

ERIE FRATERNAL ORDER OF
POLICE LODGE #7 and WILLIAM
TYLER MEMORIAL LODGE #64, INC.
PETITIONERS

v.

ERIE COUNTY DEPARTMENT OF
HEALTH,
RESPONDENT

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA

: CIVIL DIVISION

: NO.

10903-2020

4/22/2020 KN

CLERK OF RECORDS
NOTHONDIARY

2020 APR 22 AM 8:36

COMMON PLEAS COURT
ERIE, PA

To: Erie County Department of Health
606 West 2nd Street
Erie, PA 16507

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED OR NO FEE.

Lawyer Referral Service
302 West 9th Street
Erie, PA 16502-1427
(814) 459-4411
Mon. - Fri. 8:30 a.m. - 3:00 p.m.

pd 137.85

**ERIE FRATERNAL ORDER OF
POLICE LODGE #7 and WILLIAM
TYLER MEMORIAL LODGE #64, INC.
PETITIONERS**

v.

**ERIE COUNTY DEPARTMENT OF
HEALTH,
RESPONDENT**

**: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA**

: CIVIL DIVISION

: NO. 10903-2020

COMMON PLEAS COURT
ERIE, PA
2020 APR 22 AM 8:36
CLERK OF RECORDS
PROthonotary

**PETITION FOR REVIEW IN THE NATURE OF A COMPLAINT
FOR INJUNCTIVE AND MANDAMUS RELIEF**

AND NOW, come Petitioners, Erie Fraternal Order of Police Lodge #7 and William Tyler Memorial Lodge #64, Inc., by and through their counsel, Chad J. Vilushis, Esquire and Anthony R. Himes, Esquire, respectively, and in support thereof alleges as follows:

PERSONS SEEKING RELIEF

1. Petitioners include Erie Fraternal Order of Police Lodge #7 (hereinafter "Lodge #7"), which was established April 3, 1918 and is a subordinate Lodge of the Pennsylvania Lodge Fraternal Order of Police, operating pursuant to their own constitution and by-laws.
2. Lodge #7 consists of 173 active members. Lodge #7 members provide the majority of law enforcement within the City of Erie limits.
3. Petitioners include William Tyler Memorial Lodge #64, Inc., (hereinafter "Lodge #64") chartered in 1951, and is a subordinate Lodge of the Pennsylvania Lodge Fraternal Order of Police, operating pursuant to their own constitution and by-laws.
4. Lodge #64 consists of approximately 200 members, comprised of police departments of various political jurisdictions throughout the County, as well as other law

enforcement personnel. Lodge #64 members provide police and other law enforcement services throughout geographical political subdivisions within Erie County.

5. Lodge #64 is a Pennsylvania non-profit corporation with a principle address of 3298 Linoff Lane, Erie, PA 16510.

JURISDICTION

6. a. The Court has original jurisdiction over this Petition for Injunctive Relief pursuant to 231 Pa. Code §1531(a).

b. The Court has original jurisdiction over this Petition for Writ of Mandamus pursuant to 231 Pa. Code §1092(c)(1).

FACTUAL BACKGROUND

7. Erie County Department of Health (hereinafter “ECDH”) is a local Health Department and one (1) of only six (6) County Health Departments in the Commonwealth of Pennsylvania. 35 P.S. §521.2.

8. ECDH’s responsibility for disease prevention and control is governed by the Disease Prevention and Control Law (hereinafter “DPCL”) of 1955. 35 P.S. 521.1, *et. seq.*

9. More specifically, §521.3 of the Act states:

§521.3 Responsibility for Disease Prevention and Control.

(a) Local boards and departments of health *shall* be primarily responsible for the *prevention and control* of communicable and non-communicable diseases, including disease control in public and private schools, in accordance with the regulations of the board and subject to the supervision and guidance of the department.

35 P.S. §521.3 (emphasis added).

10. COVID-19 (Novel Coronavirus) is a new virus that causes respiratory illness in people and is an extremely contagious communicable disease, causing world, national, state and local declarations of emergency unprecedented in the modern era. (See attached Exhibits 1-9).

11. Lodge #7 and Lodge #64 have a vested interest in ensuring their members are as safe as possible while performing their vital and mandated duties. Equally important, they have a dual vested interest in preventing the spread of COVID-19 to the public and to fellow brother and sister members of their respective police forces and law enforcement agencies.

12. The unnecessary and unwitting spread of COVID-19 will cause further sickness and potential death among the general population and deplete law enforcement to the point where their ability to carry out essential enforcement duties and maintain order becomes dangerously compromised.

13. Since the beginning of this pandemic, the ECHD has collected and monitored information relative to individuals exposed to and/or infected by COVID-19.

14. Currently, the ECDH does not provide any information directly to Petitioners regarding individuals whom have tested positive for COVID-19 and have been ordered quarantined pursuant to the DCPL of 1955.

15. The ECDH provides to the Erie County 911 Dispatch Center (hereinafter "CDC") the addresses of those individuals subject to quarantine orders due to COVID-19.

16. The CDC is primarily responsible for directing the appropriate law enforcement agency response to areas and locations throughout the City of Erie and Erie County.

17. Currently, the CDC only advises law enforcement officers to use "respiratory or universal precautions" without further explanation when law enforcement officers are dispatched to the addresses of those subject to quarantine orders due to COVID-19.

18. From the beginning and throughout the Government-declared “state of emergency” and COVID-19 pandemic, police officers and other law enforcement personnel were deemed essential and continued working without interruption to protect and serve the citizens of the City of Erie and Erie County.

19. In the daily ordinary course of their duties, police and law enforcement personnel randomly encounter individual citizens for a variety of different reasons and circumstances.

20. The ECHD’s failure to comply with the DPCL mandatory provision of prevention and control with regard to the COVID-19 disease pandemic places every active police officer and law enforcement member in danger of exposure, contraction, and the attendant consequences of COVID-19.

21. In conjunction with the above, such exposure or contraction necessitating quarantine causes a breakdown of Petitioners’ ability to perform their core mission of protecting and serving the public.

I. COUNT ONE

Preliminary Injunctive Relief (Petitioners Against Respondent)

22. Petitioners incorporate the averments contained in paragraphs 1 through 21 as if set forth herein in their entirety.

23. In order to obtain injunctive relief, Respondent must prove that each criteria listed here has been fully and completely established: (1) A strong likelihood of success on the merits; (2) Injunctive relief is necessary to prevent immediate and irreparable harm that could not be compensated for by awarding monetary damages; (3) Greater injury would result from denying the injunction than from granting the injunction; (4) The injunctive relief would restore the

parties to the status quo prior to the wrongful conduct. *See, Wyland v. West Shore School Dist.*, 52 A.3d 572, 582 (Pa. Cmwlth. 2012); *Milicic v. Basketball Marketing Co., Inc.*, 857 A.2d 689 (Pa. Super 2004).

24. There is a strong likelihood Petitioners will prevail on the merits due to the ECDH violating their statutory duty.

25. The ECDH is clearly violating their statutorily mandated duty under the DPCL by withholding necessary information from Petitioners regarding those known individuals subject to COVID-19 quarantine orders.

26. The relief is necessary to prevent Petitioners from suffering immediate and irreparable harm by ECHD's failure to disclose to CDC names of individuals currently quarantined due to COVID-19.

27. "Violation of an express statutory provision *per se* constitutes irreparable harm for purposes of evaluating the sufficiency of a complaint seeking injunctive relief." Unified Sportsmen of Pennsylvania v. Pennsylvania Game Commission, 950 A.2d 1120, 1133 (Pa. Cmwlth. 2008) (italics original).

28. This urgent necessity to avoid an immediate and irreversible injury of exposure, contraction and attendant consequences from COVID-19 spread to law enforcement in Erie County cannot be compensated for by damages.

