

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32nd JUDICIAL DISTRICT : **PA SUPREME COURT NO. 30 MM 2020**
:
Civil Section Cancelations and :
Revised Scheduling Protocols :
*Extended*¹ : **DELAWARE COUNTY NO. 5120-17**

SIXTH EMERGENCY ORDER EXTENSION – CIVIL SECTION

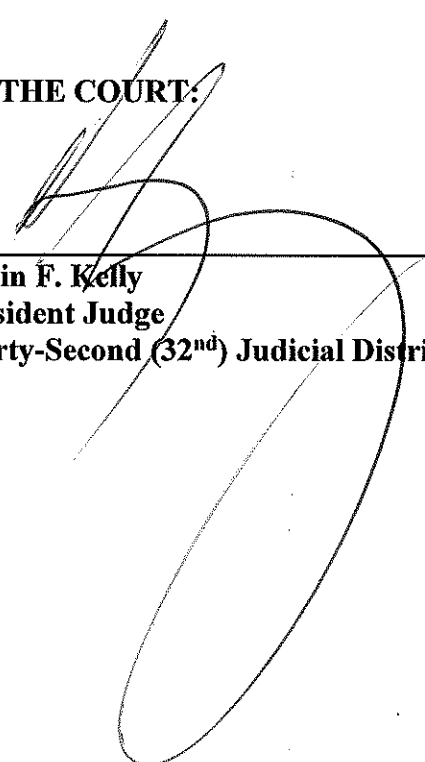
AND NOW, this 22nd day of January, 2021, this court having previously declared in the 32nd judicial district (Delaware County) a judicial emergency and more recently once again extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,² as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still 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 liaison judge that the attached civil section cancelations and/or revised scheduling protocols **SHALL** become **EFFECTIVE IMMEDIATELY** and continue through and including **APRIL 30, 2021**.³

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.⁴

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, 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).⁵

BY THE COURT:



Kevin F. Kelly
President Judge
Thirty-Second (32nd) Judicial District

¹ See Emergency Orders – Civil Section dated March 18, 2020; Emergency Order Extension – Civil Section dated April 7, 2020; Second Emergency Order Extension – Civil Section dated May 1, 2020; Third Emergency Order Extension – Civil Section dated May 27, 2020; Third Emergency Order Extension – Civil Section, *as Amended*, dated June 22, 2020; Fourth Emergency Order Extension – Civil Section dated July 22, 2020; Fifth Emergency Order Extension – Civil Section dated October 20, 2020; and Fifth Emergency Order Extension – Civil Section, *as Amended*, dated October 27, 2020.

² See Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; Fifth Emergency Declaration Extension dated October 20, 2020; and Sixth Emergency Declaration Extension dated January 22, 2021. See also Pa.R.J.A. No. 1952(B)(1)(2).

³ See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections greater at Delco jail - Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5... . Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020, Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday - an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ...”); October 7, 2020, Section A, p. 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania. Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware [C]ount[y] [has] seen [a] rise[] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th, day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic’s first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[y] ... [has]

more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania’s fall coronavirus surge has surpassed the state’s April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania’s average daily number of new cases rose above 2,000 for the first time during the pandemic,”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert’s fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unrepresented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic’s eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County’s hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak”); November 16, 2020, Section B, pp. 1, 5 (“Pennsylvania’s daily average has increased every day since mid-October, but in November the number has soared.”); November 17, 2020, Section A, pp. 1, (“With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... . The statewide positivity rate has increased to 9.6% from 6.8%”); November 18, 2020, Section A, pp. 1, 6 (“Pennsylvania’s top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area.”); November 20, 2020, Section A, pp. 1, 10 (“ ... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day ‘The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.’ ”); December 4, 2020, Section A, p. 1 (“Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than 11,000 new infections All but eight of Delaware County’s ICU beds were filled, state data showed.”); December 10, 2020, Section A, pp. 1, 6 (“Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania’s seven-day average of new cases per date neared 10,000 on Wednesday”); December 11, 2020, Section A, pp. 1, 6 (“Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place The new restrictions come at a point when the state’s daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days,”); December 16, 2020, Section A, pp. 1, 14 (“ ... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. ... Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases.”); January 9, 2021, Section A, pp. 1, 5 (“For the first time since mid-December, Pennsylvania on Friday reported more than 10,000 newly confirmed positive cases Over 700,000 Pennsylvanians have tested positive for the virus,); and January 15, 2021, Section A, pp. 1, 2 (“January is on pace to become Pennsylvania’s deadliest month of the pandemic, It is a continuation of a surge that has seen more than 8,300 Pennsylvanians reported dead since Dec. 1, With the case surge not over yet, the death toll will keep growing; Philadelphia, its Pennsylvania’s suburbs, ... have all experienced surges in the death toll since the end of November,”). *See also* Orders dated March 16, 2020; March 18, 2020; March 24, 2020; April 1, 2020; April 28, 2020; and May 27, 2020 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. *See additionally* Emergency Declaration dated March 17, 2020; Order Extending Emergency Declaration dated April 2, 2020; Second Order Extending Emergency Declaration dated April 28, 2020; Third Order Extending Emergency Declaration dated May

27, 2020; Fourth Order Extending Emergency Declaration dated July 8, 2020; Fifth Order Extending Emergency Declaration dated October 20, 2020; and Sixth Order Extending Emergency Declaration dated January 22, 2021.

The appended civil section protocol differs materially from the immediate past such directives (October 27, 2020) by including and adopting for the months of February, March, and April 2021, interim, sectional calendars. See Attached Civil Section Emergency Cancellations and Revised Scheduling Protocols dated January 22, 2021.

Beyond the *temporary*, monthly calendars, the changes adopted by this order for ease of reference have throughout the appended protocol been underlined. See Civil Section Emergency Cancellations and Revised Scheduling Protocols dated January 22, 2021.

⁴ See Endnote No. three (3).

⁵ See Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 - Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

DELAWARE COUNTY COURT OF COMMON PLEAS

CIVIL SECTION EMERGENCY CANCELATIONS AS WELL AS REVISED SCHEDULING AND OPERATIONAL PROTOCOLS, EXTENDED AND AMENDED

PURPOSE

Recognizing that the Supreme Court of Pennsylvania has directed, *inter alia*, that the Commonwealth's judicial districts while remaining focused on the discharge of critical court functions must now additionally make constant best efforts in all other type matters to accomplish a more full-scale processing of cases, subject to the constraining safety considerations brought about by the ongoing COVID-19 public health crisis,¹ this court in consultation with core systematic stakeholders has developed and implemented the below described plan as the continuation of what is yet anticipated to be numerous purposefully measured, operational increments realizing the balance between the upmost concern of the judiciary for the safety of the court staff, all counsel, every litigant, the various witnesses of the parties, and the public generally,² while also being mindful of the necessity to once more provide with regularity the timely administration of justice.

That directed below as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court without advanced notice and modified to meet the evolving concerns presented by the continuing coronavirus public health crisis.

GENERAL SAFETY and OPERATIONAL DIRECTIVES

ALL civil and criminal jury trials remain **SUSPENDED** and relatedly jury duty also continues to be **POSTPONED**, until further notice.³ The District Court Administrator will in concert with other salient court personnel (E.g. court electronic recording and/or jury assembly), as well as material county officials (E.g. facilities management and/or IT), continue working to finalize a plan for jury trial resumption.

For **ALL** *in-person* proceedings of any type and regardless of whether the listing also has some advanced communication technology ("ACT") participants, **NO ONE** other than the parties and/or witnesses, as well as counsel, will be permitted in the courtroom-hearing room and/or about the interior of the Delaware County courthouse-government center generally, absent a specifically reasoned basis to the contrary, including but not limited to a needed, Administrative Office of Pennsylvania Courts certified interpreter and/or a family member and/or some type of health aid assisting an infirm party and/or witness in navigating his or her way about the courthouse complex, as well as a parent and/or guardian accompanying a juvenile witness/complainant and/or party less than twenty-one (21) years old. Otherwise, **NO** spouses, significant others, family members and/or friends of any party and/or witness

will be permitted access to the Delaware County courthouse-government center until further notice, unless he or she is as well a party to the proceeding and/or a witness.

The Delaware County courts (32nd judicial district) for purposes of ACT on the recommendation of the county's IT department utilize Microsoft Teams and/or because of its existing hardware configurations already throughout the systematic structures, including the George W. Hill Correctional Facility, Polycom. The use of other ACT's (*E.g.* Zoom) may at the discretion of the presiding judge be permitted.

