

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

President Judge Administrative Order

No 33 of 2020

In re: Resumption of Court Proceedings. Critical Functions. Updated Protocols.

ORDER

AND NOW, this 15th day of May, 2020 consistent with the terms of the Pennsylvania Supreme Court's order of April 28, 2020 (Nos. 531 and 532 Judicial Administration Docket), it is **ORDERED AND DECREED THAT:**

- (1) Civil and Criminal Jury Trials are suspended through September 8, 2020. Jury duty is cancelled through September 8, 2020. Jurors summoned before September 8, 2020 do not need to report for jury duty.
- (2) City of Philadelphia L&I and Lead Contamination Violation cases, Landlord Tenant Appeals, and PennDOT Appeals listed in Courtroom 446 City Hall are postponed. Those cases listed from March 16, 2020 through September 7, 2020 will be rescheduled.
- (3) Unless counsel are notified specifically to the contrary, all in person criminal, civil, orphans' court, municipal court and traffic court trials, hearings, and conferences scheduled through July 6, 2020 are administratively canceled and shall be rescheduled. Cases may be scheduled using Advanced Communication Technology for dates certain. Parties shall receive notification of their rescheduled hearing date(s). If you are a party or a witness, and before March 16, 2020 received subpoenas, summons and/or notice to appear during the month of June 2020 at City Hall, the Juanita Kidd Stout Center for Criminal Justice, Municipal Court, the Widener Building and Traffic Division, you are NOT required to appear during the month of June 2020.

As to Family Court, all matters that were given a date certain by notice issued prior to March 16, 2020 for any date from March 17, 2020 through December 31, 2020, are hereby administratively canceled and will be rescheduled. Parties will receive notification of their rescheduled hearing date(s). **This does not apply to cases designated as protracted, which remain as scheduled.**

- (4) The Sequestration Program is suspended until further notice, and any conference or hearing scheduled will be rescheduled.
- (5) Filing of legal papers in person at filing offices is suspended for the protection of court staff and court users until further order of the court. However, all legal papers may be filed, as applicable, through the following electronic filing systems which are fully operational: Civil Electronic Filing System, Criminal Electronic Filing System, and Orphans' Court Electronic Filing System. Legal papers may also be mailed to the applicable filing office as authorized by rules of court.

- (6) As provided by the Supreme Court Order of April 28, 2020, the suspension of time requirements, time limitations or filing deadlines expired on May 11, 2020. Provided however, a default judgement cannot be entered before June 15, 2020. Any Notice of Intent required by Pa.R.C.P. 237.1 filed before May 11, 2020, must be refiled.
- (7) Pursuant to Governor Wolf's May 7, 2020 Executive Order, effective May 11, 2020, the notices mandated by Act 6 and Act 91 are stayed for 60 days thereby delaying the filing of new mortgage foreclosure cases until July 10, 2020.
- (8) Pursuant to Governor Wolf's May 7, 2020 Executive Order, effective July 10, 2020, the Court of Common Pleas and the Philadelphia Municipal Court shall accept for filing new nonresidential landlord-tenant cases and residential landlord-tenant cases in which the leased property is not a "covered property" under Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").
- (9) Effective July 26, 2020, the Court of Common Pleas and the Philadelphia Municipal Court shall accept for filing residential landlord-tenant cases in which the leased property is a "covered property" under the CARES Act. In compliance with the CARES Act, no trial will be scheduled before August 26, 2020.
- (10) No final disposition may be entered in ejectment actions filed after March 16, 2020 until July 10, 2020. No hearings will take place before July 10, 2020.
- (11) The issuance of residential writs of possession and the execution or enforcement of residential writs of possession which were stayed by orders issued on March 16, 2020 (Nos. 7 and 8 of 2020) and April 22, 2020 (No. 31 of 2020) will resume upon the expiration of Governor Wolf's Stay-At-Home Order to Philadelphia.
- (12) In actions raising landlord-tenant, ejectment and mortgage foreclosure claims filed in the Court of Common Pleas before May 11, 2020, no final disposition may be ordered until July 10, 2020.
- (13) Small claims cases other than consumer purchase ("SC/CP") cases may be filed in the Philadelphia Municipal Court's Civil Division beginning on May 19, 2020 as follows:
 - (a) Electronic filers will continue to be required to file those cases electronically through CLAIMS.
 - (b) Non-electronic filers will be able to file in person or by mail. Those persons wishing to file in person must call the court (215-686-2910) to make an appointment. Calls for an appointment may be made beginning on May 19, 2020, but no appointments will be scheduled until on or after July 1, 2020. Those persons who want to file by mail must also call the court (215-686-2910) to request that a packet be mailed to them. The completed packets may be mailed back at any time.
 - (c) Landlord-tenant cases may also be filed in the same manner as small claims cases subject to the timing set forth in Paragraph 8 above.

