

**Montgomery County Court of Common Pleas
Civil Division**

Protocol for Virtual Court Hearings and Processing Matters in the Civil Division

1. Beginning June 1, 2020 and continuing until further notice, most Montgomery County Civil Division Proceedings that cannot be resolved on the paper/filings (Level I in the 38th Judicial District – Montgomery County Safety Plan) will be conducted remotely as Virtual Court Hearings. (Level II in the 38th Judicial District Safety Plan).

All parties and counsel shall be familiar with and shall comply with the Montgomery County Court of Common Pleas Protocol for Virtual Court Hearings. Hearings will be conducted via advanced communication technology whenever possible. No proceedings shall be conducted in person at the Courthouse, except as required by law and consistent with public safety considerations.

2. All Virtual Court Hearings shall be scheduled by Order issued by the Court and shall be conducted using the Zoom video meeting platform for video and audio. The Court shall provide notice of hearing date and time, including both the Court Order and the Zoom invitation, to all counsel of record and all self-represented parties by delivery to their email addresses. Counsel or self-represented parties shall be responsible for providing a copy of the Order, Protocol for Virtual Court Hearing and Zoom invitation to all witnesses and parties.
3. All Virtual Court Hearings will be of record with a Court Reporter participating remotely. No other participant is permitted to make any other recording of the proceedings.
4. Parties, witnesses and counsel shall be expected to join the waiting room for the Virtual Court Hearing at least 15 minutes before the Virtual Court Hearing is scheduled to begin.
5. **EMERGENCY MISCELLANEOUS JUDGE:** The following types of matters will be forwarded to the Emergency Miscellaneous Judge who shall make every effort to resolve and dispose of all matters on the paper/filings or by phone conference scheduled by Chambers. If a hearing is needed, it will be scheduled as a Virtual Hearing before the Equity/Emergency Hearing Judge.
 - a. Mental Health Commitments
 - b. Petitions for Name Change
 - c. Motions for Sanctions
 - d. Rule Absolute Orders that need review from Rule Returnable list.
6. **EQUITY/EMERGENCY HEARING JUDGE:** The following types of matters will be forwarded to the Emergency/Equity Hearing Judge who will attempt to resolve the matter on the paper/filings or by phone conference, or if determined necessary, a Virtual Hearing to be scheduled by Court Administration.
 - a. Petitions for *In Forma Pauperis*
 - b. Equity/Emergency Filings

- c. Hearings on matters that cannot be resolved by Emergency Miscellaneous Judge on the papers/filings or by phone conference.

7. **MATTERS TO BE REVIEWED ON PAPER/WRITTEN FILINGS**

The following types of matters will be considered by the Court based on the paper/written filings, and if applicable, the filed responses.

a. **Motions for Extraordinary Relief**

- i. For any matter with a Case Management Order or Rule 212 Conference Order issued prior to March 12, 2020, a blanket order will be issued providing all deadlines falling on or after March 12, 2020, are extended for 3 months.
- ii. For any pending Motions for Extraordinary Relief, a blanket order will be issued denying without prejudice these motions.

b. **Stipulations**

- i. Stipulations filed before and during the Judicial Emergency, and not resolved, will be handled by the Judge assigned to the matter for review.
- ii. Stipulations filed after the Judicial Emergency will be handled by the Judge assigned to the matter for review.

c. **Preliminary Objections**

- i. For Preliminary Objections that had legal papers or pleadings required to be filed between March 12, 2020 and June 15, 2020, all filings will be timely if filed by close of business on June 15, 2020. After June 15, 2020, Court Administration will process and forward electronically all Preliminary Objections in this posture, and not resolved during the Judicial Emergency, to the Judge determined by the Court.
- ii. All Preliminary Objections filed on or after June 1, 2020 will be processed and calendared to allow for response. Once ripe, Court Administration will process and forward electronically all these Preliminary Objections to the Judge determined by the Court.

d. **Motions for Summary Judgment/Judgment on the Pleadings (Dispositive Motions) not related to Mortgage Foreclosure Actions**

