**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY**
**COMMONWEALTH OF PENNSYLVANIA**
**CRIMINAL DIVISION - LAW**

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| **IN RE: ADMINISTRATIVE ORDER 2020-17** | **No.: C-48-AD-62-2020** |
| **Pa.R.J.A. 1952 – JUDICIAL EMERGENCY** | |

FILED
2020 APR 17 PM 1:10
CLERK OF COURTS/PLEAS
CRIMINAL DIVISION
NORTHAMPTON COUNTY, PA

## ADMINISTRATIVE ORDER

**AND NOW**, this 17th day of April, 2020, pursuant to (1) the Pennsylvania Supreme Court's Order dated March 16, 2020 declaring a general, statewide judicial emergency until April 14, 2020 in order to limit the risk of exposure to Coronavirus (COVID-19) to the public; (2) the Pennsylvania Supreme Court's Order dated April 1, 2020 extending the statewide judicial emergency through April 30, 2020, stating that the Courts of Pennsylvania are "**CLOSED TO THE PUBLIC**" through April 30, 2020 and authorizing the President Judge of a judicial district to declare a judicial emergency through May 31, 2020; (3) this Court's Declaration of a judicial emergency in the Third Judicial District through May 31, 2020; and (4) Pennsylvania Rule of Judicial Administration 1952, it is hereby **ORDERED** as follows:

I.

1. In order to balance the public's compelling interest in securing access to judicial services and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . .," the Court has determined that the Northampton County Court of Common Pleas shall remain **CLOSED TO THE PUBLIC** through May 31, 2020 at 4:30 p.m., subject to provisions set forth below permitting the Court to (1) conduct daily court proceedings for essential services; and (2) conduct almost all other court proceedings, when necessary, by video conferencing through the Polycom RealPresence app or Skype for Business, which are installed in every courtroom in the courthouse and are free to attorneys and the public. Accordingly, the following proceedings are suspended through May 31, 2020:

   a. Jury duty for criminal and civil trials;

   b. Criminal jury and non-jury trials (May 4, 2020);

   c. Formal Arraignments (April 17, 2020, April 23, 2020, May 7, 2020, May 8, 2020, and May 21, 2020);

   d. Guilty pleas of non-incarcerated defendants;

e. Summary criminal appeals (April 20, 2020 and May 28, 2020);

f. ARD hearings (April 20, 2020 and May 28, 2020);

g. ASP hearings (April 21, 2020 and May 6, 2020);

h. Criminal trial scheduling conferences (April 16, 2020, April 30, 2020, May 6, 2020, May 13, 2020, May 14, 2020, May 20, 2020, May 28, 2020, June 4, 2020, June 18, 2020, July 2, 2020, July 16, 2020, and July 30, 2020);

i. Civil jury trials (May 11, 2020);

j. Civil non-jury trials (April 27, 2020);

k. Miscellaneous Court (April 15, 2020 and April 22, 2020);

l. Motions Court (April 16, 2020 through May 31, 2020);

m. Domestic Relations *de novo* and non-compliance hearings (April 20, 2020 and April 21, 2020);

n. Call of the Civil jury trial list (April 29, 2020);

o. Call of the Civil non-jury list (April 22, 2020);

p. Call of the Orphans Court Audit list (April 22, 2020 and May 27, 2020);

q. Asbestos pretrial conferences (April 29, 2020);

r. Child Custody Relocation hearings;

s. Child adoption hearings;

t. Civil arbitrations;

u. Mortgage foreclosure conferences;

v. License Suspension Appeals;

w. Preliminary hearings before Magisterial District Judges of non-incarcerated defendants;

x. Summary criminal trials, civil trials, and landlord/tenant hearings before Magisterial District Judges; and

y. Sheriff's Sale (May 8, 2020).

2. Criminal trials previously scheduled for April 6, 2020 are continued to June 15, 2020, June 16, 2020, and June 17, 2020. Calls of the Criminal trial list will take place on June 15, 2020, June 16, 2020, and June 17, 2020, at 9:00 a.m. and 1:00 p.m.

3. Criminal trials previously scheduled for May 4, 2020 are continued to June 22, 2020, June 23, 2020, and June 24, 2020. Calls of the Criminal trial list will take place on June 22, 2020, June 23, 2020, and June 24, 2020 at 9:00 a.m. and 1:00 p.m.

4. Criminal trials previously scheduled for June 1, 2020 are continued to July 6, 2020, July 7, 2020, and July 8, 2020. Calls of the Criminal trial list will take place on July 6, 2020, July 7, 2020, and July 8, 2020, at 9:00 a.m. and 1:00 p.m.

5. Criminal trials previously scheduled for July 6, 2020 are continued to July 13, 2020, July 14, 2020, and July 15, 2020. Calls of the Criminal trial list will take place on July 13, 2020, July 14, 2020, and July 15, 2020, at 9:00 a.m. and 1:00 p.m.

6. All criminal cases which are continued because of the judicial emergency shall be considered to be continued by the Court. Therefore, any continuance due to the judicial emergency shall constitute excludable time for purposes of the application of Rule of Criminal Procedure 600. *See* Pa.R.Crim.P. 600(C)(1) ("[P]eriods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation."); Pa.R.Crim.P. 600 cmt. ("Delay in the time for trial that is attributable to the judiciary may be excluded from the computation of time."); *Commonwealth v. Mills*, 162 A.2d 323, 325 (Pa. 2017) (dictum) ("[W]here a trial-ready prosecutor must wait several months due to a court calendar, the time should be treated as 'delay' for which the Commonwealth is not accountable."); *Commonwealth v. Bradford*, 46 A.3d 693, 705 (Pa. 2012) (finding that the Commonwealth did not violate Rule 600 where the delay was

caused by the Magisterial District Judge's failure to forward the file to the Court of Common Pleas as required by Pa.R.Crim.P. 547(B), resulting in the Court's failure to generate a docket number and, in turn, failure to trigger the District Attorney's internal tracking system; "[T]he Commonwealth exercised due diligence and the delay resulted from judicial delay beyond the Commonwealth's control.").

7. Civil jury trials previously scheduled for April 13, 2020 are continued to August 24, 2020.

8. Civil jury trials previously scheduled for May 11, 2020 are continued to September 21, 2020.

9. Civil non-jury trials previously scheduled for the week of April 27, 2020 are continued to the week of June 1, 2020. In lieu of a civil non-jury call, attorneys and parties shall send an email to the Office of Court Administration (jgreene@nccpa.org) by May 22, 2020, stating whether the matter is ready for trial and the approximate length of such trial.