29. Petitioners will suffer greater injury by denying the injunctive relief rather than by granting it.

30. The imminent harm to police and law enforcement officers is real and not theoretical.

31. As COVID-19 is a highly communicable disease that can cause serious health issues and even death to any demographic in Erie County, failure to prevent and control its spread creates a health emergency to police and law enforcement officers.

32. The requested relief would protect officers in the event of contact outside the quarantined address and would protect other officers and personnel working in their department from unknowingly contracting and spreading COVID-19, thus depleting their respective force.

33. The current declaration of national, state, county and judicial emergencies requires relief to Petitioners in the form of disclosure.

34. Disclosure of the names of individuals subject to quarantine orders would restore Petitioners to the pre-pandemic status quo.

35. The ECDH must change the practice of non-disclosure of names of individuals quarantined due to COVID-19 in order to safeguard the vital health interests of police and law enforcement officers during the pandemic.

36. Petitioners should not be in a worse position now than before the declaration of emergencies.

37. The injunction requested herein will only enforce existing laws or statutes, which will remain in effect.

38. Granting relief does no harm to the ECDH or the public at large because disclosure is consistent with the express purpose of the law to prevent and control the spread of a communicable disease.

39. Therefore, Petitioners are entitled to injunctive relief.

II. COUNT TWO

Injunctive Relief **(Petitioners Against Respondent)**

40. Petitioners incorporate the averments contained in paragraphs 1 through 39 as if set forth herein in their entirety.

41. Petitioners seek Injunctive Relief requiring the ECDH to provide the names to the CDC of individuals currently quarantined due to COVID-19.

42. In turn, the CDC would be able to warn law enforcement officers to use “respiratory or universal precautions” when dealing with individuals subject to quarantine orders.

43. “A party seeking an injunction must establish the right to relief is clear, there is an urgent necessity to avoid an injury which cannot be compensated for by damages and greater injury will result from refusing rather than granting the relief requested.” Unified Sportsmen, Supra. at p. 1132.

44. The DPCL §521.3 states:

“Local boards and departments of health *shall* be primarily responsible for the prevention and control of communicable and non-communicable diseases...”

45. “Violation of an express statutory provision *per se* constitutes irreparable harm for purposes of evaluating the sufficiency of a complaint seeking injunctive relief.” Unified Sportsmen, Supra. at p. 1133 (italics original).

46. The ECDH is clearly violating their statutorily mandated duty under the DPCL withholding necessary information from Petitioners regarding those individuals subject to quarantine orders due to COVID-19.

47. As COVID-19 is a highly communicable disease that can cause serious health issues and even death to any demographic in Erie County, failure to prevent and control its spread creates a health emergency to police and law enforcement officers.

48. This urgent necessity to avoid an immediate and irreversible injury of exposure, contraction and attendant consequences from COVID-19 spread to law enforcement in Erie County cannot be compensated for by damages.

49. The injunction requested herein will not affect existing laws or statutes, which will remain in effect.

50. Granting relief does no harm to the ECDH because disclosure is consistent with the express purpose of the law to prevent and control the spread of a communicable disease.

51. Therefore, Petitioners are entitled to Injunctive Relief.

III. COUNT THREE

Mandamus Relief (Petitioners Against Respondent)

52. Petitioners incorporate the averments contained in paragraphs 1 through 51 as if set forth herein in their entirety.

53. Petitioners request this Honorable Court compel the ECHD's compliance with the statutory mandate to prevent and control the spread of COVID-19 by requiring limited disclosure of names to the CDC of individuals already quarantined.

54. This vital information would allow the CDC to advise law enforcement who encounter such an individual outside their known address to use "respiratory or universal precautions."

55. Names would be removed from the CDC upon certification by the ECHD that the individual has made a full recovery from COVID-19.

56. Such relief would protect officers in the event of contact outside the quarantined address and would protect other officers and personnel working in their department from unknowingly contracting and spreading COVID-19.

57. The requested relief would also aid the ECHD and law enforcement by identifying someone who has violated a stay-at-home Quarantine Order. 35 P.S. §521.20.

Government Unit Inaction at Issue

58. The ECDH's mission is to preserve, promote and protect the health, safety and well-being of the people and the environment in Erie County.

59. The ECDH has collected and monitored information concerning individuals exposed to or infected with COVID-19.

60. Based on reports of exposure to or a positive test for COVID-19, the ECHD requires that individuals undergo quarantine for a mandatory period of time.

61. The ECDH's failure to disclose the name of a known individual outside of a quarantined address contravenes their statutory duty.

Applicable Law

62. "This Court may issue a writ of mandamus where the petitioners have a clear legal right, the responding public official has a corresponding duty, and no other adequate and appropriate remedy of law exists." [See, Fagan v. Smith, 615 Pa. 87, 90, 41 A.3d 816, 818 (Pa. 2012); See also, City of Lancaster v. County of Lancaster, 143 Pa. Cmwlth. 476 (1991)].

63. All three (3) elements are present here, as discussed more fully below.

**A. First Element:
Petitioners Have a Clear Legal Right**

64. Petitioners have a clear legal right to have the DCPL of 1955 fully enforced, consistent with the express purpose of the Statute. 35 P.S. 521.3.

65. The Statute must be read as a whole (*in pari materia*). 1 Pa. C.S.A. §1932(a).

66. The purpose of the Act is “prevention and control of communicable and non-communicable disease...” 35 P.S. §521.3.

67. The Pennsylvania Supreme Court expressly recognized the purpose of 35 P.S. §521.1, *et. seq.* “By reading the law in its entirety..., we may discern that its purposes were to assign primary responsibility for the prevention and control of diseases to local health departments, and to institute a system of mandatory reporting, examination, diagnosis and treatment of communicable diseases.” *See, Commonwealth v. Moore*, 526 Pa. 152, 158-159, 584 A.2d 936, 940 (Pa. 1991).

68. By providing the CDC with the name of the quarantined individual, the Petitioners would be informed about the need for “respiratory or universal precautions” when encountering someone outside their address, thus preventing and helping control the spread of COVID-19.

**B. Second Element:
The ECDH Has a Clear Legal Duty**

69. The ECHD has a clear legal duty to reveal relevant and vital information in their possession when necessary to carry out the purpose of the law.

70. As set forth above, §521.3 of the DPCL states:

(a) Local boards and departments of health *shall* be primarily responsible for the *prevention and control* of communicable and non-communicable diseases, including disease control in public and private

schools, in accordance with the regulations of the board and subject to the supervision and guidance of the department.

35 P.S. §521.3 (emphasis added).

71. This mandate is not superseded or limited by any other statute or authority.

72. For instance, §521.15 of the DPCL states:

State and local health authorities may not disclose reports of diseases, any records maintained as a result of any action taken in consequence of such reports, or any other records maintained pursuant to this Act or any regulations, to any person who is not a member of the department or of a local board or department of health, *except where necessary to carry out the purpose of this Act...*

35 P.S. §521.15 (emphasis added).

73. Based upon the exception expressly set forth in the Statute, the DCPL of 1955 does not forbid under *all* circumstances the dissemination of reports or records of communicable diseases. *Id.* at §521.15.

74. In the performance of its duties, the ECDH imposed and will continue to impose quarantine orders upon citizens of the City of Erie and Erie County.

75. These quarantine orders require individuals quarantined due to COVID-19 to remain sheltered at a specific address for a specified period of time.

76. The ECDH's decision to quarantine an exposed or infected individual is tantamount to an admission that the person already poses a serious threat to the health, safety and welfare of the at-large community.

77. The privacy right of a COVID-19 carrier acting in contravention of an agreed-upon quarantine order cannot supersede the right of Petitioners to remain safe in fulfillment of their duties.