Victims-complainants having a right to be present in court for listings of their criminal case, juvenile delinquency matters and/or protection from abuse actions may also attend all such schedulings. The complainant-victim may be accompanied by one (1) person when so appearing *in-person* and as the victim-complainant believes best that individual may be a family member, friend, and/or victim advocacy organization representative. The Delaware County District Attorney's Office must in advance timely notify the Delaware County Park Police via email at ParkPoliceDailyCourtList@co.delaware.pa.us of any victim-complainant intending to attend *in-person* a criminal, juvenile delinquency and/or PFA – indirect contempt listing, as well as who, if anyone, will then be escorting that specific victim-complainant. The complainant-victim and the person, if any, accompanying her or him on entering the courthouse are to proceed directly to the assigned courtroom. Likewise, the victim-complainant and any individual escorting him or her **MUST** immediately on the proceeding's conclusion directly leave and exit the courthouse-government center complex.

Subject to the direction of the presiding judge otherwise, **ALL** witnesses on arriving in the vicinity of the courthouse **MUST** remain waiting in his or her vehicle until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the courthouse. On entering the courthouse the witness is to go directly to the assigned courtroom. Every witness immediately on the conclusion of his or her testimonial appearance **MUST** directly leave and exit the courthouse, unless the presiding judge directs to the contrary.

Credentialed members of the media will be allowed to attend any and/or all proceedings and are to arrange in advance for the same through District Court Administrator Gerald C. Montella, Esquire (610 891-4557). (Should the level of press attention in a given matter be of such a nature that permitting all requesting media members *in-person* access be contrary to then applicable public health guidelines (*E.g.* social distancing in the courtroom because of the appreciable numbers present not possible), the District Court Administrator in collaboration the interested press will create a pool of representative media members to attend *in-person* the court proceedings.)

Unless the presiding judge and/or another judicial officer directs to the contrary, credentialed press members will still be able to listen to audio recordings of court proceedings at the Office of Court Electronic Recording as arranged through its Director Richard J. Coogan (610 891-4477). No more than one (1) media representative may at a given moment be in the Court Electronic Recording Office.

Should a member of the general public want access to a certain court proceeding he or she was currently not permitted to attend *in-person*, arrangements may be made immediately subsequent to any such listing's conclusion for a person to review an audio recording of a particular hearing, unless the presiding judge and/or another judicial authority via his or her order directs otherwise, by arranging through its director, Richard J. Coogan (610 891-4477), to listen at the Court Electronic Recording Office to the same.

ALL interested persons should plan to arrive at the courthouse approximately thirty (30) minutes prior to the listing's schedule start to allow sufficient time to work through both the below referenced security and health screening processes. Take note that individuals arriving appreciably earlier than their set time may then be refused entry by the park police to prevent unnecessary loitering about the courthouse and/or courtrooms-hearing rooms.

ALL individuals entering the Delaware County courthouse-government complex **MUST** first undergo a COVID-19 health assessment, including but not limited to the taking of temperatures, by the Delaware County Park Police.⁴ Based on the outcome of this coronavirus screening assessment, the involved Park Police Officer at his or her discretion may prohibit a person from entering the courthouse-county government complex. Park police personnel will promptly make the presiding judge aware as applicable should an individual based on the health screening not be permitted entry, including but not limited to lawyers, parties and/or witnesses. If a litigant and/or witness refused entry on health considerations cannot identify the judge before whom he or she is to then appear, contact is to be promptly made for such assistance with the Court Administrator's Office (Ext. 4550).

As it relates **SOLELY** to criminal defendants, those declined entry because of the health assessment's results will be asked to remain outside the building and/or another location the Park Officer may direct pending the assigned judge's chambers providing a date for that accused to return and the defendant executing as well as being provided a copy of such a written criminal notice form.

In addition to having successfully undergone the COVID-19 health screening, **ALL** persons entering the courthouse-government center **MUST** otherwise be in **FULL COMPLIANCE** with **ANY** federal and/or state directives then in place to stem the coronavirus spread, including but not limited to the proper wearing of an appropriate mask.

ANY litigant, lawyer, witness and/or other interested party experiencing a dry, persistent cough, shortness of breath-difficulty breathing, chills, muscle pain, sore throat, headache, a loss of smell or taste without congestion, and/or a fever greater than 99.5 Fahrenheit if taken with a temporal thermometer **MUST NOT** report as scheduled, but rather **PROMPTLY** notify the assigned or presiding judge's chambers that he or she is suffering from such symptoms. (If unaware of the assigned and/or presiding judge, an interested party should instead contact promptly the Court Administrator's Office – 610 891-4550.)

ANY litigant, lawyer, witness and/or other interested party having been past tested and/or

diagnosed by a physician positive for COVID-19 **MUST NOT** report as scheduled, but instead **PROMPTLY** notify **PRIOR TO THE LISTED DATE** the Court Administrative Office of the same (610 891-4550) and follow the directions that office then provides.

ANY litigant, attorney, witness and/or other interested party wanting to appear and participate via some type of ACT for documented medical cause (*E.g.* stemming from an underlining medical condition, one is more vulnerable to the impact of COVID-19 and has been directed by a treating physician to avoid public settings) in lieu of *in-person* **MUST** notify the assigned and/or presiding judge ***no less than three (3) business days prior to the scheduled date*** to allow for those necessary arrangements to be made by the Legal Audio Visual Department, if reasonably possible. These applications will for now be otherwise allowed subject to applicable constitutional limitations, if any,⁵ or the listing continued to a future date should constitutional concerns dictate such and/or should the involved judge believe in the exercise of his or her discretion that the nature of the proceeding and/or individual requesting remote participation would otherwise be contrary to material law and/or occasion a party to suffer actual prejudice. (*E.g.* The inability of the factfinder to visually observe a witness only available to testify aurally by telephone.) A party represented by a lawyer **MUST** first direct any such concerns about participating via some type of ACT to his or her counsel, and witnesses similarly in the first instance are to initially bring these issues to the attention of the attorney subpoenaing his or her appearance and subsequently the court only if the witness and involved counsel cannot make such mutually agreeable arrangements as the presiding and/or assigned judge may approve, and subject to that which the Legal Audio Visual Department can timely and reasonably arrange.

In the event a self-represented litigant, lawyer, and/or other interested party does not know the assigned and/or presiding judge to whom a request to appear and participate via some manner of ACT should be submitted, such inquires consistent with the above three (3) business day advanced notification are to be directed to the Court Administrator's Office (610 891-4550).

ALL *in-person* listing days **MUST** be held in a manner to reasonably restrict COVID-19 exposure and undertaken wholly consistent with the Centers for Disease Control and Prevention coronavirus guidelines, as well as any other such federal, state and/or county public health directives, including but not limited to presently social distancing and/or the proper wearing of an appropriate mask.

ALL courtrooms – hearing rooms utilized for proceedings will on the conclusion of a given day's cases be sanitized, as will those areas of the courthouse commonly used for individuals to get to and from a courtroom – hearing room (*E.g.* courthouse's public elevators and the stairwell to the second floor).

The judges will forward in advance to the Delaware County Park Police through Superintendent Scott D. Mahoney a list of **ALL** cases scheduled on a given day, including but not limited to the names of any interested parties expected to appear, as well as counsel. Such information is to be timely forwarded by email as follows: ParkPoliceDailyCourtList@co.delaware.pa.us.

For **ANY AND ALL** evidentiary hearings, the attorneys and/or self-represented parties **MUST**

provide the presiding judge with a list naming **ALL** reasonably expected witnesses no later than one (1) full business day prior to any such scheduling. (The presiding judge most certainly may in his or her discretion direct counsel and/or the parties in whatever format he or she believes best for such a witness list to be submitted (*E.g.* as part of a pre-trial statement) and/or instruct that the same be sent by a sooner date.) The chambers of the presiding judge will promptly forward to the Delaware County Park Police through Superintendent Scott D. Mahoney copies of **ALL** received witness lists via email, ParkPoliceDailyCourtList@co.delaware.pa.us.

Each section and/or division of the court will as best as possible coordinate among those judges sitting on a given date start times staggered by at least thirty (30) minutes.

