the District on March 16, 2020. She entered additional orders on April 2, May 6, May 28, and August 31, 2020 that maintained and extended the District’s judicial emergency until December 31, 2020. *See* Collected Judicial Emergency Orders (Exhibit “D”).

On March 18, 2020, Judge Clark entered an order concerning emergency operations of the Fifth Judicial District under Pa.R.J.A. 1952(B)(2)(i). The order suspended all civil jury trials until further order of court (including the trial of this case).

President Judge Clark entered further orders concerning emergency operations on March 23, March 26, and May 6, each restating that civil jury trials were suspended until further order of court. *See* Collected Emergency Operation Orders (Exhibit “E”).

On August 31, 2020, contemporaneous with her order extending the judicial emergency to December 31, 2020, President Judge Clark entered a further emergency operations order providing for the resumption of civil jury trials in the Fifth Judicial District. The order stated that civil jury trials would recommence on a “limited basis” where the trial court enters an order specifically scheduling such a jury trial. *See* Order, dated Aug. 31, 2020, at 7 (Exhibit “F”). Parties with cases included on an earlier trial list could file a joint motion that the case be specifically scheduled for trial. *Id.* at 9.

Below is the key language:

Jury trials shall commence on a limited basis and only where the Court enters an Order specifically scheduling a jury trial. Parties with cases on previously published trial lists may jointly, with written consent by all parties involved in the litigation, submit consented-to motions to the Calendar Control Judge requesting that their case be scheduled to be tried before a jury.

Id. Thus, any request for jury trial would require the consent of all parties. No trial can occur if a defendant does not agree. *Id.*

In the face of ongoing challenges presented by Covid-19, the Fifth Judicial District generated a solution for resuming jury trials in Allegheny County. It leased a large space—the David L. Lawrence Convention Center, located at 1000 Fort Duquesne Boulevard in Pittsburgh—for purposes of selecting juries in all cases and

conducting civil jury trials in courtrooms constructed in the Convention Center space. Criminal jury trials would take place in courtrooms located in the City-County Building and the Allegheny County Courthouse. As reported by the Pittsburgh Post-Gazette, jury selection involving no more than 100 potential jurors at a time would take place in a convention-center room with a maximum capacity of 6,000. Civil jury trials would be held in convention-center rooms large enough to hold a maximum of 170 people. *See* “Allegheny County to use convention center when jury trials resume in October,” *Pittsburgh Gazette*, September 15, 2020 (Exhibit “G”).¹

Judge Clark set forth this plan in an emergency operations order dated September 15, 2020. This order stated that the Convention Center would be deemed a court facility—no different from the City-County Building of the Allegheny County Courthouse. It provided that jury selection for trials would resume on October 19, 2020. *See* Order, dated Sept. 15, 2020 (Exhibit “H”). It provided that the Sheriff would provide security for all court activities within the Convention Center. It also established Covid-related protocols for the protection of court staff and the public. These included temperature checks, screening questions, social distancing in courtrooms and jury assembly rooms, face mask requirements, the availability of hand sanitizer, and provisions for the public and news media to observe jury trials in separate spaces. *Id.*

¹ *See* <https://www.post-gazette.com/news/crime-courts/2020/09/15/Fifth-Judicial-District-Pittsburgh-trials-criminal-civil-resume-October-convention-center/stories/202009150142> (last viewed Oct. 3, 2020).

After Judge Clark entered the September 15 Order, the following language appeared on the “Civil” page of the Fifth Judicial Website, confirming that no civil trial could be scheduled absent the consent of all parties:

PRESIDENT JUDGE CLARK’S SEPTEMBER 15, 2020 ORDER REGARDING JURY TRIALS IN THE CONVENTION CENTER, AND HER AUGUST 31, 2020 ORDER MUST BE READ TOGETHER. PURSUANT TO THE AUGUST 31, 2020 ORDER, THE 2020 PUBLISHED TRIAL LISTS ARE SUSPENDED. FURTHER, PURSUANT TO THE AUGUST 31, 2020 ORDER, IF YOUR CASE IS ON A PUBLISHED TRIAL LIST, AND ALL PARTIES CONSENT TO MOVING FORWARD WITH A JURY TRIAL, THEY MAY PRESENT A CONSENTED-TO MOTION TO THE CALENDAR CONTROL JUDGE, AND IF THE CONSENTED-TO MOTION IS GRANTED, A JURY TRIAL WILL BE SCHEDULED TO BE HELD IN THE CONVENTION CENTER.

See Civil Division website page (Exhibit “I”).²

As noted above, the trial scheduled to begin in this case on May 18, 2020 had been suspended because of the Fifth Judicial District’s emergency operation orders suspending civil jury trials generally. However, the August 31 and September 15 Orders provided the case with a pathway forward. Thereafter, the case was assigned on September 24, 2020 to Judge Philip A. Ignelzi for disposition. *See* Order, dated Sept. 24, 2020 (Exhibit “J”).

On September 29, 2020, following the lead of the August 31 order, Ms. Bayles sought consent from defendant UPMC to file a joint motion for scheduling a jury trial in the convention center. *See* Correspondence, dated Sept. 29, 2020 (Exhibit “K”). UPMC declined consent, stating that it regarded trial “as a practical impossibility” under the “unprecedented and untested protocols offered by the court. Not to mention the

² *See* <https://www.alleghecourts.us/Civil/Default.aspx> (last viewed Oct. 5, 2020).

appellate issues that will doubtlessly arise.” *See* Reply Correspondence, dated Sept. 29, 2020 (Exhibit “L”). Given the August 31 Order’s requirement that all parties consent for a civil jury trial to be scheduled, UPMC’s lack of consent means that a jury trial will not be conducted in this case for the indefinite future.

II. Questions presented for review

1. Should this Court review this matter under its extraordinary jurisdiction?
2. Does the trial court’s order requiring written consent by all parties for a jury trial to occur violate Ms. Bayles’s right to a jury trial under Article I, Section 6 of the Pennsylvania Constitution
3. Does the trial court’s order requiring written consent by all parties for a jury trial to occur violate Ms. Bayles’s right to a remedy without undue delay under Article I, Section 11 of the Pennsylvania Constitution?

Suggested answers to all three questions: Yes.

III. The Court should exercise extraordinary jurisdiction.

Upon petition of any party, this Court may assume plenary jurisdiction of any matter of immediate public importance that is pending before the court of common pleas, and may enter a final order or otherwise cause right and justice to be done. 42 Pa.C.S. § 726; *Board of Revision of Taxes, City of Philadelphia v. City of Philadelphia*, 4 A.3d 610, 620 (Pa. 2010) (“BRT”); *In re Bruno*, 101 A.3d 635, 659 (Pa. 2014). Extraordinary jurisdiction serves the Court’s power of general superintendency over the judicial branch. It is similar to the Court’s King’s Bench jurisdiction. *Id.*

In exercising discretion regarding whether to assume plenary jurisdiction, this Court considers the immediacy and public importance of the issues raised. *See BRT*, 4 A.3d at 620. In *BRT*, the Court assumed plenary jurisdiction over a legal dispute implicating a Philadelphia ordinance that reorganized the local agency performing property assessments. The Court noted the challenge to the validity of the ordinance was of interest to members of the public and the Judiciary, who would benefit from a prompt and final determination of the statutory issue presented. *Id.* at 620-21. “A clear final ruling,” the Court explained, would avoid piece-meal litigation and discourage collateral attacks on the ordinance in the context of individual cases. *Id.* The Court also noted an interest in maintaining continuity and a working public system of local taxation and revenue collection. *Id.* The Court added that “[s]wift resolution of this matter will also promote confidence in the authority and integrity of our state and local institutions.” *Id.*; *Ieropoli v. AC & S Corp.*, 842 A.2d 919 (Pa. 2004) (plenary jurisdiction over constitutional challenge to statute extinguishing causes of action that had accrued before statute was enacted); *Silber v. Downs*, 425 A.2d 359 (Pa. 1981) (plenary jurisdiction over interlocutory appeal from order disqualifying township solicitor from representing township officers).

Here, Ms. Bayles challenges the constitutionality of the trial court’s order concerning emergency operations dated August 31, 2020, with a focus on her rights under the Pennsylvania Constitution to a jury trial and to a remedy without undue delay.

This challenge affects not only Ms. Bayles, but numerous members of the public whose cases are pending in the Fifth Judicial District and whose cases therefore cannot be considered for trial under the August 31 order unless the defendant consents. Prompt resolution of whether the Pennsylvania Constitution is violated by giving veto power to the defendant concerning the scheduling of civil jury trial would benefit litigants, counsel, and the bench. It would confirm whether a judicial district capable of scheduling jury trials in a safe and appropriate manner may require defendant's consent before scheduling occurs. It likewise would "promote confidence in the authority and integrity of our state and local institutions." *See BRT*, 4 A.3d at 620-21. For all these reasons, Petitioners urge the Court to grant this petition and cause right and justice to be done. *See* 42 Pa.C.S. § 726.

IV. The Court should grant relief in Plaintiffs' favor.

The August 31 Order provides for the scheduling of a civil jury trial only upon "written consent by all parties involved in the litigation"—i.e., when the defendant agrees that trial may proceed. *See* Order, dated Aug. 31, 2020, at 9 (Exhibit F). Ms. Bayles challenges the Order under two provisions of the Pennsylvania Constitution: Article I, Section 6 (right to jury) and Article I, Section 11 (right to remedy without undue delay). Each provision provides an independent basis for granting relief in Plaintiffs' favor.

A. The order violates Article I, Section 6 of the Pennsylvania constitution.

Article I, Section 6 states that the right of trial by jury shall “remain inviolate.” PA. CONST. art. I, § 6. This right belongs to the party seeking to have a jury trial, not to the party seeking to avoid a jury trial. *See Commonwealth v. Tharp*, 754 A.2d 1251, 1253 (Pa. 2000).

Article I, Section 6 was helpfully explicated in *Parker v. Children’s Hosp. of Pa.*, 394 A.2d 932 (Pa. 1978), and *Mattos v. Thompson*, 421 A.2d 190 (Pa. 1980). In *Parker*, the plaintiffs argued, *inter alia*, that a statutory requirement that medical malpractice matters first be submitted to an arbitration procedure denied the right to a trial by jury or, alternatively, was an onerous restriction that postponed access to a trial by jury. The Court reasoned that this approach did not facially offend Article I, Section 6 because a *de novo* trial by jury was available prior to the final determination of the parties’ respective rights. However, the Court stated that a plaintiff’s constitutional right to jury trial “must not be burdened by the imposition of onerous conditions, restrictions or regulations which would make the right practically unavailable.” Therefore, the Court withheld judgment on whether the arbitration procedure was onerous so as to give the General Assembly time to test the effectiveness of the legislation establishing this approach. *See Parker*, 394 A.2d at 938-40.

In *Mattos*, the Court considered a renewed challenge to the statute requiring compulsory arbitration in medical malpractice matters. This time, the Court declared

the statute unconstitutional. The Court reasoned that the lengthy delay occasioned by the arbitration system burdened the right to a jury trial with “onerous conditions, restrictions or regulations which . . . ma[de] the right practically unavailable.” *See Mattos*, 421 A.2d at 195-96.

Here, the deprivation of the right to jury trial is even more profound than was presented in *Parker* and *Mattos*. The August 31 order did not merely delay jury trial by requiring a statutory arbitration procedure first. It gave the defendants an absolute veto power over whether the jury trial happens at all. Article I, Section 6 provides that the right to a trial by jury “shall remain inviolate” and requires a jury trial in a civil case where a plaintiff demands it. *See* PA. CONST. art. I, § 6; *Tharp*, 754 A.2d at 1253. This constitutional guarantee did not grant defendants a right to decide whether a jury trial will occur. It does not authorize courts to give defendants veto power over whether a jury trial will occur. It did not require cases to be indefinitely postponed and unresolved because the defendant prefers not to submit the plaintiffs’ case to the citizenry. *See Tharp*, 754 A.2d at 1253.

In *Parker*, the Court explained that a litigant’s ability to present her claim to a jury “must not be burdened by the imposition of onerous conditions, restrictions or regulations which would make the right practically unavailable.” *See Parker*, 394 A.2d at 938-40. In *Mattos*, the Court recognized that even a lengthy delay in trying a case to the jury burdens the right to a civil jury trial. *See Mattos*, 421 A.2d at 195-96. The

requirement in the August 31 order that all litigants consent to a jury trial before a civil jury may be empaneled is an onerous condition that has made the right to a trial by jury unavailable to Ms. Bayles. The order causes this onerous result by permitting every defendant the opportunity to veto a jury trial from happening.

The delays occasioned by the Covid-19 pandemic and the state-wide emergency may be long-lasting. Currently the judicial emergency within the Fifth Judicial District extends to the end of the year. Given the defense-consent requirement in the August 31 Order, delay in empaneling a jury to decide Ms. Bayles' claims currently is indefinite. The order operates to make Ms. Bayles' right to a jury trial "practically unavailable." *See Parker*, 394 A.2d at 939. That outcome is unacceptable and unconstitutional, especially in a jurisdiction that has established a plan for conducting civil jury trials despite the unavailability of its usual courtrooms. For all of these reasons, the August 31 Order violates Ms. Bayles' right to a trial by jury pursuant to Article I, Section 6 of the Pennsylvania Constitution.

B. The order violates Article I, Section 11 of the Pennsylvania Constitution.

Article I, Section 11 of the Pennsylvania Constitution provides that "[a]ll courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay." PA. CONST. art. I, § 11.

The Court has elaborated on the meaning of this passage, explaining that “[i]t is the constitutional right of every person who finds it necessary or desirable to repair to the courts for the protection of legally recognized interests to have justice administered without sale, denial or delay.” *Masloff v. Port Auth. of Allegheny Cty.*, 613 A.2d 1186, 1190 (Pa. 1992). The Court has added that “the right to ‘due course of law’ provides an independent guarantee of legal remedies for private wrongs by one person against another, through the state’s judicial system.” *Konidaris v. Portnoff Law Associates, Ltd.*, 953 A.2d 1231, 1240 (Pa. 2008). This language expresses the notion that a plaintiff’s pursuit of a cause of action may not be so impaired as to have been rendered illusory. It must be adjudicated by courts in the due course of law. *Id.*

Section 11 calls for remedy and justice administered without “denial” or “delay.” PA. CONST. art. I, § 11. This Court has recognized that constitutional language as guaranteeing an “efficient flow of justice” to facilitate “substantive justice” for litigants and to vindicate Section 11 rights. *See Muhammad v. Strassburger, McKenna, Messer, Shilobod & Gutnick*, 587 A.2d 1346, 1350-51 (Pa. 1991).

The Covid-19 pandemic has been devastating and disruptive on all aspects of life. The impact of the pandemic on the Pennsylvania judiciary need not be described to this Court. In the Fifth Judicial District, President Judge Clark understandably declared a judicial emergency and suspended civil jury trials generally for a period of time. However, the August 31 Order authorized civil jury trials to commence within

the Fifth Judicial District. The September 15 Order made clear that civil jury trials would take place in the Convention Center and that jury selection would begin on October 19, 2020. As the Fifth Judicial District has resumed jury trials, the issue presented is confined to whether that court, having the means and wherewithal to conduct jury trials, may effectively close the courthouse door to plaintiffs by allowing defendants to decide whether the trial will occur as a threshold matter. Stated plainly, may a trial court give defendants the keys to the courthouse? Surely the answer is no. Otherwise the defendant is permitted to indefinitely stall the constitutionally-guaranteed vehicle by which Ms. Bayles has sought redress for claims. *See Ieropoli*, 842 A.2d at 930-31; *Masloff*, 613 A.2d at 1190.

Ms. Bayles was injured six and a half years ago. Her case has been pending in the Allegheny County Court of Common Pleas for more than four years. She had a trial date of May 18, 2020, when the Covid-19 pandemic started and trials were suspended generally for public health reasons. The case remains trial ready and needs only a courtroom. The Fifth Judicial District now has courtrooms (in the Convention Center), but has wrongly empowered UPMC in this case to indefinitely stop the trial from taking place through its refusal to consent. Of course, it is no surprise that UPMC has refused consent. Even where liability may be clear, defendants are advantaged by delay. Memories may fade. Medical and litigation costs may increase. The plaintiff is rendered unable to take advantage of funds rightfully due her, increasing pressure to

resolve the case for a suboptimal amount. Undue delay has an especially grave impact on persons who are catastrophically injured like Ms. Bayles and who may need case resolution sooner rather than later. The ability to impose indefinite delay places a defendant in strong position relative to the plaintiff. *See Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981). But the violation of Article I, Section 11 is not occasioned here simply by the equities. The Constitution guarantees those who initiate lawsuits that the courts “shall be open” and that plaintiffs shall have a remedy “by due course of law” and without “sale, denial or delay.” PA. CONST. art. I, § 11. Here, the August 31 Order allows a plaintiff to reach the courtroom only if the defendant consents to that outcome. That outcome is more than unfair. It violates the promise of Article I, Section 11.

Pa.R.J.A. 1952(B)(2) is not to the contrary. This rule may permit President Judge Clark to cancel or suspend trials during the state-wide judicial emergency. But where the Fifth Judicial District has provided for civil jury trials to commence, the rule does not allow a plaintiff’s constitutional right to jury trial to be conditioned on the defendant’s consent. *See Pa.R.J.A. 1952(B)(2)(a)-(s)*. The August 31 violates Article I, Section 11 for this reason as well.

As a final matter, the August 31 Order’s consent provision cannot be justified simply because civil trials must occur in a location other than where they normally occur. Buildings may come and go. Infrastructure plans may change. But the

guarantees of jury trial and open courts have been part of the Pennsylvania Constitution since 1776 and do not depend on access to the usual courtrooms. The analysis ought not change because it was Covid-19 (rather than a fire or flood) that caused courtrooms to shift to the Convention Center. Everyone would prefer to have trials unimpacted by Covid-19. But trials are now proceeding in Allegheny County and throughout the Commonwealth in the Covid-19 environment. Courts are solving the challenges presented by the pandemic, as the Fifth Judicial District has done by leasing and building courtrooms within the Convention Center facility. Constitutional rights should not be compromised in this circumstance.

V. Relief sought and conclusion

The Court should declare the trial court's August 31, 2020 order unconstitutional as relates to language conditioning civil jury trial on the written consent of all parties.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, two true and correct copies of the foregoing were served upon the following as indicated below:

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EXHIBIT A

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COVER SHEET

<p>Plaintiff(s)</p> <p>JASON BAYLES and LESLEY BAYLES as Parents and Natural Guardians of BROOK LACEY BAYLES, and in their own right 116 S. Mercer Street Greenville, PA 16125</p> <p align="center">Vs</p> <p>Defendant(s)</p> <p>Elizabeth Tyler-Kabara, M.D., Ph.D. c/o Children's Hospital of Pittsburgh;</p> <p>University of Pittsburgh Physicians;</p> <p>Children's Hospital of Pittsburgh;</p> <p>Children's Hospital of Pittsburgh of UPMC;</p> <p>and</p> <p>UPMC Health System</p>	<p>CIVIL DIVISION</p>					
	<p>Case Number :</p> <table border="1"> <tr> <td align="center">GD</td> <td align="center">-16</td> <td align="center">-005501</td> </tr> </table>			GD	-16	-005501
	GD	-16	-005501			
	<p>Type of pleading :</p> <p>Complaint</p>					
	<p>Code and Classification :</p>					
	<p>Filed on behalf of</p> <p>Jason Bayles and Lesley Bayles as Parents and Natural Guardians of Brook L. Bayles, Plaintiffs</p> <p>(Name of the filing party)</p>					
	<p><input checked="" type="checkbox"/> Counsel of Record <input type="checkbox"/> Individual, If Pro Se</p>					
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**COURT OF COMMON PLEAS
ALLEGHENY COUNTY**

CIVIL DIVISION

G.D. NO.16-005501

JURY TRIAL DEMANDED

of UPMC, 4401 Penn Avenue, Pittsburgh, PA 15224. Plaintiffs are asserting a professional liability claim against this defendant. A Certificate of Merit pursuant to and in compliance with Pa. R.C.P. 1042.1 is attached hereto as hereto as Exhibit "A."

4. Defendant University of Pittsburgh Physicians ("UPP") was, at all times material hereto, a comprehensive provider of health care and healthcare services, professional corporation, professional association, business partnership, business association, joint venture, corporation, and/or other jural entity organized and/or existing by virtue of the laws of the Commonwealth of Pennsylvania which, upon information and belief, owned, maintained, and operated, a place of business and regularly conducted business at 200 Lothrop Street, Pittsburgh, PA 15213. Plaintiffs are asserting a claim against this defendant for the professional negligence of its agents, employees, and servants as stated more fully herein. A Certificate of Merit pursuant to Pa. R.C.P. 1042.1 is attached hereto as Exhibit "B."

5. Defendant Children's Hospital of Pittsburgh ("CHOP") was at all times material hereto a corporation or other form of jural entity duly licensed by, organized according to, and/or existing under the laws of the Commonwealth of Pennsylvania, which owns, maintains, supervises, oversees, and/or operates, among other things, a hospital located at 4401 Penn Avenue, Pittsburgh, PA 15224. Defendant CHOP is an institutional healthcare provider, healthcare facility, and a comprehensive provider of healthcare and healthcare services, including inpatient hospital facilities, designated for the training of residents, fellows, and other trainee physicians in various medical/surgical specialties, including pediatric neurosurgery. Plaintiff is asserting a claim against this defendant for its professional negligence (i.e., direct corporate negligence) and for the professional negligence of its agents, employees, and servants as stated more fully herein. A Certificate of Merit pursuant to and in compliance with Pa. R.C.P.

1042.1 is attached hereto as Exhibit "C."

6. Defendant Children's Hospital of Pittsburgh of UPMC ("CHOP/UPMC") was at all times material hereto a corporation or other form of jural entity duly licensed by, organized according to, and/or existing under the laws of the Commonwealth of Pennsylvania, and accredited, which owns, maintains, supervises, oversees, and/or operates, among other things, a hospital located at 4401 Penn Avenue, Pittsburgh, PA 15224. Defendant CHOP/UPMC is an institutional healthcare provider, healthcare facility, and a comprehensive provider of healthcare and healthcare services, including inpatient hospital facilities, designated for the training of residents, fellows, and other trainee physicians in various medical/surgical specialties, including pediatric neurosurgery. Plaintiff is asserting a claim against this defendant for its professional negligence (i.e., direct corporate negligence) and for the professional negligence of its agents, employees, and servants as stated more fully herein. A Certificate of Merit pursuant to and in compliance with Pa. R.C.P. 1042.1 is attached hereto as Exhibit "D."

7. Defendant UPMC Health System ("UPMCHS") was at all times material hereto a corporation or other form of jural entity duly licensed by, organized according to, and/or existing under the laws of the Commonwealth of Pennsylvania, which owns, maintains, supervises, oversees, and/or operates, among other things, a hospital located at 4401 Penn Avenue, Pittsburgh, PA 15224. Defendant UPMCHS is an institutional healthcare provider, healthcare facility, and a comprehensive provider of healthcare and healthcare services, including inpatient hospital facilities, designated for the training of residents, fellows, and other trainee physicians in various medical/surgical specialties, including pediatric neurosurgery. Plaintiff is asserting a claim against this defendant for its professional negligence (i.e., direct corporate negligence) and for the professional negligence of its agents, employees, and servants as stated more fully herein.

A Certificate of Merit pursuant to and in compliance with Pa. R.C.P. 1042.1 is attached hereto as Exhibit "E."

8. At all times material hereto, Dr. Tyler-Kabara, and any other agents of defendants UPP, CHOP, CHOP/UPMC and UPMCHS who were involved in the surgery of April 1, 2014, at issue in this case, were employees, servants, and/or authorized, actual, and/or ostensible agents of defendants UPP, CHOP, CHOP/UPMC and/or UPMCHS, who controlled and/or had the right to control said agents, and were acting within the scope of their employment, master-servant, and/or agency relationship with defendants UPP, CHOP, CHOP/UPMC and/or UPMCHS while providing medical care and treatment to Brook Lacey Bayles.

9. At all times material hereto, defendants UPP, CHOP, CHOP/UPMC and/or UPMCHS were acting by and through their servants, employees, and/or actual, authorized, and/or ostensible agents, who were providing medical care and treatment to Brook Lacey Bayles in connection with her surgery of April 1, 2014, including Dr. Tyler-Kabara.

10. Venue in this action is properly laid in Allegheny County pursuant to Pennsylvania Rule of Civil Procedure No. 1006.

MATERIAL FACTS

11. Brook Lacey Bayles was born in July 2000 and was diagnosed as an infant with Klippel-Feil syndrome and chiari malformation.

12. She had a history of medical treatment and surgeries related to her conditions, including cervical fusions.

13. Notwithstanding her medical and surgical history, Brook Lacey Bayles led an active life and was independent in her activities of daily living until April 1, 2014.

14. On April 1, 2014, Brook Lacey Bayles underwent a revision of her C2-C6 fusion

with extension of fusion to T3 performed by Dr. Tyler-Kabara at CHOP/UPMC.

15. The surgery was performed with intraoperative neurophysiological monitoring, including Somatosensory Evoked Potentials (SSEPs), which measures the functional integrity of the spinal cord.

16. Brook Lacey Bayles sustained a catastrophic spinal cord injury during the surgery of April 1, 2014 as a result of an incident described in the operative report (attached with PHI redacted as Exhibit "F") as follows:

While the [fluoroscopy unit] was being removed from the field, the C-arm struck the Penfield driving it into the spinal canal. Within a minute of this event, we began to have a decrease in the amplitude of the SSEPs from the right leg corresponding to the side where the Penfield had penetrated the canal.