***C. Third Element:
No Other Adequate and Appropriate Remedy at Law Exists***

78. Besides a Writ of Mandamus, there is no other adequate and appropriate remedy at law available to Petitioners, compelling the ECDH to comply with the stated purpose of the DCPL. 35 P.S. 521.1, *et. seq.*

79. Petitioners' attempts to resolve this matter without litigation have been unsuccessful.

80. For the foreseeable future, Petitioners remain at risk of exposure to and infection of COVID-19.

81. Requiring each individual officer or every law enforcement personnel to assume the task of litigation for the ECDH's failure to follow the DPCL would be unnecessarily burdensome on Petitioners and the judicial system.

82. Mandamus will lie to compel action where refusal to act in the recommended way stems from erroneous interpretation of the law. Fagan v. Smith, 41 A.3d 816, 818 (Pa. 2012); City of Lancaster v. County of Lancaster, 143 Pa. Cmwlth. 476 (1991), *citing* Carino v. Board of Com'rs of Armstrong County, 79 Pa. Cmwlth. 242, 468 A.2d 1201, 1203 (...[M]andamus will not lie to compel the performance of discretionary acts, ***except where the failure to exercise discretion is arbitrary, fraudulent or based on an erroneous view of the law.***") Lancaster, *Supra.* at p. 300 (emphasis added).

83. Therefore, Petitioners have met their burden and are entitled to Mandamus Relief.

WHEREFORE, Petitioners respectfully request this Honorable Court to issue Injunctive Relief requiring the Erie County Department of Health to provide the names of individuals currently quarantined due to COVID-19 to the Erie County 911 Dispatch Center as stated previously in this Petition. Moreover, Petitioners respectfully request this Honorable Court to

issue a Writ of Mandamus requiring the Erie County Department of Health to provide the names of individuals currently subject to quarantine orders due to COVID-19 to the Erie County 911 Dispatch Center as stated previously in this Petition.

By: 

Chad J. Vilushis, Esquire
Attorney for Petitioners
Atty. I.D. #80117
1514 Liberty Street
Erie, PA 16502
Phone: (814) 455-5362
Fax: (814) 455-5150

Respectfully submitted,

By: 

Anthony R. Himes, Esquire
Attorney for Petitioners
Atty. I.D. #50546
246 West Tenth Street
Erie, PA 16501
Phone: (814) 454-3033
Fax: (814) 456-9398

Dated: April 22, 2020



PROCLAMATIONS

Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak

Issued on: March 13, 2020



In December 2019, a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally. The Secretary of Health and Human Services (HHS) declared a public health emergency on January 31, 2020, under section 319 of the Public Health Service Act (42 U.S.C. 247d), in response to COVID-19.

I have taken sweeping action to control the spread of the virus in the United States, including by suspending entry of foreign nationals seeking entry who had been physically present within the prior 14 days in certain jurisdictions where COVID-19 outbreaks have occurred, including the People’s Republic of China, the Islamic Republic of Iran, and the Schengen Area of Europe. The Federal Government, along with State and local governments, has taken preventive and proactive measures to slow the spread of the virus and treat those affected, including by instituting Federal quarantines for individuals evacuated from foreign nations, issuing a declaration pursuant to section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d), and releasing policies to accelerate the acquisition of personal protective equipment and streamline bringing new diagnostic capabilities to laboratories. On March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a



pandemic, as the rates of infection continue to rise in many locations around the world and across the United States.

The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. As of March 12, 2020, 1,645 people from 47 States have been infected with the virus that causes COVID-19. It is incumbent on hospitals and medical facilities throughout the country to assess their preparedness posture and be prepared to surge capacity and capability. Additional measures, however, are needed to successfully contain and combat the virus in the United States.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), do hereby find and proclaim that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020. Pursuant to this declaration, I direct as follows:

Section 1. Emergency Authority. The Secretary of HHS may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the COVID-19 outbreak.

Sec. 2. Certification and Notice. In exercising this authority, the Secretary of HHS shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b-5(d)).

Sec. 3. General Provisions. (a) Nothing in this proclamation shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This proclamation shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand twenty, and of the Independence of the United States of America the two hundred and forty-fourth.

DONALD J. TRUMP



PROCLAMATION OF DISASTER EMERGENCY

March 6, 2020

WHEREAS, a novel coronavirus (now known as "COVID-19") emerged in Wuhan, China, began infecting humans in December 2019, and has since spread to 89 countries, including the United States; and

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared COVID-19 a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, the Commonwealth of Pennsylvania ("Commonwealth") has been working in collaboration with the CDC, HHS, and local health agencies since December 2019 to monitor and plan for the containment and subsequent mitigation of COVID-19; and

WHEREAS, on February 1, 2020, the Commonwealth's Department of Health activated its Department Operations Center at the Pennsylvania Emergency Management Agency's headquarters to conduct public health and medical coordination for COVID-19 throughout the Commonwealth; and

WHEREAS, on March 4, 2020, the Director of the Pennsylvania Emergency Management Agency ordered the activation of its Commonwealth Response Coordination Center in support of the Department of Health's Department Operations Center, to maintain situational awareness and coordinate the response to any potential COVID-19 impacts across the Commonwealth; and

WHEREAS, as of March 6, 2020, there are 233 confirmed and/or presumed positive cases of COVID-19 in the United States, including 2 presumed positive cases in the Commonwealth; and

WHEREAS, while it is anticipated that a high percentage of those affected by COVID-19 will experience mild influenza-like symptoms, COVID-19 is a disease capable of causing severe symptoms or loss of life, particularly to older populations and those individuals with pre-existing conditions; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed cases in the Commonwealth and to implement measures to mitigate the spread of COVID-19; and

WHEREAS, with 2 presumed positive cases in the Commonwealth as of March 6, 2020, the possible increased threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth; and

WHEREAS, this threat of imminent disaster and emergency has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

WHEREAS, this threat of imminent disaster and emergency has already caused schools to close, and will likely prompt additional local measures, including affected county and municipal governments to declare local disaster emergencies because of COVID-19; and



WHEREAS, this threat of imminent disaster and emergency situation throughout the Commonwealth is of such magnitude and severity as to render essential the Commonwealth's supplementation of emergency resources and mutual aid to the county and municipal governments of this Commonwealth and to require the activation of all applicable state, county, and municipal emergency response plans.

NOW THEREFORE, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., I do hereby proclaim the existence of a disaster emergency throughout the Commonwealth.

FURTHER, I hereby authorize the Pennsylvania Emergency Management Agency Director or his designee, to assume command and control of all statewide emergency operations and authorize and direct that all Commonwealth departments and agencies utilize all available resources and personnel as is deemed necessary to cope with this emergency situation.

FURTHER, I hereby transfer up to \$5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be decreased as conditions require, pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7604(a). In addition, I hereby transfer up to \$20,000,000 in unused appropriated funds, to be decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929 (P.L.343, No. 176) (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

FURTHER, All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516.

FURTHER, I hereby suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency. Commonwealth agencies may implement emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds.

FURTHER, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth pursuant to 51 Pa. C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, for missions designated by the Pennsylvania Emergency Management Agency, as are needed to address the consequences of the aforementioned emergency.

FURTHER, I authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel in whatever manner he deems necessary during this emergency to assist the actions of the Pennsylvania Emergency Management Agency in addressing the consequences of the emergency.

FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Health, in her sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Health is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

FURTHER, I hereby authorize the Secretary of the Pennsylvania Department of Education, in his sole discretion, to suspend or waive any provision of law or regulation which the Pennsylvania Department of Education is authorized by law to administer or enforce, for such length of time as may be necessary to respond to this emergency.

FURTHER, if investigations made on my behalf determine that the Commonwealth needs greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers involved in emergency activities during this emergency, I hereby direct the Commonwealth Department of Transportation to waive or suspend any laws or federal or state regulations related to the drivers of commercial vehicles.