As is more fully detailed below, **ALL** *in-person* matters must be set for a specific hour or alternatively, that the number of interested parties, including counsel, present in a courtroom during a certain hour is no more than fifteen (15). The presiding judge may as he or she believes necessary to assure required social distancing and/or compliance with any other governmental directive designed to stem the coronavirus spread may further limit the number of persons permitted at a given time in the courtroom.

Court officers assigned to the entry door of every operational courtroom – hearing room will be tasked subject to any such specific directives of the presiding judge with the general responsibility of managing in accord with this protocol the number of people at any given moment permitted in a particular courtroom – hearing room to allow for any required social distancing. As may be necessary to assure compliance with that salient to such considerations this protocol details, court officers may temporarily prohibit entry into a courtroom – hearing room and rather direct counsel, any interested parties and/or witnesses to remain in the outer waiting area or that unused courtroom and/or another area of the courthouse complex (*E.g.* jury assembly room and/or unused courtroom) then designated for overflow purposes by the District Court Administrator.

Should a court officer observe any interested party, a lawyer and/or witness in a courtroom not observing social distancing, failing to wear a mask, and/or not following any other of the various governmental guidelines and/or that which this protocol directs, the same must be promptly reported to the presiding judge and if such personnel are present in the courtroom – hearing room, deputy sheriffs, and/or Park Police Officers.

Should a court officer observe an interested party, lawyer and/or a witness outside of a courtroom – hearing room failing to comply with salient governmental directives, including but not limited to social distancing and/or the wearing of a mask, he or she must promptly report the same to the Delaware County Park Police (Ext. 5000), as well as the judge presiding over the matter involving that party, attorney and/or witness, and if in proximity, any deputy sheriff.

The continued failure and/or refusal of an interested party, counsel and/or a witness to follow the governmental directives material to stemming the COVID-19 spread may, *inter alia*, result in any such

individual's immediate removal from the courthouse-governmental complex by sworn personnel of the Delaware County Park Police and/or Delaware County Sheriff's Office. In the event a person for noncompliance with these safety measures is removed from the courthouse complex, involved law enforcement are to promptly notify the judge presiding over the matter involving that party, lawyer and/or witness of the removal.

CIVIL SECTION

The four (4) judge civil section remains temporarily structured into two (2) subgroups as follows: Judges Dozor and Whelan; and Judges Angelos and Eckel. **BOTH** judges of each team during a given week will generally have for their respective use courtrooms available with the second team of judges sitting the next week. Hence, on any day of a week no more than two (2) civil judges will be simultaneously in session, unless there is some emergent need for another such courtroom to then be operational sanctioned by the president judge or civil liaison.

On those alternating weeks they will be sitting, Judge Dozor will utilize courtroom No. seven (7) while Judge Whelan will be in courtroom No. eight (8). For those every other weeks they are listed to sit, Judge Angelos will use courtroom No. seven (7) and Judge Eckel courtroom No. eight (8).

Attached and wholly incorporated by reference is an *interim*, civil section master calendar detailing, *inter alia*, from February 2021 through April 30, 2021, the specific two (2), civil judges sitting weekly. For reasons such as vacations, the appended, *temporary* civil section master calendars are subject to change with the judges on one (1) judicial team exchanging, in whole or part, the otherwise assigned courtroom weeks.

To maximize the use of the two (2), operational civil courts, a judge listed to sit in a certain week will promptly notify the other team's two (2) judges of any one-half (1/2) or greater day when he or she does not need the courtroom so as a colleague judge believes appropriate he or she may then list his or her case(s).

Any judge assuming a court week, in whole or part, of another jurist **MUST** without exception sit in the courtroom of the originally assigned judge because of the first-floor courtrooms being scheduled on a rotational basis each week among both the civil and family sections.

Consistent with this judicial district's (32nd) individual calendaring system, each civil judge will be responsible for scheduling his or her assigned cases as he or she believes appropriate, along with providing all interested parties timely notice of the same.

On **ANY** day the judicial civil teams have *in-person* schedulings, the two (2) judges then sitting will have start times staggered by at least thirty (30) minutes (*E.g.* Judge Whelan begins at 9:00 a.m. and Judge Dozor starts no earlier than 9:30 a.m.). Beyond these staggered commencement times regarding

each judge sitting on a certain day, there is for now a limit of no more than fifteen (15) interested parties (*I.e.* litigants, and/or counsel) permitted *in-person* attendance per a given civil courtroom.

There will for now be no *in-person* appearances involving inmates of any county, state, and/or federal penal facility before the civil courts, but rather **ALL** listings where a party and/or witness is for whatever the reasons incarcerated any such person will participate through some ACT means, assuming the prisoner party's agreement.⁶ **ALL** inmate witnesses **MUST** for now appear by ACT. **ANY** prisoner of a county, state, and/or federal correctional institution being a named party and wanting to proceed with an *in-person* listing will have his or her matter continued for at least thirty (30) days with the hope the currently ongoing public health crisis, particularly relative to those attendant concerns enveloping southeastern Pennsylvania, including but not limited to Delaware County, would have then sufficiently abated to safely allow for the prisoner's custodial transportation and related *in-person* appearance before the court.⁷

Various hearings as the assigned civil judge believes appropriate will continue to be scheduled, including but not limited to arguments, contested pre-trial evidentiary hearings and/or non-jury trials. **ALL** these listings for now will be just those cases reasonably expected to conclude within at most a few days. Such schedulings, including but not limited to contested evidentiary matters, may be conducted as the designated judge believes proper through some manner of ACT, *in-person* and/or such a combination. (*E.g.* A witness appearing via video conferencing while the lawyers are *in-person* before the presiding judge.)

Civil miscellaneous lists will proceed per the attached *interim*, civil master calendar on the following dates: February 9, 2021, February 23, 2021, March 16, 2021, March 30, 2021, April 13, 2021, and April 27, 2021. Having overall staggered start times, these civil miscellaneous lists will be divided among at least two (2) judges with each of the sitting jurists then having no more than four (4) to six (6) cases listed by a specific hour and a one half (1/2) day aggregate cap of twelve (12) such cases. It is expected based on past experiences with the civil miscellaneous lists that for the presiding judges a morning and afternoon session will be planned, subject to the per hour case scheduling directives and the fifteen (15) *in-person* courtroom attendance limitation.

There is by such a recent emergency order no sheriff real estate sales listed in January, February, and/or March 2021,⁸ and a next sheriff real estate sale is now still set on April 16, 2021.

ALL such emergency filings from the present through April 30, 2021, will 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 a 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 an emergent hearing should be held, those proceedings to the extent possible may at that court's discretion be conducted via advanced communication technology (ACT), subject to applicable constitutional restrictions, if any, particularly if the involved judge is not listed to sit that week.⁹ In the event the presiding judge determines an *in-person*, emergency hearing must be conducted, the listing 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 about that area of the courthouse and the specific courtroom currently recommended “social distancing,” as well as the following of **ALL** other federal and/or state governmental guidance about countering the COVID-19 virus spread, including but not limited to currently the wearing a mask and/or prompt surface area disinfecting subsequent.¹⁰

Assigned and/or otherwise presiding civil judges may schedule as believed appropriate pretrial – case management conferences. **ANY** pretrial – case management conferences listed on a day a judge is not scheduled and/or otherwise has access to one (1) of the two (2) operational civil courtrooms **MUST** be held with all parties, including but not limited to counsel and/or self-represented individuals, participating via some manner of ACT, which as the presiding judge believes appropriate may be of-record. **ALL** pretrial – case management conferences with *in-person* participants and/or some combination of ACT and *in-person* appearances are to be set in court for those dates per the attached sectional, *interim* calendar the assigned and/or judge presiding otherwise is then listed to sit in one (1) of the two (2) operational civil courtrooms.

The assigned judge where he or she believes is appropriate and proper as part of 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. The designated judge may relatedly as she or he feels is warranted refer matters for conciliator mediation conferences to the Honorable Charles B. Burr, II (retired) per that further detailed below, and/or the Delaware County Bar Association’s mediation program.

ALL cases currently and subsequently referred for conciliator mediation conferences before the Honorable Charles B. Burr, II (retired) will be listed and/or rescheduled consistent with retired Judge Burr’s calendar and the material, past emergency orders.¹¹ These conciliation conferences at retired Judge Burr’s discretion may be held through available ACT’s, *in-person*, and/or some ACT and *in-person* combination. Should retired Judge Burr decide to hold mediation conferences, in whole or in part, *in-person*, there must be staggered schedulings of the same and arrangements made through the Court Administrator’s Office to secure an appropriate location as necessary to assuring compliance with **ALL** federal and/or state directives about stemming COVID-19 spread, including but not limited to sufficient distancing among the participants, if such cannot be realized in the retired jurist’s office suite.