17. According to the operative report: the Penfield was removed from the canal and blood and clear fluid escaped from the canal; a C7 laminectomy was performed due to a concern for an expanding hematoma and the decrease in SSEP's; removal of overlying ligament led to a "gush of [cerebrospinal fluid] and blood under significant pressure"; a complete C7 laminectomy was performed; hemostasis was obtained with electrocautery; a 4 millimeter tear in the dura on the right lateral aspect was repaired.

18. Shortly after the surgery, Brook Lacey Bayles was diagnosed with injuries resulting from the spinal cord contusion and epidural hematoma, including pain, significant neurologic deficits primarily in her right leg, neurogenic bowel, and neurogenic bladder.

19. She has required extensive medical treatment since April 1, 2014 for her spinal cord injury and its attendant signs, symptoms and sequellae. That treatment has included numerous hospital admissions, inpatient rehabilitation, and, during the periods that she has been at home, in-home skilled nursing care.

20. As a direct and proximate result of the negligence of all of the defendants, jointly and severally, minor-plaintiff Brook Lacey Bayles was caused to suffer injuries consisting of, and/or suffered an increased risk of harm of suffering injuries consisting of, without limitation, the following:

- a. Spinal cord contusion with its attendant signs, symptoms and sequellae;
- b. C5 incomplete tetraplegia ASIA D;
- c. Neurogenic bladder;
- d. Neurogenic bowel;
- e. Chronic neuropathic spinal back pain;
- f. Chronic neuropathic abdominal pain;
- g. Chronic muscle spasticity;
- h. Severe scoliosis;
- i. Dysphagia necessitating gastronomy tube;
- j. Depression, anxiety and cognitive impairments;
- k. Past and future physical pain and suffering;
- l. Past and future mental pain and suffering;
- m. Past and future lost of life's pleasures;
- n. Past and future humiliation;
- o. Past and future embarrassment and disfigurement;
- p. Past and future medical expenses;
- q. Past and future lost earnings and lost earning capacity; and
- r. All injuries and damages as set forth in the medical records and as determined through discovery and at trial in this case.

21. As a direct and proximate result of the defendants' negligence, jointly and severally, minor-plaintiff Brook Lacey Bayles has suffered severe and permanent injuries for which the plaintiffs claim and demand on her behalf: (a) any and all past and future economic damages recoverable under Pennsylvania law including past and future lost earnings and lost earning capacity and past and future medical expenses; and (b) any and all past and future non-economic damages recoverable under Pennsylvania law, including all categories of damages itemized in Rule 223.3 of the Pennsylvania Rules of Civil Procedure.

22. As a direct and proximate result of the defendants' negligence, jointly and severally, plaintiffs Jason Bayles and Lesley Bayles have sustained significant financial damages, including without limitation out-of-pocket expenses and lost income, in order to provide the care that their daughter has required due to her spinal cord injury.

COUNT I – NEGLIGENCE

Plaintiffs v. Defendants Dr. Tyler-Kabara, UPP, CHOP, CHOP/UPMC and UPMCHS

23. The previous paragraphs are incorporated herein by reference as if set forth in full.

24. Defendant Dr. Tyler-Kabara failed to exercise due care and conform to the standards of reasonable and adequate medical care in her care and treatment of Brook Lacey Bayles on April 1, 2014 in one or more of the following particular respects:

- a. Negligently causing the fluoroscopy unit/C-arm to strike the Penfield and drive it into the spinal canal;
- b. Negligently allowing the fluoroscopy unit/C-arm to strike the Penfield and drive it into the spinal canal;
- c. Negligently failing to prevent the fluoroscopy unit/C-arm from striking the

- Penfield and driving it into the spinal canal;
- d. Negligently failing to ensure that the fluoroscopy unit/C-arm would not strike the Penfield;
 - e. Negligently failing to ensure that the fluoroscopy unit/C-arm was a safe distance from the Penfield at all times;
 - f. Negligently causing the fluoroscopy unit/C-arm to move in such a way as to injure the spinal cord;
 - g. Negligently allowing the fluoroscopy unit/C-arm to be moved in such a way as to injure the spinal cord;
 - h. Negligently failing to ensure that the fluoroscopy unit/C-arm could be moved without injuring the spinal cord;
 - i. Negligently positioning the Penfield in such a way as to create a risk of injury to the spinal cord;
 - j. Negligently failing to ensure that the fluoroscopy unit/C-arm could be moved without injuring the spinal cord;
 - k. Negligently allowing the Penfield to be positioned in such a way as to create a risk of injury to the spinal cord;
 - l. Negligently using a Penfield that, by virtue of its size, location and/or position, created a risk of injury to the spinal cord;
 - m. Negligently failing to be aware of the size, location and/or position of the Penfield during the operation of the fluoroscopy unit/C-arm;
 - n. Negligently failing to be aware of the size, location and/or position of the Penfield before the fluoroscopy unit/C-arm was moved;

- o. Negligently failing to communicate appropriately with the radiology technician, other individual(s) operating the fluoroscopy unit/C-arm, and/or other members of the surgical team;
- p. Negligently failing to communicate appropriately with other members of the surgical team regarding the operation or movement of the fluoroscopy unit/C-arm;
- q. Negligently failing to communicate appropriately with other members of the surgical team regarding the location and/or position of the Penfield;
- r. Negligently failing to perform her duties as “Captain of the Ship” during surgery;
- s. Negligently causing injury to Brook Lacey Bayles’s spinal cord; and
- t. Negligently increasing the risk of harm to Brook Lacey Bayles’s spinal cord.

25. Defendants UPP, CHOP, CHOP/UPMC and UPMCHS are vicariously liable for the negligence of Dr. Tyler-Kabara.

WHEREFORE, Plaintiffs, Jason Bayles and Lesley Bayles, as Parents and Natural Guardians of Brook Lacey Bayles and in their own right, demand damages against all defendants, jointly and severally, in an amount in excess of local arbitration limits, exclusive of pre-judgment interest, post-judgment interest, and costs.

COUNT II – NEGLIGENCE
Plaintiffs v. Defendants UPP, CHOP, CHOP/UPMC and UPMCHS

26. The previous paragraphs are incorporated herein by reference as if set forth in full.

27. The radiology technician(s) (or other individual employee(s) or actual or ostensible agent(s) of UPP, CHOP, CHOP/UPMC and UPMCHS responsible for operating the

fluoroscopy unit/C-arm) failed to exercise due care and conform to the standards of reasonable and adequate medical care in his, her or their care and treatment of Brook Lacey Bayles on April 1, 2014 in one or more of the following particular respects:

- a. Negligently causing the fluoroscopy unit/C-arm to strike the Penfield and drive it into the spinal canal;
- b. Negligently allowing the fluoroscopy unit/C-arm to strike the Penfield and drive it into the spinal canal;
- c. Negligently failing to prevent the fluoroscopy unit/C-arm from striking the Penfield and driving it into the spinal canal;
- d. Negligently failing to ensure that the fluoroscopy unit/C-arm would not strike the Penfield;
- e. Negligently failing to ensure that the fluoroscopy unit/C-arm was a safe distance from the Penfield at all times;
- f. Negligently causing the fluoroscopy unit/C-arm to move in such a way as to injure the spinal cord;
- g. Negligently allowing the fluoroscopy unit/C-arm to be moved in such a way as to injure the spinal cord;
- h. Negligently failing to ensure that the fluoroscopy unit/C-arm could be moved without injuring the spinal cord;
- i. Negligently failing to be aware of the size, location and/or position of the Penfield during the operation of the fluoroscopy unit/C-arm;
- j. Negligently failing to be aware of the size, location and/or position of the Penfield before the fluoroscopy unit/C-arm was moved;

- k. Negligently failing to communicate with Dr. Tyler-Kabara and/or other members of the surgical team regarding the operation or movement of the fluoroscopy unit/C-arm;
- l. Negligently failing to communicate with Dr. Tyler-Kabara and/or other members of the surgical team regarding the location and/or position of the Penfield;
- m. Negligently causing injury to Brook Lacey Bayles's spinal cord; and
- n. Negligently increasing the risk of harm to Brook Lacey Bayles's spinal cord.

28. Defendants UPP, CHOP, CHOP/UPMC and UPMCHS are vicariously liable for the negligence of the radiology technician(s) or other individual employee(s) or actual or ostensible agent(s) of UPP, CHOP, CHOP/UPMC and UPMCHS responsible for operating the C-arm.

WHEREFORE, Plaintiffs, Jason Bayles and Lesley Bayles, as Parents and Natural Guardians of Brook Lacey Bayles and in their own right, demand damages against defendants UPP, CHOP, CHOP/UPMC and UPMCHS, jointly and severally, in an amount in excess of local arbitration limits, exclusive of pre-judgment interest, post-judgment interest, and costs.

COUNT III – DIRECT (CORPORATE) NEGLIGENCE
Plaintiffs v. Defendants CHOP and CHOP/UPMC

29. The previous paragraphs are incorporated herein by reference as if set forth in full.

30. The corporate direct negligence of CHOP and CHOP/UPMC arising out of the medical care and treatment rendered to Brook Lacey Bayles on April 1, 2014, consisted or one or more of the following:

- (a) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure the safe operation and/or movement of radiology equipment;
- (b) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure that operation and/or movement of radiology equipment will not cause spinal cord injury;
- (c) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure appropriate communication among all members of the surgical team regarding operation and/or movement of radiology equipment;
- (d) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure appropriate communication among all members of the surgical team to avoid causing serious injury to patients;
- (e) The failure to maintain radiology equipment safely and adequately such that it can be used without causing catastrophic spinal cord injuries during surgery;
- (f) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure the safe use of Penfield surgical instruments;
- (g) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure that Penfield surgical instruments will not cause spinal cord injury;

- (h) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure appropriate communication among all members of the surgical team regarding the use of Penfield surgical instruments; and
- (i) The failure to adopt and/or enforce appropriate rules, guidelines, procedures, and/or protocols, to select and retain only competent physicians, and/or to properly oversee and supervise all persons who practice medicine within its walls, to ensure appropriate communication among all members of the surgical team to avoid causing serious injury to patients with Penfield surgical instruments.

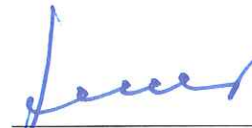
WHEREFORE, Plaintiffs, Jason Bayles and Lesley Bayles, as Parents and Natural Guardians of Brook Lacey Bayles and in their own right, demand damages against defendants CHOP and CHOP/UPMC, jointly and severally, in an amount in excess of local arbitration limits, exclusive of pre-judgment interest, post-judgment interest, and costs.

KLINE & SPECTER, P.C.

Date: _____

9/21/16

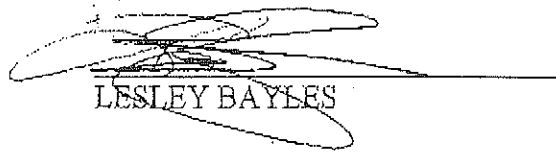
By: _____



SHANIN SPECTER, ESQUIRE
DAVID J. CAPUTO, ESQUIRE
Attorneys for Plaintiffs

VERIFICATION

I, Lesley Bayles, hereby verify that the within Civil Action Complaint is based on first-hand information and on information furnished to my counsel and obtained by them in the course of investigating the underlying facts of, and in bringing, this lawsuit. The language of the document is that of counsel and not mine. I am not a lawyer, nor do I have any legal training. To the extent that the contents of the document are based on information furnished to counsel and obtained by them during the course of this lawsuit and counsels' investigation of the facts giving rise to this lawsuit, I have relied in good faith upon counsel in signing this verification. All statements are founded upon reasonable belief, and upon my belief that the statements contained in the Civil Action Complaint are true and correct. This verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


LESLEY BAYLES

Date: 9/21/16

VERIFICATION

I, Jason Bayles, hereby verify that the within Civil Action Complaint is based on first-hand information and on information furnished to my counsel and obtained by them in the course of investigating the underlying facts of, and in bringing, this lawsuit. The language of the document is that of counsel and not mine. I am not a lawyer, nor do I have any legal training. To the extent that the contents of the document are based on information furnished to counsel and obtained by them during the course of this lawsuit and counsels' investigation of the facts giving rise to this lawsuit, I have relied in good faith upon counsel in signing this verification. All statements are founded upon reasonable belief, and upon my belief that the statements contained in the Civil Action Complaint are true and correct. This verification is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



JASON BAYLES

Date: 9/21/16

EXHIBIT B

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JASON BAYLES and LESLEY BAYLES, CIVIL DIVISION
as Parents and Natural Guardians of
[REDACTED], and in their own G.D. No. 16-005501
right,

Plaintiffs,

v.

ELIZABETH TYLER-KABARA, M.D.,
Ph.D.; UNIVERSITY OF PITTSBURGH
PHYSICIANS; CHILDREN'S HOSPITAL
OF PITTSBURGH; CHILDREN'S
HOSPITAL OF PITTSBURGH OF UPMC;
and UPMC HEALTH SYSTEM,

Defendants.

FILED
2019 JUL 15 PM 3:28
COURT OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

ORDER OF COURT

AND NOW, to wit, this 15 day of JULY, 2019, upon presentation
of the Joint Motion for Trial Date Certain, it is hereby ORDERED, ADJUDGED and
DECREED that the within Motion is GRANTED.

This case will be listed on the May 2020 Trial List with a trial date certain and jury
selection commencing on Monday, May 18, 2020.

Plaintiffs' expert reports shall be produced on or before November 30, 2019.
Defendants' expert reports shall be produced on or before December 30, 2019.
Rebuttal reports, if any, shall be filed by January 30, 2020 and February 29, 2020,
respectively. Pretrial Statements will be exchanged in accordance with Allegheny
County Local Rule 212.2 and Pa. R. Civ. P. 212.2.

COURT OF COMMON PLEAS
2019 JUL 15 PM 2:57

BY THE COURT:

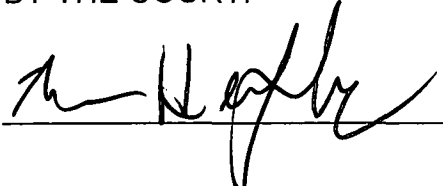
 J.

EXHIBIT C

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

IN RE: GENERAL STATEWIDE : No. 531 Judicial Administration Docket
JUDICIAL EMERGENCY :
: :
:

ORDER

PER CURIAM

AND NOW, this 16th day of March, 2020, pursuant to Rule of Judicial Administration 1952(A), this Court DECLARES a general, statewide judicial emergency until April 14, 2020, on account of COVID-19. The Court deems it necessary for the Pennsylvania Judiciary to consider -- on a district-by-district basis -- the appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and members of the public.

1. Accordingly, President Judges are AUTHORIZED to declare judicial emergencies in their judicial districts through April 14, 2020, or for part of that period, should they deem it appropriate for the protection of the health and safety of court personnel, court users, and others. Local declarations shall be transmitted to the State Court Administrator on a form substantially similar to the attached. The declarations shall become effective immediately upon the State Court Administrator's transmittal to the Supreme Court Prothonotary and upon sufficient publication arranged by the President Judge. To constitute sufficient publication, the President Judge shall ensure that the declaration is:

- A. Posted on the entry doors of the county courthouse of the judicial district and of all magisterial district courts within the judicial district;
- B. Posted on the judicial district's website; and
- C. Transmitted via e-mail to the local county bar association or associations, with the request that such associations promptly forward the notice to all members.

2. Upon the declaration of a judicial emergency in a particular judicial district, the President Judge SHALL HAVE THE AUTHORITY:

- A. To suspend time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, subject to constitutional restrictions;
- B. To authorize additional uses of advanced communication technology to conduct court proceedings, subject to constitutional restrictions; and
- C. To take any action permitted pursuant to Rule of Judicial Administration 1952(B)(2).

3. With reference to paragraph 2(A), the President Judge specifically SHALL HAVE THE AUTHORITY to suspend the operation of Rule of Criminal Procedure 600 within a judicial district. Such suspension shall be immediately effective if a statement of intention to implement a suspension is included in the declaration of a local judicial emergency. The purport of the suspension will be that the time period of the local judicial emergency (or a shorter time period if specified) shall be excluded from the time

computation under Rule of Criminal Procedure 600(C). Nothing in this Order or its local implementation shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions, albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

4. Within 24 hours of taking any action as authorized in Paragraph 2 of this order, the President Judge shall, to the extent practicable, provide notice of the action in the manner specified in Paragraph 1(A)-(C) of this order.

5. President Judges in judicial districts operating under a declaration of judicial emergency are to comply with the obligations under Rule of Judicial Administration 1952(B)(3), (B)(5), and any other pertinent provision, where implicated.

6. President Judges in judicial districts operating under a declaration of judicial emergency shall arrange for the provision of essential judicial services, including, by way of example, arraignments and bail establishment hearings, protection from abuse act proceedings, where absent such proceedings there would be a threat of domestic violence, and/or injunction proceedings, where absent such proceedings there would be the threat of irreparable harm.

7. To the extent a President Judge seeks the temporary suspension or modification of statewide court rules as applied to any case or cases in the judicial district, beyond that already permitted under this order, see Pa.R.J.A. 1952(B)(2)(m), the President Judge is to submit an application to such effect to the Supreme Court Prothonotary, with submissions being directed to the district office of the Prothonotary applicable to the President Judge's judicial district. Such applications shall specifically identify the rule or rules at issue and provide justification for the request. To the extent

practicable under the circumstances, notice of the request for suspension or modification of statewide court rules shall be provided in accordance with Paragraph 1(A)-(C) of this order, as well as Rule of Judicial Administration 1952(C)(5).

8. In judicial districts that operate under a declaration of judicial emergency, the President Judge shall provide notice in accordance with Paragraph 1(A)-(C), and to the State Court Administrator, when normal court operations are resumed. This notification shall be provided within 24 hours of the resumption of normal court operations.

A True Copy Patricia Nicola
As Of 03/16/2020


Attest:
Chief Clerk
Supreme Court of Pennsylvania

**IN THE SUPREME COURT OF PENNSYLVANIA
XXXXXX DISTRICT**

IN RE: ___ JUDICIAL DISTRICT -- : No. ___ _M 2020
DECLARATION OF JUDICIAL :
EMERGENCY :

DECLARATION

Per the Supreme Court's Order dated March 16, 2020, I declare a judicial emergency in the _____ Judicial District for the following period: _____ to _____.

[OPTIONAL: The operation of Rule of Criminal Procedure 600 shall be suspended in the ___ Judicial District during the period of the local judicial emergency (*or for a shorter period if specified*)].

Signed: _____

Dated: _____

EXHIBIT D

IN THE SUPREME COURT OF PENNSYLVANIA

WESTERN DISTRICT

IN RE:

FIFTH JUDICIAL DISTRICT –
DECLARATION OF JUDICIAL
EMERGENCY

:
:
:
:
:

No. _____ M 2020

DECLARATION

Per the Supreme Court's Order dated March 16, 2020, I declare a
judicial emergency in the Fifth Judicial District for the following period:
March 16, 2020 to April 14, 2020.

The operation of Rule of Criminal Procedure 600 shall be suspended
in the Fifth Judicial District during the period of the local judicial emergency.

Signed: W. J. Cole, PJ.

Dated: 16 March 2020

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: DECLARATION OF
EXTENSION OF
FIFTH JUDICIAL DISTRICT
JUDICIAL EMERGENCY

:
:
: No. _____ M 2020
:
:
:

ORDER OF COURT

AND NOW, this 2nd day of April 2020, consistent with the Order of the Supreme Court of Pennsylvania dated April 1, 2020, this Court having originally declared a judicial emergency in the Fifth Judicial District of Pennsylvania through April 14, 2020, I now **DECLARE** that the judicial emergency be extended through May 8, 2020. The Fifth Judicial District Emergency Operations Plan dated March 26, 2020, as amended, shall remain in effect through the duration of the judicial emergency.

Additionally, in recognition of the likelihood that this judicial emergency may, of necessity, be extended through May 31, 2020, it is further **ORDERED** that any case postponed due to this emergency be scheduled after May 31, 2020, and that the suspension of the operation of Rule 600 be applied to those postponements, subject to constitutional limitations. Cases that can be resolved entirely through the use of Advanced Communication Technology may be postponed to a date prior to May 31, 2020.

BY THE COURT:



P. J.

KIM BERKELEY CLARK
PRESIDENT JUDGE

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: DECLARATION OF
EXTENSION OF
FIFTH JUDICIAL DISTRICT
JUDICIAL EMERGENCY

:
:
:
:
:
:

23 WM 2020

ORDER OF COURT

AND NOW, this 6th day of May 2020, consistent with the Orders of the Supreme Court of Pennsylvania dated April 1, 2020 and April 28, 2020, this Court having originally declared a judicial emergency in the Fifth Judicial District of Pennsylvania through April 14, 2020, and having previously extended such emergency through May 8, 2020, I now **DECLARE** that the judicial emergency be extended through June 1, 2020. All provisions of the March 16, 2020, Fifth Judicial District Emergency Operations Plan, as amended most recently on May 6, 2020, shall remain in effect through the duration of the judicial emergency.

BY THE COURT:



P. J.

Kim Berkeley Clark
President Judge

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: AMENDED)	
FIFTH JUDICIAL DISTRICT)	
EMERGENCY OPERATIONS)	No. 23 WM 2020
PLAN)	
)	

ORDER OF COURT

AND NOW, this 28th day of May, 2020, having previously declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through August 31, 2020.

I. Public Access to Court Facilities

- A Court Facility includes, but is not limited to:
 - The Civil Division located on the 7th and 8th floors of the City-County Building and the Housing Court Help Desk, located on the first floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219;
 - The Criminal Division located on the 3rd and 5th floor of the Courthouse, 436 Grant Street, Pittsburgh, PA 15219;
 - The Family Law Center located at 440 Ross Street and 559 Fifth Avenue, Pittsburgh, PA 15219;
 - The Orphans’ Court Division, located on the 17th floor of the Frick Building, 437 Grant Street, Pittsburgh, PA 15219;
 - Pittsburgh Municipal Court, 660 First Avenue, Pittsburgh, PA 15219;
 - All Magisterial District Courts located in Allegheny County;

- All Adult Probation Offices, located in Allegheny County;
- All Juvenile Probation Offices including the six Community Intensive Supervision Program sites located in Allegheny county;
- The Juvenile Dependency Hearing Officer Courtrooms located at:
 - 1) (East Region) 10 Duff Road—Suite 208, 10 Corporate Center, Penn Hills, PA 15235;
 - 2) (Mon Valley Region) 355 Lincoln Highway, North Versailles, PA 15137;
 - 3) (North Region) 421 East Ohio Street, Pittsburgh, PA 15212; and
- Any Administrative Offices of the Fifth Judicial District.
- All court facilities, including the courtrooms in all Divisions of the Court of Common Pleas, the Magisterial District Courts and the City of Pittsburgh Municipal Court, will be open to the public for matters as specified below in this Order.
- Persons must wear masks to enter and remain in any court facility. Persons who are not compliant with this order, will be required to leave the court facility.
- Persons who enter any court facility shall comply with CDC and Health Department recommendations for social distancing as well as any signage posted in or on court facilities or instructions from a judge, judicial officer, Sheriff's deputy, police officer, constable, building security, or court employee.
- News media shall be permitted into court facilities but only in a manner that is consistent with public safety. Cameras will not be allowed in any court facility, unless specifically authorized by the President Judge, Administrative Judge of a Division, or the District Court Administrator.

- Sheriff's deputies, police, constables, and building security assigned to any court facility are authorized to deny admission or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19. Any person excluded or removed for health concerns shall be provided with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business are guaranteed admission into any court facility, subject to restrictions above. Friends and family members may be required to wait outside the facility.
- Sheriff's deputies, police, constables, and building security shall have the authority to enforce all of the conditions in this section. Persons who are not compliant with this order, will be required to leave the court facility.

II. Methods for Conducting Proceedings

- Whenever appropriate and feasible, and as directed by the President Judge, the Administrative Judges of the Divisions, and the District Court Administrator, court proceedings shall be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings found on the Fifth Judicial District website.
- When it is determined that conducting court proceedings through ACT is not appropriate or feasible, court hearings and proceedings shall be

conducted utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- Any administrative order, policy, or protocol issued by an Administrative Judge requiring certain proceedings to be conducted through ACT shall be followed. Any exceptions to such an administrative order, policy, or protocol must be approved by the Administrative Judge of the Division.
- In order to prevent overcrowding, court appearances and hearing times shall be staggered, and the Administrative Judges may require that scheduling of cases be centralized in each division.
- Requests or Motions for Continuance should be liberally granted.
- Attorneys should encourage their clients to refrain from having non-participants accompany them to court proceedings.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- All persons participating in a court proceeding, including but not limited to, judges and judicial officers, attorneys, court employees, court reporters, witnesses, and spectators, are required to wear a mask for the entire proceeding. The judge or judicial officer may permit a person to temporarily remove the mask to take testimony or where the presence of a mask would affect the ability to judge credibility, provided that the requirements for social distancing are followed.