FURTHER, I hereby direct that the applicable emergency response and recovery plans of the Commonwealth, counties, municipalities and other entities be activated as necessary and that actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency.

STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted.



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this sixth day of March in the year of our Lord two thousand twenty, and of the Commonwealth the two hundred and forty fourth.

Tom Wolf
TOM WOLF
Governor



ORDER OF
THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
FOR INDIVIDUALS TO STAY AT HOME

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared a novel coronavirus ("COVID-19") a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, as of March 6, 2020, I proclaimed the existence of a disaster emergency throughout the Commonwealth pursuant to 35 Pa. C.S. § 7301(c); and

WHEREAS, I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania that result from disasters. 35 Pa. C.S. § 7301(a); and

WHEREAS, in addition to general powers, during a disaster emergency I am authorized specifically to control ingress and egress to and from a disaster area and the movement of persons within it and the occupancy of premises therein. 35 Pa. C.S. § 7301(f); and

WHEREAS, in executing the extraordinary powers outlined above, I am further authorized during a disaster emergency to issue, amend, and rescind executive orders, proclamations, and regulations and those directives shall have the force and effect of law. 35 Pa. C.S. § 7301(b); and

WHEREAS, in addition to my authority, my Secretary of Health has the authority to determine and employ the most efficient and practical means for the prevention and suppression of disease. 71 P.S. § 532(a), 71 P.S. 1403(a); and

WHEREAS, these means include isolation, quarantine, and any other control measure needed. 35 P.S. § 521.5; and

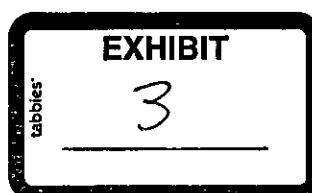
WHEREAS, I previously issued an Order limited to specified counties directing "Individuals to Stay at Home" on March 23, 2020, and amended March 24, March 25, March 27, March 28, March 30, and March 31, 2020; and

WHEREAS, as of April 1, 2020, the Commonwealth of Pennsylvania has 5,805 positive cases of COVID-19 in sixty counties and reports 74 deaths from the virus.

NOW THEREFORE, pursuant to the authority vested in me and my Administration by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

Section 1: Order to Stay at Home

All individuals residing in the Commonwealth are ordered to stay at home except as needed to access, support, or provide life-sustaining business, emergency, or government services. For employees of life-sustaining businesses that remain open, the following child care services may remain open: group and family child care providers in a residence; child care facilities operating under a waiver granted by the Department of Human Services Office of Child Development and Early Learning; and, part-day school age programs operating under an exemption from the March 19, 2020, business closure Orders.



A list of life-sustaining businesses that remain open is attached to and incorporated into this Order. In addition, businesses that are permitted to remain open include those granted exemptions prior to or following the issuance of this Order.

Individuals leaving their home or place of residence to access, support, or provide life-sustaining services for themselves, another person, or a pet must employ social distancing practices as defined by the Centers for Disease Control and Prevention. Individuals are permitted to engage in outdoor activities; however, gatherings of individuals outside of the home are generally prohibited except as may be required to access, support, or provide life-sustaining services as outlined above.

Enforcement of this Order will commence immediately for all counties covered under my prior Order directing "Individuals to Stay at Home" first issued March 23, 2020, as amended. Enforcement of this Order will commence at 8:00 PM Wednesday, April 1, 2020, for all other counties.

Section 2: Effective Date and Duration

This order is effective immediately and will remain in effect until April 30, 2020. This Order supersedes all previous Orders directing "Individuals to Stay at Home."



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this first day of April two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.

Tom Wolf
TOM WOLF
Governor



COUNTY OF ERIE
OFFICE OF THE COUNTY EXECUTIVE

Kathy Dahlkemper,
County Executive

DECLARATION OF DISASTER EMERGENCY

WHEREAS, on or about the date of this declaration, a disaster related to the public health of ERIE COUNTY has caused or threatens to cause injury, damage, and suffering to persons and property in ERIE COUNTY; and

WHEREAS, the disaster is occasioned by the current outbreak of the COVID-19 virus that has a high probability of endangering the health, safety and welfare of a substantial number of persons residing in ERIE COUNTY and threatens to create problems greater in scope than ERIE COUNTY may be able to resolve; and

WHEREAS, emergency management measures are required to reduce the severity of this disaster and to protect the health, safety and welfare of affected residents in ERIE COUNTY;

NOW, THEREFORE, I, the undersigned County Executive of ERIE COUNTY, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, 35 Pa. C. S. Section 7501, as amended, the Proclamation of Disaster Emergency issued by Governor Wolf on March 6, 2020, and the Erie County Emergency Operations Plan, do hereby declare the existence of a disaster emergency in ERIE COUNTY;

FURTHER, I direct the ERIE COUNTY Department of Health and the ERIE COUNTY Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster and safeguard the public health, to aid in the maintenance and restoration of essential public services, and to take any other emergency response action deemed necessary.

STILL FURTHER, I authorize officials of ERIE COUNTY to act as necessary to meet the current exigencies of this emergency, including but not limited to the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the entering into of such contracts and agreements for the performance of public work as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This declaration shall take effect immediately.

County Executive, Erie County, Pennsylvania

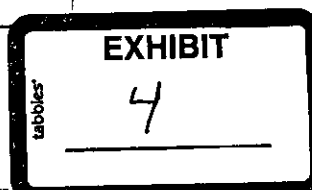
Kathy Dahlkemper

Date: March 16, 2020

Witness:

Gary N. Lee

Date: March 16, 2020



**EXECUTIVE ORDER AND
PROCLAMATION OF STATE OF EMERGENCY
FOR THE CITY OF ERIE, PENNSYLVANIA**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared COVID-19 a "public health emergency of international concern," and the U.S. Department of Health and Human Services ("HHS") Secretary has declared that COVID-19 creates a public health emergency; and

WHEREAS, on March 6, 2020, Pennsylvania Governor Tom Wolf issued a Proclamation of Disaster Emergency stating, in part, that it is critical to prepare for and respond to suspected or confirmed cases in the Commonwealth and to implement measures to mitigate the spread of COVID-19; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency concerning the COVID-19 outbreak; and

WHEREAS, on March 16, 2020, Governor Wolf declared a State of Emergency and closed all schools and non-essential businesses in the Commonwealth; and

WHEREAS, on March 16, 2020, Erie County Executive Kathy Dahlkemper declared a Disaster Emergency for Erie County, Pennsylvania in anticipation of a COVID-19 outbreak; and

WHEREAS, COVID-19 has created a situation which has the potential to seriously endanger the health, safety and welfare of persons residing in the City of Erie;

WHEREAS, emergency management measures are required to protect the health, safety and welfare of the residents of the City of Erie;

WHEREAS, COVID-19 has created problems greater in scope than problems the City of Erie may be able to resolve alone; and

WHEREAS, the City of Erie will need the help of both Federal and Commonwealth Agencies to assist in its emergency response. These Agencies include but are not limited to the Federal Emergency Management Agency (FEMA), the Pennsylvania Emergency Management Agency (PEMA), the U.S. Department of Housing and Urban Development, HHS, and the CDC.

NOW, THEREFORE, I, Joseph V. Schember, Mayor of the City of Erie, pursuant to my powers under the provisions of the Third Class City Code of the Commonwealth of Pennsylvania (11 Pa.C.S.A. §11203) and the provisions of the Pennsylvania Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq.) hereby declare a **STATE OF EMERGENCY** for the City of Erie.