Effective July 13, 2020, *in-person* arbitration panel hearings resumed. For good cause shown (*E.g.* underling medical conditions making one more vulnerable to the impact of COVID-19), **ANY** litigant, attorney, witness, and/or interested party wanting to appear and participate via some type of ACT (advanced communication technology) in lieu of *in-person* **MUST** notify the Court Administrator’s involved arbitration staff ***no less than seven (7) business days prior to the scheduled*** date¹² to allow for a review of that request and/or if allowed, those necessary arrangements be made. (These requests are to be timely submitted via email to the Court Administrator’s arbitration office at DelcoArbitration@co.delaware.pa.us.)

Salient personnel of the Court Administrator’s office will timely provide all interested parties written notice as to the date, time and location of arbitration panel schedulings and are expected in such regard to make good faith efforts to afford reasonable advanced notification of both initial listings and any

necessary reschedulings. However, to the extent as may be applicable, Delaware County local rule 1303(A)(1)(v) is **SUSPENDED** until further notice.¹³

Arbitration hearings will be scheduled weekly, Monday through Friday, before panels consistent with the number of open and unresolved cases in the arbitration program currently listed. The number of cases listed daily for a panel will be a function of a given matter's nature and expected length as determined by the court administrator's arbitration personnel. **ALL** panels will be expected to sit a full day.

On those days multiple panels are sitting (*I.e.* Mondays through Thursdays and possibly Fridays), each panel will have a staggered start time (*E.g.* panel A begins at 8:45 a.m., panel B at 9:15 a.m. begins, and panel C commences at 9:45 a.m.) with every case listed daily assigned a specific start time as determined appropriate by the court administrator's involved arbitration staff (*E.g.* matter A begins at 8:45 a.m., with case B set for 10:45 a.m., and matters C and D respectively listed to commence at 1:15 p.m. and 2:30 p.m.).

For **ALL** arbitration hearings, including but limited to those conducted fully or partially by some ACT means (*E.g.* the lawyers and one (1) of the parties present in-person while the litigant participates through some form of ACT), copies of **ANY AND ALL** reasonably anticipated evidentiary exhibits **MUST** be exchanged among counsel and/or any self-represented parties at least five (5) days prior to the scheduled listing. It is relatedly the responsibility of the party offering any such evidence to provide at the arbitration hearing paper or "hard" copies **ANY OF ALL** documents, including case pleadings if requested by the panel, in a sufficient number for both all panelists and the other party.

To as best as possible maximize the court time of these arbitration hearing lists, **ANY** continuance application *must be made timely known to the court administrator's arbitration staff*. As before, arbitration matter continuance applications may be submitted through the court's civil e-filing system or through the lodging of a continuance request form with the Court Administrator's arbitration staff. (Anyone having questions and/or in need of assistance with the processing of an arbitration case continuance application may call (610) 891- 8757.)

Counsel and self-represented litigates are reminded a list naming all reasonably expected witnesses **MUST** be submitted to the court administrator's arbitration office no later than one (1) full business day prior to any such scheduling.¹⁴ It is preferred that these witness lists be emailed to the arbitration office personnel as follows: DelcoArbitration@co.delaware.pa.us. These witness lists will in turn be provided by the court administrator's office to the Park Police as a means of authorizing those individuals' entry into the courthouse facility. Hence, the failure to provide the court administrator's arbitration staff with a required list may very well result in witnesses being barred from the building and otherwise unavailable to testify. Attorneys and *pro se* litigants are relatedly reminded **ALL** witnesses on arriving the vicinity of the courthouse **MUST** remain in their vehicles until contacted by the lawyer or self-represented party calling the person that he or she is now for purposes of testifying to enter the courthouse.¹⁵

ALL parties whether *pro se* or represented by an attorney **MUST** meaningfully engage in good faith discovery consistent with **ANY AND ALL** such salient trial court orders and/or directives, including but not limited to depositions conducted to the extent practicable via some manner of available advanced

communication technology (ACT), subject to applicable constitutional limitations, if any.¹⁶ “To the degree necessary, attorneys should counsel their clients that the public health emergency can in no way be used to secure strategic advantage in litigation, including by means of dilatory conduct[,]” particularly relative to the timely exchange of **ANY AND ALL** discoverable materials, whether the same is required by an applicable procedural rule, mandated by a relevant trial court order, compelled by some other legal authority, and/or expected by the lawyers’ agreement.¹⁷

Counsel and **ALL** other interested parties are to be reminded that Delaware County’s civil, nonfamily, e-filing system remains operational and allows, *inter alia*, for the lodging and docketing of wide ranging pleadings as further detailed by Delaware County Local Rule 205.4¹⁸ related to electronic filing and service of legal papers.

¹ See Orders dated April 28, 2020, p. 2; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections greater at Delco jail - Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“... Pa. reports biggest one-day increase since June 5... . Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County's seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020, Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[...] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday - an increase of 398% ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardell, a spokesperson from the state Health Department, said... .”); August 14, 2020, Section A, p. 1 (“... Pennsylvania Health Secretary ... cited ... Delaware County[.] as [an] area[.] in the state with high community spread of the coronavirus. Delaware County's per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); August 20, 2020, Section A, pp. 1, 3 (“... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ...”); October 7, 2020, Section A, p. 1, 8 (“Pennsylvania ... [is] entering October with coronavirus case levels at the highest they have been since the end of spring. Since the end of August, the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania”); October 8, 2020, Section A, p. 9 (“... [S]ince the end of August the average number of new coronavirus cases reported each day nearly doubled in Pennsylvania. Compared with a month ago, average new cases a day have jumped by more than 400 in Pennsylvania, surpassing 1,000 per day last week”); October 11, 2020, Section B, p. 2 (“Pa. virus cases hit 6-month high ... Pennsylvania reported its highest number of confirmed coronavirus infections in six months”); October 13, 2020, Section B, pp. 1, 8 (“The average number of new coronavirus infections being diagnosed in Pennsylvania ... showed no signs of slowing, even after warnings last week from officials advising the public to double down on safety practices. ... The Commonwealth was averaging 1,300 new cases a day over the last seven days Delaware [C]ount[.]y [has] seen [a] rise[.] in recent days. Using 14-day totals of new cases per 100,000 people, ... Delaware County went from 94 to 125”); October 16, 2020, Section A, p. 8 (“Pennsylvania reported 1,598 new coronavirus cases, the highest one-day count since April 24 and the 10th day in a row new cases have exceeded 1,000. The commonwealth is now averaging 1,370 new cases a day, the highest daily average since April 14, right after the pandemic's first peak.”); October 23, 2020, Section A, p. 8 (“... Delaware ... Count[.]y ... [has] more than 2,000 per 100,000 residents, well above the threshold the state deems safe.”); October 29, 2020, Section A, pp. 1, 3 (“Pennsylvania's fall coronavirus surge has surpassed the state's April peak in new cases, the rising metrics continued sounding alarm bells on a day when Pennsylvania's average daily number of new cases rose above 2,000 for the first time during the pandemic.”); November 5, 2020, Section B, pp. 1, 9 (“The coronavirus pandemic continued to escalate across the region daily increases are now even higher than in the springtime peak. ... [A]n infectious disease specialist ... said in an interview that the trends are dangerous, an expert's fear worse is to come.”); November 6, 2020, Section B, pp. 1, 4 (“As new coronavirus cases in Pennsylvania ... soar past levels that prompted shut downs in the spring the Pennsylvania Department of Health on [November 5, 2020] reported an unprecedented daily increase of ... COVID-19”); November 8, 2020, Section B, pp. 1, 4 (“Over the last four weeks, rates of new known coronavirus cases have at least doubled in ... every county in the Philadelphia area.”); November 10, 2020, Section B, pp. 1, 3 (“At the pandemic's eight month mark, Pennsylvania is in the midst of a streak of about 3,000 cases a day in the Philadelphia region, Delaware County has the highest positivity rate of 7.6%”); November 12, 2020, Section B, pp. 1, 1 (“A second pandemic wave is ... in the region nearly nine months after the forced shutdowns Hospitals in Delaware County in recent days became so inundated with COVID-19 that they are turning away ambulances”); November 13, 2020, Section A, pp. 1, 6 (“All five of Delaware County's hospitals were at capacity earlier this week and had to divert patients Pennsylvania reported that it had received 5,488 new positive-test results and for the first time in the pandemic it averaged more than 4,000 cases a day in the seven-day period In Delaware County, cases are close to where they were at the spring pandemic peak

