

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32<sup>nd</sup> JUDICIAL DISTRICT : NO. 5120-17  
: :  
*Civil Section Cancellations and Revised* :  
*Scheduling Protocols* :

**EMERGENCY ORDER – CIVIL SECTION**

AND NOW, this 18<sup>th</sup> day of March, 2020, this court having declared in the 32<sup>nd</sup> judicial district (Delaware County) a judicial emergency pursuant to such an order of the Pennsylvania Supreme Court authorizing the same,<sup>1</sup> as well as Pa.R.J.A. No. 1952(B)(1), and this court thus having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** in consultation with the civil liaison judge the following civil section cancellations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continue through and including **APRIL 14, 2020**;<sup>2</sup>

**ALL** calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are within this judicial district (32<sup>nd</sup>) **SUSPENDED**, subject to applicable constitutional restrictions, if any.<sup>3</sup>

**ALL** civil arbitration hearings scheduled between the present and April 14, 2020, **SHALL** be **CONTINUED** and rescheduled by the Civil Court Administrator's Office no less than ninety (90) and no more than one hundred twenty (120) days subsequent to April 14, 2020.

**ALL** civil bench trials and/or hearings otherwise previously scheduled by an assigned judge and listed between the present through April 14, 2020, **SHALL** be **CONTINUED** and rescheduled by the designated jurist consistent with his or her calendar.<sup>4</sup>

**ALL** matters comprising the civil miscellaneous lists of March 17, 2020, and April 7, 2020, **SHALL** be **CONTINUED** and **ALL** such cases rescheduled by the Civil Court Administrator's Office in a staggered manner on those civil miscellaneous lists already set three (3) to four (4) months subsequent.<sup>5</sup> The April 21, 2020, civil miscellaneous list for now **REMAINS** as previously scheduled.

**ALL** civil pretrial conferences listed between the present and April 14, 2020, **SHALL** be held via video conferencing and/or telephonically, or continued by the assigned judge to a subsequent date where the pretrial conference can be conducted by all involved through advanced technological means, including but not limited to such an of-record proceeding, or should in the alternative the presiding judge believe a given civil pretrial conference must be held in person, then the same **SHALL** be reset once the present judicial emergency has abated.<sup>6</sup>

The assigned judge where he or she believes is appropriate and proper as part of these pretrial conferences and/or otherwise will encourage the litigants through the lawyers to participate in binding arbitration with such mediation costs shared as the parties may agree.

**ALL** civil emergency filings from the present through April 14, 2020, **SHALL** consistent with existing administrative protocols be assigned to a civil section judge on a rotational basis as directed by the civil liaison. The designated civil jurist on review of any such emergent pleading will schedule those next proceedings as he or she believes to be appropriate. If the reviewing judge determines the salient circumstances are such that a hearing must be held before April 14, 2020, those proceedings to the extent possible **SHALL** be conducted via advanced communication technology, subject to applicable constitutional restrictions, if any.<sup>7</sup> In the event the presiding judge determines an in-person emergency hearing must be conducted prior to April 14, 2020, the scheduling of the same is to be coordinated through both the civil liaison judge and district court administrator to assure there is "staggered" scheduling allowing for as best as

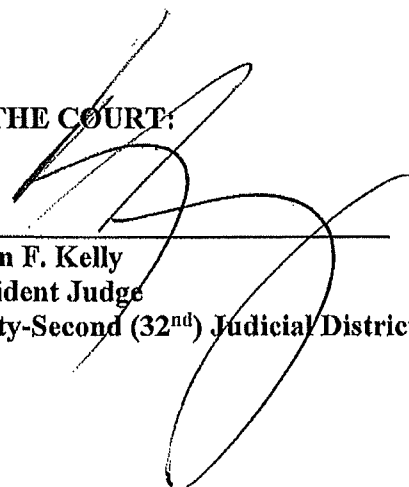
possible in that area of the courthouse and the particular courtroom recommended “social distancing.”

**ALL** cases currently scheduled for conciliator mediation conferences before the Honorable Charles B. Burr, II (retired) between the present and April 14, 2020, **SHALL** be **CONTINUED** and relisted no less than sixty (60) and no more than one hundred twenty (120) days subsequent consistent with retired Judge Burr’s calendar. Retired Judge Burr as his availability allows may in the interim conduct telephonic conciliatory mediation conferences and assuming such schedulings **ALL** involved counsel are directed to meaningfully participate.

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex’s entry doors, the Delaware County Office of Judicial Support, the Court Administrator’s Office of Delaware County, the Criminal Court Administrator’s Office, the court’s website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association’s website, published in the legal periodical designated by this court for such notices, and submitted to the Administrative Office of Pennsylvania Courts (“AOPC”) for posting on the Commonwealth’s Unified Judicial System’s website per Pa.R.J.A. No. 1952(C)(5).<sup>8</sup>

**BY THE COURT:**

  
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**Kevin F. Kelly**  
**President Judge**  
**Thirty-Second (32<sup>nd</sup>) Judicial District**

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<sup>1</sup> See Order dated March 16, 2020 – Pennsylvania Supreme Court, No. 531 Judicial Administration Docket. See also Emergency Declaration dated March 17, 2020.

<sup>2</sup> See Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q).

<sup>3</sup> See Order dated March 16, 2020 – Pennsylvania Supreme Court, No. 531 Judicial Administration Docket, p. 2. See also Pa.R.J.A. No. 1952(B)(2)(1)(m).

<sup>4</sup> See Pa.R.J.A. No. 1952(B)(2)(d)(h)(l)(q). See also Emergency Order dated March 17, 2020, No. 5120-17 (The court under this separate emergency order canceled from the present through April 14, 2020, all civil and criminal jury trials.).

<sup>5</sup> See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q). See also Order dated March 16, 2020 – Pennsylvania Supreme Court, No. 531 Judicial Administration Docket and Emergency Declaration dated March 17, 2020.

<sup>6</sup> See Pa.R.J.A. No. 1952(B)(2)(d)(h)(q).

<sup>7</sup> See Order dated March 16, 2020 – Supreme Court No. 531 Judicial Administration District, p. 2.

<sup>8</sup> See Order dated March 16, 2020 – Supreme Court No. 531 Judicial Administration District.