10. The Sheriff sale previously scheduled for May 8, 2020 shall be continued until June 5, 2020.

11. Asbestos pretrial conferences scheduled for April 1, 2020 are continued until June 24, 2020 at 9:30 a.m. Asbestos pretrial

conferences scheduled for April 29, 2020 are continued until July 22, 2020 at 9:30 a.m.

12. Time calculations for the purposes of time computation relevant to Northampton County local rules are suspended from April 14, 2020 to May 31, 2020.

13. The duration of an order appointing an Emergency Guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513 shall be extended from 72 hours to 45 days from date of issuance of the order. All orders appointing an Emergency Guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513 which were issued between March 18, 2020 and April 9, 2020 shall be extended until June 2, 2020.

14. The duration of an order granting a temporary *ex parte* Protection from Abuse petition and scheduling a final hearing pursuant to 23 Pa.C.S.A. § 6107(b) shall be extended such that the date of the hearing pursuant to 23 Pa.C.S.A. § 6107(a) shall be extended from 10 days to 45 days from the date of the issuance of the temporary order. All final hearings previously scheduled pursuant to 23 Pa.C.S.A. § 6107(a) for a date between April 14, 2020 and May 31, 2020 shall be continued until Friday, June 5, 2020. All orders granting a temporary *ex*

*parte* Protection from Abuse petition shall be extended until June 5, 2020. The hearings shall be scheduled on June 5, 2020 at 30-minute intervals from 9:00 a.m. until 12:00 p.m. and from 1:30 p.m. until 3:30 p.m.

15. Complaints for child custody, petitions for modification or contempt of child custody orders, petitions for special relief in child custody, and stipulations concerning child custody shall be filed by mail to the Office of Court Administration, along with all required filing fees, related documents and a self-addressed, stamped envelope.

16. Except as set forth below, the Northampton County Court of Common Pleas shall remain **CLOSED TO THE PUBLIC** through May 31, 2020 at 4:30 p.m.

17. The Sheriff of Northampton County shall only allow entry to court facilities, which are under the direction and control of the President Judge, to members of the press, attorneys, parties, and witnesses for the proceedings set forth below.

II.

It is further **ORDERED** that Courtroom 9 of the Northampton County Courthouse shall remain open during Court business hours as an "Essential Services Court." The President Judge of the Northampton County Court of Common Pleas is assigned to solely preside over the Essential Services Court to handle all of the following proceedings:

1. guilty plea hearings for incarcerated defendants;
2. sentencing hearings for incarcerated defendants;
3. Gagnon I and Gagnon II hearings;
4. motions for bail modification for incarcerated defendants awaiting hearings for Gagnon II parole, probation, and intermediate punishment revocation hearings;
5. petition for parole hearings;
6. petitions for furlough;
7. applications for search warrants and arrest warrants;
8. bail modification and revocation hearings;
9. bench warrant hearings for criminal and domestic relations matters;
10. petitions for emergency guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513;
11. actions for emergency child protective services by the Northampton County Division of Children, Youth, and Families;

12. juvenile emergency shelter and detention hearings;
13. petitions for emergency child custody pursuant to Pa.R.C.P. 1915.4, where there is an immediate danger to the safety, health, or well-being of the child;
14. preliminary injunction proceedings where the moving party can establish a threat of irreparable harm, in which case, before appearing in Court, the moving party shall email a .pdf copy of the motion together with a memorandum of law in accordance with Northampton County Local Rule N210 to the Office of Court Administration (jgreene@nccpa.org), and thereafter, the Court Administrator will contact the parties and inform them whether the President Judge has approved an emergency hearing in the matter;
15. any pleading or motion relating to public health concerns and involving immediate and irreparable harm;
16. complaints and hearings for indirect criminal contempt of a protection from abuse order;
17. emergency petitions for protection from abuse;
18. emergency petitions for protection from elder abuse; and
19. emergency petitions for protection of victims of sexual violence or intimidation.

The hearings set forth in Section II (1)-(14) above may **only** be conducted via two-way simultaneous audio-visual communication with Courtroom 9 by using Polycom video conferencing or Skype for Business video conferencing. Members of the press may view the proceedings in Courtroom 9 or by using the Polycom RealPresence app for Android or Apple devices or by using Skype for Business.

**Polycom Real Presence**

Attorneys and parties may participate by downloading the Polycom RealPresence free app from Google Play for Android devices at [https://play.google.com/store/apps/details?id=com.polycom.cmad.mobile.android.phone&hl=en_US] or from the Apple App Store for all Apple devices at [https://apps.apple.com/us/app/ polycom-realpresence-mobile-hd/id465412616]. Attorneys and parties who wish to participate by using Polycom RealPresence shall contact the Office of Court Administration (jgreene@nccpa.org or 610-829-6700) to receive approval for participation via Polycom RealPresence and to obtain the IP address sign-in information for the scheduled hearing.

**Skype for Business**

Judicial secretaries will schedule Skype for Business video conferences through the Microsoft Outlook email client. The judicial secretaries will email the meeting invitation to the hearing participants. At the scheduled time of the hearing, the participants will click on the "Join a Skype Meeting" link in

their email client which will open a small web application connecting the participants to the meeting without the need to download an app on their devices.

III.

In order to limit the risk of exposure to Coronavirus (COVID-19) to the public, and pursuant to this Court's Declaration of a judicial emergency in the Third Judicial District and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . .," except as set forth in Section III (3), (5), (7)-(9) below, it is hereby **ORDERED** as follows:

1. During the effective period of this Order, all court cases previously assigned to any other Judge of the Court of Common Pleas, or any of the administrative judges of any of the divisions of the Court of Common Pleas, shall be reassigned to the President Judge.
2. Unless specifically assigned by written Order of Court issued and filed by the President Judge, all other Judges of the Court of Common Pleas, and all administrative judges of any of the divisions of the Court of Common Pleas, shall not conduct any of the proceedings set forth in Section II above, and shall not conduct any other type of proceeding or hearing which requires parties or attorneys to appear in person in court.

3. Nothing in this Order prohibits a Judge from (1) issuing an order in a previously assigned case which was fully submitted prior to the date of this Order and does not require any parties or attorneys to appear in person in court; or (2) conducting a Gagnon II hearing only via the Polycom RealPresence app or Skype for Business, specially scheduled by the Office of Court Administration, for a defendant previously sentenced by the Judge; or (3) imposing sentence only via the Polycom RealPresence app or Skype for Business upon a defendant who previously pleaded guilty. When imposing a sentence of imprisonment upon a non-incarcerated defendant, the sentence shall not commence before August 3, 2020.