..."); November 16, 2020, Section B, pp. 1, 5 ("Pennsylvania's daily average has increased every day since mid-October, but in November the number has soared."); November 17, 2020, Section A, pp. 1, ("With nearly 10,000 new infections reported in Pennsylvania between Sunday and Monday ... leaders across the region urged renewed intensity in the face of pandemic fatigue... The statewide positivity rate has increased to 9.6% from 6.8%"); November 18, 2020, Section A, pp. 1, 6 ("Pennsylvania's top health official issued a broader mask mandate, a bid to force people to wear face coverings as coronavirus case numbers continue to soar over the last four weeks rates of new known coronavirus cases have at least tripled in every county in the Philadelphia area."); November 20, 2020, Section A, pp. 1, 10 ("... [T]he coronavirus [is] spreading faster than ever, Pennsylvania reported more than 7,000 new cases Thursday, breaking its record for the third straight day. In just two weeks, Pennsylvania has gone from an average of 2,500 new cases a day to 5,700 cases a day ... 'The county has now exceeded the highest number of COVID-19 outbreaks since the height of the pandemic.'"); December 4, 2020, Section A, p. 1 ("Pennsylvania shattered its record for coronavirus cases logged in a single day by a staggering amount ... , reporting more than 11,000 new infections All but eight of Delaware County's ICU beds were filled, state data showed."); December 10, 2020, Section A, pp. 1, 6 ("Pennsylvania officials have been considering a new statewide ban on indoor dining and mandatory closures of gyms and casinos, their most stringent steps this fall to combat soaring coronavirus cases and hospitalizations, Pennsylvania's seven-day average of new cases per date neared 10,000 on Wednesday"); December 11, 2020, Section A, pp. 1, 6 ("Until Jan. 4, Pennsylvania will shut down indoor dining, suspend school sports and extracurriculars, close all casinos, gyms, and other entertainment venues, lower retail occupancy limits, and sharply reduce the number of people allowed to gather in one place The new restrictions come at a point when the state's daily case numbers have sky rocketed with more than 10,000 people newly infected each day for five out of the last eight days,"); December 16, 2020, Section A, pp. 1, 14 ("... Pennsylvania reported its highest single-day death toll from COVID-19 since May and said nearly 6,300 virus patients were hospitalized across the commonwealth, twice the total from the same point last month. ... Pennsylvania surpassed 500,000 confirmed cases of the virus, reporting 9,556 new cases."); January 9, 2021, Section A, pp. 1, 5 ("For the first time since mid-December, Pennsylvania on Friday reported more than 10,000 newly confirmed positive cases Over 700,000 Pennsylvanians have tested positive for the virus,"); and January 15, 2021, Section A, pp. 1, 2 ("January is on pace to become Pennsylvania's deadliest month of the pandemic, It is a continuation of a surge that has seen more than 8,300 Pennsylvanians reported dead since Dec. 1, With the case surge not over yet, the death toll will keep growing; Philadelphia, its Pennsylvania's suburbs, ... have all experienced surges in the death toll since the end of November,").

² See Orders dated April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

³ See Orders dated April 28, 2020, p. 9; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

This court, *inter alia*, under separate emergency orders of May 27, 2020, and as continued through subsequent amended and additional emergent orders for both the civil and criminal sections had extended the cancellation of jury trials and relatedly jury duty until at least July 31, 2020. See Emergency Order – Criminal Section dated May 27, 2020; Third Emergency Order Extension – Civil Section dated May 27, 2020; Third Emergency Order Extension – Civil Section, *as Amended*, dated June 22, 2020; Emergency Order – Criminal Section, *as Amended*, dated June 30, 2020; Emergency Order – Criminal Section, *as Amended*, dated July 8, 2020; Fourth Emergency Order Extension – Civil Section, dated July 22, 2020; and Second Emergency Order Extension – Criminal Section dated July 24, 2020. The current criminal and civil section emergent orders continue this constrained cancellation of jury trials and jury duty through April 30, 2021, while directing the District Court Administrator is to continue working in concert with other salient court personnel (*E.g.* court electronic recording), as well as material county officials (*E.g.* facilities management), to finalize such a plan and implement those related necessary arrangements allowing for jury trial resumption. See Fourth Emergency Order Extension – Criminal Section dated January 22, 2021; and Sixth Emergency Order Extension – Civil Section dated January 22, 2021.

⁴ Although more specific to whether an employee will be permitted into the courthouse-government complex, the attached Chester County Health Department workforce screening materials provide at least a general overview of the assessment process the Delaware County Park Police will utilize for ALL individuals attempting to enter the county courthouse-government center.

⁵ See Orders March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; and April 28, 2020, pp. 4-5 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

⁶ See *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 – “Infections greater at Delco jail – Jail: Nearly half of inmates tested had virus; infection rate 50 times that of the population at large.” Starting with the Second Emergency Extension – Criminal Section and continuing through the most recent Fourth Emergency Extension – Criminal Section, a sufficiently controlled number of inmates consistent with various health and safety concerns have once more begun being transported from the George W. Hill Correctional Facility to criminal trial court proceedings following such discussions with the Delaware County Sheriff’s Office, effective September 14, 2020. See Second Emergency Extension – Criminal Section dated July 24, 2020-Attached Protocol, pp. 7-8; and Third Emergency Extension – Criminal Section dated October 20, 2020-Attached Protocol, pp. 7-8. After additional communications with salient personnel of the sheriff’s office, including reviewing the actual experiences of the restarted *in-person* prisoner transports, *inter alia*, the third criminal section emergent extension modestly increased the number of inmate custodial transportations for each such sitting judge per day and expanded those penal facilities from which the same may take place to now include Philadelphia County prisons. See Third Emergency Extension – Criminal Section dated October 20, 2020-Attached Protocol, pp. 7-8. Following a similar deliberative process in concert with the managerial staff of the sheriff’s office, the current criminal section protocols do for now allow for the transportation of inmates from state correctional institutions, as well as other local county prisons (E.g. Montgomery County, Chester County, and/or Bucks County) while yet maintaining in place an aggregate daily inmate transportation cap. See Fourth Emergency Order Extension – Criminal Section dated January 22, 2021-Attached Protocol, p. 7. It is anticipated that the transportation of inmates for purposes of attending *in-person* civil matters will be addressed subsequent to the criminal courts having returned to prisoner custodial transportations at least approximating pre-public health crisis levels and scope (E.g. prisoners transported to and from all county jails and state correctional institutions).

⁷ See Pa.R.J.A. No. 1952(B)(2)(a)(d)(f)(g)(h)(k)(l)(n)(o)(q); Orders dated April 28, 2020, pp. 2-5 and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; Fifth Emergency Declaration Extension dated October 20, 2020; and Sixth Emergency Declaration Extension dated January 22, 2021. See also Endnote No. 1.

⁸ See Emergency Sheriff Sales Postponement Order dated January 7, 2021.

⁹ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Attached *Interim Civil Calendar*.

¹⁰ See Orders dated March 16, 2020, p. 2; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5; May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

¹¹ See Emergency Order – Civil Section dated March 18, 2020; Emergency Order Extension – Civil Section dated April 7, 2020; and Second Emergency Order Extension – Civil Section dated May 1, 2020; Third Emergency Order Extension – Civil Section dated May 27, 2020; and Third Emergency Order Extension – Civil Section, *as Amended*, dated June 22, 2020.

¹² See Civil Section Emergency Cancellation and Revised Scheduling Protocols dated October 20, 2020, p. 4. (Because these arbitration hearings must for now due to facility space constraints and necessary social distancing be held in areas other than courtrooms and/or hearing rooms, the arrangements needed to allow some manner of ACT participation require additional time compared to those matters listed in a traditional civil courtroom where such technologies are large in place already.)

¹³ See Pa.R.J.A. No. 1952(B)(2)(k). See also Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration dated April 28, 2020; Third Emergency Declaration dated May 27, 2020; Fourth Emergency Declaration Extension dated July 8, 2020; and Fifth Emergency Declaration dated October 20, 2020.

¹⁴ See Civil Section Emergency Cancellation and Revised Scheduling Protocols, as Amended, dated January 22, 2021, pp. 4-5.