- (d) Code Enforcement and SC/CP cases may not be filed until the court has located a larger space outside of the Widener Building in which to schedule those cases.
- (e) Cases that must be filed so that they are not jeopardized by the running of the applicable statute of limitation may be filed in accordance with the Philadelphia Municipal Court's notice titled "*Filing of Cases in the Philadelphia Municipal Court to Toll the Statute of Limitation.*" See www.courts.phila.gov/covid-19.

(14) Orphan's Court Process

- (a) All Orphans' Court monthly Audits scheduled for June 1, 2020, July 6, 2020 and August 3, 2020 are suspended and will be rescheduled.
- (b) Accounts with petitions for adjudication/statements of proposed distribution, as well as other petitions and motions, may be e-filed through the Orphans' Court Electronic Filing System and may be entertained by the assigned Orphans' Court Judge if the same can be determined without in-court physical testimony/appearance, provided all interested parties so agree as shall be proven to the satisfaction of the assigned Judge.
- (c) The emergency citation practice for emergencies only, as defined and established under paragraph 8H of this Court's March 17th Order and its subsequent amendments, remains suspended.
- (d) The resumption of non-emergency procedures shall commence upon further notice from this Court or the Administrative Judge of the Orphans' Court Division upon the return to the usual citation operation by the Clerk of Orphans' Court.
- (e) Review of guardian reports and inventories, together with resulting protective actions, shall resume immediately. Review of petitions and motions shall resume immediately provided that: there is no *pro se* litigant in interest and the appropriate time for response has lapsed, or, where all parties/litigants agree that the matter may be determined, as proven to the satisfaction of the assigned Judge.
- (f) The Administrative Judge of Orphans' Court is authorized to make such further provisions, consistent with this Order and the PA Supreme Court Order.

(15) The First Judicial District will continue to decide essential matters as set forth in this Court's previous Orders issued in connection with the Judicial Emergency, which remain in effect to the extent they are not supplanted by this order or by the protocols announced via *Notices to the Bar*. The protocols for the filing of emergencies established in those Orders also remain in effect.

(16) During June 2020, the First Judicial District may expand the operations beyond the previously listed essential services. Any expansion will be with ample notice and in a manner to minimize the public's presence in any court facility.

(17) Detailed protocols have been established regarding the operation of court business without creating unreasonable risks to the health or safety of court personnel, attorneys, court users, or the general public and are available via *Notices to the Bar* which are posted on the

First Judicial District's website at www.courts.phila.gov/covid-19 and at [@PhilaCourts](https://twitter.com/PhilaCourts) on Twitter.

- (18) To the extent that in-person access to court proceedings is restricted or not available, proceedings to which a right to public and press access would otherwise exist will be made available through the live-stream or recording of the proceeding or through the official record of the proceedings produced by the court reporter as provided by rules of court. A list of proceedings available to the public through advanced communication technologies shall be posted from time to time on the Court's website at www.courts.phila.gov/covid-19.

BY THE COURT:

/s/ Idee C. Fox

**Idee C. Fox, President Judge
Chair, Administrative Governing Board
First Judicial District of Pennsylvania
President Judge, Court of Common Pleas,
Philadelphia County**