- Orders prohibiting and limiting the use of cellular phones in courtrooms and court facilities remain in effect. However, due to the requirements for social distancing, an attorney may use a cellular telephone to communicate with a client or a witness while outside of the courtroom. An attorney may use a cellular telephone to confer with a client by text messaging during a court proceeding or matter in progress; to summon witnesses waiting in another location, to the courtroom; or for such other purpose deemed appropriate by the judge or judicial officer presiding over the court proceeding.
- The taking of photographs or the recording of any proceeding is strictly prohibited. Anyone violating this provision shall forfeit their cellular phone or device and shall be subject to contempt proceedings or other sanctions.
- Taking the testimony of witnesses through ACT is strongly encouraged. However, when a witness must testify in person in a courtroom, the witness may be required to wait in another location until such time as the court is prepared to take the testimony of the witness. Upon conclusion of the testimony, the witness shall be excused from the courtroom and shall leave the court facility unless the judge or judicial officer determines that there is a reason that the witness must remain in the court facility.
- News media may be permitted into a courtroom, if social distancing can be maintained. The court may designate certain seats for the news media, however, seats for attorneys, parties to the proceedings and essential court staff take priority over seats for the news media.
- Sidebar conferences are prohibited until further order of court.

III. Time Calculations and Deadlines

- Except as otherwise set forth in this Order, the suspension of time calculations due to the judicial emergency that began on March 16, 2020 ends at the end of the day on June 1, 2020.
- Time calculations and deadlines were suspended during the judicial emergency so that they did not continue to run during that time. The suspension began on March 16, 2020 and continued through June 1, 2020—or for 78 days. New deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency as applied to the particular time calculation) to the original deadline. The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running.
- For example, if an original 30-day deadline fell on March 19, 2020, and the period of suspension under the judicial emergency was 78 days (March 16th through June 1st), the new deadline would be June 5, 2020 (78 days after March 19th). In this example, the particular time calculation stopped running during the entire 78-day suspension when it would have otherwise been running. If, however, a deadline expired before the judicial emergency began, then that deadline would not be extended by the judicial emergency.
- The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running. For example, if a 20-day time period begins running on May 27, 2020, when a complaint is served, then the original 20-day deadline

would be June 16, 2020. The period during which this particular time calculation would be suspended by the judicial emergency would be 6 days (from May 27th through June 1st) and the new deadline would be June 22, 2020 (6 days after June 16, 2020). Stated differently, if a 20-day time period begins running on May 27, 2020, when a complaint is served upon the defendant, the parties start counting the 20-day time period from June 2, 2020, (i.e. June 3rd is day one), and the new deadline is again June 22, 2020.

- If, however, the particular time calculation does not start to run until after June 1, 2020, then the deadline would not be extended as it would be unaffected by the suspension. For example, if a 20-day time period begins running on June 3, 2020 when a complaint is served then the original 20-day deadline of June 23, 2020 would not be extended.
- Postponements or continuances resulting from the judicial emergency shall be considered court postponements and shall constitute excludable time, subject to constitutional limitations for purposes of the application of Rule 600. See *Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017).
- The suspension of Rule 600, subject to constitutional limitations, as indicated in this Court's previous Emergency Operations Orders, began on March 16, 2020 and will continue through August 31, 2020, subject to further order of court.
- Jury trials in both the Civil and Criminal Divisions remain suspended until further Order of Court.
- Attorneys and litigants shall not use the judicial emergency to secure strategic advantage in litigation, including by dilatory conduct.

Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency. The judge may then take any action deemed appropriate to address the situation.

IV. Transportation, Signatures, Fingerprinting, and Publication

- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Until further Order of Court:
 - No inmates will be transported from the Allegheny County Jail or a state correctional facility for preliminary hearings.
 - Juveniles will not be transported from Shuman Detention Center or Hartman Shelter for court hearings
 - Where the participation of the inmate or juvenile is required at a court hearing, Advanced Communication Technology shall be considered before issuing the order to transport.
 - All juveniles or inmates who are being transported shall wear a mask.
 - The Sheriff's deputies may refuse to transport an inmate or juvenile who is visibly ill, who is exhibiting symptoms of COVID-19, or who refuses to wear a mask, and shall immediately notify the assigned judge.
- Alternative methods of signing, delivery, and service of court documents and orders shall be permitted. This includes, but is not limited to,

facsimile signatures, electronic signatures, proxy signatures, and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. *Pro se* litigants completing forms at Pittsburgh Municipal Court may authorize court employees to sign documents, when necessary, for the safety of the litigants and court employees. Under such circumstances, the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a *pro se* litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

- In the interest of public health, the *Pittsburgh Legal Journal* shall be published as an electronic PDF through the duration of the judicial emergency in the Fifth Judicial District. During the judicial emergency, proofs of publication produced by the *Pittsburgh Legal Journal* can be properly verified and signed by a notary public only, instead of a notary public and an affiant as is typically required. Proofs of publication may be mailed or emailed to relevant parties. Records of all electronic proofs of publication and email correspondence shall be preserved.

V. Civil Division

- Where appropriate and feasible, Civil Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See

Protocol for Teleconference Hearings posted on the Fifth Judicial District website.

- Non-jury trials shall commence beginning in June 2020. Where appropriate and possible, such non-jury trials shall be conducted using Advanced Communication Technology (ACT). When it is not appropriate and possible to use ACT for non-jury trials, all parties, lawyers, witnesses, and persons participating in the trial must follow the Fifth Judicial District's protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- Consistent with this Order, the following matters shall be conducted remotely through the use of Advanced Communication Technology:
 - (1) Calendar Control Motions,
 - (2) Housing Court Motions.
 - (3) Discovery Motions,
 - (4) General Motions (contested and uncontested),
 - (5) Oral arguments on Preliminary Objections,
 - (6) Oral arguments on Motions for Summary Judgment, or Judgment on the Pleadings,
 - (7) Conciliations relating to cases on the May 2020 Trial List, and
 - (8) All other matters scheduled by any individual judge relating to a case specifically assigned to that judge, unless litigants lack the ability to participate using Advanced Communication Technology and under such circumstances, the individual Judge will utilize appropriate methods to adjudicate and/or conduct arguments/hearings utilizing protocols and policies relating to the

use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- See the Fifth Judicial District website, www.alleghenycourts.us, for procedures and instructions relating to the following matters, including Operating Procedures for all judges and remote submissions of the following:
 - (1) Calendar Control Motions;
 - (2) Discovery Motions;
 - (3) General Motions;
 - (4) Preliminary Objections; and
 - (5) Motions for Summary Judgment/Judgment on the Pleadings.

- Notwithstanding the suspension of time calculations and deadlines set forth in Section I above, individual judges are hereby invested with substantial discretion with the enforcement of time deadlines which he/she has established in a particular case when handling one of the matters outlined above in items (1) through (8) of the Civil Division section of this Order.

- All prior Fifth Judicial District Court Orders regarding the suspension of evictions and related proceedings due to the judicial emergency shall expire at the end of the day on June 1, 2020. The Governor's Orders of May 7, and May 22, 2020, prohibiting commencement of actions filed under the Landlord Tenant Act of 1951 for failure to pay rent, or due to an expired lease remain in effect. Landlord tenant actions filed prior to March 16, 2020, may proceed pursuant to applicable rules and laws.

- Arbitration hearings will resume in June of 2020 utilizing the protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order. However, where all parties agree to using Advanced Communication Technology (ACT), or by Order of Court upon cause shown by one or more parties, arbitration hearings may be conducted remotely through use of ACT.
- Conciliations and hearings before the Board of Viewers shall be conducted remotely where appropriate and possible using ACT. Where the litigants are unable to participate remotely utilizing ACT, the Board of Viewers may proceed with in-person hearings, as necessary, utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- In any case specially assigned to a judge, the judge assigned shall attempt to utilize Advanced Communication Technology for all hearings, conferences, and/or oral arguments on such matters so assigned. Where one or more parties is unable to participate using Advanced Communication Technologies, then under such circumstances, the assigned judge may conduct in-person hearings, conferences, and/or oral arguments utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- The Commerce and Complex Litigation Center will hear all petitions, motions, conciliations, and hearings remotely using Advanced Communications Technology; see the standardized operating procedures for Administrative Judge Christine A. Ward, and Judge Philip

Ignelzi, available on the Fifth Judicial District website, www.allegheycourts.us for information concerning matters assigned to the Commerce and Complex Litigation Center.

VI. Criminal Division

- Criminal Division courtrooms will be open and operating for proceedings commencing on June 1, 2020. Where appropriate and feasible, Criminal Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.
- Whenever possible and with the consent of the defendant, guilty pleas shall be conducted through Advanced Communication Technology.
- Where it is appropriate and feasible, and with the consent of the defendant and the attorney for the Commonwealth, non-jury trials may be conducted, in whole or in part, through Advanced Communication Technology.
- Bail hearings shall continue to be conducted through videoconferencing. If a hearing cannot be conducted through videoconferencing, the hearing shall be held by audio or teleconferencing.
- Bail review hearings and other miscellaneous motions and matters will be addressed in daily motions court. Protocols for these motions are

posted on the Fifth Judicial District website. All hearings will be conducted through Advanced Communication Technology.

- All bail and miscellaneous motions for cases at the Court of Common Pleas level can be filed through PACFile or filed in person and brought to the motions counter in room 534 of the courthouse. All bail motions for cases at the Magisterial District Court level shall be filed by emailing the motion (with the OTN number of the case on the coversheet) to DCRCriminal@AlleghenyCounty.us. A copy of any such motion at either level, and/or a Bail Review Request form which can be found on the Criminal Division page of Fifth Judicial District website, shall be submitted to PTS_Bail_Questions_Bin@alleghenycourts.us.
- All motions to lift detainers can be filed through PACFile and emailed to the assigned judge and his/her staff or filed in person at the Office of Court Records and brought to the appropriate courtroom. Email addresses for Criminal Division Judges and staff are located on the Fifth Judicial District website.
- All attorneys are required to engage in a Case Status Conference (CSC) for every case with the opposing counsel at least one week prior to the next scheduled court date. The CSC shall be conducted through Advanced Communication Technology. Protocols for the CSC are posted on the Fifth Judicial District website. All parties shall comply with the Case Status Conference Administrative Order of Court entered by Administrative Judge Jill Rangos on May 8, 2020, posted on the Fifth Judicial District website at the following link. https://www.alleghenycourts.us/downloads/criminal/administrative_orders/Case%20Status%20Conference%20Administrative%20Order.pdf

- Effective June 1, 2020, electronic monitoring supervision by the Adult Probation Department will be available at the discretion of the Criminal Division judges.
- Summary and statutory appeal hearings will resume effective June 1, 2020 at a reduced volume and on a staggered court schedule. Dates and times of hearings can be found on UJSportal.pacourts.us.
- The motions counter in Room 534 in the Allegheny County Courthouse will reopen to the public on June 1, 2020. All persons must comply with the protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.

VII. Family Division

Child Support, Divorce, Alimony, and Equitable Distribution of Property

- The Regional Offices located in Penn Hills and Castle Shannon shall remain closed to the public. Information can be obtained by calling (412) 350-1500 or (412) 350-5600, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Consent Agreements and Orders may be sent to the following email address for review and processing: pacsessupportconsentagreement@pacses.com
- Until further Order of Court, child support payments will not be accepted in person. Child supports payments may be made by credit card, check, and/or money order. Payment coupons and instructions are available on the Fifth Judicial District website: www.alleghecourts.us
- Child and/or spousal support and *Alimony Pendente Lite* conferences and hearings originally scheduled between March 16, 2020 and May 11, 2020 have been or shall be rescheduled by court order with the proceedings being scheduled effective June 8, 2020. All conferences and hearings will be conducted telephonically until further notice. A continuance Order and telephonic instructions will be sent by US Postal Mail and, when possible, by text message.
- All scheduled conferences and/or hearings shall be conducted telephonically. Litigants will receive telephonic conference/hearing instructions via US Postal Mail and, when possible, by text message.
- All evidence being submitted for support proceedings may be submitted by text message, email, or fax prior to or during the course of the proceeding.
- Exceptions to Hearing Officer Support Recommendations shall be filed electronically at alleghenysupportexceptions@pacses.com. The complete "Exceptions Procedure" shall be maintained on the Fifth Judicial District website and is incorporated herein, by reference.

- Masters' conciliations regarding complex support and/or equitable distribution scheduled after May 4, 2020 will be rescheduled as a conciliation by teleconference.
- Masters' hearings scheduled after May 4, 2020 shall be converted to a conciliation.
- Masters' conciliations and hearings originally scheduled between March 16, 2020 and May 4, 2020 have been or will be rescheduled as a conciliation by teleconference.
- Masters' Rules and Procedures are posted to the Fifth Judicial District website and are made applicable by this Order.
- The Court shall continue to review and grant divorces, administratively, when all required documents are filed with the Department of Court Records.
- Any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- Questions about child support and custody may be directed to (412) 350-1500 or (412) 350-5600, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Custody

- Custody motions will be addressed on a case by case basis. Any matter may be presented to the Court by Motion, without a hearing, for entry of an Order, pursuant to the assigned judge's procedures posted on the Fifth Judicial District website.

- For new custody cases originating by motion without a judicial assignment, please contact the Court by email at emergencycustody@alleghenycourts.us with the following information: parents' names and dates of birth and the child(ren)'s names and dates of birth. The Court will respond to the inquiry with the appropriate judicial designation.
- *Pro se* emergency custody motions will be addressed by completing the Court's online submission platform for the same on the Fifth Judicial District website.
- Questions concerning custody matters may be submitted by email to custodydepartment@alleghenycourts.us or by leaving a message at 412-350-4311. Emails and calls will be returned during regular business hours. For questions concerning an emergency custody matter, please call 412-350-1500, Monday through Friday, between 9:00 AM and 3:00 PM.
- Until further Order of Court, the Generations education seminar requirement shall be completed by reading and reviewing the Generations booklet, which is posted on the Fifth Judicial District website. The password to access the booklet is contained in the scheduling order. For litigants who do not have access to the internet, please call 412-350-4311 to receive the materials by regular mail.
- Until further order of Court, the Generations mediation session, DRO custody conciliation, interim relief hearing, and partial custody hearing before the hearing officer, shall be conducted remotely, either by teleconference or videoconference, at the Court's direction. Five (5) days in advance of the scheduled court event, litigants shall send

contact information (telephone number and email address) where they may be reached by the Court on the date and time of the scheduled court event to custodydepartment@alleghenycourts.us or by phone at 412-350-4311. Failure to timely provide this information to the Court may result in the proceeding not being held and/or a delay in scheduling/rescheduling the custody case.

- All other custody proceedings, including those scheduled to be heard before the assigned Judge, shall be heard remotely by teleconference or videoconference at the Court's direction, until further Order of Court and unless the judge requires an in-person proceeding. Litigants should carefully review the scheduling order issued for each matter for information on the remote requirements, witness testimony, and submission of evidence and exhibits.
- Exceptions to Hearing Officer Custody Recommendations shall be filed at the Allegheny County Department of Court Records, with a copy sent to the Court via email at custodydepartment@alleghenycourts.us.

Protection from Abuse

- Effective June 1, 2020, all Temporary Protection From Abuse matters will be addressed at the Family Law Center, 440 Ross Street, Room 3030, Pittsburgh, PA 15219. Temporary Protection from Abuse Hearings shall be conducted generally through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Temporary Protection From Abuse Petitions will be prepared and processed between the hours of 8:00 A.M. and 2:00 P.M., and

videoconference hearings will be conducted until 2:00 P.M, Monday through Friday. This timeframe may be modified upon further order.

- Emergency Protection From Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday and on court holidays at the Pittsburgh Municipal Court Building, 600 First Avenue, Pittsburgh, PA 15219
- Final Protection From Abuse Hearings shall be heard through Advanced Communication Technology (ACT), until further Order of Court.
- Temporary Protection From Abuse Orders that were entered during the judicial emergency or that were extended due to the judicial emergency shall expire on June 16, 2020, unless an order entered after May 28, 2020 sets a different expiration date.
- Defendants (or their attorneys) intending to contest a Protection From Abuse action and participate in a hearing must submit an "Intent to Defend" form prior to the scheduled hearing. If the Defendant appears at the hearing without having completed and submitted the Intent to Defend form prior to the scheduled hearing, the hearing may be postponed and the Temporary PFA Order may be extended until the rescheduled hearing date.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication

Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary PFA Petitions.

- Effective Monday, June 1, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M., please call (412) 350-4441 for questions concerning Protection from Abuse.

Juvenile Matters

- All Juvenile proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.
- Effective, June 1, 2020, all Juvenile Court matters will be heard by the assigned judges according to the scheduling protocol in effect prior to the judicial emergency. Matters may continue to be heard through Advanced Communication Technology, as the interest of public safety dictates.
- The Court shall continue to issue Orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- Detention hearings will be heard by a hearing officer on Mondays, Wednesdays, and Fridays. Hearing officer recommendations will be sent to the daily assigned judge for approval and entry of an order.

- Shelter Care Hearings will be heard four days a week. Walk-in Shelter Care Hearings will not be permitted. Hearing officer recommendations will be sent to the assigned judge for approval and entry of an order.
- Emergency motions will be heard in accordance with the weekly motions judge schedule. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@alleghenycourts.us, the probation officer, and the caseworker.
- For emergency matters involving delinquency, please contact the Juvenile Probation Department at (412) 350-1501.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than 10 days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or through Advanced Communication Technology. In all cases, the Court shall determine whether the continued detainment is necessary to ensure the safety of the public and is constitutionally permissible.
- Termination of Parental Rights Hearings shall be scheduled and heard by the assigned judge.
- Adoption Hearings shall be scheduled and heard as determined by the assigned judge.

- Post-dispositional hearings, where the recommendation is to close supervision, may be presented by memo for the entry of an Order to terminate supervision.
- Initial prehearing conferences shall be conducted through Microsoft Teams. With the consent of the parties, all other matters may be presented to the Court by memo, without a hearing, for entry of an Order.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.
- Private Dependency Petitions and Petitions to Modify/Enforce Permanent Legal Custodianship Orders shall be processed electronically or by US Postal Mail. Complete instructions are available on the Fifth Judicial District website.
- Questions concerning dependency matters, termination of parental rights, adoptions and juvenile scheduling matters may be submitted by email to childrenscourt@alleghencycourts.us or by calling 412-350-0377, Monday through Friday, between 9:00 AM and 3:00 PM. Emails and calls will be returned during regular business hours.

VIII. Orphans' Court Division

- Whenever appropriate and feasible, Orphans' Court Proceedings should be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See

Protocol for Teleconference Hearings found on the Fifth Judicial District website. Proceedings in Orphans' Court cases that are specially assigned to a judge may, at the discretion and direction of the judge, be conducted in-person in open court.

- The following types of Petitions/Motions may be filed at the Department of Court Records Wills/Orphans' Court Division for transmittal to the Orphans' Court Division for assignment to the trial judge or motions judge:
 - (1) Settlement Petitions involving minors, incapacitated persons, or Decedent's Estates;
 - (2) Petitions requesting the issuance of a Citation or Rule to Show Cause;
 - (3) Petitions requesting the scheduling of a hearing, including but not limited to, termination of parental rights, adoptions, guardianships of incapacitated persons and minors, and review of involuntary civil commitment;
 - (4) Petitions to Settle a Small Estate;
 - (5) Petitions for Allowance involving minors or incapacitated persons; and
 - (6) Petitions or motions that are consented to in writing by all counsel of record and/or by all unrepresented parties in interest.
- Petitions or motions that are contested must comply with the requirements of Rule 3.1 of the Allegheny County Orphans' Court Division Rules and shall be presented in-person in open court to the motions judge at 9:30 a.m. or at such time and manner, including via Advanced Communications Technology, as directed by the motions judge.

- In-person in court proceedings must follow the protocols and policies relating to the use of masks or other personal protective equipment, social distancing and other guidance specified in Section II of this Order.
- Involuntary Civil Commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

XI. Magisterial District Courts

- All Magisterial District Courts and Pittsburgh Municipal Court are open for designated court proceedings as set forth in this order.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan and the Pittsburgh Municipal Court, City of Pittsburgh COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. See attached Revised MDC COVID-19 plans.
- Magisterial District Judges will remotely handle criminal case initiation and processing through Preliminary Arraignment. The remote operations include:
 - Criminal Complaint filing, arrest warrant requests, and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.
- Preliminary hearings with incarcerated defendants will be conducted using Advanced Communication Technology.

- Preliminary hearings for non-incarcerated defendants may be conducted using Advanced Communication Technology.
- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through Court Payment Services at alleghenytx.com and through the Pennsylvania ePay system at ujsportal.pacourts.us. Cash payments at the Magisterial District Courts may be accepted at the discretion of the Magisterial District Judge. Cash payments will not be accepted at Pittsburgh Municipal Court.
- Magisterial District Judges may *sua sponte* revise individual payment plans to reduce the minimum payment requirement.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.
- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on his/her behalf. The Magisterial District Judge shall utilize the procedures set forth below.

- The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.
- Emergency Protection From Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday and court holidays. Until further Order of Court, all Protection From Abuse matters will be addressed at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary Protection from Abuse Petitions.
- All proceedings will be conducted using Advanced Communication Technology, which includes audio or videoconference.
- Private complaint interviews will not take place at the Magisterial District Courts. Please refer to the Allegheny County District Attorney's website for directions for filing a private complaint at <http://alleghenycountyda.us/>.

- All prior Fifth Judicial District Court Orders regarding the suspension of evictions and related proceedings due to the judicial emergency shall expire at the end of the day on June 1, 2020. The Governor's Orders of May 7, and May 22, 2020, prohibiting commencement of actions filed under the Landlord Tenant Act of 1951 for failure to pay rent, or due to an expired lease remain in effect. Landlord tenant actions filed prior to March 16, 2020, may proceed pursuant to applicable rules and laws.

BY THE COURT:



P. J.

Kim Berkeley Clark
President Judge

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

COVID – 19 Pittsburgh Municipal Court Protocol

Due to the Covid-19 Pandemic Pittsburgh Municipal Court has modified/alterd their operations.

Safety Measures:

- Court users will enter through the main entrance.
- Employees will enter through the employee entrance.
- Court users will exit the building in the back - new designated exit door on the first floor - towards the river.
- Security guards will be at the entrance and exit.
- Court users will go through security.
- Court users will not be readmitted at the exit (if a person goes outside for a cigarette break – they will have to enter in the front of the building).
- Face masks are required – no person will be permitted into PMC without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility
- Case participants are the only people permitted in the facility.
- News media will be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to Pittsburgh Municipal Court. Please contact Pittsburgh Municipal Court in advance of the hearing.
- Sneeze guards will be installed at the bench.

Scheduling:

- Pittsburgh Municipal Court will have staggered appearance times:
 - Every 15 minutes beginning at 8:00 a.m. – 11:00 a.m.
 - Every 15 minutes beginning at 12:30 p.m. – 4:00 p.m.
 - The number of cases scheduled will ensure proper social distancing.
- Criminal Cases month of June:
 - Criminal cases will be heard in 2 – 3 courtrooms, city, traffic and non-traffic courtrooms, every morning and afternoon.
 - Please check hearing notice for courtroom assignment.
 - Parties will check in at a window designated for the courtroom assignment. There will not be a general check in on the first floor.
 - Police will check in per the District Attorney directions.

- All case files will remain on the bench.
- Parties are encouraged to conference with one another prior to the court proceeding.
- Summary Hearings month of June:
 - Traffic summary hearings will be heard in 2 courtrooms, traffic and non-traffic.
 - Days will vary in June with some Friday hearings.
 - If a court user was ordered to complete community service on a case, please send completion documentation prior to hearing date. If approved, parties will not have to appear.

Hearings:

- Parties are to remain at counsel tables and not approach the bench.
- Parties must speak loudly so FTR can record.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytx.com and ujportal.pacourts.us.
- Payments may be made by cash if safety procedures are followed.

Criminal Case Filings – Police Agencies:

- All criminal cases filed at Pittsburgh Municipal Court shall be handled remotely
- Police agencies please refer to the Pittsburgh Municipal Court Covid-19 Criminal Processing Plan.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 2:00 p.m. through 8:00 a.m., and Friday from 2:00 p.m. through Monday at 8:00 a.m.

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

Revised Magisterial District Courts COVID – 19 Plan

Due to the Covid-19 Pandemic Magisterial District Courts in the Fifth Judicial District have modified/alterd their operations.

Safety Measures:

- Court users may be checked/wanded by a state constable upon entry.
- No one will be permitted into the District Court without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility.
- Some District Courts will have a check in procedure wherein parties will be instructed to check in/provide phone number and wait outside (could wait in an automobile).
 - Parties will be called when it is time for their hearing.
- Case participants are the only people permitted in the facility.
- News media may be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to District Court. Please contact the District Court in advance of the hearing.

Scheduling:

- The Magisterial District Courts will be staggering appearance times to ensure proper social distancing.
- Parties are required to be on time for their court proceeding.
- Parties are encouraged to conference with one another prior to the court proceeding.
- If you were to complete community service check with District Court about sending completion paperwork prior to scheduled hearing date. Some District Courts may accept without court appearance.

Hearings:

- Incarcerated individuals will not be transported to the Magisterial District Courts. These individuals will appear for the preliminary hearings via video.
- Interpreters will work remotely by either phone or video.

Case Filings:

May 27, 2020

- Civil/LT cases will be accepted by mail.
- If a party wishes to file in person, please contact the District Court to schedule an appointment time.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytix.com and ujportal.pacourts.us.
- Lock boxes may be provided for cash payments.
- District Courts may accept cash payments if processed safely.