¹⁵ See Civil Section Emergency Cancellation and Revised Scheduling Protocols, as Amended, dated January 22, 2021, p. 2.

¹⁶ See Orders dated March 16, 2020, pp. 2-3; March 18, 2020, pp. 4, 6-7; April 1, 2020, pp. 4-5; April 28, 2020, pp. 4-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket. See also Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(q).

¹⁷ See Order dated April 28, 2020, p. 10 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.

¹⁸ A copy of Delaware County Local Rule 205.4 is attached and by reference wholly incorporated.



Chester County Health Department
 COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Purpose: This guide has been developed to support the screening of employees to assess need to be excluded from the workplace and self-quarantine or self-isolate.

Procedure:

1. **Assess current symptoms, recent exposure, and travel history upon arrival:**

- Take temperature with temporal or forehead touchless thermometer
- Ask: Are you taking any medication to treat or suppress a fever?
- Ask: Are you currently waiting for a COVID-19 test result for any reason other than a required routine screening for work or a health procedure?
- Ask: Have you tested positive for COVID-19 in the past 10 days?
- Ask: In the last 14 days, have you had close contact with someone who has COVID-19? Close contact means you were within 6 feet of that person for 15 minutes or longer.
- Ask: Have you traveled in the last 14 days outside of Pennsylvania, other than for work or for medical reasons?
 - If yes: Have you received a negative COVID-19 test? Note: the specimen must have been taken 72 hours prior to arrival in PA or after arrival to PA.
- Ask: Are you currently experiencing any of the following symptoms?

Group A 1 or more symptoms	Group B 2 or more symptoms	
Cough	Sore throat	Headache
Shortness of breath	Chills	Congestion or runny nose
Difficulty breathing	Muscle pain	Nausea or vomiting
Lack of smell or taste (without congestion)	Fatigue	Diarrhea
	Fever	

"COVID-19 Symptoms" is defined as having 1 or more symptom(s) in Group A
 OR 2 or more symptoms in Group B

2. **Provide Guidance (Table 1):**

Scenario	Exclusion from Workplace	Return to Work Guidance
#1 – Negative Screen	None	NA



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Scenario	Exclusion from Workplace	Return to Work Guidance
#2 – COVID-19 Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from workplace.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work based on clinical criteria for alternative diagnosis. If no alternative diagnosis is known, return to work 24 hours after symptoms are improved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. <p>If individual is not tested, follow return to work guidance for scenario #3 (assume employee is positive).</p>
#3 – Positive COVID-19 PCR Test <u>with</u> Symptoms	Yes	<ul style="list-style-type: none"> ➤ 24 hours with no fever and ➤ improvement in symptoms and ➤ 10 days since symptoms first appeared.
#4 – Positive COVID-19 PCR Test <u>without</u> Symptoms	Yes	<p>10 days after the PCR test was collected.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 10 days, follow return to work guidance for scenario #3.
#5 – Close Contact <u>with</u> Symptoms	Yes	<p>Employee should be tested for COVID-19. Individuals awaiting test results should be excluded from work.</p> <ul style="list-style-type: none"> ➤ If test result is <u>negative</u>, return to work 14 days after last exposure to the person with COVID-19, and symptoms have resolved. ➤ If test result is <u>positive</u>, follow return to work guidance for scenario #3. ➤ If individual is not tested and develops symptoms within 14 days of exposure, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>
#6 – Close Contact of COVID-19 <u>without</u> Symptoms	Yes	<p>14 days after the date of last exposure to the person with COVID-19.</p> <ul style="list-style-type: none"> ➤ If symptoms develop during 14 days, individual is considered a probable case, follow return to work guidance for scenario #3. <p><i>Additional quarantine guidance is provided below.</i></p>



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Scenario	Exclusion from Workplace	Return to Work Guidance
		<i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms, does not need to stay home.</i>
#7 – Yes to Travel History	Yes	10 days after return from out-of-state travel OR Negative test result from a specimen collected within 72 hours prior to returning to Pennsylvania or after arrival to PA. Note: Individual must quarantine until the negative result is received. <i>Exception: Anyone who has developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home.</i>

Guidance for Employees:

1. Notify your supervisor if you meet any exclusion from work criteria.
2. Self-monitor for symptoms.
3. Wear a face mask at all times.
4. Practice social distancing in the workplace and do not congregate in common areas.
5. Notify your supervisor and go home immediately if you become sick.
6. Do not share headsets or objects used near face.
7. Notify your supervisor of travel plans.

Employees with COVID-19 Exposure or Positive Test Result:

Individuals are notified by their physician or the Health Department about test results for COVID-19. Individuals who are a close contact of a case are notified by the case, facility where they were exposed, or the Health Department. Because tests may be false positive or false negative, some testing may need to be repeated or confirmed. If there is uncertainty about an employee's result, have them consult their physician. If an employee receives a positive test result for COVID-19, employee should remain at home in isolation until *Return to Work Guidance* is met, regardless of symptoms. This includes essential employees.

Test results may include the following:

- Detection of SARS-CoV-2 RNA in a clinical specimen using a molecular amplification detection test (PCR)
- Detection of specific antigen in a clinical specimen



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Anyone who has had close contact with someone with COVID-19 and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Based on new information regarding antibody testing, results of antibody tests are not used for exclusion from work or return to work.

If an employee tests positive for COVID-19, the building does not need to be evacuated. An employer may choose to voluntarily close to perform a deep cleaning out of an abundance of caution. Visit <https://www.chesco.org/4437/Coronavirus-COVID-19-How-to-Help> for information on cleaning and disinfecting.

Alternative Quarantine Guidance:

The use and adherence to quarantine requirements continue to be a strong public health measure to mitigate COVID-19. Quarantining individuals breaks the transmission cycle by limiting exposure to other individuals. Therefore, the Chester County Health Department continues to recommend 14 day quarantine period as the most protective quarantine period. The Chester County Health Department recognizes the following quarantine periods as acceptable alternatives when adherence to the 14 day period is truly not possible.

The following alternative quarantine periods do NOT apply to individuals who work at, or live in, healthcare or congregate settings to include hospitals, healthcare practices/offices, long-term care facilities, correctional facilities, clinics of all sizes, shelters, group homes, etc.

Employers and organizations, including daycare/childcare centers, public/non-public schools, must determine if they will support alternative quarantine periods for their employees, those doing business with them, or receiving services from them. Employers and organizations selecting to use alternative quarantine periods as outlined below must continue symptom monitoring for the full 14 days continues, and must continue strict adherence to all existing local and state mandates and guidance (e.g., masking, physical distancing). Employers and organizations are recommended to consult their solicitor regarding any policies, procedures or protocols for requirements that may need to be in place regarding proof of negative test result and date of test when using alternative quarantine periods. Additionally, employers and organizations should update their employee and visitor screening protocol if using the alternative quarantine protocols.



Chester County Health Department
COVID-19 Response for Chester County and Delaware County

COVID-19 Screening Guidance for Employers

December 8, 2020

Alternative quarantine periods when 14 days cannot be adhered to:

- Quarantine can end after day 10 without testing if an individual remains asymptomatic through the end of day 10.
- Quarantine can end after day 7 if a diagnostic specimen (e.g., RT-PCR, antigen) tests negative and is collected on day 5 or thereafter, and the person remains asymptomatic until the test result is received.

Quarantine begins after the date of last exposure (day 0) to a person with COVID-19. At no time can quarantine be discontinued before the end of day 7 even if a negative test COVID-19 test result is received prior to the end of day 7.

Chester County Health Department will support PA DOH's evaluation of these alternatives in terms of compliance with quarantine and contact tracing activities, but also for any potential negative impacts such as post-quarantine transmission.

Chester County Health Department continues to recommend that COVID-19 testing be prioritized for symptomatic persons seeking evaluation for COVID-19 infection ahead of testing for early discontinuation of quarantine.

Temperature Assessment:

The temperature considered a fever during screening differs based on how temperature is taken. Consult with the manual of the device you are using to confirm temperature for fever. Any fever reported by an employee, even if no thermometer was used, is considered symptomatic.

