

IN THE COURT OF COMMON PLEAS FOR THE 39<sup>TH</sup> JUDICIAL DISTRICT  
FRANKLIN COUNTY AND FULTON COUNTY, PENNSYLVANIA

IN RE: : ADMINISTRATIVE ORDER  
39th JUDICIAL DISTRICT :  
DECLARATION OF : 2020-1129  
JUDICIAL EMERGENCY : No. 57 MM 2020

PROTHONOTARY  
FRANKLIN COUNTY, PA  
2020 NOV 18 PM 2:07  
TIMOTHY S. SPONSELLER  
PROTHONOTARY  
FRANKLIN COUNTY, PA

EMERGENCY JUDICIAL ORDER

AND NOW, to-wit, this 18th day of November 2020;

WHEREAS, by Order of the Supreme Court of Pennsylvania dated May 27, 2020, a President Judge of a Court of Common Pleas is authorized to exercise emergency powers beyond the time of an existing declaration of a judicial emergency; and

WHEREAS, this Court issued a Ninth Supplemental Emergency Judicial Order on August 31, 2020 extending the Judicial Emergency through December 31, 2020; and

WHEREAS, the court during the months in which COVID-19 infections were low had commenced conducting jury trials both civil and criminal of four days or less by summoning 60 jurors to participate in jury pools in both counties; and

WHEREAS, Franklin Counties' positivity rate of COVID-19 cases as of November 13, 2020 has risen to be in the top fifteen for all 67 counties of the Commonwealth of Pennsylvania; and

WHEREAS, the incident rates and positivity rates for Fulton County are regularly increasing; and

WHEREAS, schools in both Franklin and Fulton Counties are ending or significantly reducing in-person attendance and moving to virtual education; and

ATTEST A TRUE COPY  
*Timothy S. Sponseller*  
TIMOTHY S. SPONSELLER PROTHONOTARY

**WHEREAS**, the court has been able to confirm that multiple cases of positive infections for COVID-19 have been identified in various government offices in Franklin County and in persons attending court in both Franklin and Fulton Counties.

**WHEREAS**, the court is also aware of individuals who have presented with COVID-19 symptoms at various court proceedings despite general efforts to encourage individuals to not enter court facilities if ill; and

**WHEREAS**, the court recognizes that unlike other general activities, court is a compulsory process, but that process should not result in the unnecessary risk to the health of the general public, parties, attorneys, court facility staff and employees or the judiciary; and

**WHEREAS**, the court recognizes that there will be no additional efforts by State Government officials to restrict the activities of people during the end of year holiday seasons but there will be a reliance upon the voluntary and cooperative efforts of the citizenry to limit the spread of COVID-19; and

**WHEREAS**, all President Judges and District Court Administrators received notice from AOPC Court Administrator Geoff Moulton that the Pennsylvania Department of Health Secretary Levine issued an order with respect to mask wearing. Mr. Moulton specifically announced, "Effective November 18, 2020, the order requires all individuals, age two and older, to wear a face covering when indoors or in an enclosed space, where another person or persons who are not members of the individual's household are present in the same space, irrespective of physical distance. *As with the Secretary's previous order, this order contains no exceptions for government buildings, including courthouses and courtrooms.* While the Secretary's order mandates face coverings in the workplace most of the time, it does provide an exception for individuals who are "working alone." As defined in the order, "working alone" means a person is isolated from interaction with other people with little or no expectation of in-person interruption. The order provides the following relevant examples of "working alone":

- a person alone inside an office with four walls and a door
- a person alone inside a cubicle with three walls and a door or entryway, with walls high enough to block the breathing zone of all people walking by, and whose activity will not require anyone to come inside the cubicle”; and

**WHEREAS**, there are examples of significant surges of positive COVID-19 cases following holiday gatherings in other nations, ex. (Canada, Germany.); and

**WHEREAS**, there is currently no available vaccine and an actual date of distribution has yet to be declared by any Federal or State Government responsible for wide scale distribution; and

**WHEREAS**, the COVID-19 virus has proven to be highly transmittable by individuals who are asymptomatic; and

**WHEREAS**, the predicted surge in COVID-19 infections is being confirmed by the rates of infection identified by Pennsylvania Department of Health for Franklin and Fulton Counties; and

**WHEREAS**, continued use of advanced communication technologies, limiting participation of individuals in court proceedings, and suspending time calculations for speedy trial rights in criminal cases is necessary to safeguard the health and safety of court personnel, litigants, and members of the public; and

**NOW, THEREFORE**, it is hereby **ORDERED, ADJUDGED** and **DECREED**, that effective November 18, 2020:

1. The extension of the Judicial Emergency in the 39<sup>th</sup> Judicial District is hereby confirmed through January 31, 2021.