4. To the extent not prohibited by the Governor's March 19, 2020 Order closing all non-life-sustaining businesses, including all law offices except for legal services with respect to an essential judicial service as defined by the President Judge of a Judicial District,

   a. all uncontested motions and agreed-upon, stipulated orders may be submitted by email to the Office of Court Administration (jgreene@nccpa.org) and will be signed by the President Judge and filed by the Office of Court Administration; and

b. a party or attorney who must present a contested motion or petition to the Court prior to May 6, 2020, which is not specifically set forth in Section II above as an essential judicial service, shall:

(1) email a .pdf copy of the motion together with a memorandum of law in accordance with Northampton County Local Rule N210 to the Office of Court Administration (jgreene@nccpa.org);

(2) serve the motion and memorandum of law upon the opposing party and attorney of record by email, by first class mail, and by certified mail, return receipt requested, restricted delivery, with a statement to the opposing party and attorney that the opposing party and attorney must, within five days of receipt, email a .pdf copy of the motion together with a memorandum of law in accordance with Northampton County Local Rule N210 to the Office of Court Administration (jgreene@nccpa.org); and

(3) if the motion or petition requires testimony, the parties shall arrange for depositions and submit a .pdf copy of the depositions to the Office of Court Administration (jgreene@nccpa.org).

5. **Miscellaneous Court**

Beginning on May 6, 2020, to the extent not prohibited by the Governor's March 19, 2020 Order closing all non-life-sustaining businesses, including all law offices except for legal services with respect to an essential judicial service as defined by the President Judge of a Judicial District, attorneys and parties may schedule miscellaneous hearings following the procedures set forth below for May 6, 2020, May 13, 2020, May 20, 2020, and May 27, 2020.

a. The Court will hear all matters allowed by Northampton County Local Rule N209, except all criminal cases. Except as set forth in Section III (3) above, all criminal matters will be handled by the President Judge in the Essential Services Court through May 31, 2020.

b. A party or attorney shall email a .pdf copy of a praecipe for a miscellaneous hearing, together with the respective motion or petition, and all proposed exhibits to the Office of Court Administration (jgreene@nccpa.org) and to the opposing counsel or party at least 7 days prior to the miscellaneous hearing date.

c. The President Judge will schedule the hearing and assign it to a Judge of the Court of Common Pleas.

d. The hearings will be scheduled at 30-minute intervals from 9:00 a.m. until 4:00 p.m.

e. The hearings may **only** be conducted via the Polycom RealPresence app or Skype for Business procedures set forth in Section II above.

f. Parties and attorneys shall be available 30 minutes before and 30 minutes after the scheduled hearing.

g. All courtrooms, judicial chambers and judicial residences are equipped with Polycom RealPresence and Skype for Business. Because the Northampton County Courts remain closed to the public, no parties, witnesses or attorneys may appear in person for the hearings.

6. **Formal Arraignments**

a. Formal arraignments for incarcerated defendants will take place on May 11, 2020, May 12, 2020, May 13, 2020, May 14, 2020 and May 15, 2020 at 9:00 a.m. and 1:00 p.m. **only** via the Polycom RealPresence app or Skype for Business procedures set forth in Section II above.

b. Attorneys shall participate in the formal arraignment proceedings for incarcerated defendants via the Polycom RealPresence app or Skype for Business.

c. For formal arraignments scheduled from May 11, 2020 through September 3, 2020, pursuant to Rule of Criminal Procedure 571(D), if a defendant wishes to waive appearance at a formal arraignment and is represented by counsel of record who concurs in the waiver, the defendant may waive the formal arraignment by completing the waiver of formal arraignment form attached as Exhibit D. The Court will mail a copy of the waiver of formal arraignment form to the defendant and counsel of record, together with an acknowledgement of formal arraignment and application for ARD or ASP. A defendant who wishes to waive formal arraignment and not appear in person on the scheduled arraignment date, must sign both (1) the acknowledgement of formal arraignment; and (2) the waiver of formal arraignment and return both forms in the stamped, self-addressed envelope at least 14 days before the scheduled arraignment date. A defendant who waives formal arraignment and wishes to apply for ARD or ASP, must complete the ARD or ASP application and return it the District Attorney's office at least 14 days before the scheduled arraignment date.

7. **Argument Court**

a. Argument Court for March 17, 2020, April 21, 2020, and May 26, 2020 is **CANCELED**.

b. Except as set forth in Section III (7)(c) below, all cases listed on the March 17, 2020, April 21, 2020, and May 26, 2020 Argument Court lists will be decided based upon the submitted legal briefs.

c. Attorneys or parties who wish to present oral argument to the Court shall contact the assigned judge's chambers and schedule oral argument. Oral argument may **only** be conducted via two-way simultaneous audio-visual communication with the assigned judge using the Polycom RealPresence app or Skype for Business procedures set forth in Section II above.

d. The petitions, motions and zoning and land use appeals set forth on the March 17, 2020, April 21, 2020, and May 26, 2020 Argument Court lists are assigned to the judges as set forth in Exhibits A, B, and C for the sole purpose of disposing of such petitions, motions and zoning and land use appeals in conformity with the provisions of this Order.

e. All applications for continuance of any of the cases set forth on Exhibits A, B, and C shall be emailed to the Office of Court Administration (jgreene@nccpa.org) for decision by the President Judge.

8. **Juvenile Court**

a. All juvenile dependency and delinquency proceedings shall take place **only** via the Polycom RealPresence app or Skype for Business procedures set forth in Section II above.

b. The Office of Court Administration will schedule the hearings before the juvenile division judges and masters.

c. Parties and attorneys shall be available 30 minutes before and 30 minutes after the scheduled hearing.

d. All courtrooms, judicial chambers and judicial residences are equipped with Polycom RealPresence. Because the Northampton County Courts remain closed to the public, no parties, witnesses or attorneys may appear in person for the hearings.