Mode	Temperature for fever
Axillary and temporal	99.5°F or higher
Oral	100.0°F or higher

Travel:

If an employee travels outside of the state of Pennsylvania that individual needs to quarantine for 10 days upon return to Pennsylvania OR receive a negative COVID-19 test result from a specimen collected within 72 hours of their return to PA or after arrival to PA. If symptoms develop during that time, follow above exclusion and return to work criteria. Exceptions to this include individuals traveling to and from PA for the purposes of work, for medical reasons, or military orders. Employees should notify their supervisor of travel plans prior to traveling.



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Anyone who has traveled outside of Pennsylvania and developed COVID-19 illness within the previous 3 months AND has recovered AND remains without COVID-19 symptoms does not need to stay home or be retested. At this time, we do not know if someone can be re-infected with COVID-19. There are no confirmed reports to date of a person being re-infected with COVID-19 within 3 months of initial infection. However, additional research is ongoing. Until more is known, CDC recommends that all people, whether or not they have had COVID-19, continue to take safety measures to avoid becoming infected with COVID-19 (wash hands regularly, stay at least 6 feet away from others whenever possible, and wear masks).

Employers should consider potential exposure risks and consider remote work options for employees who reside in an area with travel restrictions and work in the county. Employees who reside in an area with travel restrictions and continue to work in-person should be mindful of their activities in that area, and minimize their potential exposure.

CIVIL CALENDAR
2021

February

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F
	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26
Liaison Judge Dozor	O	O	O	O	O	TR	MJ	TR	TR	TR	X	O	O	O	O	TR	MJ	TR	TR	TR
Judge Angelos	TR	TR	TR	TR	TR	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O	O	O
Judge Whelan	O	O	O	O	O	TR	MJ	TR	TR	TR	X	O	O	O	O	TR	MJ	TR	TR	TR
Judge Eckel	TR	TR	TR	TR	TR	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O	O	O

O = Office

TR = Non-Jury Trials & Hearings

MJ = Motion Hearing List Day

SS = Sheriff Sale

CIVIL CALENDAR
2021

March

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W
	1	2	3	4	5	8	9	10	11	12	15	16	17	18	19	22	23	24	25	26	29	30	31
Liaison Judge Dozor	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O
Judge Angelos	TR	TR	TR	TR	TR	O	O	O	O	O	TR	MJ	TR	TR	TR	O	O	O	O	O	TR	MJ	TR
Judge Whelan	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O
Judge Eckel	TR	TR	TR	TR	TR	O	O	O	O	O	TR	MJ	TR	TR	TR	O	O	O	O	O	TR	MJ	TR

O = Office

TR = Non-Jury Trials & Hearings

MJ = Motion Hearing List Day

SS = Sheriff Sale

CIVIL CALENDAR
2021

May

	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M	T	W	T	F	M
	3	4	5	6	8	10	11	12	13	14	17	18	19	20	21	24	25	26	27	28	31
Liaison Judge Dozor	TR	TR	TR	TR	TR	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O	O	O	O
Judge Angelos	O	O	O	O	O	TR	MJ	TR	TR	TR	O	TR	O	O	O	TR	MJ	TR	TR	TR	TR
Judge Whelan	TR	TR	TR	TR	TR	O	O	O	O	O	TR	TR	TR	TR	TR	O	O	O	O	O	O
Judge Eckel	O	O	O	O	O	TR	MJ	TR	TR	TR	O	TR	O	O	O	TR	MJ	TR	TR	TR	TR

O = Office

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DELAWARE COUNTY LOCAL RULE 205.4

(a) (1) Commencement

- (i) On the commencement date, all parties may electronically file all "legal papers" as defined in Pa.R.C.P. No. 205.4 (a)(2), with the Office of Judicial Support through Delaware County's Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4,
- (ii) Ninety (90) days from the commencement date, parties shall electronically file all "legal papers" as defined in Pa.R.C.P. No. 205.4 (a)(2), with the Office of Judicial Support through Delaware County's Electronic Filing system as more specifically provided in Pennsylvania Rule of Civil Procedure No. 205.4 and Delaware County Civil Rule 205.4.

Explanatory Note: The term "legal paper" as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and all other papers filed with the Office of Judicial Support – including exhibits and attachments – even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond.

(2) As used in this rule the following words shall have the following meanings:

CMS (Case Management System): A Court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

Electronic Filing (E-Filing): The electronic transmission, acceptance and processing of a filing. A submission consists of data, one or more documents, and/or images. The definition of electronic filing does not apply to facsimile or e-mail.

Electronic Service (E-Service): The electronic transmission of an original document to all other electronically-registered case participants via the electronic filing system. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

EFS : Delaware County Electronic Filing System.

(b) (1) Authorized Electronic Format of Legal Papers Electronically Filed

All legal papers shall be filed in a portable document format ("pdf"). A legal paper presented for filing in hard copy or in a format other than portable document format shall be converted to a portable document format and maintained by the Office of Judicial Support pursuant to Pa. R.C.P. 205.4 (b)(1)

- (2) This Rule shall not apply to legal papers related to actions in Support as defined in Pa.R.C.P. 1910.1 through 1910.50 and 1930.1 through 1940.9, Custody, Partial Custody and Visitation of Minor Children under Pa. R.C.P. 1951.1, Special Relief under Pa. R.C.P. 1913.13 or Actions for Divorce or for the Annulments of Marriage under Pa. R.C.P. 1920.1; Protection from Abuse under Pa. R. C. P. 1901.3; Protection of Victims of Sexual Violence or Intimidation under Pa. R.C.P 1951; Petition for Writ of Seizure pursuant to Pa. R. C. P. 1075; Petition to Postpone Sheriff's Sale Pa.R.C.P. 3132; Petition to Appoint a Constable. ; Claim of Exemption pursuant to Pa.R.C.P. 3123.1; Appeal from Denial of Right to Know Request under Pa.R.J. A. 509. This rule shall also not apply to certified zoning records which

include blueprints and/or plot plans under Delaware County Local Rule 27. *Motions or petitions seeking relief in emergency situations, injunctive relief or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time-stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.*

(2) Website. Access to the Website

- (i) Website. All legal papers shall be filed electronically through Delaware County's Electronic Filing system Electronic Filing system "EFS" which shall be accessible through the County of Delaware website <http://www.co.delaware.pa.us/ojs/efile.html> or at such other website as may be designated from time to time.
- (ii) Use of the EFS shall be in accordance with the local rule and instructions contained on the website.
- (iii) Access to the Website. To obtain access to the Delaware County Electronic Filing System, counsel and self-represented litigant must apply for and receive a User Name and Password.
- (iv) Registered users shall be individuals, and not law firms, agencies, corporations nor other groups.
- (v) User access may be suspended to prevent fraud, to maintain security of the system and network, to prevent an unacceptable level of congestion, or to prevent a disruption to the EFS or another user.

(d) (1) Payment of Filing Fees under the EFS system.

- (i) The Office of Judicial Support will accept for payment of all filing fees through PayPal.
- (ii) The Office of Judicial Support will not accept advance deposits for future filings.

(e) Reserved

(f) (1) Filing Status Messages

- (i) Upon receipt of the electronic document, the Office of Judicial Support shall provide the filing party with an acknowledgment, which includes the date and time the document was received by the Delaware County Electronic Filing system.
- (ii) After review of the electronic document, the Office of Judicial Support shall provide the filing party with e-mail notification, or notification on the Delaware County Electronic Filing System, that the document has been accepted for filing ("filed") or refused and not accepted for filing.

(2) Official Record

- (i) When an electronic document is accepted, the document is the official record.

(3) Signatures and Verifications

- (i) The electronic filing of documents utilizing the issued User Name and Password as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party's signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1.
- (ii) The electronic document filed by a party must include a signature block, and the name of the filer under whose User Name and Password the document is submitted. The document may be submitted with the filer's scanned signature or "/s/" and the filer's name typed in the space where the signature would otherwise appear on the document.
- (iii) If an attorney is the filing party, the Pennsylvania Supreme Court Attorney Identification number must be included under the signature line. The correct format for an attorney signature is as follows:

/s/ Attorney name
Pa Supreme Court ID#
Attorney for (Plaintiff/Defendant) XYZ Corporation
ABC Law Firm
ADDRESS
TELEPHONE NUMBER
FAX NUMBER - (FAX)
E-MAIL ADDRESS

- (iv) An authorized electronic filer must not allow their user name and password to be used by anyone other than an agent who is authorized by the electronic filer.
- (v) Electronic filers shall notify the Office of Judicial Support's Help Desk immediately if there has been any unauthorized use of their EFS user name and password.
- (vi) The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by a client or other persons other than the filing party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.
- (vii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.
- (viii) The original of a sworn or verified document that is electronically filed (e.g. affidavit) or is contained with an electronic filing (e.g. verification) shall be maintained by the electronic filer and made available upon direction of the court or reasonable request of the signatory or opposing party.