Criminal Case Processing:

- The Magisterial District Courts will not be conducting any criminal case initiation or arraignments in person at the District Court.
- All criminal case initiation, requests for arrest warrants, on-view arrest complaints and search warrants, will be conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan.
- All criminal arraignments will be conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan. Arraignments on outstanding arrest warrants or on-view cases will take place at either the local police station or the Allegheny County Jail.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 2:00 p.m. through 8:00 a.m., and Friday from 2:00 p.m. through Monday at 8:00 a.m.

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: DECLARATION OF
EXTENSION OF
FIFTH JUDICIAL DISTRICT
JUDICIAL EMERGENCY

:
:
:
:
:
:

No. 23 WM 2020

ORDER OF COURT

AND NOW, this 31st day of August 2020, consistent with the Order of the Supreme Court of Pennsylvania dated May 27, 2020, this Court having originally declared a judicial emergency in the Fifth Judicial District of Pennsylvania beginning on March 16, 2020, and having previously extended such emergency through August 31, 2020, I now **DECLARE** that the judicial emergency be extended through December 31, 2020. The provisions of the amended Fifth Judicial District Emergency Operations Plan dated August 28, 2020, as amended, shall remain in effect through the remaining duration of the judicial emergency. The suspension of the operation of Rule 600(C) shall continue through December 31, 2020, to the extent consistent with constitutional limitations.

BY THE COURT:



_____, P. J.
Kim Berkeley Clark
President Judge

EXHIBIT E

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
ADMINISTRATIVE DOCKET

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. AD - 2020 - _____ - PJ
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 18th day of March 2020, consistent with the Order of the Supreme Court of Pennsylvania dated March 16, 2020, this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania, the Court orders the following actions be taken pursuant to Pa.R.J.A. No. 1952(B)(2):

- All time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are suspended subject to constitutional restrictions.
- Additional uses of advanced communication technology to conduct court proceedings, is authorized subject to constitutional restrictions.
- All provisions of this Order apply to cases scheduled from March 19, 2020 through April 14, 2020.
- Until further Order of Court, no inmates or juveniles will be transported from state correctional facilities, county jails or prisons, Shuman

Detention Center, or Hartman Shelter. Where the participation of the inmate or juvenile is required, advanced communications technology shall be employed.

- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- Alternative methods of signing, delivery and service of court documents and orders shall be permitted.

Civil Division

- Jury and non-jury trials are suspended pending further Order of Court.
- Effective immediately General Motions heard by the General Motions Judge shall be restricted to Petitions for Injunctive Relief relating to public health concerns such as taking of residential property, ejection, eviction and/or other public health issues or concerns involving immediate and irreparable harm, or any other Emergency Motion.
- All Housing Court Motions shall be restricted to Emergency Motions relating to matters involving public health concerns, including but not limited to evictions, addressing suspension of utilities, and or other habitability issues involving public health concerns.
- Discovery Motions are suspended pending further Order of Court.
- Arbitration hearings including landlord/tenant arbitration hearings are suspended until further Order of Court.
- Hearings before the Board of Viewers are suspended until further Order of Court
- In any case especially assigned to a judge, all current proceedings are suspended until further Order from the assigned judge.

- All previously scheduled motions, hearings, and/or oral arguments, including those on the General Argument list, are suspended until further Order of Court.
- Calendar Control Motions are suspended until further Order of Court.
- The Administrative Order at AD93 of 2020 regarding the continuation of cases scheduled for Allegheny County Sheriff's Sale on April 6, 2020 is hereby incorporated into this Order.
- The Administrative Order at AD94 of 2020 regarding the suspension of execution of Writs of Possession by the Allegheny County Sheriff's Office is hereby incorporated into this Order.

Criminal Division

- All court events, except as indicated below, in each of the criminal division courtrooms are suspended until further Order of Court. Courtroom staff will notify all litigants prior to their scheduled events and propose a continuance date acceptable to all parties.
- Daily motions court are limited to bail hearings, motions to lift detainers, and other emergency matters.
- Summary and statutory appeals are suspended until further Order of Court.
- The motions counter in Room 534 is closed until further notice. For emergency motions please contact the court at (412) 350-1229.
- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229.
- Pretrial conference and formal arraignments are suspended until further Order of Court.

Family Division

Adult Section

- Scheduled conferences and hearings in support, custody, equitable distribution, and divorce are suspended until further Order of Court.

- Emergency motions will be addressed on a case by case basis.

Protection from Abuse

- Protection from Abuse matters will be heard as normal.

Juvenile Delinquency

- Detention hearings shall be heard by video conference or teleconference as directed by the Court.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than ten days after the filing of the petition or the prehearing conference as deemed appropriate by the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the Juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or by telephone. In all cases, the Court shall determine whether the continued detainment is constitutionally permissible.
- Adjudicatory and dispositional hearings for juveniles who are not detained are suspended until further Order of Court.
- Post-dispositional review hearings, except for post-dispositional proceedings where a juvenile is detained are suspended until further Order of Court.
- Post-dispositional hearings where the recommendation is to close supervision may be presented by memo, for the entry of an Order to terminate supervision.
- Post-dispositional proceedings involving a probation violation allegation or failure to adjust allegation where the juvenile is detained shall be presented by video or teleconference.
- With the consent of the parties, any matter may be presented to the Court by memo, without a hearing, for entry of an Order.
- Juvenile detention hearings shall be heard by videoconference or teleconference.

Juvenile Dependency

- Juvenile dependency matters, with exception of shelter care hearings and adjudicatory and dispositional hearings where the child is in placement including kinship care, congregate care, or foster care, are suspended until further Order of Court. To the fullest extent possible, the hearings will be held by video or teleconference.
- The Court shall continue to handle shelter care proceedings, pursuant to Pa. C.S. 6332.
- The Court shall continue to issue orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S.3201.

Orphans' Court Division

- All scheduled conferences and hearings are suspended until further Order of Court.
- Emergency Motions will be heard daily at 9:30 a.m.
- Emergency hearings shall be scheduled by the Motions Judge
- Involuntary civil commitment hearings will continue as scheduled at the 17 hospital/community hearing sites.

Magisterial District Courts

- All cases in the Magisterial District Courts are postponed.
- Execution of Orders for eviction or possession of residential properties in Allegheny County are stayed.
- All time calculations relevant to Magisterial District Court proceedings located in the Pennsylvania Rules of Conduct, Office Standards for Civil Procedure for Magisterial District Judges and the Pennsylvania Rules of Criminal Procedure shall be suspended.

- The Magisterial District Courts shall operate in accordance with the Magisterial District Courts' COVID-19 Plan. Eight Magisterial District Courts and Pittsburgh Municipal Court Arraignment Division will remain open to the public for designated operations. All other Magisterial District Courts are closed to the public. See attached MDC COVID-19 plan.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "KB Clark".

_____, P. J.
KIM BERKELEY CLARK
PRESIDENT JUDGE

MAGISTERIAL DISTRICT COURTS
COVID-19 PLAN

Eight Magisterial District Courts will be open to the public for specific designated operations. The eight open Magisterial District Courts will cover designated operations for the Magisterial District Courts listed in their Area. All other Magisterial District Courts are closed to the public. Designated operations include arraignments, criminal case filings and subsequent processing, issuance of search warrants and Emergency Protection from Abuse petitions.

AREA A - Pittsburgh Municipal Court, Arraignment Division will remain open for all functions.

AREA B – MAGISTERIAL DISTRICT COURT 05-2-02 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS:

05-2-12 05-3-02 05-2-01
05-2-40 05-2-42

AREA C – MAGISTERIAL DISTRICT COURT 05-3-03 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS:

05-3-04 05-2-05 05-2-04
05-2-03 05-2-32

AREA D – MAGISTERIAL DISTRICT COURT 05-2-28 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS:

05-3-10 05-2-27 05-2-36
05-2-31 05-3-12 05-2-38
05-2-35

AREA E – MAGISTERIAL DISTRICT COURT 05-2-08 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS:

05-2-11 05-2-47 05-2-10
05-2-06 05-2-07

AREA F – MAGISTERIAL DISTRICT COURT 05-3-09 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS

05-2-26 05-3-05 05-2-13
05-2-14 05-2-15 05-2-16

AREA G – MAGISTERIAL DISTRICT COURT 05-2-20 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS

05-2-18 05-2-17
05-2-22 05-2-19 05-3-14

AREA H – MAGISTERIAL DISTRICT COURT 05-3-06 DESIGNATED OPEN COURT AND WILL ADDRESS DESIGNATED OPERATIONS FOR THE FOLLOWING COURTS

05-3-17 05-2-43 05-2-25
05-3-13 05-2-21 05-2-23

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE ALLEGHENY COUNTY SHERIFF'S OFFICE)

) Administrative Docket

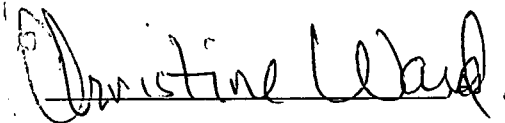
) AD 93 2020

ORDER OF COURT

AND NOW this 16th day of March 2020, it is hereby ORDERED, JUDGED AND DECREED that all cases listed for the regularly scheduled April 6, 2020 Allegheny County Sheriff's Sale shall be continued to the June 1, 2020 Sheriff sale. All cases listed currently on the April 6, 2020 sale, including those which have previously been postponed to that date may be postponed by the Plaintiff to the regularly scheduled monthly sale in July 2020 or any regularly scheduled sale thereafter by contacting the Allegheny County Sheriff's Office in writing on or before April 14, 2020 and the Sheriff shall abate charging it's postponement fee one time for each sale number.

This Order shall be published by the Sheriff in the Post-Gazette for two successive Sundays as part of its Sunday sale list advertisement and two times in the Pittsburgh Legal Journal and shall also be posted on the Sheriff's Office website and its social media pages.

BY THE COURT,



FILED

2020 MAR 17 AM 8:42

COURT REPORTER
FAMILY DIVISION
ALLEGHENY COUNTY PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENN.

EMERGENCY JUDICIAL ORDER

)

)

Administrative Docket

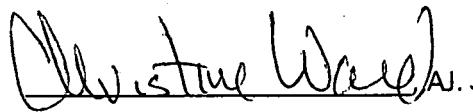
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AD 94 2020

ORDER OF COURT

AND NOW this 16th day of March 2020, it is hereby ORDERED, JUDGED AND DECREED that the Allegheny County Sheriff's Office shall not execute any Writs of Possession effective immediately through April 14, 2020. Should any Writs issued prior to this Order expire before April 14, 2020 and having been delivered to the Sheriff but the Sheriff has not effectuated possession, then the Department of Court records shall reissue the writ, pursuant to Pa. R.C.P. 3106(b) and the Sheriff's Office shall execute without assessing additional service fees to the Plaintiff.

BY THE COURT,



FILED

2020 MAR 17 AM 8:42

FILED
FAMILY DIVISION
ALLEGHENY COUNTY PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ADMINISTRATIVE DOCKET

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. AD - 2020 - _____ - PJ
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 23rd day of March 2020, consistent with the Order of the Supreme Court of Pennsylvania dated March 16, 2020, this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the following actions be taken pursuant to Pa.R.J.A. No. 1952(B)(2):

- All time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are suspended subject to constitutional restrictions.
- All provisions of this Order apply to cases scheduled from March 24, 2020 through April 14, 2020.
- Until further Order of Court, the Family Law Center is closed to the Public.
- Until further Order of Court, the Civil Division courtrooms and offices located on the 7th and 8th floors of the City-County Building are closed

to the Public. The Housing Court Help Desk, located on the first floor of the City County Building, is also closed.

- Until further Order of Court, the Orphans' Court Division located in the Frick Building is closed to the Public.
- Until further Order of Court, the Criminal Division courtrooms and offices located in the Allegheny County Courthouse are closed to the public.
- Until further Order of Court, the Magisterial District Courts are closed to the public, with the exceptions set forth in the Magisterial District Courts section, below.
- News media shall be permitted into court facilities but only in a manner that is consistent with public safety.
- Building Security and Sheriff's Deputies assigned to any courthouse or court facility are authorized to deny admission to or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19, provided that they provide such person with information (telephone number or email address) to enable them initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business shall be permitted into court facilities. Friends and family members may be required to wait outside the facility. The Sheriff's Deputies shall have the authority to limit the

number of persons entering or remaining in a court facility at any given time to ensure public safety.

- All court proceedings will be conducted by Advanced Communication Technology, primarily audio or teleconference, pursuant to the protocol for teleconference hearings issued by the Court. See attached Protocol for Teleconference Hearings.
- Temporary Protection From Abuse Hearings and Housing Court Hearings may continue to be held by videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Any existing Orders for fingerprinting and the requirement for fingerprinting, except for admission into the Allegheny County Jail, are suspended during the Judicial Emergency.
- Until further Order of Court, no inmates or juveniles will be transported from state correctional facilities, county jails or prisons, Shuman Detention Center, or Hartman Shelter. Where the participation of the inmate or juvenile is required, advanced communication technology shall be employed.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.

- Alternative methods of signing, delivery and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures, proxy signatures and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. Pro se litigants completing forms at the Pittsburgh Municipal Court may authorize court employees to sign documents when necessary for the safety of the litigants and court employees. Under such circumstances the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a pro se litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

Civil Division

- Jury and non-jury trials are suspended pending further Order of Court.
- Effective immediately General Motions heard by the General Motions Judge shall be restricted to Petitions for Injunctive Relief relating to public health and/or safety for and/or risk for human life concerns such as taking of residential property, ejection, eviction and/or other public health issues or concerns involving immediate and irreparable harm, or any other Emergency Motion.
- All Housing Court Motions shall be restricted to Emergency Motions relating to matters involving public health and/or safety for and/or risk for human life concerns, including but not limited to evictions, addressing suspension of utilities, and or other habitability issues involving public health and/or safety for and/or risk for human life concerns.

- Until further Order of Court, all Emergency Motions and Petitions for Injunctive Relief involving public health and/or safety for and/or risk for human life matters will be screened by sending the Emergency Motion or Petition for Injunctive Relief to civilpmcteam@alleghenycourts.us.
- If deemed to be an Emergency under the guidelines of this Order, argument will be scheduled by the Court as soon as possible. Such Emergency Motions and/or Petitions for Injunctive Relief will be heard by Advanced Communication Technology, audio or teleconference pursuant to the protocol for teleconference hearings issued by the Court. The method for the argument shall be coordinated in conjunction with scheduling argument thereon.
- The moving or petitioning party will be responsible to notify all other parties of the date and time of the oral argument or hearing.
- If a party is unable to email their Emergency Motion or Petition for Injunctive Relief to civilpmcteam@alleghenycourts.us, the party may call **(412) 439-7914** Monday through Friday between the hours of 9:00 A.M. and 3:00 P.M. to make arrangements to have the Emergency Motion or Petition for Injunctive Relief screened. Appointments for such screening will be made on a case by case basis.
- Emergency Motions and Petitions for Injunctive Relief will be handled Monday through Friday between the hours of 10:00 A.M. and 2:00 P.M.
- Discovery Motions are suspended pending further Order of Court.
- Arbitration hearings, including landlord/tenant arbitration hearings, are suspended until further Order of Court.
- Hearings before the Board of Viewers are suspended until further Order of Court
- In any case specially assigned to a judge, all current proceedings are suspended until further Order from the assigned judge.
- All previously scheduled motions, hearings, and/or oral arguments, including those on the General Argument list, are suspended until further Order of Court.
- Calendar Control Motions are suspended until further Order of Court.

- The Administrative Order at AD93 of 2020n regarding the continuation of cases scheduled for Allegheny County Sheriff's Sale on April 6, 2020, is hereby incorporated into this Order.
- The Administrative Order at AD94 of 2020 regarding the suspension of execution of Writs of Possession by the Allegheny County Sheriff's Office, is hereby incorporated into this Order.

Criminal Division

- All court events, except as indicated below, in each of the Criminal Division courtrooms are suspended until further Order of Court. Courtroom staff will notify all litigants prior to their scheduled events and propose a continuance date acceptable to all parties.
- Daily motions court are limited to bail hearings, motions to lift detainers, and other emergency matters. These hearings will be conducted by audio/teleconference.
- All Bail Motions and Emergency Motions shall be filed through PACFile. A copy of the Motion shall be emailed to PTS_Bail_Questions_Bin@alleghenycourts.us.
- Pending Orders for the initiation and/or installation of Electronic Monitoring for Criminal Defendants are suspended and no new orders for Electronic Monitoring will be accepted by Adult Probation for supervision during the Judicial Emergency. Current orders being screened will be placed on home detention without the electronic equipment. The Probation Office is hereby authorized to impose additional conditions designed to ensure that Defendants comply with home detention. Defendants currently on Electronic Monitoring will continue to be monitored during the Judicial Emergency.
- Summary and statutory appeals are suspended until further Order of Court.
- The motions counter in Room 534 in the Allegheny County Courthouse is closed until further notice. For **emergency** motions please contact the court at **(412) 350-1229**, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Defendants who wish to address warrants for failure to appear may do so by phoning **(412) 350-1229**, Monday through Friday between 9:00 A.M. and 3:00 P.M.
- Pretrial conference and formal arraignments are suspended until further Order of Court.

Family Division

Child Support, Divorce, Alimony, & Equitable Distribution of Property

- Scheduled conferences and hearings in support, custody, equitable distribution, and divorce are suspended until further Order of Court.
- With the consent of the parties, any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- Effective Thursday, March 26, 2020, for **emergency** matters involving child support please call **(412) 350-1500**, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Custody

- **Emergency** custody motions will be addressed on a case by case basis. For **emergency custody motions** please contact the court by email at emergencycustody@alleghencycourts.us
- With the consent of the parties, any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- **Effective Thursday, March 26, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M.** please call **(412) 350-1500** for questions concerning other emergency custody matters,

Protection from Abuse

- Until further Order of Court, all Temporary Protection from Abuse matters will be handled at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219. Proceedings will be conducted using Advanced Communication Technology.

- Temporary Protection from Abuse Petitions will be handled between the hours of 8:00 A.M. and 2:00 P.M Monday through Friday.
- Emergency Protection from Abuse petitions will be handled from 2:00 P.M. until 8:00 A.M. Monday through Friday and 24 hours Saturday and Sunday.
- Final Protection from Abuse Hearings are suspended until further Order of Court.
- Temporary Orders for Protection from Abuse shall remain in effect until fifteen (15) days after the end of the judicial emergency unless otherwise indicated in the Temporary Order.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the Judge assigned to hear the Temporary PFA Petitions.
- Hearings on ICC Complaints are suspended until further Order of Court.
- **Effective Thursday, March 26, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M.** please call **(412) 350-1500** for questions concerning Protection from Abuse.

Juvenile Delinquency

- All Juvenile Delinquency Proceedings shall be conducted using Advanced Communication Technology.
- One Judge will be assigned each day to handle all juvenile matters, regardless of judge assignment.
- Detention hearings shall be heard on Mondays, Wednesdays, and Fridays.
- Emergency Motions will be heard on Tuesdays and Thursdays. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@alleghecourts.us.

- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than ten days after the filing of the petition or the prehearing conference as deemed appropriate by the judge, but the Court must review the detention status by memo every ten days until the adjudicatory hearing is held. The attorney for the Juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or by telephone. In all cases, the Court shall determine whether the continued detainment is constitutionally permissible.
- Adjudicatory and dispositional hearings for juveniles who are not detained are suspended until further Order of Court.
- Post-dispositional review hearings, except for post-dispositional proceedings involving a probation violation or failure to adjust allegation where a juvenile is detained are suspended until further Order of Court.
- Post-dispositional hearings where the recommendation is to close supervision may be presented by memo, for the entry of an Order to terminate supervision.
- Post-dispositional proceedings involving a probation violation allegation or failure to adjust allegation where the juvenile is detained shall be presented by video or teleconference.
- With the consent of the parties, any matter may be presented to the Court by memorandum, without a hearing, for entry of an Order.

Juvenile Dependency

- All Juvenile Dependency Proceedings shall be conducted using Advanced Communication Technology.
- One Judge will be assigned each day to handle all juvenile matters, regardless of judge assignment.
- Juvenile dependency matters, with exception of shelter care hearings and adjudicatory and dispositional hearings where the child is in placement including kinship care, congregate care, or foster care, are suspended until further Order of Court.

- Dependency adjudicatory and dispositional hearings where the child is in placement will be heard daily.
- The Court shall continue to handle shelter care proceedings, pursuant to Pa. C.S. 6332. Shelter care hearings will be heard daily. No walk-in shelter care hearings will be permitted.
- The Court shall continue to issue orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.
- Emergency Motions will be heard on Tuesdays and Thursdays. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@alleghecourts.us.

Orphans' Court Division

- All scheduled conferences and hearings are suspended until further Order of Court.
- All Emergency motions will be heard by audio or teleconference. **Effective Thursday, March 26, 2020**, Emergency Motions shall be emailed to emergencyorphansmotions@alleghecourts.us.
- Involuntary civil commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

Magisterial District Courts

- All Magisterial District Courts are closed to the public. Pittsburgh Municipal Court Arraignment Division will remain open to the public for Emergency Protection from Abuse petitions.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. Eight Magisterial District Courts will remain open to the police for designated operations. See attached Revised MDC COVID-19 plan.
- All cases in the Magisterial District Courts are postponed.

- **Until March 25, 2020**, eight Magisterial District Courts will remain open to police agencies for designated operations which include:
 - Criminal Complaint filing, Arrest Warrant requests and On-View Arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.
- All new criminal cases that are filed during the pendency of this order shall be scheduled after April 15, 2020.
- **Effective March 25, 2020**, Magisterial District Judges will be remotely available to handle essential designated operations which include:
 - Criminal Complaint filing, arrest warrant requests and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.
- There will be no identification process at time of arrest, defendants will be assigned a fingerprint appointment for a later date.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.
- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on their behalf. The Magisterial District Judge shall utilize the procedures set forth below.
 - The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.
- Execution of Orders for eviction or possession of residential properties in Allegheny County are stayed.
- All time calculations relevant to Magisterial District Court proceedings located in the Pennsylvania Rules of Conduct, Office Standards for Civil

Procedure for Magisterial District Judges and the Pennsylvania Rules of Criminal Procedure shall be suspended.

- Emergency Protection from Abuse petitions will be handled from 2:00 P.M. until 8:00 A.M. Monday through Friday and 24 hours Saturday and Sunday. Until further Order of Court, all Protection from Abuse matters will be handled at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the Judge assigned to hear the Temporary PFA Petitions.
- All Proceedings will be conducted using Advanced Communication Technology, which includes audio or videoconference.

BY THE COURT:



P. J.

KIM BERKELEY CLARK
PRESIDENT JUDGE

REVISED MAGISTERIAL DISTRICT COURTS COVID-19 PLAN

Magisterial District Judges will be available remotely to handle designated essential operations. The Magisterial District Judges will be assigned on a rotating basis.

The designated essential operations are as follows:

- Criminal case filings, arrest warrant requests and on-view arrest cases and subsequent processing, which includes arraignments
- Issuance of search warrants
- Emergency Protection from Abuse Petitions

Police departments will contact court personnel to initiate proceedings at MDJSWarrants@allegheycourts.us. Detailed instructions on the steps to follow for remote processing will be sent to all police departments.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE ALLEGHENY COUNTY SHERIFF'S OFFICE)

) Administrative Docket

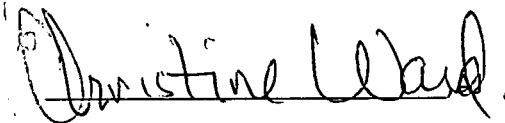
) AD 93 2020

ORDER OF COURT

AND NOW this 16th day of March 2020, it is hereby ORDERED, JUDGED AND DECREED that all cases listed for the regularly scheduled April 6, 2020 Allegheny County Sheriff's Sale shall be continued to the June 1, 2020 Sheriff sale. All cases listed currently on the April 6, 2020 sale, including those which have previously been postponed to that date may be postponed by the Plaintiff to the regularly scheduled monthly sale in July 2020 or any regularly scheduled sale thereafter by contacting the Allegheny County Sheriff's Office in writing on or before April 14, 2020 and the Sheriff shall abate charging it's postponement fee one time for each sale number.

This Order shall be published by the Sheriff in the Post-Gazette for two successive Sundays as part of its Sunday sale list advertisement and two times in the Pittsburgh Legal Journal and shall also be posted on the Sheriff's Office website and its social media pages.

BY THE COURT,



FILED

2020 MAR 17 AM 8:42

COURT REPORTER
FAMILY DIVISION
ALLEGHENY COUNTY PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENN.

EMERGENCY JUDICIAL ORDER

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Administrative Docket

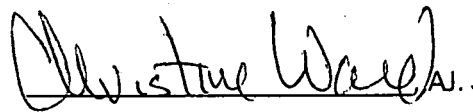
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AD 94 2020

ORDER OF COURT

AND NOW this 16th day of March 2020, it is hereby ORDERED, JUDGED AND DECREED that the Allegheny County Sheriff's Office shall not execute any Writs of Possession effective immediately through April 14, 2020. Should any Writs issued prior to this Order expire before April 14, 2020 and having been delivered to the Sheriff but the Sheriff has not effectuated possession, then the Department of Court records shall reissue the writ, pursuant to Pa. R.C.P. 3106(b) and the Sheriff's Office shall execute without assessing additional service fees to the Plaintiff.