9. **Domestic Relations De Novo Court**

a. De novo hearings will be conducted on May 18, 2020 and May 19, 2020.

b. The hearings will be scheduled between 9:00 a.m. and 4:00 p.m.

c. The hearings may **only** be conducted by the Polycom RealPresence app or Skype for Business procedures set forth in Section II above.

d. Parties and attorneys shall be available 30 minutes before and 30 minutes after the scheduled hearing.

e. All courtrooms, judicial chambers and judicial residences are equipped with Polycom RealPresence. Because the Northampton County Courts remain closed to the public, no parties, witnesses or attorneys may appear in person for the hearings.

10. Settlement conferences before a settlement master shall be conducted only by telephone or by the Polycom RealPresence app or by Skype for Business.

11. Conferences before a divorce master shall be conducted only by telephone or by the Polycom RealPresence app or by Skype for Business.

12. Child custody conferences before a custody master shall be conducted only by telephone or by the Polycom RealPresence app or Skype for Business. The Custody Division will initiate the call to the parties or, in the case of represented parties, to their attorneys, at the time of the conference. All parties and attorneys

shall notify the Custody Division in advance if there is any change to their telephone numbers.

13. Hearings pursuant to the Mental Health Procedures Act, 50 P.S. § 7101, shall be conducted only by telephone.

14. Domestic Relations support conferences shall be conducted only by telephone or by the Polycom RealPresence app or by Skype for Business. The Domestic Relations Division will initiate the call to the parties or, in the case of represented parties, to their attorneys, at the time of the conference. All parties and attorneys shall notify the Domestic Relations Division in advance if there is any change to their telephone numbers.

15. Except as set forth below, the Northampton County Magisterial District Courts shall remain **CLOSED TO THE PUBLIC** through May 31, 2020 at 4:30 p.m.

16. During "normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, each Magisterial District Court shall only allow entry to the Magisterial District Court facilities to: (1) members of the press; (2) attorneys, police officers, and witnesses for a preliminary hearing of an incarcerated defendant (all preliminary hearings for all defendants who are not in prison are continued to a date after May 31, 2020); and (3) law enforcement officers for the filing and

subsequent processing of criminal, summary criminal, and non-traffic cases. Preliminary hearings of incarcerated defendants before Magisterial District Judges shall be conducted via two-way simultaneous audio-visual communication with the Magisterial District Court by using Polycom video conferencing or Skype Business.

17. Attorneys and parties who wish to participate by using Polycom RealPresence shall contact the Magisterial District Judge to receive approval for participation via Polycom RealPresence and to obtain the IP address sign-in information for the scheduled hearing. Members of the press may view the proceedings in the Magisterial District Court or by using the Polycom RealPresence app or Skype for Business.

**Polycom RealPresence**

Attorneys and parties may participate by downloading the Polycom RealPresence free app from Google Play for Android devices at [https://play.google.com/store/apps/details?id=com.polycom.cmad.mobile.android.phone&hl=en_US] or from the Apple App Store for all Apple devices at [https://apps.apple.com/us/app/polycom-realpresence-mobile-hd/id465412616].

**Skype for Business**

Magisterial District Judge technicians will schedule Skype for Business video conferences through the Microsoft Outlook email client. The Magisterial District Judge technicians will email the meeting invitation to the hearing participants. At the scheduled time of the hearing, the participants will click on the "Join a Skype Meeting" link in their email client which will open a small web application connecting the participant to the meeting without the need to download an app on their device.

18. Payments of fines and costs for summary criminal, traffic, and non-traffic cases pending before a Magisterial District Judge shall only be made online at [https://ujsportal.pacourts.us/PayOnline.aspx].

19. Landlords may mail requests to the Magisterial District Judge for orders of possession and orders for eviction with a check for the required filing fee. Pursuant to the Pennsylvania Supreme Court's order dated April 1, 2020, no order of eviction shall be executed until after April 30, 2020. Private criminal complaints and civil complaints and civil complaints may be mailed to the Magisterial District Judge with a check for the required filing fee.

20. All preliminary arraignments by Magisterial District Judges, regardless of whether the arrest is made during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County Administrative Order 2007-3, shall be conducted pursuant to paragraph 4(A) of Northampton County Administrative Order 2007-3.

21. All applications for arrest and search warrants to Magisterial District Judges, and the issuance thereof by Magisterial District Judges, regardless of whether the application is made during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County Administrative Order 2007-3, shall be conducted pursuant to paragraph 8 of Northampton County Administrative Order 2007-3.

22. All emergency petitions and hearings for protection from abuse, protection from elder abuse, and protection of victims of sexual violence or intimidation which are presented between the hours of 2:30 p.m. and 4:30 p.m., Monday through Friday, and "at times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, shall be conducted by Magisterial District Judges pursuant to paragraph 9 of Northampton County Administrative Order 2007-3. Complaints for indirect criminal contempt of protection from abuse, protection

from elder abuse, and protection of victims of sexual violence or intimidation orders which are presented between the hours of 2:30 p.m. and 4:30 p.m., Monday through Friday, and "at times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, shall be processed by Magisterial District Judges pursuant to paragraph 9 of Northampton County Administrative Order 2007-3.

23. During "normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, each Magisterial District Judge shall conduct the proceedings set forth in Section III (20)-(21) of this Order which occur in his/her Magisterial District.

24. "At times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, the Magisterial District Judge who is temporarily assigned as the issuing authority for all Magisterial Districts in the Third Judicial District pursuant to the December 16, 2019 Order of Court shall conduct both (1) the proceedings set forth in Section III (20)-(21) of this Order; and (2) **all** proceedings set forth in Section III (22) of this Order.

IV.

It is further **ORDERED** as follows:

1. In order to limit the risk of exposure to Coronavirus (COVID-19) to the public, and pursuant to this Court's Declaration of a judicial emergency in the Third Judicial District and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . .," the Court has revised the 2020 Court Calendar to increase the number of sessions for Formal Arraignments, Summary Criminal Appeals, and ARD/ASP hearings in order to limit the number of people present in courtrooms. The Revised 2020 Court Calendar is attached hereto as Exhibit E.
2. The requirements in Northampton County Administrative Order 2020-5, directing that Magisterial District Judges provide requested case records to the public or press, shall apply to all proceedings in Section III (20)-(21) of this Order, regardless of whether the proceeding occurs during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County Administrative Order 2007-3. Members of the press may view the proceedings in Section III (20) of this Order by using the Polycom RealPresence app for Androids or Apple devices.

3. Nothing in this Order amends or changes the terms of paragraph 4(A) of Northampton County Administrative Order 2015-9.