- i. For dispositive motions not related to Mortgage Foreclosure Actions forwarded to Assigned Judge before the Judicial Emergency, and not processed, the Assigned Judge shall process.
- ii. For dispositive motions not related to Mortgage Foreclosure Actions, that had legal papers or pleadings required to be filed between March 12, 2020 and June 15, 2020, all filings will be timely if filed by close of business on June 15, 2020. After June 15, 2020, Court Administration will process and forward electronically all dispositive motions in this posture, and not resolved during the Judicial Emergency, to the Judge determined by the Court.
- iii. All dispositive motions not related to Mortgage Foreclosure Actions filed on or after June 1, 2020 will be processed and calendared to allow response. Once ripe, Court Administration will process and forward electronically all dispositive motions to the Judge determined by the Court.

e. **Non-Dispositive Non-Discovery Motions**

- i. For all matters forwarded to Assigned Judge before the Judicial Emergency, the Assigned Judge shall process.
- ii. For matters that had legal papers or pleadings required to be filed between March 12, 2020 and June 15, 2020, all filings will be timely if filed by close of business on June 15, 2020. After June 15, 2020, Court Administration will forward all Rule Absolute Orders to the Emergency Miscellaneous Judge, and all disputed Motions with responses to the Assigned Judge.
- iii. For matters that were filed during the Judicial Emergency time period or thereafter, all will be scheduled for a Rule Returnable date in due course. Once ripe, Court Administration will forward all Rule Absolute Orders to the Emergency Miscellaneous Judge, and all disputed Motions with responses to the Assigned Judge.

f. **Disputed Discovery Related Motions**

- i. For matters that had legal papers or pleadings required to be filed between March 12, 2020 and June 15, 2020, all filings will be timely if filed by close of business on June 15, 2020. After June 15, 2020, Court Administration will process and forward electronically all unresolved disputed discovery related matters to the Discovery Master. The Discovery Masters shall handle the Discovery Argument in a methodology they deem appropriate.
- ii. For matters that were filed during the Judicial Emergency time period or thereafter, all will be scheduled for a Rule Returnable date in due course. Once ripe, Court Administration will process and forward electronically all unresolved disputed discovery related matters to the Discovery Master. The Discovery Masters shall handle the Discovery Argument in a methodology they deem appropriate.

8. **ZONING MATTERS**

- a. Previously Assigned to Judges for Argument
 - i. Argument to be scheduled virtually.
 - ii. If case is continued for any reason, Judge to keep in his/her inventory and reschedule as needed.
- b. Cases that are ripe for determination (where briefs have been filed or deadlines have passed).
 - i. Court Administration to review inventory and advise President Judge of pending cases.
 - ii. President Judge to assign case.
 - iii. Argument to be scheduled virtually.
 - iv. If case is continued for any reason, Judge to keep in his/her inventory and reschedule as needed.

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY,
PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER : NO. 2020-00001

**ORDER RE: CASE MANAGEMENT DEADLINES
AND MOTIONS FOR EXTRAORDINARY RELIEF**

AND NOW, this 20th day of May 2020, it is hereby **ORDERED** as follows:

1. In all cases pending in the Civil Division with a Case Management Order issued prior to March 12, 2020, all deadlines in such Order falling on or after March 12, 2020 are hereby **EXTENDED for three (3) months from the original deadline date.**

2. As used herein, the term “**Case Management Order**” means any Order (whether captioned as a Case Management Conference Order, Rule 212 Conference Order, Discovery Management Order, Order granting extraordinary relief, or otherwise) that sets deadlines for the completion of discovery, the service of expert reports, the filing of dispositive motions and responses thereto, and/or the filing of an arbitration or trial praecipe.

3. **All Motions for Extraordinary Relief** (and other motions for the extension of any such deadlines) filed on or before May 20, 2020, are hereby **DENIED without prejudice.**

BY THE COURT:


THOMAS P. ROGERS
ADMINISTRATIVE JUDGE

THIS DOCUMENT WAS DOCKETED AND SENT ON 05/20/2020