BY THE COURT,



FILED

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FILED
FAMILY DIVISION
ALLEGHENY COUNTY PA

Protocol for Teleconference Hearings

Protocol BEFORE the hearing

1. Twenty-four (24) hours before the scheduled hearing, the Court shall provide counsel (or the parties in the case of self-represented or pro se litigants) and the court reporter that the Court will be using with the call information including the date and time of the hearing and the toll-free call-in number and the access code.
2. It is the responsibility of the attorneys to provide this information to their clients and to their witnesses.
3. It is the responsibility of self-represented litigants to provide this information to their witnesses.
4. Twenty-four (24) hours before the hearing the attorneys shall provide all counsel, the court, and the Office of the Court Reporters with a witness list, which shall include the case caption and docket number, the type of proceeding or hearing, and the names of all prospective witness (correct spellings of first and last names).
5. Witness lists may be emailed to the Office of the Court reporters at the following email address: gkushner@alleghenycourts.us.
6. The court shall provide the attorneys with the email address to send the witness list.
7. Self-represented litigants shall not be required to provide a witness list.
8. **All parties and witnesses must call into the conference line at least five minutes before the scheduled starting time of the call.**
9. The court should take care to schedule the hearings so that there is no overlap in the calls.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
ADMINISTRATIVE DOCKET

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT)
EMERGENCY OPERATIONS) No. AD - 2020 - _____ - PJ
PLAN)
)

ORDER OF COURT

AND NOW, this 26th day of March 2020, consistent with the Order of the Supreme Court of Pennsylvania dated March 16, 2020, this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the following actions be taken pursuant to Pa.R.J.A. No. 1952(B)(2):

- All time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are suspended subject to constitutional restrictions.
- All provisions of this Order apply to cases scheduled from March 24, 2020 through April 14, 2020.
- Until further Order of Court, the Family Law Center is closed to the Public.
- Until further Order of Court, the Civil Division courtrooms and offices located on the 7th and 8th floors of the City-County Building are closed

to the Public. The Housing Court Help Desk, located on the first floor of the City County Building, is also closed.

- Until further Order of Court, the Orphans' Court Division located in the Frick Building is closed to the Public.
- Until further Order of Court, the Criminal Division courtrooms and offices located in the Allegheny County Courthouse are closed to the public.
- Until further Order of Court, the Magisterial District Courts are closed to the public, with the exceptions set forth in the Magisterial District Courts section, below.
- News media shall be permitted into court facilities but only in a manner that is consistent with public safety.
- Building Security and Sheriff's Deputies assigned to any courthouse or court facility are authorized to deny admission to or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19, provided that they provide such person with information (telephone number or email address) to enable them initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business shall be permitted into court facilities. Friends and family members may be required to wait outside the facility. The Sheriff's Deputies shall have the authority to limit the

number of persons entering or remaining in a court facility at any given time to ensure public safety.

- All court proceedings will be conducted by Advanced Communication Technology, primarily audio or teleconference, pursuant to the protocol for teleconference hearings issued by the Court. See attached Protocol for Teleconference Hearings.
- Temporary Protection From Abuse Hearings and Housing Court Hearings may continue to be held by videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Any existing Orders for fingerprinting and the requirement for fingerprinting, except for admission into the Allegheny County Jail, are suspended during the Judicial Emergency.
- Until further Order of Court, no inmates or juveniles will be transported from state correctional facilities, county jails or prisons, Shuman Detention Center, or Hartman Shelter. Where the participation of the inmate or juvenile is required, advanced communication technology shall be employed.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.

- Alternative methods of signing, delivery and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures, proxy signatures and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. Pro se litigants completing forms at the Pittsburgh Municipal Court may authorize court employees to sign documents when necessary for the safety of the litigants and court employees. Under such circumstances the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a pro se litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

Civil Division

- Jury and non-jury trials are suspended pending further Order of Court.
- Effective immediately General Motions heard by the General Motions Judge shall be restricted to Petitions for Injunctive Relief relating to public health and/or safety for and/or risk for human life concerns such as taking of residential property, ejection, eviction and/or other public health issues or concerns involving immediate and irreparable harm, or any other Emergency Motion.
- All Housing Court Motions shall be restricted to Emergency Motions relating to matters involving public health and/or safety for and/or risk for human life concerns, including but not limited to evictions, addressing suspension of utilities, and or other habitability issues involving public health and/or safety for and/or risk for human life concerns.

- Until further Order of Court, all Emergency Motions and Petitions for Injunctive Relief involving public health and/or safety for and/or risk for human life matters will be screened by sending the Emergency Motion or Petition for Injunctive Relief to civilpmcteam@alleghenycourts.us.
- If deemed to be an Emergency under the guidelines of this Order, argument will be scheduled by the Court as soon as possible. Such Emergency Motions and/or Petitions for Injunctive Relief will be heard by Advanced Communication Technology, audio or teleconference pursuant to the protocol for teleconference hearings issued by the Court. The method for the argument shall be coordinated in conjunction with scheduling argument thereon.
- The moving or petitioning party will be responsible to notify all other parties of the date and time of the oral argument or hearing.
- If a party is unable to email their Emergency Motion or Petition for Injunctive Relief to civilpmcteam@alleghenycourts.us, the party may call **(412) 439-7914** Monday through Friday between the hours of 9:00 A.M. and 3:00 P.M. to make arrangements to have the Emergency Motion or Petition for Injunctive Relief screened. Appointments for such screening will be made on a case by case basis.
- Emergency Motions and Petitions for Injunctive Relief will be handled Monday through Friday between the hours of 10:00 A.M. and 2:00 P.M.
- Discovery Motions are suspended pending further Order of Court.
- Arbitration hearings, including landlord/tenant arbitration hearings, are suspended until further Order of Court.
- Hearings before the Board of Viewers are suspended until further Order of Court
- In any case specially assigned to a judge, all current proceedings are suspended until further Order from the assigned judge.
- All previously scheduled motions, hearings, and/or oral arguments, including those on the General Argument list, are suspended until further Order of Court.
- Calendar Control Motions are suspended until further Order of Court.

- The Administrative Order at AD93 of 2020n regarding the continuation of cases scheduled for Allegheny County Sheriff's Sale on April 6, 2020, is hereby incorporated into this Order.
- The Administrative Order at AD94 of 2020 regarding the suspension of execution of Writs of Possession by the Allegheny County Sheriff's Office, is hereby incorporated into this Order.

Criminal Division

- All court events, except as indicated below, in each of the Criminal Division courtrooms are suspended until further Order of Court. Courtroom staff will notify all litigants prior to their scheduled events and propose a continuance date acceptable to all parties.
- Daily motions court are limited to bail hearings, motions to lift detainers, and other emergency matters. These hearings will be conducted by audio/teleconference.
- All Bail Motions and Emergency Motions shall be filed through PACFile. A copy of the Motion shall be emailed to PTS_Bail_Questions_Bin@alleghenycourts.us.
- Pending Orders for the initiation and/or installation of Electronic Monitoring for Criminal Defendants are suspended and no new orders for Electronic Monitoring will be accepted by Adult Probation for supervision during the Judicial Emergency. Current orders being screened will be placed on home detention without the electronic equipment. The Probation Office is hereby authorized to impose additional conditions designed to ensure that Defendants comply with home detention. Defendants currently on Electronic Monitoring will continue to be monitored during the Judicial Emergency.
- Summary and statutory appeals are suspended until further Order of Court.
- The motions counter in Room 534 in the Allegheny County Courthouse is closed until further notice. For **emergency** motions please contact the court at **(412) 350-1229**, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Defendants who wish to address warrants for failure to appear may do so by phoning **(412) 350-1229**, Monday through Friday between 9:00 A.M. and 3:00 P.M.
- Pretrial conference and formal arraignments are suspended until further Order of Court.

Family Division

Child Support, Divorce, Alimony, & Equitable Distribution of Property

- Until further Order of Court, child support payments will **not** be accepted in person. Child supports payments may be made by credit card, check and money order. Payment coupons and instructions are available on the Fifth Judicial District website: www.alleghenycourts.us
- Scheduled conferences and hearings in support, custody, equitable distribution, and divorce are suspended until further Order of Court.
- With the consent of the parties, any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- Effective Thursday, March 26, 2020, for **emergency** matters involving child support please call **(412) 350-1500**, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Custody

- **Emergency** custody motions will be addressed on a case by case basis. For **emergency custody motions** please contact the court by email at emergencycustody@alleghenycourts.us
- With the consent of the parties, any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- **Effective Thursday, March 26, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M.** please call **(412) 350-1500** for questions concerning other emergency custody matters,

Protection from Abuse

- Until further Order of Court, all Temporary Protection from Abuse matters will be handled at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219. Proceedings will be conducted using Advanced Communication Technology.
- Temporary Protection from Abuse Petitions will be handled between the hours of 8:00 A.M. and 2:00 P.M Monday through Friday.
- Emergency Protection from Abuse petitions will be handled from 2:00 P.M. until 8:00 A.M. Monday through Friday and 24 hours Saturday and Sunday at the Pittsburgh Municipal Court Building.
- Final Protection from Abuse Hearings are suspended until further Order of Court.
- Temporary Orders for Protection from Abuse shall remain in effect until fifteen (15) days after the end of the judicial emergency unless otherwise indicated in the Temporary Order.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the Judge assigned to hear the Temporary PFA Petitions.
- Hearings on ICC Complaints are suspended until further Order of Court.
- **Effective Thursday, March 26, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M.** please call **(412) 350-1500** for questions concerning Protection from Abuse.

Juvenile Delinquency

- All Juvenile Delinquency Proceedings shall be conducted using Advanced Communication Technology.
- One Judge will be assigned each day to handle all juvenile matters, regardless of judge assignment.

- Detention hearings shall be heard on Mondays, Wednesdays, and Fridays.
- Emergency Motions will be heard on Tuesdays and Thursdays. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@alleghenycourts.us.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than ten days after the filing of the petition or the prehearing conference as deemed appropriate by the judge, but the Court must review the detention status by memorandum every ten days until the adjudicatory hearing is held. The attorney for the Juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or by telephone. In all cases, the Court shall determine whether the continued detainment is constitutionally permissible.
- Adjudicatory and dispositional hearings for juveniles who are not detained are suspended until further Order of Court.
- Post-dispositional review hearings, except for post-dispositional proceedings involving a probation violation or failure to adjust allegation where a juvenile is detained are suspended until further Order of Court.
- Post-dispositional hearings where the recommendation is to close supervision may be presented by memorandum, for the entry of an Order to terminate supervision.
- Post-dispositional proceedings involving a probation violation allegation or failure to adjust allegation where the juvenile is detained shall be presented by video or teleconference.
- With the consent of the parties, any matter may be presented to the Court by memorandum, without a hearing, for entry of an Order.
- For emergency matters involving delinquency please contact the Juvenile Probation Department at **(412) 350-1501**

Juvenile Dependency

- All Juvenile Dependency Proceedings shall be conducted using Advanced Communication Technology.

- One Judge will be assigned each day to handle all juvenile matters, regardless of judge assignment.
- Juvenile dependency matters, with exception of shelter care hearings and adjudicatory and dispositional hearings where the child is in placement including kinship care, congregate care, or foster care, are suspended until further Order of Court.
- Dependency adjudicatory and dispositional hearings where the child is in placement will be heard daily.
- The Court shall continue to handle shelter care proceedings, pursuant to 42 Pa.C.S. §6332. Shelter care hearings will be heard daily. No walk-in shelter care hearings will be permitted.
- The Court shall continue to issue orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa.C.S §3201.
- Emergency Motions will be heard on Tuesdays and Thursdays. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@allegheycourts.us.

Orphans' Court Division

- All scheduled conferences and hearings are suspended until further Order of Court.
- All Emergency motions will be heard by audio or teleconference. **Effective Thursday, March 26, 2020**, Emergency Motions shall be emailed to emergencyorphansmotions@allegheycourts.us.
- Involuntary civil commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

Magisterial District Courts

- All Magisterial District Courts are closed to the public. Pittsburgh Municipal Court Arraignment Division will remain open to the public for Emergency Protection from Abuse petitions.

- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. Eight Magisterial District Courts will remain open to the police for designated operations. See attached Revised MDC COVID-19 plan.
- All cases in the Magisterial District Courts are postponed.
- Magisterial District Judges will be remotely available to handle essential designated operations which include:
 - Criminal Complaint filing, arrest warrant requests and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.
- There will be no identification process at time of arrest, defendants will be assigned a fingerprint appointment for a later date.
- Summary Traffic, Summary Non-Traffic, and/or Summary Private Warrants shall **not** be served or processed by police agencies or state constables during the pendency of this Court Order.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or to contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through nCourt Payment Services at alleghenytx.com and through the Pennsylvania ePay system at ujportal.pacourts.us.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.
- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on their behalf. The Magisterial District Judge shall utilize the procedures set forth below.

- The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.
- Execution of Orders for eviction or possession of residential properties in Allegheny County are stayed.
 - All time calculations relevant to Magisterial District Court proceedings located in the Pennsylvania Rules of Conduct, Office Standards for Civil Procedure for Magisterial District Judges and the Pennsylvania Rules of Criminal Procedure shall be suspended.
 - Emergency Protection from Abuse petitions will be handled from 2:00 P.M. until 8:00 A.M. Monday through Friday and 24 hours Saturday and Sunday. Until further Order of Court, all Protection from Abuse matters will be handled at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.
 - Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
 - ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the Judge assigned to hear the Temporary PFA Petitions.
 - All Proceedings will be conducted using Advanced Communication Technology, which includes audio or videoconference.

BY THE COURT:



P. J.

KIM BERKELEY CLARK
PRESIDENT JUDGE

REVISED MAGISTERIAL DISTRICT COURTS COVID-19 PLAN

Magisterial District Judges will be available remotely to handle designated essential operations. The Magisterial District Judges will be assigned on a rotating basis.

The designated essential operations are as follows:

- Criminal case filings, arrest warrant requests and on-view arrest cases and subsequent processing, which includes arraignments
- Issuance of search warrants
- Emergency Protection from Abuse Petitions

Police departments will contact court personnel to initiate proceedings at MDJSWarrants@allegheycourts.us. Detailed instructions on the steps to follow for remote processing will be sent to all police departments.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENN.

EMERGENCY JUDICIAL ORDER

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Administrative Docket

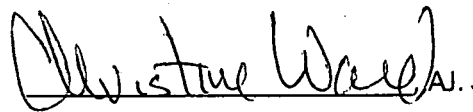
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AD 94 2020

ORDER OF COURT

AND NOW this 16th day of March 2020, it is hereby ORDERED, JUDGED AND DECREED that the Allegheny County Sheriff's Office shall not execute any Writs of Possession effective immediately through April 14, 2020. Should any Writs issued prior to this Order expire before April 14, 2020 and having been delivered to the Sheriff but the Sheriff has not effectuated possession, then the Department of Court records shall reissue the writ, pursuant to Pa. R.C.P. 3106(b) and the Sheriff's Office shall execute without assessing additional service fees to the Plaintiff.

BY THE COURT,



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2020 MAR 17 AM 8:42

FILED
FAMILY DIVISION
ALLEGHENY COUNTY PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE THE ALLEGHENY COUNTY SHERIFF'S OFFICE)

) Administrative Docket

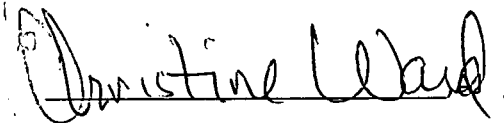
) AD 93 2020

ORDER OF COURT

AND NOW this 16th day of March 2020, it is hereby ORDERED, JUDGED AND DECREED that all cases listed for the regularly scheduled April 6, 2020 Allegheny County Sheriff's Sale shall be continued to the June 1, 2020 Sheriff sale. All cases listed currently on the April 6, 2020 sale, including those which have previously been postponed to that date may be postponed by the Plaintiff to the regularly scheduled monthly sale in July 2020 or any regularly scheduled sale thereafter by contacting the Allegheny County Sheriff's Office in writing on or before April 14, 2020 and the Sheriff shall abate charging it's postponement fee one time for each sale number.

This Order shall be published by the Sheriff in the Post-Gazette for two successive Sundays as part of its Sunday sale list advertisement and two times in the Pittsburgh Legal Journal and shall also be posted on the Sheriff's Office website and its social media pages.

BY THE COURT,



FILED

2020 MAR 17 AM 8:42

COURT REPORTER
FAMILY DIVISION
ALLEGHENY COUNTY PA

Protocol for Teleconference Hearings

Protocol BEFORE the hearing

1. Twenty-four (24) hours before the scheduled hearing, the Court shall provide counsel (or the parties in the case of self-represented or pro se litigants) and the court reporter that the Court will be using with the call information including the date and time of the hearing and the toll-free call-in number and the access code.
2. It is the responsibility of the attorneys to provide this information to their clients and to their witnesses.
3. It is the responsibility of self-represented litigants to provide this information to their witnesses.
4. Twenty-four (24) hours before the hearing the attorneys shall provide all counsel, the court, and the Office of the Court Reporters with a witness list, which shall include the case caption and docket number, the type of proceeding or hearing, and the names of all prospective witness (correct spellings of first and last names).
5. Witness lists may be emailed to the Office of the Court reporters at the following email address: gkushner@alleghenycourts.us.
6. The court shall provide the attorneys with the email address to send the witness list.
7. Self-represented litigants shall not be required to provide a witness list.
8. **All parties and witnesses must call into the conference line at least five minutes before the scheduled starting time of the call.**
9. The court should take care to schedule the hearings so that there is no overlap in the calls.

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 6th day of May, 2020, consistent with the Order of the Supreme Court of Pennsylvania dated April 28, 2020, this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through June 1, 2020.

This Court has extended its declaration of a judicial emergency through June 1, 2020. Therefore, the judicial emergency in the Fifth Judicial District, which began on March 16, 2020, will continue through June 1, 2020.

I. Time Calculations and Deadlines

- The suspensions of time calculations and deadlines, subject to constitutional limitations, as indicated in this Court’s previous Emergency Operations Orders, began on March 16, 2020 and will continue through June 1, 2020, absent further order of court. This suspension will have lasted 78 days.

- Time calculations and deadlines were suspended during the judicial emergency so that they did not continue to run during that time. Upon conclusion of the judicial emergency, new deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency) to the original deadline. For example, if the original deadline was March 19, 2020, and the period of suspension under the judicial emergency was 78 days, the new deadline would be June 5, 2020 (78 days after March 19th). If, however, the deadline expired before the judicial emergency began, that deadline would not be extended by the judicial emergency.
- Postponements or continuances resulting from the judicial emergency shall be considered court postponements and shall constitute excludable time, subject to constitutional limitations for purposes of the application of Rule 600. *See Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017).
- Attorneys and litigants shall NOT use the judicial emergency to secure strategic advantage in litigation, including by dilatory conduct. Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency. The judge may then take any action deemed appropriate to address the situation.
- Jury trials in both the Criminal and Civil Divisions remain suspended consistent with the April 28, 2020 Order of the Pennsylvania Supreme Court.

- The local judicial emergency in the Fifth Judicial District has been extended through June 1, 2020. Therefore, no court proceedings in the Fifth Judicial District relating to the dispossession of residential property, either in the Magisterial District Courts or the Court of Common Pleas, will occur before June 2, 2020. Further, any existing Order or Writ of Possession issued with respect to residential property in the Fifth Judicial District is stayed until June 2, 2020, and therefore cannot be executed or enforced until June 2, 2020.

II. Public Access to Court Facilities

- Until further Order of Court, the Family Law Center is closed to the public.
- Until June 1, 2020, the Civil Division courtrooms and offices located on the 7th and 8th floors of the City-County Building are closed to the public. The Housing Court Help Desk, located on the first floor of the City County Building, is also closed.
- Until June 1, 2020, the Orphans' Court Division, located in the Frick Building, is closed to the public.
- Until June 1, 2020, the Criminal Division courtrooms and offices, located in the Allegheny County Courthouse, are closed to the public.
- Until June 1, 2020, the Magisterial District Courts are closed to the public, with the exceptions set forth in the Magisterial District Courts section below.
- The Pittsburgh Municipal Courts Building is open to the public for the matters and proceedings set forth in this Order.

- News media shall be permitted into the Pittsburgh Municipal Court Building, but only in a manner that is consistent with public safety.
- Building security and Sheriff's Deputies assigned to the Pittsburgh Municipal Court Building are authorized to deny admission or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19, provided that they provide such person with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business are guaranteed admission into the Pittsburgh Municipal Court Building, subject to restrictions above. Friends and family members may be required to wait outside the facility. Sheriff's Deputies shall have the authority to limit the number of persons entering or remaining in a court facility at any given time to ensure public safety.

III. Methods for Conducting Proceedings, Transportation, Signatures, and Fingerprinting

- All court proceedings will be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.

- Any existing Orders for fingerprinting and the requirement for fingerprinting, except for admission into the Allegheny County Jail, are suspended during the judicial emergency.
- Until further Order of Court, no inmates or juveniles will be transported from state correctional facilities, county jails or prisons, Shuman Detention Center, or Hartman Shelter for court hearings. Transportation for other purposes will be at the discretion of the Allegheny County Sheriff. Where the participation of the inmate or juvenile is required at a court hearing, Advanced Communication Technology shall be employed.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- Alternative methods of signing, delivery, and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures, proxy signatures, and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. Pro se litigants completing forms at Pittsburgh Municipal Court may authorize court employees to sign documents, when necessary, for the safety of the litigants and court employees. Under such circumstances, the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a pro se litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

IV. Civil Division

- All Civil Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.
- Jury and non-jury trials are suspended pending further Order of Court.
- Consistent with this Order, the following matters shall be conducted remotely through the use of Advanced Communication Technology:
 - (1) Calendar Control Motions,
 - (2) Discovery Motions,
 - (3) Housing Court Motions,
 - (4) General Motions (contested and uncontested),
 - (5) Oral arguments on Preliminary Objections,
 - (6) Oral arguments on Motions for Summary Judgment, or Judgment on the Pleadings,
 - (7) Conciliations relating to cases on the May 2020 Trial List, and
 - (8) All other matters scheduled by any individual judge relating to a case specifically assigned to that judge.

See the Court's website for procedures relating to the above matters, including Emergency Operating Procedures for all judges and remote submissions of the Motions/Preliminary Objections identified above.

- Notwithstanding the suspension of time calculations and deadlines set forth in Section I above, individual judges are hereby invested with substantial discretion with the enforcement of time deadlines which he/she has established in a particular case when handling one of the matters outlined above in items (1) through (8) of the Civil Division section of this Order.
- Until further Order of Court, all emergency motions and Petitions for Injunctive Relief involving public health, safety, and/or risk for human life matters will be screened by sending the emergency motion or Petition for Injunctive Relief to civilpmcteam@allegheycourts.us.
- If deemed to be an emergency under the guidelines of this Order, argument will be scheduled by the Court as soon as possible. Such emergency motions and/or Petitions for Injunctive Relief will be heard by Advanced Communication Technology, audio or teleconference, pursuant to the protocol for teleconference hearings issued by the Court. The method for the argument shall be coordinated in conjunction with scheduling argument thereon.
- The moving or petitioning party will be responsible for notifying all other parties of the date and time of the oral argument or hearing.
- If a party is unable to email his/her emergency motion or Petition for Injunctive Relief to civilpmcteam@allegheycourts.us, the party may call (412) 439-7914 Monday through Friday between the hours of 9:00 A.M. and 3:00 P.M. to make arrangements to have the emergency motion or Petition for Injunctive Relief screened. Appointments for such screening will be made on a case-by-case basis.

- Emergency motions and Petitions for Injunctive Relief will be addressed Monday through Friday between the hours of 10:00 A.M. and 2:00 P.M.
- Arbitration hearings, including landlord/tenant arbitration hearings, are suspended until further Order of Court.
- Conciliations and hearings before the Board of Viewers shall be conducted remotely and consistent with this Order.
- In any case specially assigned to a judge, all current in-person proceedings are suspended until further Order from the assigned judge; however, the assigned judge may schedule remote hearings, conferences, and/or oral arguments on such matters so assigned.

V. Criminal Division

- All Criminal Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.
- Bail Hearings shall be conducted through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- All court events in Criminal Division courtrooms, except as indicated below, are suspended until further Order of Court. Courtroom staff will

notify all litigants prior to their scheduled events and propose a continuance date acceptable to all parties.

- Bail hearings, motions to lift detainers, and other emergency matters will be addressed in daily motions court. In addition to these emergency matters, other miscellaneous motions will be phased into the daily motions hearings as determined by Criminal Division Administration. Protocols for these motions will be posted on the Fifth Judicial District website as they are developed. All hearings will be conducted via Advanced Communication Technology.
- All bail and emergency motions for cases at the Court of Common Pleas level shall be filed through PACFile. All bail and emergency motions for cases at the Magisterial District Court level shall be filed by emailing the motion (with the OTN number of the case on the coversheet) to DCRCriminal@AlleghenyCounty.us. A copy of any such motion (at either level) shall be emailed to PTS_Bail_Questions_Bin@alleghencourts.us.
- All motions to lift detainers shall be filed through PACFile and emailed to the assigned judge and his/her staff. Email addresses for Criminal Division Judges and staff are located on the Fifth Judicial District website.
- Additional Court proceedings will be phased in using Advanced Communication Technology. These proceedings may include motions filed directly with the assigned Criminal Division judges, preliminary hearings, formal arraignments, plea status hearings, ARD hearings, Phoenix Docket pleas, EDP pleas, ICC hearings, Problem Solving Court Reviews, and other matters deemed appropriate by the Administrative Judge. As proceedings are phased in and implemented, protocols and instructions will be posted on the Fifth Judicial District website.