4. In accordance with the Order issued on April 15, 2020 by the Secretary of the Pennsylvania Department of Health,[1] and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . .," all court employees who are under the supervision and authority of the President Judge, and all individuals who enter any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services, shall wear a mask which covers the mouth and nose and shall maintain a distance of at least six feet from any other individual while in the courtroom or court facility. The masks shall be made and worn in accordance with CDC guidelines found at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html and attached as Exhibit F. Notwithstanding the foregoing, masks shall not be required for

[1] Notwithstanding that the Secretary's Order does not apply to government entities, including the Courts, we voluntarily adopt certain requirements of the Secretary's Order which we believe to be best practices.

individuals who cannot wear a mask due to a medical condition (including children under the age of two) or for employees who are using break time to eat or drink.

5. The following individuals will be prohibited from entering any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services:

    - Have been directed to quarantine, isolate or self-monitor at home for the coronavirus by any doctor, hospital or health agency; or
    - Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
    - Have flulike symptoms; or
    - Are not wearing a mask in accordance with Section IV (4) above.

This Order shall become effective on April 20, 2020 at 8:30 a.m. and shall expire on May 31, 2020 at 4:30 p.m. unless extended by further Order of Court. The requirements set forth in Section IV (4) and (5) of this Order shall remain in effect until further Order of Court.

**BY THE COURT:**

**MICHAEL J. KOURY, JR.**
**PRESIDENT JUDGE**

**Exhibit A – March Argument List Cases**

a. Judge Stephen G. Baratta
    1. *Michael Moussa vs. Nissan Motor Acceptance Corporation*, CV-2019-10883. (number 33 on the argument list).
    2. *Kendell Alexander vs. Nizia Viana*, CV-2019-11807. (number 35 on the argument list).

b. Judge Paula A. Roscioli
    1. *DeanaMarie Centanni-English vs. Comfort Solutions HVAC*, CV-2019-04702. (number 20 on the argument list).
    2. *Notaro Family Trust vs. NCS Services LLC*, CV-2019-11319. (number 34 on the argument list).
    3. *Tricia Mezzacappa vs. Borough of West Easton*, CV-2020-1089. (number 40 on the argument list).

c. Judge Anthony S. Beltrami
    1. *Kimberly Guerin vs. William Fedullo*, CV2019-01701. (number 13 on the argument list).
    2. *Jeffrey Williams vs. Marc Vanic*, CV-2019-09262. (number 28 on the argument list).

d. Judge Craig A. Dally
    1. *Progressive Direct Insurance Company vs. Renee Ponce*, CV-2019-00739. (number 12 on the argument list).
    2. *Peter Douglas vs. Erin Ruhl*, CV-2019-10022. (number 31 on the argument list).

e. Judge Jennifer R. Sletvold
    1. *Allison Wetzel vs. Dr. John Altobelli*, CV-2018-8753. (number 10 on the argument list).
    2. *LVNV Funding LLC vs. Buffy Hughes*, CV-2019-09881. (number 30 on the argument list).

f. Judge Samuel P. Murray
    1. *Joseph Bauer vs. Pennsylvania Department of Transportation*, CV-2018-5593. (number 8 on the argument list).
    2. *Grassy Sprain Group Inc. vs. Jeffrey Snyder*, CV-2019-09422. (number 29 on the argument list).

g. Judge John M. Morganelli
    1. *Judith P. Numon vs. Ronald E. Numon*, CV-2017-11100. (number 4 on the argument list).
    2. *Michelle Sharr Renna vs. Manorcare Health Services – Easton, et al*, CV-2019-5424. (number 23 on the argument list).
    3. *Bank of America vs. Stacey Liebow*, CV-2020-0703. (number 39 on the argument list).

h. Judge Abraham P. Kassis
    1. *Francis A. Clause vs. ACE Hardware Corporation*, CV-2017-1314. (number 2 on the argument list).
    2. *Francis A. Clause vs. John L. Dotta & Sons Contr*, CV-2017-11526. (number 5 on the argument list).
    3. *Peter Ramsay vs. Sage Auto Insurance Company*, CV-2019-02887. (number 15 on the argument list).

## Exhibit B – April Argument List Cases

a. Judge Stephen G. Baratta:
    1. *Christopher J. Lacroix vs. Robert Carmeron, et al.*, CV-2016-04213. (number 4 on the argument list).
    2. *Robert Cameron, AN vs. Christopher J. Lacroix,* CV-2016-06644. (number 7 on the argument list).
    3. *Doris Zielinski vs. Lois Kemmerer,* CV-2019-02359. (number 19 on the argument list).
    4. *Branch Banking and Trust Company vs. Patricia Sue Sullivan Mayer,* CV-2019-06357. (number 30 on the argument list).
    5. *Bethlehem Landfill Company vs. Bethlehem Renewable Energy, LLC,* CV-2019-10344. (number 39 on the argument list).
    6. *Dean Lyden vs. Keith Lyden,* CV-2020-00268. (number 46 on the argument list).
    7. *Dean Lyden vs. Keith Lyden,* CV-2020-00269. (number 47 on the argument list).

b. Judge Paula A. Roscioli:
    1. *Richard F. Simmers vs. Michael Gabriele, AN,* CV-2016-06430. (number 6 on the argument list).
    2. *Bernadette N. Bruno vs. Sands Casino Resort Bethlehem,* CV-2019-01317. (number 16 on the argument list).
    3. *Kicker's Pub and Restaurant, AN vs. Knafo Law Offices, LLC,* CV-2019-03136. (number 23 on the argument list).
    4. *First Technology Federal Credit Union vs. Angel Velazquez,* CV-2019-08329. (number 35 on the argument list).
    5. *HSBC Bank USA NA vs. Herbert J. Toy AN,* CV-2019-09071. (number 37 on the argument list).
    6. *Capital One Bank USA NA vs. Linda P. Wasser,* CV-2019-12042. (number 45 on the argument list).

c. Judge Anthony S. Beltrami:
    1. *Michael P. Hrichak vs. Bobbijo E. Hrichak,* CV-2016-05852. (number 5 on the argument list).
    2. *Michelle Richie vs. Gerald Prentiss,* CV-2018-05633. (number 13 on the argument list).
    3. *Deutsche Bank National Trust Company vs. Fatimah Scruggs,* CV-2018-11211. (number 14 on the argument list).
    4. *Guido Rigo vs. Chirag Mukund Shelat,* CV-2019-05995. (number 28 on the argument list).
    5. *John Brown vs. Chirag Mukund Shelat,* CV-2019-05996. (number 29 on the argument list).
    6. *Junius Morgan vs. City of Easton,* CV-2019-11725. (number 44 on the argument list).
    7. *Anthony Labbadia vs. Pools By Snyder, LLC,* CV-2020-01707. (number 53 on the argument list).