I direct the City of Erie Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this disaster, to aid in the coordination of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

I direct officials of the City of Erie to work with the proper County officials and seek assistance from all appropriate Federal and Commonwealth Agencies to assist in the emergency response. I authorize officials of the City of Erie to act as necessary to meet the current exigencies of this emergency, namely: by the employment of temporary workers, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contracts and agreements for the performance of public work as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This EXECUTIVE ORDER and PROCLAMATION OF STATE OF EMERGENCY shall take effect immediately, shall be continuously renewed, and shall remain in effect unless and until it is terminated by act of Erie City Council.

Date: 3/24/2020



MAYOR JOSEPH V. SCHEMBER

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

IN RE: GENERAL STATEWIDE JUDICIAL EMERGENCY	: Nos. 531 and 532 Judicial : Administration Docket :
--	---

ORDER

PER CURIAM

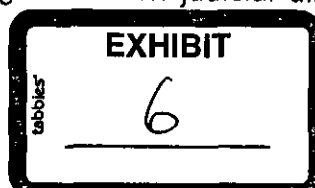
AND NOW, this 18th day of March, 2020, this Court DIRECTS that all Pennsylvania courts are generally CLOSED TO THE PUBLIC, beginning at close of business on March 19, 2020, and lasting through at least April 3, 2020, subject to the General and Specific Directives and Exceptions listed below.

The Court further explains and DIRECTS as follows:

1. Background

On March 16, 2020, this Court issued an Order, pursuant to Pennsylvania Rule of Judicial Administration 1952(A), declaring a statewide judicial emergency until April 14, 2020, to safeguard the health and safety of court personnel, court users, and members of the public due to the circumstances surrounding the COVID-19 virus (the "Judicial Districts Order"). A separate Order was issued on the same day for the Superior and Commonwealth Courts (the "Intermediate Courts Order").

The Judicial Districts Order authorized the Pennsylvania Judiciary to consider, on a district-by-district basis, appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and the public generally. Accordingly, the Order granted the President Judges of each judicial district authorization to declare a local



judicial emergency in their district to attain special authority and provided procedures for doing so. In the Intermediate Courts Order, the President Judges of the Superior and Commonwealth Courts were accorded discrete emergency powers.

Significant and material events have transpired since the prior Orders were filed. The federal government has issued guidance suggesting an immediate need for extraordinary nationwide measures, for example, that gatherings of more than ten individuals are to be avoided. This afternoon, the Pennsylvania Secretary of Health urged this Court to consider statewide closure of the courts, except for essential services, for a period of approximately 14 days in order to further restrict the amount of person-to-person contact and mitigate the spread of COVID-19. And this Court is cognizant of the nature of court proceedings, during which individuals who may be carrying the virus with or without symptoms – including court staff, attorneys, litigants, other court participants and members of the public – may come into close proximity with other persons.

Accordingly, pursuant to Rule of Judicial Administration 1952(A) and this Court's constitutionally-conferred general supervisory and administrative authority over all courts and magisterial district judges, see PA. CONST. art. V, §10(a), this Court now DECLARES that a judicial emergency exists in all judicial districts, effective at close of business on March 19, 2020, pending further order of this Court, and that the courts of Pennsylvania – including the individual Courts of Common Pleas and the Superior and Commonwealth Courts – are generally CLOSED TO THE PUBLIC through at least April 3, 2020, subject to the General and Specific Directives and Exceptions listed below.

Furthermore, local judicial districts in Pennsylvania are RELIEVED of the obligation to file an emergency declaration to obtain authorization to exercise the emergency powers contemplated by Rule of Judicial Administration 1952(B)(2), as a judicial emergency is hereby deemed to exist in every judicial district in Pennsylvania through April 14, 2020, consistent with the Judicial Districts Order.

Additionally, inasmuch as the President Judges of many judicial districts have declared local judicial emergencies pursuant to the authorization contained in the Judicial Districts Order and have issued administrative directives accordingly, we specify that nothing in this Order is intended to vitiate or modify any such directives.

II. General Directives and Exceptions

The President Judges of all judicial districts are DIRECTED to comply with procedures listed in the Judicial Districts Order, except that, in light of the *present* Order, they need not – and should not – transmit additional declarations of emergency to the State Court Administrator as would otherwise be required under Paragraph 1 of the Judicial Districts Order. With that said, if a President Judge of a judicial district issues any order in connection with the local judicial emergency that now is deemed to exist in that judicial district, the President Judge shall transmit such order to the Court Administrator of Pennsylvania. Furthermore, if such President Judge did not previously declare a local judicial emergency as authorized by the Judicial Districts Order, the President Judge's emergency powers exist through April 14, 2020, as reflected in that Order. If, however, such President Judge has declared a local emergency and such declaration has been assigned a Supreme Court docket number, any further order

concerning administrative directives or other matters associated with the local judicial emergency should be captioned so as to indicate that docket number.

Subject to the General and Specific Directives and Exceptions below, court facilities in all judicial districts and in the Superior and Commonwealth Courts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020.

Unless otherwise indicated herein, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are SUSPENDED through April 3, 2020, subject to additional orders of this Court. This suspension SHALL OVERLAP with suspensions already granted by any President Judge, and any longer suspensions directed by a local or appellate court shall remain extant on their own terms. In all events, any legal papers or pleadings which are required to be filed between March 19, 2020, and April 3, 2020, SHALL BE DEEMED to have been timely filed if they are filed by April 6, 2020, or on a later date as permitted by the appellate or local court in question upon consideration of the potential volume of such filings.

Use of advanced communication technology to conduct court proceedings is, again, SPECIFICALLY AUTHORIZED AND ENCOURAGED IN ALL DISTRICTS, subject only to constitutional limitations.

All President Judges of the courts of common pleas are HEREBY INSTRUCTED to adopt procedures in implementing this Order that restrict potential COVID-19 exposure which could result from judges, court staff, and county agency staff interaction with the public, with full consideration of the necessary adjudication of constitutionally

essential functions. In this regard, the judgment of President Judges concerning these General and Specific Directives and Exceptions SHALL SUPERSEDE any requirements of this Order, so long as the President Judge's approach remains consistent with requirements of the United States and Pennsylvania Constitutions. Along these lines, we observe that the particularized emergency circumstances with which each President Judge is confronted should ultimately inform the constitutional analysis.

Whenever possible, consistent with constitutional concerns, all courts are to consider deciding matters on the papers.

III. Specific Directives and Exceptions

The Directives below allow for in-person court proceedings in some emergency matters as specified for each category of courts. This Court DIRECTS that, to the extent possible, any interaction between court personnel and anyone else involved in the proceeding be undertaken consistent with federal guidance – including that provided by the Centers for Disease Control and Prevention – such as social distancing, the disinfection of surfaces, and the wearing of a facemask by an infected person.

Intermediate Courts

Court facilities of the Superior and Commonwealth Courts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020. This Court's best guidance is that essential functions include:

- a. Election matters;
- b. Children's Fast-Track matters;
- c. Matters credibly labeled as emergency filings; and
- d. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

Courts of Common Pleas

1) Court facilities in all judicial districts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020. This Court's best guidance is that essential functions include:

- a. Emergency bail review and habeas corpus hearings;
- b. Gagnon I hearings;
- c. Bench warrant hearings pursuant to Rule of Criminal Procedure 150;
- d. Juvenile delinquency detention;
- e. Juvenile emergency shelter and detention hearings;
- f. Temporary protection from abuse hearings;
- g. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- h. Emergency petitions for guardianship;
- i. Civil mental health reviews, see 50 P.S. §7302;
- j. Emergency equity civil matters (injunctions and stays);
- k. Any pleading or motion relating to public health concerns and *involving immediate and irreparable harm*; and
- l. Any other function deemed by a President Judge to be essential consistent with constitutional requirements.

2) All court calendars, scheduling notices, subpoenas or other court orders compelling the appearance of any attorney, litigant, or other participant in any non-essential case are hereby continued or postponed until further order of a President Judge or a presiding judge that is not inconsistent with this Order or a directive of a President Judge.