- All attorneys will be required to engage in a Case Status Conference (CSC) for every case with the assigned judge and opposing counsel at least one week prior to the next scheduled court date. The CSC shall be conducted through Advanced Communication Technology. Protocols for the CSC are posted on the Fifth Judicial District website.
- Pending Orders for the initiation and/or installation of Electronic Monitoring for criminal defendants are suspended, and no new orders for Electronic Monitoring will be accepted by Adult Probation for supervision during the judicial emergency until further notice. Defendants with current orders who are waiting to be placed on electronic monitoring will be placed on home detention without electronic equipment. The Probation Office is hereby authorized to impose additional conditions designed to ensure that defendants comply with home detention. Defendants currently on electronic monitoring will continue to be monitored during the judicial emergency.
- Summary and statutory appeals are suspended until further Order of Court.
- The motions counter in Room 534 in the Allegheny County Courthouse is closed until further notice. For emergency motions, please contact the Court at (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.
- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Pretrial conferences and formal arraignments are suspended until further Order of Court.

VI. Family Division

Child Support, Divorce, Alimony, and Equitable Distribution of Property

- Until further Order of Court, child support payments will not be accepted in person. Child supports payments may be made by credit card, check, and/or money order. Payment coupons and instructions are available on the Fifth Judicial District website: www.alleghenycourts.us
- Child and/or spousal support and Alimony Pendente Lite conferences and hearings scheduled between March 16, 2020 and May 11, 2020 shall be rescheduled by court order with the proceedings being scheduled effective June 8, 2020. All conferences and hearings will be conducted telephonically until further notice. A continuance Order and telephonic instructions will be sent by US Postal Mail and, when possible, by text message.
- Effective May 11, 2020, all scheduled conferences and/or hearings shall be conducted telephonically. Litigants will receive telephonic conference/hearing instructions via US Postal Mail and, when possible, by text message.
- All evidence being submitted for support proceedings may be submitted by text message, email, or fax prior to or during the course of the proceeding.

- Exceptions to Hearing Officer Support Recommendations shall be filed electronically at alleghenysupportexceptions@pacses.com. The complete "Exceptions Procedure" shall be maintained on the Fifth Judicial District website and is incorporated herein, by reference.
- Masters' conciliations regarding complex support and/or equitable distribution scheduled after May 4, 2020 will be rescheduled as a conciliation by teleconference.
- Masters' hearings scheduled after May 4, 2020 shall be converted to a conciliation.
- Masters' conciliations and hearings scheduled between March 16, 2020 and May 4, 2020 will be rescheduled as a conciliation by teleconference.
- Masters' Rules and Procedures are posted to the Fifth Judicial District website and are made applicable by this Order.
- The Court shall continue to review and grant divorces, administratively, when all required documents are filed with the Department of Court Records.
- Any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.
- For emergency matters involving child support, please call (412) 350-1500, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Custody

- Custody motions will be addressed on a case-by-case basis. For custody motions for new cases or cases without a judicial assignment,

please contact the Court by email at emergencycustody@allegheycourts.us

- Any matter may be presented to the Court by motion, without a hearing, for entry of an Order, pursuant to the assigned judge's procedures on the Fifth Judicial District website.
- Please call (412) 350-1500, Monday through Friday between 9:00 A.M. and 3:00 P.M. for questions concerning other emergency custody matters.

Protection from Abuse

- Until further Order of Court, all Temporary Protection from Abuse matters will be addressed at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219. Temporary Protection from Abuse Hearings shall be conducted generally through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Temporary Protection from Abuse Petitions will be addressed between the hours of 8:00 A.M. and 2:00 P.M, Monday through Friday.
- Emergency Protection from Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday.
- Final Protection from Abuse Hearings are suspended until further Order of Court.

- Temporary Orders for Protection from Abuse shall remain in effect until 15 days after the end of the judicial emergency unless otherwise indicated in the Temporary Order.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary PFA Petitions.
- Hearings on ICC Complaints are suspended until further Order of Court.
- Effective Thursday, March 26, 2020, Monday through Friday between 9:00 A.M. and 3:00 P.M., please call (412) 350-1500 for questions concerning Protection from Abuse.

Juvenile Matters

- All Juvenile proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See attached Protocol for Teleconference Hearings.
- The Court shall continue to issue Orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.

- Each day, one judge will be assigned to handle all essential juvenile matters, regardless of judge assignment. One hearing officer will be assigned to hear Detention Hearings, and another hearing officer will be assigned to hear Shelter Care Hearings. One or more Juvenile Court Judges of Record shall be assigned daily to hear cases assigned to that judge and as scheduled by the assigned judge.
- Detention hearings will be heard by a hearing officer on Mondays, Wednesdays, and Fridays. Hearing officer recommendations will be sent to the daily assigned judge for approval and entry of an order.
- Shelter Care Hearings will be heard five days a week. Walk-in Shelter Care Hearings will not be permitted. Hearing officer recommendations will be sent to the assigned judge for approval and entry of an order.
- Emergency motions will be heard on Tuesdays and Thursdays. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@alleghecourts.us, the probation officer, and the caseworker.
- For emergency matters involving delinquency, please contact the Juvenile Probation Department at (412) 350-1501.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than 10 days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the juvenile and the attorney for the Commonwealth shall be provided the opportunity to

provide input in writing and/or through Advanced Communication Technology. In all cases, the Court shall determine whether the continued detainment is necessary to ensure the safety of the public and is constitutionally permissible.

- Permanency Review Hearings shall be scheduled and heard within six months of the last review hearing for children in kinship care, foster care, or other out-of-home placement. Permanency Review Hearings may be heard by a judge or hearing officer.
- Termination of Parental Rights Hearings shall be scheduled and heard by the assigned judge.
- Adoption Hearings shall be scheduled and heard as determined by the assigned judge.
- Post-dispositional hearings, where the recommendation is to close supervision, may be presented by memo for the entry of an Order to terminate supervision.
- With the consent of the parties, any matter may be presented to the Court by memo, without a hearing, for entry of an Order.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.
- Effective, June 1, 2020, all Juvenile Court matters will be heard by the assigned judges according the scheduling protocol in effect prior to the judicial emergency. Matters may continue to be heard through Advanced Communication Technology, as the interest of public safety dictates.

VII. Orphans' Court Division

- All Orphans' Court matters shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judge. See attached Protocol for Teleconference Hearings.
- At the discretion of the judge assigned to the matter, a conference may be held via teleconference or Microsoft Teams.
- The following types of Petitions/Motions may be filed at the Department of Court Records Wills/Orphans' Court Division for transmittal to the appropriate judge:
 - (1) Settlement Petitions involving minors, incapacitated persons, or Decedent's Estates;
 - (2) Petitions requesting the issuance of a Citation or Rule to Show Cause;
 - (3) Petitions requesting the scheduling of a hearing, including but not limited to, termination of parental rights, adoptions, and guardianships;
 - (4) Petitions or motions that are consented to in writing by all counsel of record and/or by all unrepresented parties in interest;
 - (5) Petitions or motions that are contested will be specially scheduled by the Motions Judge via audio or video (include contact information, including email addresses, for all counsel or unrepresented parties);
 - (6) Petition to Settle a Small Estate; and

(7) Petitions for Allowance involving minors or incapacitated persons.

- All emergency motions will be heard by audio or teleconference. Effective Thursday, March 26, 2020, emergency motions shall be emailed to emergencyorphansmotions@allegheycourts.us.
- Involuntary Civil Commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

VIII. Magisterial District Courts

- All Magisterial District Courts are closed to the public. Pittsburgh Municipal Court Arraignment Division will remain open to the public for Emergency Protection from Abuse Petitions.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. See attached Revised MDC COVID-19 plan.
- All cases in the Magisterial District Courts are postponed.
- Magisterial District Judges will be available remotely to handle essential designated operations which include:
 - Criminal Complaint filing, arrest warrant requests, and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police, and

- Preliminary Hearings with incarcerated individuals.
- All new criminal cases that are filed during the pendency of this order shall be scheduled after June 1, 2020.
- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Summary cases will be docketed in the Magisterial District Judge Computer System beginning May 25, 2020.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through Court Payment Services at alleghenytx.com and through the Pennsylvania ePay system at ujportal.pacourts.us.
- Magisterial District Judges may *sua sponte* revise individual payment plans to reduce the minimum payment requirement.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.

- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on his/her behalf. The Magisterial District Judge shall utilize the procedures set forth below.
 - The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.

- Execution of orders for eviction or possession of residential properties in Allegheny County are stayed.

- All time calculations relevant to Magisterial District Court proceedings located in the Pennsylvania Rules of Conduct, Office Standards for Civil Procedure for Magisterial District Judges, and the Pennsylvania Rules of Criminal Procedure shall be suspended.

- Emergency Protection from Abuse Petitions will be addressed from 2:00 P.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday. Until further Order of Court, all Protection from Abuse matters will be addressed at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.

- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.

- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held

before the judge assigned to hear the Temporary Protection from Abuse Petitions.

- All proceedings will be conducted using Advanced Communication Technology, which includes audio or videoconference.

BY THE COURT:



Kim Berkeley Clark P. J.
President Judge

EXHIBIT F

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 31st day of August 2020, having previously declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through December 31, 2020.

I. Public Access to Court Facilities

- A Court Facility includes, but is not limited to:
 - The Civil Division located on the 7th and 8th floors of the City-County Building and the Housing Court Help Desk, located on the first floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219;
 - The Criminal Division located on the 3rd and 5th floor of the Courthouse, 436 Grant Street, Pittsburgh, PA 15219;
 - The Family Law Center located at 440 Ross Street and 559 Fifth Avenue, Pittsburgh, PA 15219;
 - The Orphans' Court Division, located on the 17th floor of the Frick Building, 437 Grant Street, Pittsburgh, PA 15219;

- Pittsburgh Municipal Court, 660 First Avenue, Pittsburgh, PA 15219;
- All Magisterial District Courts located in Allegheny County;
- All Adult Probation Offices, located in Allegheny County;
- All Juvenile Probation Offices including the six Community Intensive Supervision Program sites located in Allegheny county;
- The Juvenile Dependency Hearing Officer Courtrooms located at:
 1. (East Region) 10 Duff Road—Suite 208, 10 Corporate Center, Penn Hills, PA 15235;
 2. (Mon Valley Region) 355 Lincoln Highway, North Versailles, PA 15137;
 3. (North Region) 421 East Ohio Street, Pittsburgh, PA 15212;
- Any Administrative Offices of the Fifth Judicial District; and
- Any other facility, building, or room designated by the President Judge to hear and dispose of matters pending before the Court of Common Pleas or Magisterial District Courts in the Fifth Judicial District.
- All court facilities, including the courtrooms in all Divisions of the Court of Common Pleas, the Magisterial District Courts and Pittsburgh Municipal Court, will be open to the public for matters as specified below in this Order.
- Persons must wear masks or face coverings to enter and remain in any court facility. Persons who are not compliant with this order, will be required to leave the court facility.
- Persons who enter any court facility shall comply with CDC and Health Department recommendations for social distancing as well as any signage posted in or on court facilities or instructions from a judge,

judicial officer, Sheriff's deputy, police officer, constable, building security, or court employee.

- News media shall be permitted into court facilities but only in a manner that is consistent with public safety. Cameras will not be allowed in any court facility, unless specifically authorized by the President Judge, Administrative Judge of a Division, or the District Court Administrator.
- Sheriff's deputies, police, constables, and building security assigned to any court facility are authorized to deny admission or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19. Any person excluded or removed for health concerns shall be provided with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business are guaranteed admission into any court facility, subject to restrictions above. Friends and family members may be required to wait outside the facility.
- Sheriff's deputies, police, constables, and building security shall have the authority to enforce all of the conditions in this section. Persons who are not compliant with this order, will be required to leave the court facility.

II. Methods for Conducting Proceedings

- Whenever appropriate and feasible, and as directed by the President Judge, the Administrative Judges of the Divisions, and the District Court Administrator, court proceedings shall be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings found on the Fifth Judicial District website.

- Remote matters, conducted through Advanced Communication on Technology shall be conducted with the same decorum as in-person matters.
- When it is determined that conducting court proceedings through ACT is not appropriate or feasible, court hearings and proceedings shall be conducted utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- Any administrative order, policy, or protocol issued by an Administrative Judge requiring certain proceedings to be conducted through ACT shall be followed. Any exceptions to such an administrative order, policy, or protocol must be approved by the Administrative Judge of the Division.
- In order to prevent overcrowding, court appearances and hearing times shall be staggered, and the Administrative Judges may require that scheduling of cases be centralized in each division.
- Attorneys are strongly encouraged to bring only essential witnesses and persons to in-person court proceedings. Attorneys should encourage their clients to refrain from having non-participants accompany them to court proceedings.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- All persons participating in a court proceeding, including but not limited to, judges and judicial officers, attorneys, court employees, court reporters, witnesses, and spectators, are required to wear a mask or face covering for the entire proceeding. The judge or judicial officer may permit a person to temporarily remove the mask to take testimony or where the presence of a mask would affect the ability to judge credibility, provided that the requirements for social distancing, and in the case of matter in the Criminal Division, the attached Criminal Division Procedures (as may be subsequently amended and posted on

the website of the Fifth Judicial District) are followed. In such cases, the person will be required to wear a face shield. The Court shall make every effort to minimize the number of people present for in-person court proceedings, including allowing particular attorneys or witnesses to appear remotely.

- Orders prohibiting and limiting the use of cellular phones in courtrooms and court facilities remain in effect. However, due to the requirements for social distancing, an attorney may use a cellular telephone to communicate with a client or a witness while outside of the courtroom. An attorney may use a cellular telephone to summon witnesses waiting in another location, to the courtroom; or for such other purpose deemed appropriate by the judge or judicial officer presiding over the court proceeding.
- The taking of photographs or the recording of any proceeding is strictly prohibited. Anyone violating this provision shall forfeit their cellular phone or device and shall be subject to contempt proceedings or other sanctions.
- Taking the testimony of witnesses through ACT is strongly encouraged. However, when a witness must testify in person in a courtroom, the witness may be required to wait in another location until such time as the court is prepared to take the testimony of the witness. Upon conclusion of the testimony, the witness shall be excused from the courtroom and shall leave the court facility unless the judge or judicial officer determines that there is a reason that the witness must remain in the court facility.
- News media may be permitted into a courtroom, if social distancing can be maintained. The court may designate certain seats for the news media, however, seats for attorneys, parties to the proceedings and essential court staff take priority over seats for the news media.
- Sidebar conferences are prohibited until further order of court.

III. Time Calculations and Deadlines

- Except as otherwise set forth in this Order, the suspension of time calculations due to the judicial emergency that began on March 16, 2020 ended at the end of the day on June 1, 2020.
- Time calculations and deadlines were suspended during the judicial emergency so that they did not continue to run during that time. The suspension began on March 16, 2020 and continued through June 1, 2020—or for 78 days. New deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency as applied to the particular time calculation) to the original deadline. The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running.
- For example, if an original 30-day deadline fell on March 19, 2020, and the period of suspension under the judicial emergency was 78 days (March 16th through June 1st), the new deadline would be June 5, 2020 (78 days after March 19th). In this example, the particular time calculation stopped running during the entire 78-day suspension when it would have otherwise been running. If, however, a deadline expired before the judicial emergency began, then that deadline would not be extended by the judicial emergency.
- The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running. For example, if a 20-day time period begins running on May 27, 2020, when a complaint is served, then the original 20-day deadline would be June 16, 2020. The period during which this particular time calculation would be suspended by the judicial emergency would be 6 days (from May 27th through June 1st) and the new deadline would be June 22, 2020 (6 days after June 16, 2020). Stated differently, if a 20-day time period begins running on May 27, 2020, when a complaint is served upon the defendant, the parties start counting the 20-day time

period from June 2, 2020, (i.e. June 3rd is day one), and the new deadline is again June 22, 2020.

- If, however, the particular time calculation did not start to run until after June 1, 2020, then the deadline would not be extended as it would be unaffected by the suspension. For example, if a 20-day time period begins running on June 3, 2020 when a complaint is served then the original 20-day deadline of June 23, 2020 would not be extended.
- Postponements or continuances resulting from the judicial emergency shall be considered court postponements and shall constitute excludable time, subject to constitutional limitations for purposes of the application of Rule 600. See *Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017).
- The suspension of Rule 600, subject to constitutional limitations, as indicated in this Court's previous Emergency Operations Orders, began on March 16, 2020 and will continue through December 31, 2020, subject to further order of court.
- Jury trials in both the Civil and Criminal Divisions remain suspended until further Order of Court.
- Attorneys and litigants shall not use the judicial emergency to secure strategic advantage in litigation, including by dilatory conduct. Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency. The judge may then take any action deemed appropriate to address the situation.

IV. Transportation, Signatures, Fingerprinting, and Publication

- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.

- Until further Order of Court:
 - No inmates will be transported from the Allegheny County Jail or a state correctional facility for preliminary hearings.
 - Juveniles will not be transported from Shuman Detention Center or Hartman Shelter for court hearings, unless the judge orders the juvenile to appear in court.
 - Where the participation of the inmate or juvenile is required at a court hearing, Advanced Communication Technology shall be considered before issuing the order to transport.
 - All juveniles or inmates who are being transported shall wear a mask.
 - The Sheriff's deputies may refuse to transport an inmate or juvenile who is visibly ill, who is exhibiting symptoms of COVID-19, or who refuses to wear a mask, and shall immediately notify the assigned judge.

- Alternative methods of signing, delivery, and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures, proxy signatures, and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. *Pro se* litigants completing forms at Pittsburgh Municipal Court may authorize court employees to sign documents, when necessary, for the safety of the litigants and court employees. Under such circumstances, the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a *pro se* litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

- In the interest of public health, the *Pittsburgh Legal Journal* shall be published as an electronic PDF through the duration of the judicial emergency in the Fifth Judicial District. During the judicial emergency, proofs of publication produced by the *Pittsburgh Legal Journal* can be properly verified and signed by a notary public only, instead of a notary public and an affiant as is typically required. Proofs of publication may

be mailed or emailed to relevant parties. Records of all electronic proofs of publication and email correspondence shall be preserved.

V. Civil Division

- Where appropriate and feasible, Civil Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.
- All published trial lists are temporarily suspended pending further Order of Court.
- Non-jury trials commenced in June 2020. Non-jury trials shall continue to be conducted pursuant to the protocols outlined in this Order. Such non-jury trials shall be identified by the Court and specially listed for non-jury trial by separate Order(s) of Court. Where appropriate and possible, such non-jury trials shall be conducted using Advanced Communication Technology (ACT). When it is not appropriate and possible to use ACT for non-jury trials, all parties, lawyers, witnesses, and persons participating in the trial must follow the Fifth Judicial District's protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- Jury trials shall commence on a limited basis and only where the Court enters an Order specifically scheduling a jury trial. Parties with cases on previously published trial lists may jointly, with written consent by all parties involved in the litigation, submit consented-to motions to the Calendar Control Judge requesting that their case be scheduled to be tried before a jury.

- Consistent with this Order, the following matters shall be conducted remotely through the use of Advanced Communication Technology:
 1. Calendar Control Motions,
 2. Housing Court Motions,
 3. Discovery Motions,
 4. General Motions (contested and uncontested),
 5. Oral arguments on Preliminary Objections,
 6. Oral arguments on Motions for Summary Judgment, or Judgment on the Pleadings,
 7. Conciliations relating to cases on the May 2020 Trial List, and
 8. All other matters scheduled by any individual judge relating to a case specifically assigned to that judge, unless litigants lack the ability to participate using Advanced Communication Technology and under such circumstances, the individual Judge will utilize appropriate methods to adjudicate and/or conduct arguments/hearings utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- See the Fifth Judicial District website, www.alleghenycourts.us, for procedures and instructions relating to the following matters, including Operating Procedures for all judges and remote submissions of the following:
 1. Calendar Control Motions;
 2. Discovery Motions;
 3. General Motions;
 4. Housing Court Motions;
 5. Preliminary Objections; and
 6. Motions for Summary Judgment/Judgment on the Pleadings.

- Notwithstanding the suspension of time calculations and deadlines set forth in Section I above, individual judges are hereby invested with substantial discretion with the enforcement of time deadlines which he/she has established in a particular case when handling one of the matters outlined above in items (1) through (8) of the Civil Division section of this Order.

- The Governor's Orders of May 7 and May 22, 2020 prohibiting commencement of actions filed under the Landlord Tenant Act of 1951 for failure to pay rent, or due to an expired lease are scheduled to expire on August 31, 2020. Landlord tenant actions in the Civil Division of the Allegheny County Court of Common Pleas shall proceed pursuant to applicable rules and laws. Residential landlord tenant actions filed at the Magisterial District Courts shall proceed pursuant to the attached Order, filed this same date, entitled Fifth Judicial District Temporary Procedures Regarding Certain Residential Landlord Tenant Actions.
- Arbitration hearings resumed in June of 2020 utilizing the protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order. However, where all parties agree to using Advanced Communication Technology (ACT), or by Order of Court upon cause shown by one or more parties, arbitration hearings may be conducted remotely through use of ACT.
- Conciliations and hearings before the Board of Viewers shall be conducted remotely where appropriate and possible using ACT. Where the litigants are unable to participate remotely utilizing ACT, the Board of Viewers may proceed with in-person hearings, as necessary, utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- In any case specially assigned to a judge, the judge assigned shall attempt to use Advanced Communication Technology for all hearings, conferences, and/or oral arguments on such matters so assigned. Where one or more parties is unable to participate using Advanced Communication Technology, then under such circumstances, the assigned judge may conduct in-person hearings, conferences, and/or oral arguments utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- The Commerce and Complex Litigation Center will hear all petitions, motions, conciliations, and hearings remotely using Advanced Communications Technology; see the standardized operating procedures for Administrative Judge Christine A. Ward, and Judge Philip Ignelzi, available on the Fifth Judicial District website, www.alleghenycourts.us for information concerning matters assigned to the Commerce and Complex Litigation Center.

VI. Criminal Division

A. Remote Proceedings

- During the judicial emergency, the following matters in the Allegheny County Court of Common Pleas, Criminal Division, shall presumptively be conducted remotely through Advanced Communication Technology:
 1. Bail Hearings and Motions Court;
 2. Motions for Continuance and other motions which do not require testimony;
 3. Guilty Pleas;
 4. Sentencing Hearings;
 5. ARD Hearings;
 6. Phoenix Docket and EDP Hearings;
 7. Review Hearings for SOC, Domestic Violence Court, Drug Court, DUI Court, Mental Health Court, PRIDE Court, and Veteran’s Court;
 8. Probation Violation Hearings;
 9. SOC Formal Arraignments.
- If a judge in a particular case determines that extenuating circumstances exist that justify an in-person proceeding, then one of the types of matters listed in the paragraph above may be heard in-person, in whole or in part, in the courtroom. Extenuating circumstances may exist, for example, when an interpreter is required or where there is a likelihood that a sentence of imprisonment will be imposed after a guilty plea. The Court shall make efforts to minimize the number of people present for these in-person matters including allowing particular attorneys or witnesses to appear remotely.

- Recognizing the difficulty that defendants representing themselves may have using Advanced Communication Technology, such defendants may appear in person for any matter at the discretion of the judge. Defendants representing themselves may also appear in person at Formal Arraignment or Pretrial Conferences.
- Defense Counsel is encouraged to conduct Formal Arraignments without appearing at the Formal Arraignment Office pursuant to the attached procedure.
- Absent extenuating circumstances, Pretrial Conferences for represented defendants should be conducted by email, telephone, or videoconferencing.

B. In-Person Matters

- Matters not listed in the first paragraph of section VI(A) of this Order, which would otherwise be conducted in person, may also be conducted using Advanced Communication Technology after consultation with the parties and if the defendant consents and waives his or her confrontation clause rights and his or her right to be physically present. This may include matters such as non-jury trials or pretrial suppression motions in which witnesses will be called.
- The Court shall continue to evaluate the circumstances regarding the pandemic in Allegheny County to determine an appropriate time to resume jury trials. A separate order will set forth additional requirements relating to resumption of jury trials.

C. Conduct of Court Business

- Attorneys are to participate in Case Status Conferences as set forth in the attached Case Status Conference Procedures. Judges or their staff may also conduct status conferences via telephone or videoconferencing. Attorneys are required to participate in any such status conferences.

- Absent extenuating circumstances unique to a particular case, inmates will not be transported to the courthouse for proceedings except for trials, hearings on matters which require witnesses, and cases where an interpreter is necessary for an incarcerated defendant.
- Attorneys are strongly encouraged to file motions (including motions to reduce bail), pleadings, and other documents through PACFile. Attorneys and self-represented parties shall add their email address on the cover page of all filings with the Court as part of their contact information. The Bail Review Request Form may continue to be utilized and emailed to Pretrial Services via the Court's website at https://www.alleghencycourts.us/criminal/pretrial_services/bail_services/brr.aspx.
- All bail and miscellaneous motions for cases at the Court of Common Pleas level that are assigned a CR number, should be filed through PACFile. Miscellaneous motions, however, may also be filed in person and brought to the motions counter in room 534 of the courthouse. All bail motions for cases at the Magisterial District Court level shall be filed by emailing the motion (with the OTN number of the case on the coversheet) to DCRCriminal@AlleghenyCounty.us. A copy of any bail motion, at either level, and/or a Bail Review Request form, which can be found on the Criminal Division page of Fifth Judicial District website, shall be submitted to PTS_Bail_Questions_Bin@alleghencycourts.us.
- All motions to lift detainers should be filed through PACFile and emailed to the assigned judge and his/her staff but may be filed in person at the Department of Court Records and brought to the appropriate courtroom. Email addresses for Criminal Division Judges and staff are located on the Fifth Judicial District website.
- Requests or Motions for Continuance should be liberally granted.