d. Judge Craig A. Dally:
    1. *PNC Bank National Association vs. Gregory M. Pugliese,* CV-2018-04799. (number 12 on the argument list).
    2. *Cynthia B. Harvilla vs. City of Bethlehem,* CV-2018-12081. (number 15 on the argument list).
    3. *Linda M. Roth vs. Ledgerworx, LLC,* CV-2019-07421. (number 34 on the argument list).
    4. *NAPA Development Corporation, Inc., vs. Robert J. Weedo Estate Of,* CV-2019-09120. (number 38 on the argument list).
    5. *Lorraine Parks vs. Jervis Hetrick,* CV-2020-01090. (number 52 on the argument list).
    6. *In Re: Estate of Charles Chrin, deceased,* OC-2018-0911. (number 58 on the argument list).
    7. *Cynthia L. Miller vs. Stephen Kyra,* CV-2020-00574. (number 50 on the argument list).

e. Judge Jennifer R. Sletvold:
    1. *Marcia L. Stewart, et al., vs. Williams Township, et al.,* CV-2016-03967. (number 3 on the argument list).
    2. *Brock Pearson vs. Color-Tech, Inc.,* CV-2018-00697. (number 10 on the argument list).
    3. *PAJ Ventures, LP vs. Zoning Hearing Board of Moore Township,* CV-2019-03076. (number 22 on the argument list).
    4. *Nationwide Property and Casualty Insurance Company vs. David Stuber,* CV-2019-04957. (number 26 on the argument list).
    5. *William Kulp vs. Maldonado,* CV-2019-06994. (number 31 on the argument list).
    6. *Louise Ramsey Matthews vs. Sean P. Burke,* CV-2019-11668. (number 43 on the argument list).

f. Judge Samuel P. Murray:
    1. *Chrin Brothers, Inc., vs. GSE Environmental LLC, et al.,* CV-2014-12022. (number 1 on the argument list).
    2. *Fundamental Funding, LLC vs. Charles Stephen Goodman,* CV-2017-02680. (number 9 on the argument list).
    3. *Erie Insurance Exchange vs. Sandra Fisher,* CV-2019-02892. (number 21 on the argument list).
    4. *Bradley Horn vs. Gidget Mock,* CV-2019-04909. (number 25 on the argument list).
    5. *Jan Delena vs. Randy Tigar, AN,* CV-2019-08810. (number 36 on the argument list).
    6. *Shellpoint Mortgage Servicing vs. Michael A. Keiper,* CV-2019-10622. (number 42 on the argument list).
    7. *In Re: Estate of Albert Brodhead, deceased,* OC-1939-0008. (number 56 on the argument list).

g. Judge John M. Morganelli:
    1. *Ritter Tanner Minor A, et al. vs. City of Bethlehem, et al.,* CV-2016-07752. (number 8 on the argument list).
    2. *Kimberly Guerin vs. William P. Fedullo,* CV-2019-01701. (number 18 on the argument list).
    3. *Producer Capital Fund, LLC vs. Green Leaf Productions, Inc., et al.,* CV-2019-04252. (number 24 on the argument list).
    4. *City of Bethlehem vs. Jackson J. Giedgowd,* CV-2019-07000. (number 32 on the argument list).

5. *Kim Lebuuecher vs. Nancy Polak, et al.,* CV-2019-10447. (number 41 on the argument list).

h. Judge Abraham P. Kassis:
   1. *Gary Pieretti, AN vs. Easton Hospital, et al.,* CV-2016-02249. (number 2 on the argument list).
   2. *Celeste Lane vs. City of Bethlehem,* CV-2018-01912. (number 11 on the argument list).
   3. *Peter Ramsay vs. Safe Auto Insurance Company,* CV-2019-02887. (number 20 on the argument list).
   4. *Planet Home Lending, LLC vs. Jessica M. Pail,* CV-2019-07101. (number 33 on the argument list).
   5. *Hellen Nisbett vs. Ana Reyes-Duran,* CV-2019-10434. (number 40 on the argument list).
   6. *Nic Zawarski and Sons Developers, Inc., vs. Taariq A. Aziz,* CV-2020-00366. (number 48 on the argument list).

## Exhibit C – May Argument List Cases

a. Judge Stephen G. Baratta:
   1. *BT Management, LLC vs. 7065-A William Penn Highway, LLC,* CV-2014-03772. (number 4 on the argument list).
   2. *Luis A. Meletiche vs. Hydong Nguyen,* CV-2018-11634. (number 10 on the argument list).

b. Judge Paula A. Roscioli:
   1. *Felix Vidal Vega vs. Katherine Rosado Toro,* CV-2020-02200. (number 17 on the argument list).
   2. *Lisett Maldonado vs. City of Bethlehem, AN,* CV-2017-09432. (number 5 on the argument list).

c. Judge Anthony S. Beltrami:
   1. *Lafayette Ambassador Bank vs. Bryan P. Smith,* CV-2018-10640. (number 9 on the argument list).
   2. *Nelson Lauver vs. Northampton County,* CV-2019-05688. (number 18 on the argument list).

d. Judge Craig A. Dally:
   1. *Sally Yabra vs. New Enterprises Stone and Lime Co., Inc.,* CV-2017-10005. (number 6 on the argument list).
   2. *Discover Bank vs. Beth A. Fragnito,* CV-2019-01725. (number 11 on the argument list).

e. Judge Jennifer R. Sletvold:
   1. *US Bank National Association vs. Carl Frederick Kemmerer,* CV-2019-09273. (number 13 on the argument list).
   2. *American Express National Bank vs. Rohmane Smith,* CV-2020-01078. (number 16 on the argument list).
   3. *Herbert E. Smith vs. Mary E. Hutchins Rosin,* CV-2018-08058. (number 8 on the argument list).

f. Judge Samuel P. Murray:
   1. *Chrin Brothers, Inc., vs. GSE Environmental LLC, et al.,* CV-2014-12022. (number 3 on the argument list).
   2. *Caliber Home Loans, Inc. vs. Scott S. Grube,* CV-2020-00559. (number 15 on the argument list).

g. Judge John M. Morganelli:
    1. *Caitlin Ferrante vs. Sands Bethworks Gaming, LLC,* CV-2018-08014 (number 7 on the argument list).
    2. *Margaret S. O'Donnell vs. Emmanuel John Tweve,* CV-2019-04133. (number 12 on the argument list).
    3. *HSBC Bank USA National Association vs. Donna McCarthy,* CV-2019-09649. (number 14 on the argument list).
    4. *Yoana Paramo vs. Wilson Area School District, AN,* CV-2020-00402. (number 19 on the argument list).

h. Judge Abraham P. Kassis:
    1. *Sidney Miranda vs. Paul Senick,* CV-2014-07985. (number 2 on the argument list).
    2. *Sidney Miranda vs. Deere and Company, et al.,* CV-2015-09697. (number 4 on the argument list).