Explanatory Note: This subsection is designed to address issues which may arise regarding signatures on legal documents. A filer's use of the User Name and Password issued through the Delaware County Electronic Filing System is the filer's "electronic signature". However, legal documents often require verifications executed by non-filers. In addition, many legal documents require multiple signatures. Deficiencies in content and execution could be subject to preliminary objections. In order to avoid prejudicial delay, this section requires the filing party to scan such legal documents or signature pages and include them as part of the electronic filing at the time of submission. Original copies should be kept as provided for in Pa.R.C.P. No. 205.4 (b)(4).

(4) Electronic Filing Fees and Costs.

- (i) The Office of Judicial Support shall collect an electronic filing user fee for each legal paper or exhibit filed as established by the Office of Judicial Support with the approval of the President Judge of the Delaware County Court of Common Pleas.
- (ii) In addition to such electronic filing user fee, the Office of Judicial Support is authorized to charge a fee as set forth from time to time for each page of a legal paper or exhibit which is filed in hard copy format and which must be converted by the Office of Judicial Support to a portable document format.
- (iii) Electronic filers shall alert the EFS to any payment errors within forty-five (45) days of the payment date by notifying the Office of Judicial Support's Help Desk.

(5) Other Procedures Necessary to the Operation of a System of Electronic Filing: authorized by Pa.R.C.P. No. 205.4 (f), the following administrative procedures are adopted:

- (i) If a document is accepted, it shall be deemed to have been filed as of the date and time it was received by the Delaware County Electronic Filing System; provided, however, that if a document is submitted without the requisite fee, the document shall be deemed to have been accepted for filing as of the date payment was received. The Office of Judicial Support is authorized to refuse for filing a document submitted without the requisite payment. If the electronic document other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).
- (ii) *Termination Notice.* In addition to the procedures set forth in Pa.R.C.P. No. 230.2, in cases where a party is a registered user of the Delaware County Electronic Filing System, notice of proposed termination may also be electronic.
- (iii) An electronic filer is not required to file any paper copies unless specifically required by the court.

Note: In addition to the electronic paper, a Judge may request counsel or a self-represented litigant to provide a courtesy copy of a pleading(s) or other such material including but not limited to a memorandum of law, a pre-trial binder for the Court including relevant pleadings, a pre-trial memo, if any, stipulations and pre-labeled exhibits which may be useful to a Judge in preparation for trial. The Court may also request courtesy motions, petitions and answers to such pleadings from time to time.

- (iv) An electronic filer is not required to file multiple copies of documents unless requested by the Court, or as specified elsewhere in these local rules. If documents are to be served electronically, the electronic filer is not required to provide envelopes, unless requested by the Court or as specified elsewhere in the local rules, except for those parties who are to receive the document by regular mail or other means of service as required by other rules.
- (v) Electronic filing is permitted at all times when the EFS is available. If the EFS is unavailable at the time a registered user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.
- (vi) If a registered user believes the unavailability of the EFS prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten (10) days of the registered user's unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically, the date(s) and time(s) of any subsequent attempts to file the document electronically, and why the delay was prejudicial.
- (vii) The filing deadline for any document filed electronically is 11:59:59PM EST/EDT.
- (viii) *Documents with Attachments.* Attachments, including exhibits, that are part of any filing, shall be filed electronically at the same time as the document.
- (ix) An attachment or exhibit that exceeds the technical standards for the EFS or is unable to be electronically filed must be filed as ordered by the court. A Notice of Exhibit Attachment shall be filed in the EFS referencing such an exhibit with specificity and stating the reason why the exhibit was not filed electronically.
- (x) The Court may, on its own motion or for good cause shown, order a filing be made under seal. Filings requested to be made under seal shall be submitted to the Office of Judicial Support over the counter rather than through EFS.
- (xi) Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.
- (xii) Filings not under seal are public and parties shall comply with the Public Access policy related to case records of the Appellate and Trial Courts of the Unified Judicial System of Pennsylvania under 204 Pa. Code 213.81 and Delaware County Administrative Rule No. 17-5120 .

Note: As required by Pa.R.C.P. No. 205.4(c)(1), access to the Delaware County Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Office of Judicial Support may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. § 1725(c)(2)(xix), or, at the Office of Judicial Support's discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Office of Judicial Support may refuse the legal paper for filing if payment is not received.

- (6) If a legal paper is refused for filing, the Office of Judicial Support shall specify the reason. Subject to the provisions of subsection Rule 205.4(e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.
- (7) Neither the Court nor the Office of Judicial Support are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.
- (8) If a legal paper is electronically filed, the Delaware County Civil Electronic Filing System will automatically serve all persons who have previously submitted electronic filings in the same case, pursuant to Delaware County Civil Rule *205.4 and Pa. R.C.P. No. 205.4 (g) but the filing party must serve all others as required by rules of Court. All legal papers filed in a hard-copy format must be served by the filing party as required by rules of court.

Note: A party has the responsibility of providing legal papers and other correspondence to the Delaware County Sheriff's Office for service of original process pursuant to Pa. R.C.P. 400-425 The Delaware County Electronic Filing Service or CMS program does not encompass the Delaware County Sheriff's Office.

- (9) Documents shall use the universal PDF standard and shall be no more than 25 megabytes (mb). Files that exceed this limit must be split into multiple files so that each individual file is less than 25 megabytes (mb).
 - (10) Color shall be Black and White, resolution of 300 dpi. If a filer has a document that is color or greystroke, the document shall not be filed electronically but must be submitted to the Office of Judicial Support.
 - (11) All pleadings must conform to Pennsylvania Rule of Civil Procedure 204.1 (1) so that the size of the document be 8 ½ inch by 11 inch paper.
 - (12) Any font that is not part of the Microsoft default font list must be embedded in the PDF document
 - (13) PDF properties (Title, Author, Subject, and Keywords) should be removed from the document. Documents cannot be password protected or encrypted. Documents names shall not include any special characters such / : * ? " < >
- (g) (2) ***Service by Electronic Transmission***
- (i) Service shall be made to registered users through the EFS and to all others as otherwise provided in the Pennsylvania Rules of Civil Procedure. Service by the EFS is complete upon transmission on a Saturday, a Sunday, a holiday recognized by Delaware County, or after 5:00PM EST/EDT, shall be considered complete on the next day that is not a Saturday, Sunday or recognized Delaware County holiday.
 - (ii) Other than original service, the electronic filer shall not be required to serve a paper copy of the electronic filing on the opposing party if the opposing party is a registered user on the EFS and the electronic filing has been served on them through the EFS.

- (h) An AOPC Civil Court Cover Sheet pursuant to Pa.R.C.P No. 205.5 shall be required and must be scanned separately from the original pleading

Note: The following documents may be filed through the EFS system. The Office of Judicial Support, once accepted, will forward the document to Court Administration for review and processing:

- (1) Certificate of Readiness pursuant to Local Rule 241; (2) Debtor's Exemption under Local Rule 3123; (3) Application for Continuance in arbitration cases pursuant to Delaware County Local Rule 1303 (f) or for a hearing related to a petition or motion (Local Rule 206.1 (a)(1) and 208.3 (b) (1)); (4) License Suspension Appeal(Local Rule 29); (5) Tax Assessment Appeal(Local Rule 30); (6) Board of View (Local Rule 622 (k));and (8) Request for Extension pursuant to Local Rule 1028.*

Once filed through the EFS system, the document will be processed by the Court Administrator and notice of the outcome and/or a hearing date , if any, will be sent electronically to the filing party. The party requesting a continuance shall provide advance notice to all parties in a case, state if the continuance is opposed or unopposed, and be responsible to notify all parties of the outcome of the request prior to a listed hearing or event.

Applications for Continuance in assigned cases may be filed electronically at the Court's discretion subject to the assigned judge's guidelines.

Motions or petitions seeking relief in emergency situations or stay of proceedings shall not be filed through the EFS system but shall be taken to the Office of Judicial Support to be time -stamped, processed, and docketed and then brought by the party seeking the emergency relief or the stay of proceedings to the Court Administrator for reference to the appropriate judge.

Note: This rule is adopted as required by Pa.R.C.P. No. 239.9.