- Alternative methods of signing, delivery and service of court documents and orders shall be permitted. Such methods may include, but are not limited to:
 1. The signature of defense counsel on a defendant's behalf;
 2. The signature of court personnel while in the presence of the defendant or while on the record, with the defendant's verbal permission;
 3. The faxed, scanned or electronic signature of a defendant; and
 4. Other methods determined to be reliable by a judge.

- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Electronic monitoring supervision by the Adult Probation Department continues to be available at the discretion of the Criminal Division judges.

- The August 21, 2020 Order entitled Amended Fifth Judicial District Emergency Operations Plan Criminal Division is consistent with this Order and remains in effect.

D. Safety Provisions Enforcement

- In addition to social distancing, masking, and other safety requirements set forth in the Emergency Operations Plan Order dated May 28, 2020, and this Order, the attached Criminal Division Procedures (as may be subsequently amended and posted on the website of the Fifth Judicial District) shall be followed in the Criminal Division of the Allegheny County Court of Common Pleas.

VII. Family Division

Child Support, Divorce, Alimony, and Equitable Distribution of Property

- For information or questions about child/spousal support, custody, divorce or presentation of a pro se motion contact (412) 350-5600 or 1stFOP@pacses.com. The regional offices in the Penn Hills and Castle Shannon shall remain closed to the public.
- Consent Agreements and Orders may be sent to the following email address for review and processing: pacsessupportconsentagreement@pacses.com
- Until further Order of Court, child support payments will not be accepted in person. Child supports payments may be made by credit card, check, and/or money order. Payment coupons and instructions are available on the Fifth Judicial District website: www.alleghencourts.us
- All scheduled conferences and/or hearings shall be conducted telephonically. Litigants will receive telephonic conference/hearing instructions via US Postal Mail and, when possible, by text message.
- All evidence being submitted for support proceedings may be submitted by text message, email, or fax prior to or during the course of the proceeding.
- Exceptions to Hearing Officer Support Recommendations shall be filed electronically at alleghenysupportexceptions@pacses.com. The complete "Exceptions Procedure" shall be maintained on the Fifth Judicial District website and is incorporated herein, by reference.
- Masters' Rules and Procedures are posted to the Fifth Judicial District website and are made applicable by this Order.
- The Court shall continue to review and grant divorces, administratively, when all required documents are filed with the Department of Court Records.

- Any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.

Custody

- Custody motions will be addressed on a case by case basis. Any matter may be presented to the Court by Motion, without a hearing, for entry of an Order, pursuant to the assigned judge's procedures posted on the Fifth Judicial District website.
- For new custody cases originating by motion without a judicial assignment, please contact the Court by email at emergencycustody@allegheycourts.us with the following information: parents' names and dates of birth and the child(ren)'s names and dates of birth. The Court will respond to the inquiry with the appropriate judicial designation.
- *Pro se* emergency custody motions will be addressed by completing the Court's online submission platform for the same on the Fifth Judicial District website.
- Questions concerning custody matters may be submitted by email to custodydepartment@allegheycourts.us or by leaving a message at 412-350-4311. Emails and calls will be returned during regular business hours. For questions concerning an emergency custody matter, please call 412-350-1500, Monday through Friday, between 9:00 AM and 3:00 PM.
- Until further Order of Court, the Generations education seminar requirement shall be completed by reading and reviewing the Generations booklet, which is posted on the Fifth Judicial District website. The password to access the booklet is contained in the scheduling order. For litigants who do not have access to the internet, please call 412-350-4311 to receive the materials by regular mail.
- Until further order of Court, the Generations mediation session, DRO custody conciliation, interim relief hearing, and partial custody hearing

before the hearing officer, shall be conducted remotely, either by teleconference or videoconference, at the Court's direction. Five (5) days in advance of the scheduled court event, litigants shall send contact information (telephone number and email address) where they may be reached by the Court on the date and time of the scheduled court event to custodydepartment@allegheycourts.us or by phone at 412-350-4311. Failure to timely provide this information to the Court may result in the proceeding not being held and/or a delay in scheduling/rescheduling the custody case.

- All other custody proceedings, including those scheduled to be heard before the assigned Judge, shall be heard remotely by teleconference or videoconference at the Court's direction, until further Order of Court and unless the judge requires an in-person proceeding. Litigants should carefully review the scheduling order issued for each matter for information on the remote requirements, witness testimony, and submission of evidence and exhibits.
- Exceptions to Hearing Officer Custody Recommendations shall be filed at the Allegheny County Department of Court Records, with a copy sent to the Court via email at custodydepartment@allegheycourts.us.

Protection from Abuse

- All Temporary Protection From Abuse matters will be addressed at the Family Law Center, 440 Ross Street, Room 3030, Pittsburgh, PA 15219. Temporary Protection from Abuse Hearings shall be conducted generally through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Temporary Protection From Abuse Petitions will be prepared and processed between the hours of 8:00 A.M. and 11:00 A.M., and videoconference hearings will be conducted until 2:00 P.M, Monday through Friday. This timeframe may be modified upon further order.
- Emergency Protection From Abuse Petitions will be addressed from 11:00 A.M.. until 8:00 A.M., Monday through Friday, and 24 hours

Saturday and Sunday and on court holidays at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.

- Emergency Protection From Abuse Petitions may also be addressed from 11:00 A.M. until 3:30 P.M. at the Magisterial District Courts.
- Final Protection From Abuse Hearings shall be heard through Advanced Communication Technology (ACT), until further Order of Court.
- Temporary Protection From Abuse Orders that were entered during the judicial emergency or that were extended due to the judicial emergency shall expire on June 16, 2020, unless an order entered after May 28, 2020 sets a different expiration date.
- Defendants (or their attorneys) intending to contest a Protection From Abuse action and participate in a hearing must submit an "Intent to Defend" form prior to the scheduled hearing. If the Defendant appears at the hearing without having completed and submitted the Intent to Defend form prior to the scheduled hearing, the hearing may be postponed and the Temporary PFA Order may be extended until the rescheduled hearing date.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary PFA Petitions.
- For questions concerning Protection from Abuse, please call (412) 350-4441, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Juvenile Matters

- Juvenile proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol

for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judge. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.

- Delinquency adjudicatory hearings, where the juvenile requests a hearing or a trial may be conducted as an in-person hearing. Requirements for social distancing and masks and face coverings as set forth in this order, shall be strictly followed. With the consent of the juvenile, a delinquency adjudicatory hearing may be heard, in whole or in part, through Advance Communication Technology, provided that after conducting a colloquy on the record, the Court determines that:
 1. The juvenile understands the Constitutional right to confront witnesses;
 2. The juvenile understands the right to be present; and
 3. The right and knowingly and voluntarily waives these rights.
- All Juvenile Court matters will be heard by the assigned judges according to the scheduling protocol in effect prior to the judicial emergency. Matters may continue to be heard through Advanced Communication Technology, as the interest of public safety dictates.
- The Court shall continue to issue Orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- Detention hearings will be heard by a hearing officer on Mondays, Wednesdays, and Fridays. Hearing officer recommendations will be sent to the daily assigned judge for approval and entry of an order.
- Shelter Care Hearings will be heard by a hearing officer three days a week. Walk-in Shelter Care Hearings will not be permitted. Hearing officer recommendations will be sent to the assigned judge for approval and entry of an order.

- Emergency motions will be heard in accordance with the weekly motions judge schedule. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@allegheycourts.us, the probation officer, and the caseworker.
- For emergency matters involving delinquency, please contact the Juvenile Probation Department at (412) 350-1501.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than 10 days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or through Advanced Communication Technology. In all cases, the Court shall determine whether the continued detainment is necessary to ensure the safety of the public and is constitutionally permissible.
- Termination of Parental Rights Hearings shall be scheduled and heard by the assigned judge.
- Adoption Hearings shall be scheduled and heard as determined by the assigned judge.
- Post-dispositional hearings, where the recommendation is to close supervision, may be presented by memo for the entry of an Order to terminate supervision.
- Initial pre-hearing conferences shall be conducted through Microsoft Teams. With the consent of the parties, all other matters may be presented to the Court by memo, without a hearing, for entry of an Order.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.

- Private Dependency Petitions and Petitions to Modify/Enforce Permanent Legal Custodianship Orders shall be processed electronically or by US Postal Mail. Complete instructions are available on the Fifth Judicial District website.
- Questions concerning dependency matters, termination of parental rights, adoptions and juvenile scheduling matters may be submitted by email to childrenscourt@allegheycourts.us or by calling 412-350-0377, Monday through Friday, between 9:00 AM and 3:00 PM. Emails and calls will be returned during regular business hours.

VIII. Orphans' Court Division

- Whenever appropriate and feasible, Orphans' Court Proceedings should be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings found on the Fifth Judicial District website. Proceedings in Orphans' Court cases that are specially assigned to a judge may, at the discretion and direction of the judge, be conducted in-person in open court.
- The following types of Petitions/Motions may be filed at the Department of Court Records Wills/Orphans' Court Division for transmittal to the Orphans' Court Division for assignment to the trial judge or motions judge:
 1. Settlement Petitions involving minors, incapacitated persons, or Decedent's Estates;
 2. Petitions requesting the issuance of a Citation or Rule to Show Cause;
 3. Petitions requesting the scheduling of a hearing, including but not limited to, termination of parental rights, adoptions, guardianships of incapacitated persons and minors, and review of involuntary civil commitment;
 4. Petitions to Settle a Small Estate;

5. Petitions for Allowance involving minors or incapacitated persons; and
 6. Petitions or motions that are consented to in writing by all counsel of record and/or by all unrepresented parties in interest.
- Petitions or motions that are contested must comply with the requirements of Rule 3.1 of the Allegheny County Orphans' Court Division Rules and shall be presented in-person in open court to the motions judge at 9:30 a.m. or at such time and manner, including via Advanced Communications Technology, as directed by the motions judge.
 - In-person in court proceedings must follow the protocols and policies relating to the use of masks or other personal protective equipment, social distancing and other guidance specified in Section II of this Order.
 - Involuntary Civil Commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

IX. Magisterial District Courts

- All Magisterial District Courts and Pittsburgh Municipal Court are open for designated court proceedings as set forth in this order.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan and the Pittsburgh Municipal Court, City of Pittsburgh COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. See attached Revised MDC COVID-19 plans.
- Magisterial District Judges will remotely handle criminal case initiation and processing. The remote operations include:
 - Criminal Complaint filing, arrest warrant requests, and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.

- Preliminary Arraignments conducted through Pittsburgh Municipal Court shall be handled remotely.
- Preliminary Arraignments conducted at the Magisterial District Courts shall presumptively be handled remotely but may at the discretion of the Magisterial District Judge be handled in person.
- Preliminary hearings with incarcerated defendants will be conducted using Advanced Communication Technology. Other parties may participate through Advanced Communication Technology.
- Preliminary hearings for non-incarcerated defendants may be conducted using Advanced Communication Technology. Other parties may participate through Advanced Communication Technology. There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through Court Payment Services at alleghenytx.com and through the Pennsylvania ePay system at ujportal.pacourts.us. Cash payments at the Magisterial District Courts may be accepted at the discretion of the Magisterial District Judge. Cash payments will be accepted at Pittsburgh Municipal Court.
- Magisterial District Judges may *sua sponte* revise individual payment plans to reduce the minimum payment requirement.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.

- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on his/her behalf. The Magisterial District Judge shall utilize the procedures set forth below.
 - The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.

- Emergency Protection From Abuse Petitions will be addressed from 11:00 A.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday and court holidays at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219. Emergency Protection from Abuse Petitions may be addressed at the Magisterial District Courts from 11:00 A.M. until 3:30 P.M. Petitioners should call the Magisterial District Court in advance of arrival. Phone numbers may be found on the Fifth Judicial District Website: https://www.alleghenycourts.us/district_judges/offices.aspx

- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.

- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary Protection from Abuse Petitions.

- All other proceedings, including summary proceedings, civil actions, and landlord/tenant actions may be conducted using Advanced Communication Technology, which includes audio or videoconference at the discretion of the Magisterial District Judge.

- Private complaint interviews will not take place at the Magisterial District Courts. Please refer to the Allegheny County District Attorney's website for directions for filing a private complaint at <http://alleghenycountyda.us/>.
- Residential landlord tenant actions shall proceed pursuant to the attached Order, filed this same date, entitled Fifth Judicial District Temporary Procedures Regarding Certain Residential Landlord Tenant Actions.

BY THE COURT:

 P. J.

Kim Berkeley Clark
President Judge

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: FIFTH JUDICIAL DISTRICT :
TEMPORARY PROCEDURES : No. 23 WM 2020
REGARDING CERTAIN RESIDENTIAL:
LANDLORD TENANT ACTIONS :

ORDER OF COURT

AND NOW, this 31st day of August 2020, pursuant to Pa.R.J.A. No. 1952(B)(2), this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania through December 31, 2020, and recognizing that rent assistance through the CARES Rent Relief Program and other programs is available for landlords and tenants in Allegheny County and that landlords and tenants may require time to apply for such assistance and additional time for their applications to be processed, the following is hereby **ORDERED, ADJUDGED and DECREED**.

1. Effective September 1, 2020, all residential landlord tenant actions will be accepted for filing within the Fifth Judicial District pursuant to the applicable statutes and rules governing those actions.
2. Initial hearing dates for residential landlord tenant actions filed at the Magisterial District Courts where the action is based solely on non-payment of rent shall be scheduled at the latest available landlord tenant court date consistent with Pa.R.C.P.M.D.J. 504 and may be scheduled up to seven (7) days beyond the time limit set forth in Rule 504, if the Magisterial District Judge finds it necessary due to the volume of cases already scheduled.
3. On such cases, if on or before the initial hearing date, the tenant provides an affidavit or testifies under oath affirming that the tenant has submitted or will submit an application for rental assistance under the CARES Rent Relief Program or any of the other available rental assistance programs, the initial hearing date shall be used to conduct a status conference rather than a hearing. During this status conference, the CARES Rent Relief Program or other program shall be considered by the parties who shall determine if they will move forward with an application.

4. If both parties agree to move forward with an application through the CARES Rent Relief Program or other available rental assistance program, the hearing shall be continued to allow for sufficient time for the application to be processed as agreed to by the parties and the Magisterial District Judge. Multiple continuances may be granted so there is sufficient time for the application to be processed and the relief to be provided. A hearing shall not occur until the application has either been granted, denied or withdrawn.
5. If, during the status conference, the parties do not both agree to move forward with an application, the case may be postponed to a new date for a hearing on the matter or the Magisterial District Judge may, in his or her discretion, continue the hearing to allow for an application to be made and processed.
6. The procedures in paragraphs 2 through 5 above apply only to residential landlord tenant actions at the Magisterial District Courts where the action is based solely on non-payment of rent.
7. Application for COVID-19 related rent assistance through the CARES Rent Relief Program can be made online at <https://covidrentrelief.alleghenycounty.us>.
8. Additional information about other rental assistance programs may be found at the following links:
 - <https://www.ura.org/pages/covid-19-resources-for-residents>
 - <https://www.alleghenycounty.us/human-services/index.aspx>
 - <https://renthelppgh.org/>

The Fifth Judicial District Judicial Temporary Prohibition on Commencement of Certain Residential Landlord Tenant Actions expires on August 31, 2020. This Order shall become effective on September 1, 2020 and shall remain in effect until further Order of Court.

BY THE COURT:



_____, P. J.
Kim Berkeley Clark
President Judge

CRIMINAL DIVISION PROCEDURES

Additional Courtroom Procedures

Participants Who Cannot Be Heard Clearly While Wearing Masks

- Paper masks will be provided in each courtroom where the judge determines that a witness, defendant or other participant cannot be heard or understood while wearing a cloth or other mask.
- The judge may permit a witness to temporarily remove a mask to take testimony where the presence of a mask would adversely affect the ability to evaluate credibility. In such cases, the witness will be required to wear a face shield but will put their mask back on whenever approached by an attorney.
- A participant shall not be asked to lower or remove their mask at any time while they are within 15 feet of another person unless protected by a plexiglass partition.

Private Attorney/Client Communication in Courtroom

- During any hearing requiring a witness, the defendant, defense counsel, prosecutor, and affiant will each be provided with paper and a pen (if consistent with safety concerns of the Court, Deputy Sheriff, and attorneys) and will be permitted to write confidential notes to each other. The court may permit other means of confidential communication including providing for brief recesses or allowing the defendant and attorney to briefly exit the courtroom to confer consistent with safety concerns.

Early arrival for court proceedings

- Attorneys and witnesses arriving more than 30 minutes prior to a scheduled court event may be asked by the Court to leave and return later in order to maintain social distancing and reduce the amount of people in the courtroom at any given time.

Signing of Subpoenas

- Alternative methods of signing should be used to avoid contact between court staff and defendants.

CRIMINAL DIVISION PROCEDURES

Document Transfer

- All efforts shall be made to transfer as many documents as possible to court staff electronically. When a physical document must be provided to court staff in a courtroom, it shall be done, whenever possible, by placing the document on a table provided for the exchange rather than by a direct hand- to-hand exchange.

CRIMINAL DIVISION PROCEDURES

Formal Arraignment Waiver

The following steps must be taken by defense counsel to waive appearance at Formal Arraignment during the judicial emergency:

- Defense counsel must enter their Appearance on behalf of the Defendant.
- After the Praecipe for Appearance has been filed with the Department of Court Records, defense counsel may download and complete Waiver of Appearance at Formal Arraignment form. This document can be found on the Fifth Judicial District Website, <https://www.alleghencourts.us/Criminal/Default.aspx>
- Once completed, the Waiver of Appearance at Formal Arraignment form must be forwarded to ccformalarraignment@alleghencourts.us.
- The email must include defense counsel and the defendant's phone number, email address, and mailing address.
- The Formal Arraignment Office will review the waiver request and determine if the Criminal Information has been filed by the District Attorney's Office.
- If the Criminal Information has been filed, the Formal Arraignment Office will email the attorney of record the information and all paperwork along with the judge assignment and a subpoena for the Defendant to appear on the scheduled Pretrial Conference date or Phoenix Court date. When required, a Court Reporting Network (CRN) appointment will be included in the paperwork; the defendant shall attend the scheduled CRN appointment and complete the full drug/alcohol assessment, if required, prior to the scheduled court date.
- If the case is eligible for ARD, information will be provided to defense counsel to contact the District Attorney's ARD unit and complete the ARD interview. Upon receipt of the ARD paperwork from defense counsel showing that the defendant has been accepted into the ARD program, the Formal Arraignment Office will provide an ARD date and subpoena to defense counsel via email.

CRIMINAL DIVISION PROCEDURES

- If the Criminal Information has not been filed, the Formal Arraignment Office will reschedule the Formal Arraignment date and notify defense counsel of the new date.
- Defense Counsel will sign the subpoena on the defendant's behalf with the defendant's permission or will make arrangements for the defendant to sign the subpoena and return it to the Formal Arraignment Office by email.
- Pretrial Conferences for defendants should be conducted by email, telephone, or videoconferencing, but may be conducted in person.
- Defense counsel may accept a subpoena on a defendant's behalf by completing a Waiver of Appearance at Pretrial Conference. This document can be found on the Fifth Judicial District Website, <https://www.alleghenycourts.us/Criminal/Default.aspx>.
- Defendants without an attorney must appear in person to schedule their cases, unless other arrangements have been made by court staff, in which case the Pretrial Conferences may be conducted by telephone or videoconferencing

CRIMINAL DIVISION PROCEDURES

In-Person Proceedings

Attorneys shall confer with their witnesses and clients prior to the hearing date to ensure that they are not exhibiting symptoms of COVID-19 and are not awaiting the results of a COVID-19 test. Those exhibiting COVID-19 symptoms or awaiting a test result are not permitted in any court facility. Information on appropriate actions to take when experiencing COVID-19 symptoms can be found on the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html>.

Attorneys shall notify the Court of any witness or client exhibiting symptoms or awaiting the results of a COVID-19 test. Arrangements shall be made for the person to participate remotely or the matter shall be postponed.

Taking the testimony of witnesses through Microsoft Teams is strongly encouraged. However, when a witness must testify in person in a courtroom, attorneys will be responsible for management of their witnesses.

Witnesses may be required to wait in designated areas of the Courthouse, outside the Courthouse or elsewhere so that social distancing may be maintained and to reduce the amount of people in the courtroom at any time.

Witnesses who wait in the hallways may not congregate and must socially distance.

Attorneys shall inform the Court of the status and location of their witnesses prior to the start of a proceeding so that the attorneys may be given adequate time to notify and call each witness to testify. Upon conclusion of the testimony, the witness shall be excused from the courtroom and shall leave the court facility unless the judge or judicial officer determines that there is a reason that the witness must remain in the court facility.

The taking of photographs or the recording of any proceeding is strictly prohibited. Anyone violating this provision shall forfeit their cellular phone or device and shall be subject to contempt proceedings or other sanctions. Notwithstanding, with the permission of the presiding judge, an attorney may use a cellular telephone to summon a witness waiting in another location or for such other purpose authorized by the judge. When a judge is on the bench, the attorney shall first request permission from the judge.

CRIMINAL DIVISION PROCEDURES

ARD Procedures

After the defendant completes the ARD interview and accepts the ARD offer, the defendant will receive a subpoena from the Court Arraignment Office with the hearing date and time noted.

ARD Court staff will email defense counsel (or the defendant, if not represented) the ARD Packet with instructions to complete it and return it at least 7 days prior to the ARD hearing date.

ARD Court staff will email an invitation for the Microsoft Teams ARD Hearing to both the Defendant and Defense Counsel the week of the ARD hearing.

The ARD Hearing and Admission into the ARD program will take place as scheduled through Microsoft Teams.

Upon the conclusion of the ARD Hearing on Microsoft Teams, the ARD Officer and defendants will remain on the Teams call so that the ARD Officer may review the ARD rules with the defendants.

ARD Probation either will complete the intake interview at the conclusion of the ARD TEAMS hearing or will contact the defendant approximately one week after the hearing. If a defendant has not had an intake interview within 14 days of the ARD hearing, please contact the ARD office at 412-350-4632.

CRIMINAL DIVISION PROCEDURES

Phoenix Court Procedures

On all Phoenix cases a full discovery packet, sentencing guidelines and offer are presented to the Defendant at the time of Formal Arraignment.

The Phoenix Hearing will be conducted remotely through Advanced Communication Technology primarily through Microsoft Teams unless extenuating circumstances exist that justify an in-person proceeding.

The Remote Plea Packet should be completed and sent to the assigned courtroom staff two (2) business days before the assigned court date. The protocol during the Plea Hearing via remote access will also be followed.

If the Phoenix Offer is rejected, a Rejection of Phoenix Offer and Election to Proceed to Trial form must be completed and filed with the Court.

A trial date will then be set by the Court and the Case Status Conference protocol must be then followed.

CRIMINAL DIVISION PROCEDURES

Case Status Conferences (CSC)

All attorneys will be required to engage in an audio and/or video case status conference with opposing counsel in every case at least one week prior to the next scheduled court date during which the following matters must be addressed:

- Whether any plea offers have been made; all plea negotiations must occur before the CSC deadline;
- If a plea offer has been made and the defendant intends to reject the plea offer and proceed to trial, the rejection of the offer shall be placed on the record. The court, in its discretion, may notify the defendant that, once the plea is rejected and the case is scheduled for trial, the Court will no longer accept a negotiated plea;
- If a plea offer will not be made, a determination will be made as to whether the case is ready to proceed to jury or nonjury trial. If the parties are not prepared to proceed, a postponement request must be submitted electronically via <https://www.alleghencourts.us/criminal/MotionForContinuance.aspx> at least four (4) business days before the next court date. Postponement requests submitted in this fashion will be granted or denied by the end of the next business day after submission.

After the CSC is complete, but in no event later than 4 business days before the next court listing, the Prosecutor shall submit an email to the minute clerk and the designated court staff for each courtroom, with a copy to defense counsel, which shall include the following:

- Defendant's name,
- Date of proceeding,
- Attorneys' names and email addresses (prosecution and defense),
- Defendant's contact information, including their email address if the proceeding is to take place remotely,
- Whether the case will resolve by plea, nonjury or jury trial or whether a postponement request will be submitted and by whom;
- Whether any motions are pending and, if so, whether any such motion requires a hearing with or without witnesses;
- Whether the defendant and witnesses and victims necessary for the scheduled proceeding have been contacted.

CRIMINAL DIVISION PROCEDURES

Counsel shall not send multiple CSC emails on the same case as such emails burden the court staff, overwhelm their email accounts and create confusion.

When a matter is scheduled as a remote plea or hearing, all paperwork shall be emailed to court staff 48 hours prior to the scheduled plea or hearing date, or, in the case of a defendant who is incarcerated, 24 hours prior to the plea or hearing date including:

- Plea Packet
- Sentencing Guidelines
- Restitution Form
- Other forms required for SORNA or Domestic Violence cases

If a case will be proceeding to trial, the parties are encouraged to stipulate to any evidence or testimony, where possible, to avoid the need for witnesses to be called to testify. If stipulations may be furthered by a party making a potential witness available via conference call with all counsel, counsel are encouraged to utilize this method or other similar opportunities to further discussions regarding possible stipulations. Where stipulations cannot be reached regarding the testimony of a witness, the parties should discuss whether any witnesses might be permitted to testify via video.