**Exhibit D – Waiver of Formal Arraignment Form**

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY**
**COMMONWEALTH OF PENNSYLVANIA**
**CRIMINAL DIVISION**

| | |
|---|---|
| **COMMONWEALTH OF PENNSYLVANIA** | **No.: C-48-CR-** |
| **vs.** | |
| **,** | |
| **Defendant.** | |

**NOTICE OF ARRAIGNMENT**
**NOTICE TO APPEAR**

**AND NOW**, this_____ day of _____, 2020, you are directed to appear under in Courtroom 1, at the Northampton County Courthouse, 669 Washington Street, Easton, Pennsylvania 18042 on _____ at _:00 _.M. for arraignment.

**INSTRUCTIONS**

You have been directed to appear for arraignment on the above date and time. At this time, you will be brought before the President Judge of the Court of Common Pleas of Northampton County for the reading of the charges against you as contained in this information. You will also be informed of your rights, particularly the time period in which you must file all pre-trial motions.

You have the right to represented by an attorney. If you cannot afford an attorney, you are instructed to contact the PUBLIC DEFENDER'S OFFICE, Northampton County Government Center, 669 Washington Street, Easton, Pennsylvania 18042 (610) 829-6384.

If you are represented by an attorney, you may waive the arraignment by signing the attached "Waiver of Arraignment" form. If you and your attorney sign the attached "Waiver of Arraignment" form and mail in the stamped self-addressed envelope 10 days prior to the date of the arraignment, you **do not** have to appear in court for your arraignment. If you are not represented by an attorney, you **must** appear for your arraignment.

I, _____, hereby acknowledge receipt of this notice to appear on the above date and time for arraignment, and I understand that a Bench Warrant will be issued for my arrest if I fail to appear for my arraignment or if I am represented by an attorney and I fail to submit a "Waiver of Arraignment."

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY**
**COMMONWEALTH OF PENNSYLVANIA**
**CRIMINAL DIVISION**

| | |
|---|---|
| **COMMONWEALTH OF PENNSYLVANIA** | **No.: C-48-CR-** |
| **vs.** | |
| **,** | |
| **Defendant.** | |

## WAIVER OF ARRAIGNMENT

I, _____ hereby acknowledge that I have received "NOTICE OF ARRAIGNMENT" and copies of the information containing criminal charges against me.

It is my choice to enter a plea of "NOT GUILTY" and to waive my rights to be formally arraigned in Open Court.

I have consulted with my attorney, and he/she and I are aware of my rights to file:

1. A request for a "BILL OF PARTICULARS" within SEVEN (7) DAYS following the date of my arraignment pursuant to Pennsylvania Rules of Criminal Procedure 304;

2. A "MOTION FOR PRETRIAL DISCOVERY AND INSPECTION" within FOURTEEN (14) DAYS following the date of my arraignment pursuant to Pennsylvania Rules of Criminal Procedure 305; and

3. Various other pretrial motions available to me which must be stated in a single document titled "OMNIBUS PRETRIAL MOTION" to be filed and served within THIRTY (30) DAYS following the date of my arraignment pursuant to Pennsylvania Rules of Criminal Procedure 306 and 307.

My attorney and I understand that the time for the filing of the above motions is mandatory except where unusual circumstances exist or the time has been extended by the Court.

My attorney and I are aware that if I don't file the above motions in accordance with the Rules of Criminal Procedure as outlined above, I may jeopardize my right to file them at a later date.

I am hereby notified that, as a condition of bail, I am required to notify in writing the Clerk of Courts office, the District Attorney's office, and Pre-Trial Services of any change of address and/or telephone number within forty-eight (48) hours after any change by mail or delivering in person said notice to each of the above (Pa. Rule of Criminal Procedure 117).

_____ _____

ATTORNEY FOR DEFENDANT DEFENDANT

_____

DATE

**The above Waiver of Arraignment and plea of Not Guilty are hereby accepted.**

_____

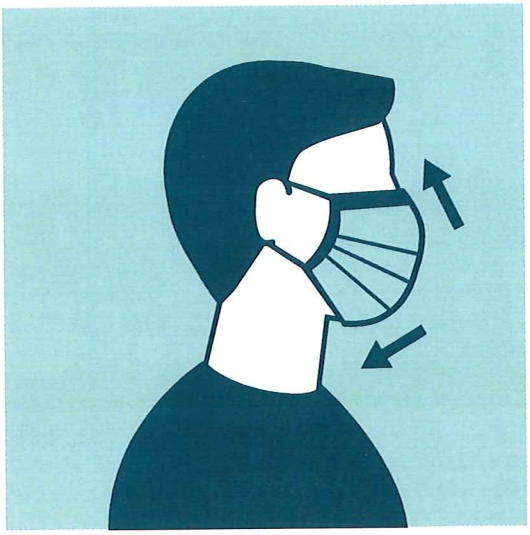
**MICHAEL J. KOURY, JR.**
**PRESIDENT JUDGE**

# Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

## How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape



## CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

## Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

Yes. They should be routinely washed depending on the frequency of use.