3) Jury and non-jury trials, both criminal and civil, are SUSPENDED and will be scheduled for a date in the future by the courts.

4) Jurors **SHALL NOT REPORT** for jury duty on or before April 3, 2020, except as provided for ongoing trials pursuant to the directives below.

5) Unless otherwise required herein, any in-person pretrial conference, case management conference, status conference, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, is hereby postponed until a future date to be set forth by the courts. To the extent that such matters may be handled through advanced communication technology consistent with constitutional limitations, THEY MAY AND SHOULD PROCEED.

6) Bail review requests and requests for habeas corpus SHALL BE REVIEWED on a case-by-case basis consistent with the Rules of Criminal Procedure and the Pennsylvania Constitution.

7) Hearings on essential functions SHALL BE HELD in courtrooms designated by the individual courts of common pleas to minimize person-to-person contact.

**Magisterial District Courts, Philadelphia Municipal Court, Philadelphia
Arraignment Court Magistrates and Pittsburgh Municipal Court,
Arraignment Division**

1) All Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court and Pittsburgh Municipal Court, Arraignment Division, SHALL BE CLOSED TO THE PUBLIC except for essential functions. This Court's best guidance is that essential functions include:

- a. Preliminary arraignments (bail setting) for bailable cases;
- b. Criminal case filings and subsequent processing;
- c. Preliminary hearings for incarcerated persons only;

- d. Issuance of search warrants;
- e. Emergency protection from abuse petitions; and
- f. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

2) Advanced communication technology or closed-circuit video technology SHALL BE USED to complete as many of these functions as practicable consistent with constitutional limitations, and necessary accommodations shall be made, to the extent practicable, to ensure that these essential functions can be adjudicated by use of such technology.

3) All other cases pending in these courts are POSTPONED.

4) Payments rendered to the Magisterial District Courts SHALL NOT BE MADE IN PERSON but may be accepted by mail, electronically (online), or by telephone as may be permissible in the Magisterial District Court receiving the payment.

5) In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District Court SHALL ISSUE a hearing notice scheduling a payment determination hearing to be held after April 3, 2020, or such date as shall be subsequently specified. Such missed payment or default SHALL NOT RESULT in the issuance of an arrest warrant for failure to make payment, nor shall the non-payment result in driving privileges being suspended prior to such hearing.

Landlord/Tenant

In addition to the above, this Court is aware that the economic consequences of the COVID-19 pandemic may cause individuals to suffer a loss of income, which in turn may delay rent payments, mortgage-loan payments, or the like – including payments to be made by individuals who may be under self-imposed quarantine or who may

otherwise be either carrying the virus or vulnerable to infection. In light of these circumstances, it is further DIRECTED that, during the period encompassed by this Order or the judicial emergency, whichever is longer, no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment. Nothing herein is intended to preclude requests for orders of possession resulting from judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed to a date on or after April 3, 2020, subject to further orders.

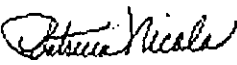
Prompt Trial and Ongoing Trials

It is further DIRECTED that Rule of Criminal Procedure 600(C) is hereby SUSPENDED in all judicial districts during the period of the statewide judicial emergency. The purport of this directive is that the time period of the statewide judicial emergency SHALL BE EXCLUDED from the time calculation under Rule 600(C). Nothing in this Order, however, or its local implementation, shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions – albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

Notwithstanding anything to the contrary stated above, if a jury trial has already commenced, it may proceed to completion so long as the presiding judge, with the approval of the President Judge of the judicial district in question, determines that completion of the trial without delay is required in the interests of justice. In making such determination relative to a criminal trial, the restrictions of the Double Jeopardy Clauses of the United States and Pennsylvania Constitutions shall be considered.

This Court will continue to post on the Unified Judicial System website its Orders concerning the operations of the Unified Judicial System during the COVID-19 situation.

A True Copy Patricia Nicola
As Of 03/18/2020

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

IN RE: :
SIXTH JUDICIAL DISTRICT OF THE :
COURT OF COMMON PLEAS OF :
ERIE COUNTY - DECLARATION OF :
JUDICIAL EMERGENCY :

ADMINISTRATIVE ORDER

90014
NO. ____ OF 2020

CLERK OF RECURSIVE
PROTHONOTARY

2020 MAR 17 PM 12:40

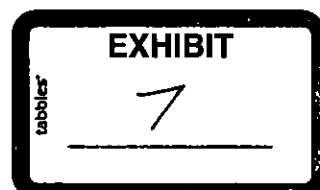
3/17/20
COMMON PLEAS COURT
ERIE, PA

EMERGENCY JUDICIAL ORDER

AND NOW, this 17th day of March, 2020, in accord with the Order of the Supreme Court of Pennsylvania dated March 16, 2020, authorizing this Court to declare a judicial emergency, it is hereby declared that a judicial emergency exists in the Sixth Judicial District of the Court of Common Pleas of Erie County, Pennsylvania, from March 18, 2020 until April 14, 2020, due to the COVID-19 virus.

Consistent with the foregoing Declaration and in concert with this Court's authority under Pa.R.J.A. Rule 1952(B)(2), it is hereby **ORDERED**:

1. The operation of Pa.R.Crim.P. 600 shall be suspended in the Sixth Judicial District of the Court of Common Pleas of Erie County, Pennsylvania, during the period of local judicial emergency. The time period of the duration of the judicial emergency shall be excluded from any time computation pursuant to Pa.R.Crim.P. 600. The Court finds that such delay is not chargeable to the Commonwealth or the Defendants.
2. 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.
3. The use of technology, including teleconference and video conferencing, is permitted, and encouraged, for any available Court proceedings.



4. All provisions of this Order apply to cases scheduled from March 18, 2020 through April 14, 2020.

5. The Court adopts the following modifications to processes and procedures for the scheduling and hearing of cases on a temporary basis until further notification:

a. Civil Division

- i. All civil jury trials are suspended pending further Order of Court. Non-jury trials may be suspended on a case-by-case basis.
- ii. The presentation and acceptance of civil motions shall be restricted to Petitions for Injunctive Relief relating to public health concerns and/or any other Emergency Motion.
- iii. In any other case for which a judge has been assigned, all inquiries should be addressed to that Judge.

b. Criminal Division

- i. Except as indicated below, all criminal proceedings, including Accelerated Rehabilitative Disposition (ARD), license suspensions, and summary appeals, are hereby postponed and will be rescheduled.
- ii. Pretrial conferences and formal arraignments will be rescheduled. Waiver of arraignments will still be accepted.
- iii. Bail hearings, warrants, and emergency motions will be heard according to the usual procedure.
- iv. Indirect Criminal Contempts (ICC) will be heard according to the usual procedure.
- v. When possible, the use of telecommunications/video conferencing is encouraged, including when defendants are incarcerated.

c. Protection From Abuse

- i. Protection From Abuse (PFA) matters will be heard according to usual procedure (for ICCs, see Paragraph (b)(iv)).

d. Family Court Division

- i. Except as indicated below, all scheduled hearings, conferences, and trials shall be postponed.
- ii. Bench warrants will continue to be heard according to the usual procedure.
- iii. The regularly scheduled Family/Orphans Motion Court is hereby suspended. However, Emergency Motions for Special Relief may be presented to the scheduled Motion Court duty judge at 9:00 a.m.
- iv. Uncontested motions may be sent to the Family/Orphans Court Duty Judge for consideration. All uncontested motions shall be accompanied by a Proposed Order of Court and an Affidavit signed by one of the two parties or the parties' attorney(s) stating therein that the opposing party has seen the Motion/Proposed Order and consents and/or does not oppose the Motion/Proposed Order of Court.

e. Orphans Court Division

- i. Except as indicated below, all scheduled hearings, conferences, and trials shall be postponed.
- ii. The presentation and acceptance of contested motions shall be restricted to Emergency Motions for Special Relief.
- iii. Uncontested motions may be sent to the Family/Orphans Court Duty Judge for consideration. All uncontested motions shall be accompanied by a Proposed Order of Court and an Affidavit signed by one of the two parties or the parties' attorney(s) stating therein that the opposing party has seen the Motion/Proposed Order and consents and/or does not oppose the Motion/Proposed Order of Court.

f. Juvenile Court

i. Delinquency

1. All juvenile delinquency matters shall be handled on a case-by-case basis.
2. When possible, the use of telecommunication/video conferencing is encouraged.

ii. Dependency

1. All juvenile dependency matters shall be handled on a case-by-case basis.
2. The Court shall continue to issue orders for protective custody pursuant to Pa.R.J.C.P. Rule 1210 and to hold shelter care proceedings pursuant to 42 Pa.C.S.A. § 6332.
3. When possible, the use of telecommunication/video conferencing is encouraged.
4. In accord with Administrative Order No. 22 of 2020, all court ordered treatment plans for any party subject to a dependency case shall be temporarily suspended until further Order of Court.

