

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

In re: 56th Judicial District - Declaration :
of Judicial Emergency : NO. 55 MM 2020

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA
56th JUDICIAL DISTRICT

In re: 56th Judicial District - Declaration :
of Judicial Emergency : NO. CP-13-AD-002-2020 Clerk of Courts
20-0575 Prothonotary
20-9103 Register of Wills/Orphans Court

SECOND ADMINISTRATIVE ORDER NO. 6-2020

AND NOW, this 2nd day of April, 2020, the Pennsylvania Supreme Court having by order dated April 1, 2020, extended the General, Statewide Judicial Emergency declared in its order of March 16, 2020 from April 14, 2020 through April 30, 2020, and further directed that all Pennsylvania Courts shall remain generally closed to the public through April 30, 2020 and authorized each Judicial District to declare judicial emergencies in their respective Judicial Districts through May 31, 2020, it is hereby

ORDERED and DECREED that our Administrative Order of March 16, 2020 and Amended Administrative Order of March 24, 2020 are hereby extended through Friday, May 1, 2020, in accordance with their terms and conditions as read in conjunction with one another, subject to the modifications and clarifications set forth below.

Essential Court Functions at the Common Pleas Level

1. In addition to the essential court functions enumerated in Paragraph 1 of Amended Administrative Order No.6-2020, the following shall also be considered essential functions at the Common Pleas level:

- a. Acceptance of a praecipe for a writ of summons, for purposes of

tolling a statute of limitations; and

b. The receipt of pleas and sentencing of incarcerated criminal defendants to be taken by advanced communication technology provided the same can be arranged and the defendant consents to pleas and sentencing by such means. At this time, the concern for spreading the COVID-19 virus to the prison population and by and between inmates and staff at the Carbon County Correctional Facility, and the introduction and spread of the COVID virus by and between two or more prisons or correctional facilities mitigates against taking pleas or rendering sentences in person in open court.

General Directives

2. Paragraph 10 of Amended Administrative Order No.6–2020 is hereby amended to note that the County has advised the Court that it's cleaning staff and/or maintenance staff have been instructed and are wiping down and disinfecting surfaces in court facilities consistent with Federal guidelines, including those provided by the Centers for Disease Control and Prevention. Further, disinfectant wipes, antibacterial hand soap, and alcohol-free foaming hand sanitizer dispensers have been provided and/or installed for court staff.

3. All hearings, arbitrations, jury trials, non-jury trials, summary appeals, or other matters involving a non-essential case shall be rescheduled by Court Administration or the administrative staff of each Magisterial District Judge, as appropriate, for a date after May 1, 2020, unless otherwise required herein or unless such matters can be scheduled through the use of advanced communication technology. At this time, the call of the criminal trial list scheduled for May 26, 2020, criminal pre-trials

scheduled for May 4, 5 and 28, 2020, and criminal jury trials scheduled for the week of June 1, 2020 shall remain as scheduled.

4. All arguments and any other matters which can be decided on the papers shall be so decided and any such matters previously scheduled for argument or the attendance in person of counsel and parties are hereby vacated.

5. The use of advanced communication technology to conduct both essential and non-essential court functions is encouraged and shall be so scheduled and proceed to the extent the same can be done effectively and efficiently, subject to constitutional limitations (*e.g.*, management and status conferences to be held by phone or other communication technology). Judicial personnel, attorneys, and other individuals are directed to act in conformity with orders and guidance issued by the executive branch.

6. Pleadings and other court documents which require the signature of parties or their counsel shall be accepted with electronic, digital or fax signatures provided an original of the signature on any such document is filed with the filing office within five days thereafter and provided the document is accompanied or preceded by payment of the applicable filing fee.

7. Counsel shall be permitted to appear before the court in non-business attire given the current recommendations and guidelines calling for a change of dress and cleaning of clothes at the end of each day upon returning home, provided the clothes worn are respectful to the Court and the circumstances.

8. Applications for marriage licenses are by appointment only, telephone number (570) 325-2261.

9. Paragraph 13 of Amended Administrative Order No.6–2020 with respect to

dispossession of property is hereby clarified to provide that no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejectment, or other displacement for a residence based upon the failure to make a monetary payment, such payments to include but not limited to, rent and loan payments, and property tax payments. Any execution on an order of possession is also stayed for the same period, namely through May 1, 2020.

10. In accordance with the Pennsylvania Supreme Court's Second Supplemental Order of April 1, 2020, Rule of Criminal Procedure, 600(C) is hereby suspended in the 56th Judicial District through April 30, 2020.

Notice

11. Within 24 hours, the District Court Administrator shall ensure that a copy of this order is:


- a. Filed with the Prothonotary of the Supreme Court of Pennsylvania in the Middle District Office;
- b. Transmitted to the Court Administrator of Pennsylvania;
- c. Posted conspicuously on the entry doors of the Carbon County Courthouse and all Magisterial District Courts of the 56th Judicial District;
- d. Posted on this court's website; and
- e. Transmitted to the Carbon County Bar Association with the request that the Association promptly forward a copy to all members.

Effective Date

12. This order is effective immediately and shall remain in effect through May 1, 2020, or until otherwise modified, terminated or extended by further order of court. To the extent any of the terms of Administrative Order No.6–2020 dated March 17, 2020 or

Amended Administrative Order No.6–2020 dated March 24, 2020 conflict or are inconsistent with the terms of this Order, such provisions are hereby superseded and replaced by the terms of this order; in all other respects Administrative Order No.6–2020 dated March 17, 2020 and Amended Administrative Order No.6–2020 dated March 24, 2020, shall remain in full force and effect in accordance with their terms.

BY THE COURT:



Roger N. Nanovic, P.J.

FILED
CLERK OF COURT
JAN 24 2021
JAN 24 2021