## How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

## How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.

CDC

**cdc.gov/coronavirus**

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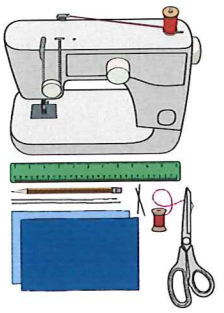
# Sewn Cloth Face Covering

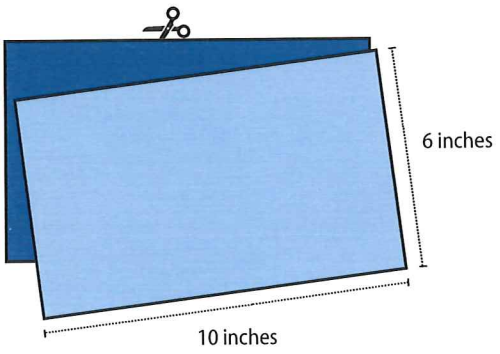


## Materials

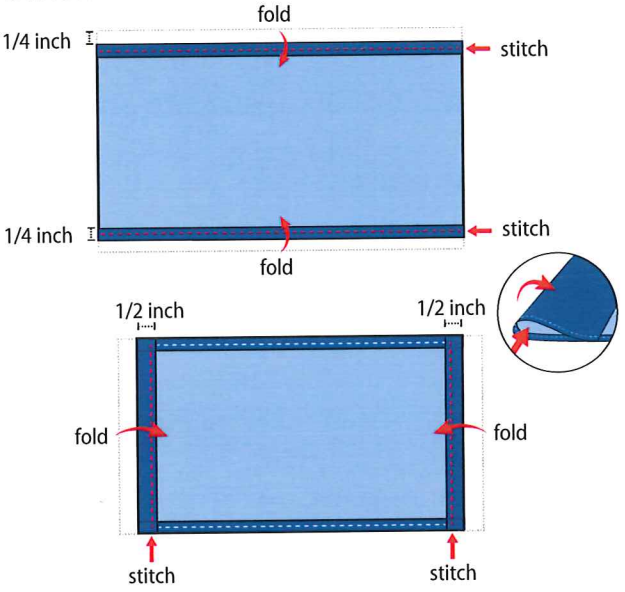
- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hair ties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

## Tutorial

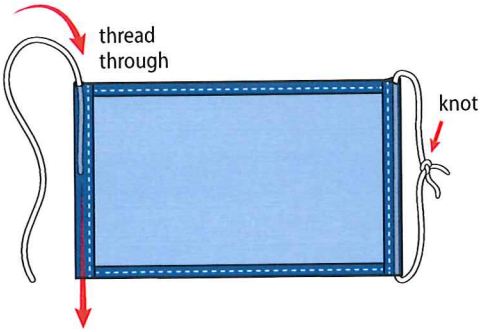
**1.** Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the cloth face covering as if it was a single piece of fabric.



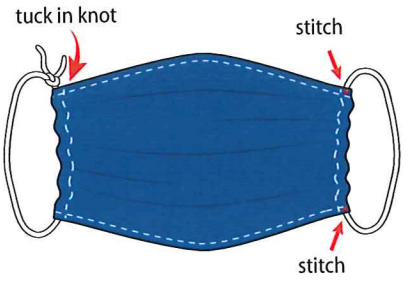

**2.** Fold over the long sides ¼ inch and hem. Then fold the double layer of fabric over ½ inch along the short sides and stitch down.




**3.** Run a 6-inch length of 1/8-inch wide elastic through the wider hem on each side of the cloth face covering. These will be the ear loops. Use a large needle or a bobby pin to thread it through. Tie the ends tight.
Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the cloth face covering behind your head.




**4.** Gently pull on the elastic so that the knots are tucked inside the hem.
Gather the sides of the cloth face covering on the elastic and adjust so the mask fits your face. Then securely stitch the elastic in place to keep it from slipping.



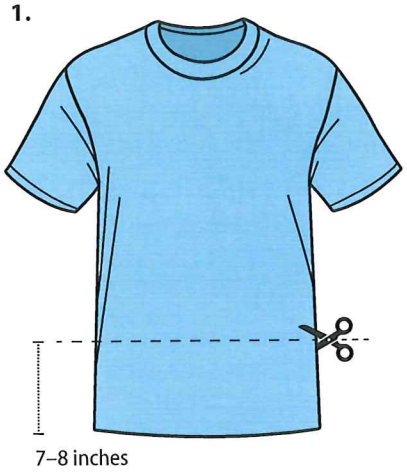
# Quick Cut T-shirt Cloth Face Covering (no sew method)

## Materials

- T-shirt
- Scissors

## Tutorial

1.

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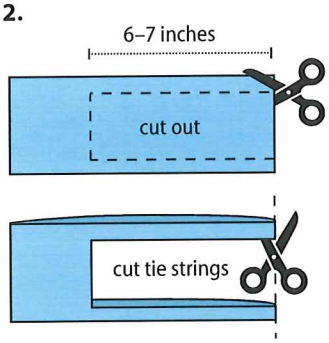
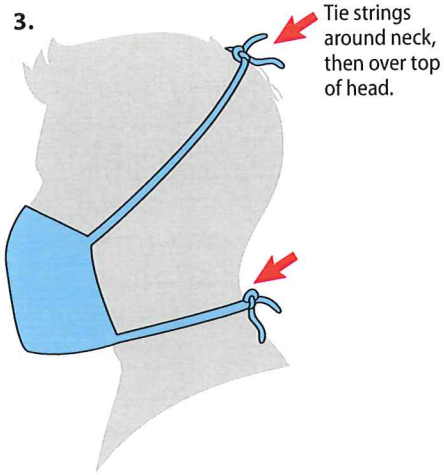



3.

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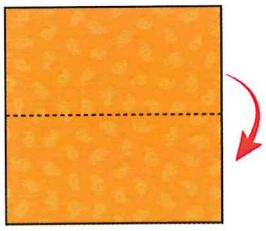
# Bandana Cloth Face Covering (no sew method)

## Materials

- Bandana (or square cotton cloth approximately 20"x20")
- Rubber bands (or hair ties)
- Scissors (if you are cutting your own cloth)

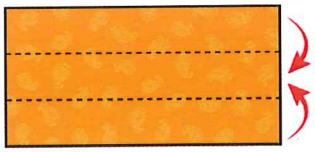
## Tutorial

1.



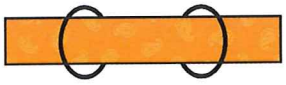
Fold bandana in half.

2.



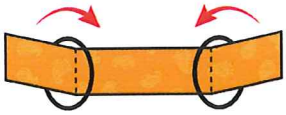
Fold top down. Fold bottom up.

3.



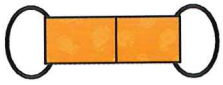
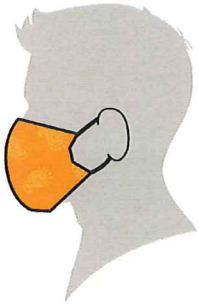
Place rubber bands or hair ties about 6 inches apart.

4.



Fold side to the middle and tuck.

5.



6.