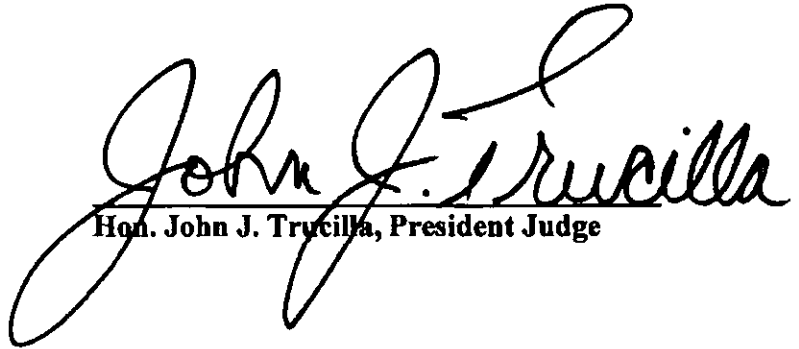
g. Magisterial District Courts

- i. Preliminary hearings shall be held only for defendants in custody. Preliminary hearings scheduled at the individual Magisterial District Court offices shall continue as scheduled, with the Magisterial District Judge having the discretion to permit the defendant to appear via video conferencing. For preliminary hearings scheduled at Central Court in the Erie County Courthouse, the defendant shall appear via video conferencing. Attendance at preliminary hearings shall be limited to only necessary parties, to include attorneys, affiants, essential witnesses and media.

- ii. All preliminary hearings for defendants not in custody are hereby postponed until further Order of Court.
 - iii. The Magisterial District Courts will remain open for specific designated operations, to include arraignments, bond hearings, criminal case filings and subsequent processing, issuance of search warrants and Emergency Protection from Abuse petitions.
 - iv. All landlord/tenant eviction proceedings are hereby stayed until further Order of Court.
6. In addition to the above general modifications, individual judicial officers may continue to hold hearings, conferences, sentencings, pleas, and bench trials in the exercise of their sound discretion, after reasonable consultation with counsel. To the extent possible, the use of telecommunication/video conference should be utilized. The judicial officer is expected to limit in-person proceedings to necessary parties only.
7. The situation will continue to be monitored and this Court may respond by exercising and implementing any of the other special powers authorized by Pa.R.J.A. Rule 1952(B)(2).
8. This Order has been transmitted to the Pennsylvania State Court Administrator's Office and the Prothonotary of the Supreme Court of Pennsylvania, and is effective immediately.

9. This Order shall be posted on the entry doors of the Erie County Courthouse and on the entry doors of the Magisterial District Court offices. The Prothonotary is directed to forward this Order to the Erie County Bar Association. The District Court Administrator shall disseminate a copy to the Magisterial District Court Judges. A copy of the Order is available at www.eriecountypa.gov.

3-17-2020
Date


Hon. John J. Trucilla, President Judge

Cc: Geoff Moulton, Court Administrator of Pennsylvania
The Honorable Stephanie Domitrovich
The Honorable Elizabeth K. Kelly
The Honorable Daniel Brabender, Jr.
The Honorable John J. Mead
The Honorable Joseph M. Walsh, III
The Honorable Marshall J. Piccinini
The Honorable David G. Ridge
The Honorable Erin Connelly Marucci
Robert Catalde, Esq., District Court Administrator
Rebecca Humphrey, Esq., Deputy Court Administrator
Julia Bagnoni, Esq., Deputy Court Administrator

John Loomis, Erie County Sheriff
Kenneth Gamble, Esq., Clerk of Records
Kelly Malone, Esq., Prothonotary
Aubrea Haynes, Clerk of Courts
Tammi Elkin, Esq., Register of Wills
David Bradford, Esq., Recorder of Deeds
Jack Daneri, Esq., District Attorney
Patricia J. Kennedy, Esq., Public Defender

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

IN RE: : **ADMINISTRATIVE ORDER**
SIXTH JUDICIAL DISTRICT OF THE :
COURT OF COMMON PLEAS OF :
ERIE COUNTY - DECLARATION OF : **NO. 90014 OF 2020**
JUDICIAL EMERGENCY :

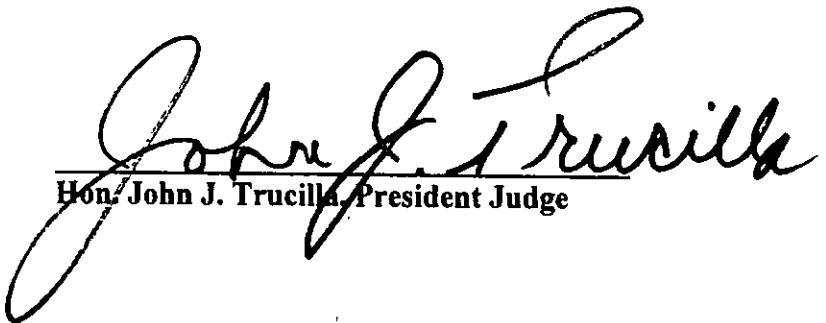
COMMON PLEAS COURT
ERIE, PA
2020 MAR 31 AM 11:27
CLERK OF RECORDS
PROTHONOTARY

AMENDED EMERGENCY JUDICIAL ORDER

AND NOW, this 31st day of March, 2020, in accord with the Order of the Supreme Court of Pennsylvania dated March 16, 2020, and the subsequent Order of the Supreme Court of Pennsylvania dated March 18, 2020 as well as this Court's Emergency Judicial Order dated March 17, 2020, **IT IS HEREBY ORDERED, ADJUDGED and DECREED**, that extension of the March 17, 2020 Emergency Judicial Order which exists in the Sixth Judicial District of the Court of Common Pleas of Erie County, Pennsylvania will be extended until Monday, May 4, 2020 due to the COVID-19 Virus. All terms and conditions previously issued in the March 17, 2020 Emergency Judicial Order by this Court will remain in effect.

