

**IN THE COURT OF COMMON PLEAS FOR THE 39TH JUDICIAL DISTRICT Franklin
County and Fulton County Branches**

In Re: 39th Judicial District : Emergency Judicial Order
: :
: 57 MM 2020
: No. 53-2020 MCP

Amended Emergency Judicial Order

And now this 28th day of December, 2020,

WHEREAS, this court entered an amended emergency judicial order on December 21, 2020, extending the “rolling back” of court proceedings within the 39th Judicial District through January 31, 2021 to limit in-person proceedings to only those originally exempted by Chief Justice Saylor by his order of March 18, 2020;

AND WHEREAS since the entry of the December 21, 2020 order, not only have cases increased in the judicial district, employees in various court and court related/public offices have reported exposures to persons who have tested positive for the virus; A new more contagious variant of the coronavirus has been identified within the United Kingdom and multiple nations around the world and most scientific experts agree that it will appear in the United States in the weeks ahead, but it will be addressed by the vaccines for coronavirus once those vaccines are readily available and administered to the population; Healthcare workers have been the only persons to receive the first doses of the vaccine within the 39th Judicial District and additional doses to any other persons have not yet been distributed; See: Forbes.com, Dec. 26, 2020, “New Coronavirus Strain Detected In More Countries”, Carlie Porterfield, Forbes Staff; “First doses of COVID-19 vaccine arrive at hospitals in Franklin and Adams counties”, Amber South, Chambersburg, Public Opinion.com, Dec. 16, 2020 with updates.

AND WHEREAS, a large coalition of health systems, local government boards, non-profits and professional associations have banded together to support efforts to stem the rising positivity rate and hospitalization of the citizens in Franklin County; See <https://www.healthyfranklincounty.org/community-call-action-we-will-work-together-mitigate-spread-covid-19>;

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AND WHEREAS, Fulton County continues to see infection numbers far greater than those ever recorded at any time during the pandemic; Pa. Dept. of Health December, 19, 2020.

AND WHEREAS, the courts continue to be a place in which there is inadequate ventilation, and proceedings compel persons to interact in close proximity over several minutes and hours, especially attorneys and clients, which in turn prevent meaningful compliance with CDC recommended guidelines for social spacing and time limits in enclosed areas which may help with but cannot actually eliminate the spread of the virus;

AND WHEREAS, the court has reviewed the various judicial emergency orders filed in the 61 judicial districts and determined a majority have suspended the manner in which various proceedings will be conducted into 2021 in response to the impact the virus has had on their respective districts;

AND WHEREAS, the virus continues to pose a threat to the health and safety of employees who work within court facilities, attorneys, litigants and the public at large;

**For the foregoing reasons the undersigned President Judge does decree and
IT IS HEREBY ORDERED:**

AND NOW this 28th day of December, 2020, the Court having executed and filed an Amended Emergency Judicial Order on December 21st, 2020 eliminating in-person proceedings through January 31, 2021 which would include the summoning of jurors to the courthouses in the judicial district;

IT IS HEREBY ORDERED that the Judicial Emergency is extended within the 39th Judicial District until April 30, 2021;

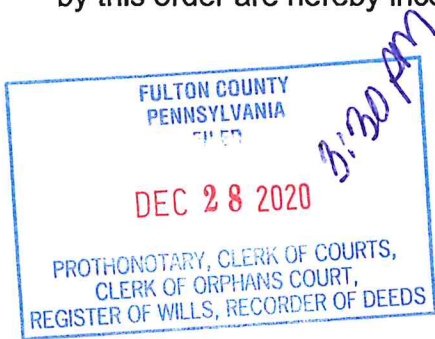
IT IS FURTHER ORDERED that all civil and criminal pretrial conferences, jury selections and jury trials for the January, 2021 Trial Term in both Franklin and Fulton Counties are continued until the next subsequent Trial Terms which are:

- A. Franklin County: Criminal Pretrial Conference, March 1, 2021, Hon. Angela Krom presiding beginning at 9:00 a.m. March 8, 2021, Jury Selection beginning at 9:00 a.m., Judges to be assigned. Civil Jury Trials to resume as of March 8, 2021, subject to scheduling orders issued by the presiding judge.
- B. Fulton County: April 26, 2021, Jury Selection beginning at 9:00 a.m.; Call of Criminal Trial List, April 13, 2021 beginning at 9:00 a.m.; Hon. Mary Beth

Shank, presiding on both dates. Civil Jury Trials to resume as of April 26, 2021, subject to scheduling orders issued by the presiding judge.

IT IS FURTHER ORDERED that calculations of time as to the right to a speedy trial pursuant to Pa.R.Crim.P. 600 are suspended in each county until the date identified for jury selection.

All other provision of the December 7, 2020 Emergency Judicial Order and the Amended Emergency Judicial Order dated December 21st, 2020 not otherwise altered by this order are hereby incorporated and affirmed.



Signed: *Shank*
P.J.

Dated: December 28, 2020

- Dist:
- Board of Judges
 - Court Administration
 - Magisterial District Judges
 - Tim Sponseller, Franklin Co. Prothonotary
 - Todd Rock, Franklin Co. Clerk of Courts
 - Linda Miller, Franklin Co. Register and Recorder
 - Patty Fix, Fulton Co. Prothonotary/Clerk/Register & Recorder
 - Franklin Co. Sheriff Dane Anthony
 - Fulton Co. Sheriff Keith Stains
 - Chief Douglas Wilburne – Franklin Co. Probation/Parole
 - Chief Richard Ackerman – Franklin Co. Juvenile Probation
 - Chief Dan Miller – Fulton Co. Adult & Juv. Probation/Parole
 - Franklin Co. District Attorney, Matt Fogal
 - Franklin Co. Public Defender, Casey Bogner
 - Fulton Co. District Attorney Travis Kendall
 - Fulton Co. Public Defender Phil Harper
 - Conflict Counsel: S. Kulla, Esq.; E. Weisbrod, Esq.; K. Taccino, Esq.
 - Franklin & Fulton Co. Commissioners
 - Masters/Hearing Officers/Conciliators