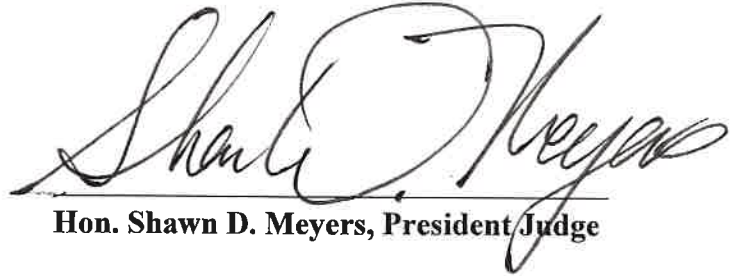
2. All jury selection, criminal and civil jury trials for the 39<sup>th</sup> Judicial District of the Court of Common Pleas of Franklin and Fulton Counties, Pennsylvania shall be **POSTPONED** due to the COVID-19 pandemic through January 31, 2021, at which time a review of the COVID-19 data will be commenced. **Due to the COVID-19 pandemic and concern for public health and safety, as well as concern for the protection of a defendant's constitutional right to a speedy trial, this postponement shall be considered a Court postponement and shall constitute excludable time for purposes of the application of Pa. R. Crim. P. 600, subject to constitutional limitations.**
3. All trial-specific deadlines in all civil and criminal cases remain in effect unless modified by further Order of this Court or Order of the assigned judge.
4. All judges, Magisterial District Judges, hearing officers, masters, and conciliators may continue the use of advanced communication technology ("ACT") to conduct proceedings where possible, especially in the Civil, Orphans' Court/Juvenile and Domestic Relations dockets.
5. Use of ACT shall continue to be used to conduct criminal proceedings that otherwise would be required to be in person under Pa.R.Crim.P. 119, when either the defendants and counsel agree and for the express purpose of limiting the transport of inmates from the Franklin County Jail, Bedford County Correctional Facility or another place of detention to the courthouses, thus limiting the possibility of infection by COVID-19 of the jail populations and assist the wardens in their quarantine efforts. When quarantine efforts can cease at the Franklin County Jail, Bedford County Correctional Facility, or any other facility, and the needs of the court to bring defendants to the courthouse is warranted, the court will issue orders revising the use of video conferencing for Franklin County Jail, Bedford County Correctional Facility and any other facility, except for

bench warrant and extradition proceedings or such other proceedings as may be scheduled with the consent of the Commonwealth, Defendant and defense counsel.

6. The courts of the 39<sup>th</sup> Judicial District are open and all cases are hereby authorized to be heard on every docket by the assigned judge, subject to the following restrictions: There shall never be more than 50% occupancy in a courthouse or courtroom and, when possible, no more persons shall be permitted in a court room that would prevent on a square footage basis all occupants to practice social distancing of 6 feet, whichever is the lesser occupancy rate. Masking requirements shall be observed in courtrooms and common spaces and court employee occupied offices as directed by the President Judge. Court Administration is authorized to post applicable limits for all court facilities outside the doors of each courtroom and hearing room. The judges and Court Administration shall cooperate and shall schedule matters in a way so as to permit dockets that demand more persons to appear to use the largest courtrooms and those requiring few parties or litigants to use the smaller courtroom and hearing spaces. Requests to enlarge the occupancy beyond these limits must be expressly approved by the President Judge. Court Administration shall also post such directives advocating the practice of social distancing in all court facilities. The same guidance applies to all Magisterial District Judges, masters, conciliation officers and hearing officers.
7. Counsel or parties may continue to file pleadings in an electronic form with the Prothonotary and Clerk of Courts, even though "efiling" systems are not yet in place.
8. All individuals entering any court facility and either Franklin or Fulton County shall comply with the screening criteria as approved by this court and respective county government. No person shall be admitted entry to any court facility if the refuse to comply with requirements of the screening criteria.

9. Consistent with CDC recommendations, no person shall enter or remain in a court facility, unless they wear a face covering that covers their nose, mouth and chin and is securely affixed to their face, or in the alternative, wears a face shield during court proceedings with the approval of the court.
10. The public and media may be granted access to the court proceeding on a limited basis as approved by Court Administration or in the alternative, the press or public may make a request of Court Administration for access to recordings immediately after a proceeding.
11. Call of the List and Pretrial Conferences for the criminal dockets shall continue to be evaluated to conduct them consistent with the prescribed social distancing and masking requirements or video transmission recommendations so as to minimize the chance of a large scale COVID-19 infection.
12. Magisterial District Judges may permit up to 50% occupancy within their offices and hearing facilities, but also may continue to provide alternate forms of access to their offices and to schedule matters by appointment so as to encourage social distancing.
13. The President Judge will monitor the constantly changing impact of the COVID-19 virus on the populations of both Franklin and Fulton Counties. When recommended restrictions are lessened or adequate effective vaccination and/or treatment is made available to the citizens of both counties, the President Judge may take action to either terminate the judicial emergency or expand access to the courts and court facilities as circumstances warrant.
14. A copy of this Order shall be posted on the exterior of every court facility, the court/county websites and filed of record with the Pennsylvania Supreme Court Prothonotary for the Middle District.

**ALL OTHER TERMS OF THE PRIOR JUDICIAL ORDERS AT THIS DOCKET NOT INCONSISTENT WITH THE ABOVE SHALL REMAIN IN FULL FORCE AND EFFECT.**



**Hon. Shawn D. Meyers, President Judge**

Dist:  
Common Pleas Judges for the 39th Jud. Dist.  
Hon. Angela Krom  
Hon. Jeremiah Zook  
Hon. Todd Sponseller  
Hon. Mary Beth Shank  
Court Administration