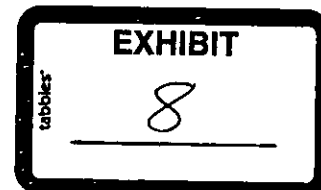
3-31-2020

Date


Hon. John J. Trucilla, President Judge

cc: Geoff Moulton, Court Administrator of Pennsylvania
The Honorable Stephanie Domitrovich
The Honorable Elizabeth K. Kelly
The Honorable Daniel Brabender, Jr.
The Honorable John J. Mead
The Honorable Joseph M. Walsh, III
The Honorable Marshall J. Piccinini
The Honorable David G. Ridge
The Honorable Erin Connelly Marucci
Robert Catalde, Esq., District Court Administrator
Rebecca Humphrey, Esq., Deputy Court Administrator
Julia Bagnoni, Esq., Deputy Court Administrator

John Loomis, Erie County Sheriff
Kenneth Gamble, Esq., Clerk of Records
Kelly Malone, Esq., Prothonotary
Aubrea Haynes, Clerk of Courts
Tammi Elkin, Esq., Register of Wills
David Bradford, Esq., Recorder of Deeds
Jack Daneri, Esq., District Attorney
Patricia J. Kennedy, Esq., Public Defender



IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA

IN RE: : **ADMINISTRATIVE ORDER**
SIXTH JUDICIAL DISTRICT OF THE :
COURT OF COMMON PLEAS OF :
ERIE COUNTY - DECLARATION OF : **NO. 90014 OF 2020**
JUDICIAL EMERGENCY :

COMMON PLEAS COURT
ERIE, PA
2020 APR 16 PM 3:51
CLERK OF RECORDS
PROTHONOTARY

SECOND AMENDED EMERGENCY JUDICIAL ORDER

AND NOW, this 16th day of April, 2020, in accord with the Order of the Supreme Court of Pennsylvania dated April 1, 2020 and its prior Orders of March 18, 2020 and March 16, 2020 as well as this Court's Emergency Judicial Order dated March 17, 2020, and the Amended Emergency Judicial Order dated March 31, 2020, **IT IS HEREBY ORDERED, ADJUDGED and DECREED**, that the judicial emergency declared for the Sixth Judicial District of the Court of Common Pleas of Erie County, Pennsylvania shall be extended through May 31, 2020 due to the COVID-19 pandemic. All terms and conditions previously set forth in the Emergency Judicial Orders issued by this Court will remain in effect.

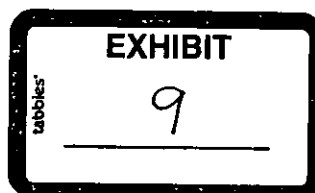
Further, any postponement caused by this Emergency Judicial Order that impacts a criminal defendant's trial date and right to a speedy trial shall be considered a court postponement and shall constitute excludable time for purposes of the application of Pa. R. Crim. P. 600, subject to constitutional limitations.

4-16-2020
Date


Hon. John J. Trucilla, President Judge

cc: Geoff Moulton, Court Administrator of Pennsylvania
Irene M. Bizzoso, Supreme Court of Pennsylvania Prothonotary
The Honorable Stephanie Domitrovich
The Honorable Elizabeth K. Kelly
The Honorable Daniel Brabender, Jr.
The Honorable John J. Mead
The Honorable Joseph M. Walsh, III
The Honorable Marshall J. Piccinini
The Honorable David G. Ridge
The Honorable Erin Connelly Marucci

Robert Catalde, Esq., District Court Administrator
Julia Bagnoni, Esq., Deputy Court Administrator
Rebecca Humphrey, Esq., Deputy Court Administrator
John Loomis, Erie County Sheriff
Kenneth Gamble, Esq., Clerk of Records
Kelly Malone, Prothonotary
Aubrea Haynes, Clerk of Courts
Tammi Elkin, Esq., Register of Wills
David Bradford, Esq., Recorder of Deeds
Jack Daneri, Esq., District Attorney
Patricia J. Kennedy, Esq., Public Defender



**ERIE FRATERNAL ORDER OF POLICE
LODGE #7 and WILLIAM TYLER
MEMORIAL LODGE #64, INC.
PETITIONERS**

v.

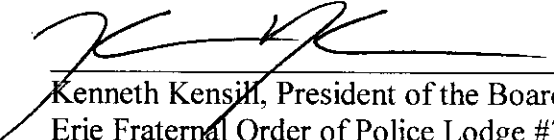
**ERIE COUNTY DEPARTMENT OF
HEALTH,
RESPONDENT**

**: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
:
: CIVIL DIVISION
:
:
:
: NO.**

VERIFICATION

I, Kenneth Kensill, President of the Board of the Erie Fraternal Order of Police Lodge #7, hereby verify that the facts contained in the within Petition for Review in the Nature of a Complaint for Injunctive and Mandamus Relief are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.

4-21-20
Dated


Kenneth Kensill, President of the Board
Erie Fraternal Order of Police Lodge #7

**ERIE FRATERNAL ORDER OF POLICE
LODGE #7 and WILLIAM TYLER
MEMORIAL LODGE #64, INC.
PETITIONERS**

v.


**ERIE COUNTY DEPARTMENT OF
HEALTH,
RESPONDENT**

**: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
:
: CIVIL DIVISION
:
:
:
: NO.**

VERIFICATION

I, Jason Morell, President of the Board of the William Tyler Memorial Lodge #64, Inc., hereby verify that the facts contained in the within Petition for Review in the Nature of a Complaint for Injunctive and Mandamus Relief are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.

4/21/2020
Dated



Jason Morell, President of the Board
William Tyler Memorial Lodge #64, Inc.

ERIE FRATERNAL ORDER OF POLICE
LODGE #7 and WILLIAM TYLER
MEMORIAL LODGE #64, INC.
PETITIONERS

v.

ERIE COUNTY DEPARTMENT OF
HEALTH,
RESPONDENT

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
: CIVIL DIVISION
:
:
: NO.

CERTIFICATE OF SERVICE

I, Chad J. Vilushis, Esquire and Anthony R. Himes, Esquire, do hereby certify that a true and correct copy of the foregoing **PETITION FOR REVIEW IN THE NATURE OF A COMPLAINT FOR INJUNCTIVE AND MANDAMUS RELIEF** has been served upon the following below-named individual(s) by hand delivery to the address indicated below:

Erie County Department of Health
606 West 2nd Street
Erie, PA 16507

By: _____

Chad J. Vilushis, Esquire
Attorney for Petitioners
Atty. ID No. 80117
1514 Liberty Street
Erie, PA 16502
Phone: (814) 455-5362
Fax: (814) 455-5150

By: _____

Anthony R. Himes, Esquire
Attorney for Petitioners
Atty. ID No. 50546
246 West Tenth Street
Erie, PA 16501
Phone: (814) 454-3033
Fax: (814) 456-9398

Dated: April 22, 2020

ERIE FRATERNAL ORDER OF
POLICE LODGE #7 and WILLIAM
TYLER MEMORIAL LODGE #64, INC.
PETITIONERS

v.

ERIE COUNTY DEPARTMENT OF
HEALTH,
RESPONDENT

: IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA
:
:
: CIVIL DIVISION
:
:
: NO.

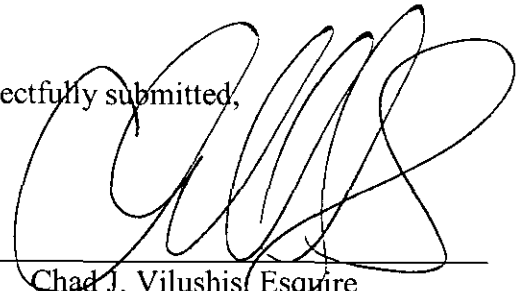
CERTIFICATE OF COMPLIANCE

I certify this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

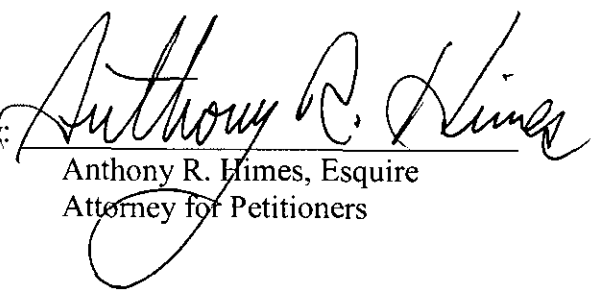
Date: 4/22/20

Respectfully submitted,

By:


Chad J. Vilushis, Esquire
Attorney for Petitioners

By:


Anthony R. Himes, Esquire
Attorney for Petitioners