In a matter which is to proceed remotely, exhibits should be exchanged via email between the parties at least 24 hours prior to the proceeding, with a copy to court staff. If a party believes that circumstances exist that a prior exchange of a particular exhibit should not occur, the issue should be brought to the Court's attention through the Case Status Conference process.

When a defense attorney has been unable to contact the defendant, the Prosecutor shall not bring in any witnesses but shall have them available by phone in the event that a previously "unreachable" defendant appears and determines to enter a guilty plea.

If the defendant then fails to appear on their scheduled court date, a warrant shall be issued.

If the defendant does appear on their scheduled date, the courtroom staff should direct the defendant to the location previously supplied by defense counsel so that the defendant can make contact with defense counsel. The case may proceed in a manner that does not require witnesses such as a plea, or a stipulated non-jury trial, or other method agreed upon by the parties.

CRIMINAL DIVISION PROCEDURES

Otherwise, a short defense postponement may be granted with a definite date for trial.

Prosecutors shall make every effort to contact their witnesses well in advance of the scheduled court date and shall comply with the requirements of the Case Status Conferences or status conferences held by judges and their staff.

When a Prosecutor has been unable to contact a witness or victim, the prosecutor shall include on any postponement request, the efforts made to contact the witness or victim.

If a Commonwealth postponement is not granted, defense counsel shall not bring in any witnesses but shall have the defendant available by phone in the event the Commonwealth witness or victim does appear for the proceeding on the specified date.

In the event the Commonwealth witnesses do not appear on the scheduled court date, the case may be *nolle prossed*, dismissed or, at the discretion of the judge, a postponement maybe granted on that date.

If the Commonwealth witness or victim does appear on the scheduled court date, the case may proceed in a manner that does not require witnesses such as a plea, stipulated non-jury trial, or other method agreed upon by the parties. Otherwise, a short Commonwealth postponement shall be granted with a definite date for trial.

All defendants without counsel will be required to engage in a CSC with the assigned prosecutor consistent with the above procedures. Prior to the CSC, the assigned prosecutor will notify the Office of the Public Defender that the defendant is unrepresented so that the defendant can be provided counsel from the Office of the Public Defender or the Office of Conflict Counsel to explain the following:

- The right to counsel for future court proceedings;
- The right to have counsel appointed if the defendant is unable to afford an attorney; and
- If the defendant elects to proceed *pro se*, the fact that counsel will serve as a third-party witness to ensure the CSC is fairly conducted.

CRIMINAL DIVISION PROCEDURES

Designated Staff to Receive CSC Emails for Each Courtroom

JUDGE	ADDITIONAL STAFF	EMAIL	MINUTE CLERK	EMAIL
Bruce R. Beemer	Diana Colosimo	DColosimo@allegheycourts.us	Janine McVay	McVayJ@allegheycourts.us
Alexander P. Bicket	Carley Donnelly	CDonnelly@allegheycourts.us	Kathy Burford	KBurford@allegheycourts.us
Kelly E. Bigley	Teri Michaels	TMichaels@allegheycourts.us	John D'Abruzzo	JD'Abruzzo@allegheycourts.us
Edward J. Borkowski	Pamela Farrell	Pam.Farrell@allegheycourts.us	John Halloran John Matter - ARD	John.Halloran@allegheycourts.us JMatter@allegheycourts.us
David R. Cashman	Wendy Hayes	Wendy.Hayes@allegheycourts.us	Derek Smith	DJSmith@allegheycourts.us
John J. Driscoll	Mary Angela Ogg	MOgg@allegheycourts.us	Lindsay Williamson	LWilliamson@allegheycourts.us
Susan F. Evashavik DiLucente	Mary Lou Conroy	mlconroy@allegheycourts.us	Dan Cregan	DCregan@allegheycourts.us
Thomas E. Flaherty	Sarah Deasy	SDeasy@allegheycourts.us	Karen Cirrincione	Karen.Cirrincione@allegheycourts.us
Beth A. Lazzara	Judy Sarna (Law Clerk)	jsarna@allegheycourts.us	Tim Palmer	TPalmer@allegheycourts.us
Jeffrey A. Manning	Sandy Leasure	Sandy.Leasure@allegheycourts.us	Michele Kearney	MKearney@allegheycourts.us
Anthony M. Mariani	Christen Hobaugh	CHobaugh@allegheycourts.us	Christa Buchewicz	CBuchewicz@allegheycourts.us
Lester G. Nauhaus	Lucille Trobaugh	LTrobaugh@allegheycourts.us	Sandy Evans	Sandy.Evans@allegheycourts.us
Jill E. Rangos	Shana Kemerer	SKemerer@allegheycourts.us	Laura Gettings	LGettings@allegheycourts.us
Kevin G. Sasinowski	Stephanie Ewing	SEwing@allegheycourts.us	Candice Kelly	CKelly@allegheycourts.us
Randall B. Todd	Gwyn Behr	GBehr@allegheycourts.us	Elizabeth Collins	ECollins@allegheycourts.us
Mark V. Tranquilli	Mary Angela Ogg	MOgg@allegheycourts.us	Lindsay Williamson	LWilliamson@allegheycourts.us
John A. Zottola	Marie Zottola	MZottola@allegheycourts.us	Toni Snelsire	TSnelsire@allegheycourts.us

CRIMINAL DIVISION PROCEDURES

Remote Pleas

When a matter is scheduled as a remote plea or hearing, all paperwork shall be emailed to court staff 48 hours prior to the scheduled plea or hearing date, or, in the case of a defendant who is incarcerated, 24 hours prior to the plea or hearing date.

If the case will be a plea, the following paperwork should be included:

- Request for Remote Hearing *
- Instructions for Scheduling a Remote Plea *
- Guilty Plea Colloquy *
- Waiver of Rights and Consent to Plea/Sentencing by Video Conference*
- Adult Probation Intake Form *
- General Rules and Condition of Probation Acknowledgement Form *
- Sentencing Guidelines
- Restitution Form

*Denotes items the are included in the Plea Packet.

If the case is a Domestic Violence case, include also:

- Order of Relinquishment
-

If the case is a SORNA case, include also:

- Specific Special Conditions of Probation
- General Rules and Condition of Probation Acknowledgement Form
- Sexual Offender Registration/Notification Act (SORNA) Colloquy

The SORNA Packet includes these 3 forms as well as all of the forms in the Plea Packet denoted by * above.

CRIMINAL DIVISION PROCEDURES

Miscellaneous Motions

Updated instructions and forms for filing Miscellaneous Motions in Motions Court can be found at:

<https://www.alleghecourts.us/criminal/MiscellaneousMotions.aspx>.

CRIMINAL DIVISION PROCEDURES

Criminal Division Forms

Criminal Division forms may be found at
<https://www.alleghencourts.us/Criminal/Default.aspx>

Waiver of Appearance at Formal Arraignment

Waiver of Appearance at Pretrial Conference

Plea Packet – includes:

- Request for Remote Hearing
- Instructions for Scheduling a Remote Plea
- Guilty Plea Colloquy
- Waiver of Rights and Consent to Plea/Sentencing by Video Conference
- Adult Probation Intake Form
- General Rules and Condition of Probation Acknowledgement Form

ARD Packet – includes:

- Instructions for Scheduling a Remote ARD Hearing
- Explanation of ARD Proceeding
- Waiver of Rights and Consent to Entry into ARD by Video Conference
- PAePay Instructions
- General Rules for ARD Probationers

SORNA Plea Packet – includes:

- Request for Remote Hearing
- Instructions for Scheduling a Remote Plea
- Guilty Plea Colloquy
- Waiver of Rights and Consent to Plea/Sentencing by Video Conference
- Charge Specific Special Conditions of Probation
- Adult Probation Intake Form
- General Rules and Condition of Probation Acknowledgement Form
- Sexual Offender Registration/Notification Act (SORNA) Colloquy

Order of Relinquishment (for Domestic Violence Cases)

Nolo Contendere Colloquy

Guilty Plea Colloquy

Waiver of Rights and Consent to Plea/Sentencing by Video Conference

Waiver of Rights and Consent to Non-Jury by Video Conference

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

Revised Magisterial District Courts COVID – 19 Plan

Due to the Covid-19 Pandemic Magisterial District Courts in the Fifth Judicial District have modified/alterd their operations.

Safety Measures:

- Court users may be checked/wanded by a security guard/state constable upon entry.
- No one will be permitted into the District Court without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility.
- Some District Courts will have a check in procedure wherein parties will be instructed to check in/provide phone number and wait outside (could wait in an automobile).
 - Parties will be called when it is time for their hearing.
- News media may be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to District Court. Please contact the District Court in advance of the hearing. Contact information can be found on the Fifth Judicial District Website:
https://www.alleghencourts.us/district_judges/offices.aspx

Scheduling:

- The Magisterial District Courts will stagger court times to ensure proper social distancing.
- Parties are required to be on time for their court proceeding.
- Parties are encouraged to conference with one another prior to the court proceeding.
- Parties should be prepared to proceed upon arrival.
- If a party is to complete community service check with District Court about sending completion paperwork prior to scheduled hearing review date. Some District Courts may accept without court appearance.

Hearings:

- Incarcerated individuals will not be transported to the Magisterial District Courts. These individuals will appear for the preliminary hearings via Advanced Communication Technology.
- Interpreters will work remotely by either phone or video.

- Other parties may participate via Advanced Communication Technology

Case Filings:

- Civil/LT cases will be accepted by mail.
- If a party wishes to file in person, please contact the District Court to schedule an appointment time.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytix.com and ujportal.pacourts.us.
- Lock boxes may be provided for cash payments.
- District Courts may accept cash payments if processed safely.

Criminal Case Processing:

- The Magisterial District Courts will not be conducting any criminal case initiation in person at the District Court.
- All criminal case initiation, requests for arrest warrants, on-view arrest complaints and search warrants, will be conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan.
- All criminal arraignments will be presumptively conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan. In person criminal arraignments may take place at the discretion of the Magisterial District Judge.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 11:00 a.m. through 8:00 a.m., and 24 hours on weekends and holidays.
- Petitions will also be handled at the Magisterial District Courts from 11:00 a.m. through 3:30 p.m., please call in advance of arrival, https://www.alleghecourts.us/district_judges/offices.aspx

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

COVID – 19 Pittsburgh Municipal Court Protocol

Due to the Covid-19 Pandemic Pittsburgh Municipal Court has modified/alterd their operations.

Safety Measures:

- Court users will enter through the main entrance.
- Employees will enter through the employee entrance.
- Court users will exit the building in the back - new designated exit door on the first floor - towards the river.
- Security guards will be at the entrance and exit.
- Court users will go through security.
- Court users will not be readmitted at the exit (if a person goes outside for a cigarette break – they will have to enter in the front of the building).
- Face masks are required – no person will be permitted into PMC without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility
- News media will be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to Pittsburgh Municipal Court. Please contact Pittsburgh Municipal Court in advance of the hearing.
- Germ guards have been installed at the bench.

Scheduling:

- Pittsburgh Municipal Court will have staggered appearance times:
 - Every 15 minutes from 8:00 a.m. – 11:00 a.m.
 - Every 15 minutes from 12:30 p.m. – 4:00 p.m.
 - The number of cases scheduled will ensure proper social distancing.
 - Parties are expected to appear at the scheduled time and be prepared to proceed.
- Criminal Cases:
 - If necessary criminal cases may be heard in 2 – 3 courtrooms, city, traffic and non-traffic courtrooms.
 - Please check hearing notice for courtroom assignment and time.
 - Parties will check in at a window designated for the courtroom assignment.

- Parties are encouraged to conference with one another prior to the court proceeding. Parties should be prepared to proceed at scheduled time.

Hearings:

- Parties are to remain at counsel tables and not approach the bench.
- Parties must speak loudly so FTR can record.
- Speaker systems have been installed.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytix.com and ujportal.pacourts.us.
- Payments may be made by cash if safety procedures are followed.
- Bail documents may be presented electronically via fax or email. Any fees will be mailed directly to the Department of Court Records if it is a Common Pleas bail.

Criminal Case Filings – Police Agencies:

- All criminal cases filed at Pittsburgh Municipal Court shall be handled remotely
- Police agencies please refer to the Pittsburgh Municipal Court Covid-19 Criminal Processing Plan.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 11:00 a.m. through 8:00 a.m., and 24 hours on weekends and holidays.

EXHIBIT G

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 15th day of September 2020, having previously declared a judicial emergency in the Fifth Judicial District of Pennsylvania, and having suspended jury trials until further Order of Court, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through December 31, 2020.

I. Resumption of Jury Trials in the Fifth Judicial District of Pennsylvania

- Jury selection for trials in both the Criminal and Civil Divisions of the Court of Common Pleas of the Fifth Judicial District shall resume on October 19, 2020.
- The Administrative Judge of each Division shall determine which cases shall proceed to trial by jury during the pendency of this Order.
- Jury selection for all matters shall take place in the David L. Lawrence Convention Center (hereinafter the Convention Center), located at 1000 Fort Duquesne Boulevard, Pittsburgh, PA 15222. All persons shall enter

the Convention Center through the West Lobby entrance of the Convention Center.

- Jury trials for Civil Division cases shall be heard in the Convention Center.
- Jury trials for Criminal Division matters shall be heard in one of three locations that are large enough to ensure sufficient social distancing. These locations are:
 - Courtroom 700 (Civil Division Assignment Room) located on the 7th floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219;
 - The Gold Room located on the 4th floor of the Courthouse, 436 Grant Street, Pittsburgh, PA 15219; and
 - Courtroom 313 located on the 3rd floor of the Courthouse, 436 Grant Street, Pittsburgh, PA 15219.
- With prior approval of the Sheriff of Allegheny County and the Administrative Judge, some criminal jury trials may take place in the Convention Center, provided that the defendant is not incarcerated and the case does not involve a crime of violence, the use or possession of a firearm or other deadly weapon, or the delivery of a controlled substance.

II. Other matters to be heard at the Convention Center

- Other minor matters, such as traffic matters, as designated by the President Judge, the with approval of the Sheriff of Allegheny County, may be heard in the Convention Center.

III. Safety and Health Measures

- For purposes of this Order and to hear and dispose of matters set forth in this Order, the David L. Lawrence Convention Center and the Gold

Room located on the 4th floor of the Courthouse are deemed court facilities. All provisions regarding court facilities contained in the Emergency Operations Plan Order entered on August 31, 2020 and its attachments shall apply to the Convention Center and the Gold Room.

- The Allegheny County Sheriff shall provide security for all court activities in the Convention Center and for jury trials in the Courthouse and the City-County Building. Sheriff's deputies shall have full authority to enforce the provisions of the August 31, 2020 Order in the Convention Center.
- The health and safety of all persons, including but not limited to, jurors, witnesses and victims, defendants, attorneys, employees, judges and judicial staff is a priority of the Court. Accordingly, health and safety measures are in place and include:
 - All persons shall be required to undergo security screening (magnetometer and x-ray) upon entry to the Convention Center, the City-County Building, and the Courthouse.
 - Temperature checks will be administered upon entry to the Convention Center, the Gold Room, the Civil Division Assignment Room, and Courtroom 313.
 - COVID-19 screening questions will be administered.
 - Social distancing is ordered and will be practiced in all courtrooms and jury assembly rooms.
 - Face masks or coverings must be worn by all persons entering or remaining in court facilities. Masks will be available for those who do not have one.
 - Hand sanitizer stations will be placed at key areas throughout court facilities.
 - The public, including the news media, will observe jury trials in separate courtrooms or rooms designated for this purpose.
 - All provisions regarding court facilities contained in the Emergency Operations Plan Order entered on August 31, 2020 and its attachments shall apply to the Convention Center and the Gold Room.

- Sheriff's deputies, police, constables, and building security shall have the authority to enforce all of the conditions in this Order and the August 31, 2020 Emergency Operations Plan Order. Persons who are not compliant with these orders will be required to leave the Convention Center or other court facility.

By the Court:

 .P.J.

Kim Berkeley Clark
President Judge

EXHIBIT H

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Allegheny County to use convention center when jury trials resume in October

September 15, 2020 1:36 PM

By Mick Stinelli and Anthony Conroy / Pittsburgh Post-Gazette

Jury trials in Allegheny County will resume in October, according to an announcement made Tuesday.

Criminal and civil trials for the Fifth Judicial District will begin Oct. 19 and will be held at different locations, including the David L. Lawrence Convention Center.

The convention center also will be used for jury selection, according to a news release. It is secured through December and paid for with Coronavirus Aid, Relief, and Economic Security (CARES) Act funds. The contract with the Sports & Exhibition Authority is worth \$628,406.

The cases will resume after an order was issued Tuesday by Allegheny County Common Pleas President Judge Kim Berkeley Clark.

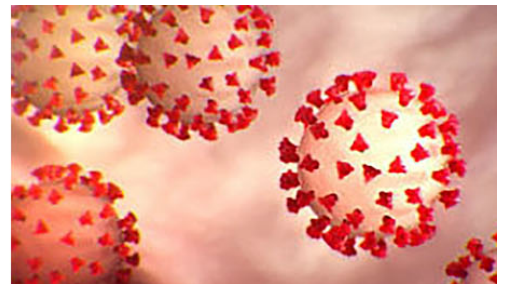
Here's a copy of the order:

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

“The right to a trial by jury is one of the fundamental rights of U.S. citizenship, but due to the pandemic, there has not been a jury trial held in Allegheny County for the last six months,” said Judge Clark. “During this time, defendants who are being held in jail, as well as victims and their families, have been waiting for a just resolution of their cases, We must begin to bring resolution and closure to these cases in the safest manner possible.”

The Post-Gazette is dedicated to in-depth national, state and local coverage of the coronavirus.

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According to the court, Civil Division jury trials will be heard in the convention center. Jury trials in the Criminal Division will be heard at one of three sites:

- Courtroom 700 in the City-County Building.
- The Gold Room in the courthouse.
- Courtroom 313 in the courthouse.

However, some criminal jury trials and “minor matters” may also be held at the convention center, “with the approval of the [Allegheny County] Sheriff and the Administrative Judge.”

Upon entering these rooms, people will have their temperatures checked and will be asked COVID-19 screening questions.

The convention center is set to be leased by the county officially beginning Sept. 28 and ending Dec. 31, according to the contract.

Halls D and E will be used for jury holding and selection; the rental for the halls is \$219,520 and \$219,136, respectively. The halls are large enough to have a maximum capacity of 6,000 people, but there will be fewer than 100 jurors occupying each hall at any given time, district court administrator Chris Connors said.

Trials will be held in rooms 301 to 305, which are normally large enough to hold a maximum of 170 people each. These rooms, along with several others on the third floor, require no payment because of the convention center’s complimentary space policy.

Rooms 317 and 318 — used for jury overflow — will cost \$70,400. And trial rooms in 319, 320 and 321 cost \$105,600.

The county already paid \$157,102 upon the contract’s execution. The money will go both to the SEA and back to the county, since they are also owners of the convention center.

The Allegheny County district attorney’s office issued a statement saying the office, along with other members of the criminal justice system, provided input on how to move forward reopening the courts for employees and jurors.

A spokesman for the DA’s office said they would continue to work with court administration “to ensure that nothing in this order is overlooked and to ensure our employees that the resumption of jury trials will not jeopardize their safety.”

“The citizens of our county are the foundation of our system of justice,” District Attorney Stephen A. Zappala Jr. wrote in a statement. “If the courts want to re-introduce the public to the courthouse, then there has to be complete agreement on how to maintain safety for all.

“My number one priority remains the safety of the general public and safety of the employees who occupy all of the floors and offices of this courthouse. The updated order appears at first glance to sufficiently address my concerns but it is a work in progress and I expect there to be adjustments as necessary.”

Last month, a longtime assistant district attorney died after contracting COVID-19. The prosecutor, Russ Broman, had filed a complaint in July with the Occupational Safety and Health Administration over the notification process for COVID-19 cases in the county courthouse after [several employees tested positive](#) for the virus.

Parts of the criminal division in the courthouse [closed](#) July 24, though the cause was not explicitly stated to be due to the spread of COVID-19.

Mick Stinelli: mstinelli@post-gazette.com; 412-263-1869; and on Twitter: [@MickStinelli](https://twitter.com/MickStinelli).



EXHIBIT I

Fifth Judicial District of Pennsylvania

County of Allegheny

Administration Civil Criminal District Judges Family Jury Orphans' PMC

Pittsburgh, Pennsylvania

Civil | Home

PRESIDENT JUDGE CLARK'S SEPTEMBER 15, 2020 ORDER REGARDING JURY TRIALS IN THE CONVENTION CENTER, AND HER AUGUST 31, 2020 ORDER MUST BE READ TOGETHER. PURSUANT TO THE AUGUST 31, 2020 ORDER, THE 2020 PUBLISHED TRIAL LISTS ARE SUSPENDED. FURTHER, PURSUANT TO THE AUGUST 31, 2020 ORDER, IF YOUR CASE IS ON A PUBLISHED TRIAL LIST, AND ALL PARTIES CONSENT TO MOVING FORWARD WITH A JURY TRIAL, THEY MAY PRESENT A CONSENTED-TO MOTION TO THE CALENDAR CONTROL JUDGE, AND IF THE CONSENTED-TO MOTION IS GRANTED, A JURY TRIAL WILL BE SCHEDULED TO BE HELD IN THE CONVENTION CENTER.

**All published trial lists are temporarily suspended pending further Order of Court. For further information relating to Court Operations and specifically Civil Division operations, including information about Jury and Non-jury trials, please see pages 9 through 13 of the [August 31, 2020 Amended Emergency Operations Plan](#).
[FAQ Jury Trials](#)**

All trial lists, argument schedules, motions calendars, and calendar control information may be found under [Calendar Control](#)

Civil

Administration
Administrative Orders
Arbitration
Board of Viewers
Calendar Control
Commerce and Complex Litigation Center
Court Records
Court Reporters/Transcripts
Discovery Motions
General Motions
Housing Court
Judges
Local Rules
Mortgage Foreclosure Program
Opinions
Special Cases



COVID-19 INFORMATION

**Emergency Operations Orders
Positive Test Results
Mask Policy (Política de mascarillas)
Landlord Tenant Actions Order**

MICROSOFT TEAMS RESOURCES

Using a Mobile Smartphone, Tablet, iPad
How to download the MS Teams application
How to join a MS Teams meeting
Using a Computer
How to access MS Teams
How to join a MS Teams meeting
Recorded Training
Teams Video Training

Resources

Home
Division Telephone
Employment Opportunities
Contact Us
Disclaimer
Interpreter Services and Disability Accommodations (ADA)
Jail Oversight Board

Civil Division

700 City-County Building
414 Grant Street
Pittsburgh, PA 15219
[directions by Google maps](#)

Hours of Operation

Monday through Friday
8:30 a.m.-4:30 p.m.

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EXHIBIT J

**COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

BAYLES et al.,

CIVIL DIVISION

Plaintiffs,

G.D. No. 16-005501

v.

TYLER-KABARA et al.,

Defendants.

Order

AND NOW, to wit, this 24 day of September 2020, this matter is hereby assigned to the Honorable Philip A. Ignelzi for disposition.

SO ORDERED.

By the Court,

Christine Ward

_____, A.J.
Hon. Christine A. Ward

FILED
2020 SEP 24 PM 12:42
DEPT. OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

EXHIBIT K

KLINE & SPECTER, P.C.
ATTORNEYS AT LAW
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PHILADELPHIA,
PENNSYLVANIA 19102

Kila B. Baldwin, Esquire

215-772-1000
800-597-9585
FAX: 215-735-0937

Kila.Baldwin@klinespecter.com

September 29, 2020

Via Electronic Mail

John Conti, Esquire
DICKIE, McCAMEY & CHILCOTE
Two PPG Place, Suite 400
Pittsburgh, PA 15222

***Re: Bayles v. Tyler-Kabara, M.D., Ph.D., et al
CCP Allegheny County, No. GD-16-005501***

Dear Mr. Conti:

My client, Brook Bayles, wishes to proceed with a trial in her case as soon as possible. Please let me know by close of business on Thursday, October 1, 2020 if you will consent to a jury trial to take place in the Convention Center, as detailed in the Court's Order dated August 31, 2020.

Very truly yours,

/s/ Kila B. Baldwin

KILA B. BALDWIN

KBB/bac

cc: Justin Gottwald, Esquire
Lisa Dauer, Esquire

EXHIBIT L

From: Conti, John <JConti@dmclaw.com>
Sent: Tuesday, September 29, 2020 1:00 PM
To: Baldwin, Kila B. <kila.baldwin@klinespecter.com>
Cc: Dauer, Lisa <LDauer@dmclaw.com>; Gottwald, Justin <JGottwald@dmclaw.com>
Subject: [EXTERNAL] Bayles

Kila,
Our clients regard it as a practical impossibility to try such a lengthy case under the unprecedented and untested protocols proffered by the court. Not to mention the appellate issues that will doubtlessly arise.
They cannot consent to do so.
John

John C. Conti, Esquire
Shareholder, President and CEO
412-392-5425 Office
412-491-8768 Cell
888-811-7144 Fax
jconti@dmclaw.com | [Bio/vCard](#)



For information regarding the operational status of Dickie McCamey's 20 offices, please visit:

<https://www.dmclaw.com/events-media/plan-for-operations-in-response-to-the-covid-19-virus/>

Thank you for your cooperation as we emerge from this challenge together.

NOTICE: You have received an e-mail from jconti@dmclaw.com. The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you have received a message in error, please notify the sender immediately by replying to the message and delete the message from your computer.

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