

**THE CITY OF FALLS CHURCH GENERAL DISTRICT COURT**

**ORDER EXTENDING COVID-19 PRECAUTIONARY MEASURES**

It appearing to the Court that on June 1, 2020 the Chief Justice of the Virginia Supreme Court entered an Order extending the Declaration of Judicial Emergency through June 28, 2020;

And it further appearing that the extension of the Declaration of Judicial Emergency authorizes a court to hear in-person non-emergency matters if a court determines it is safe to do so.

The Court finds the following docket management and precautionary measures are consistent with current recommendations from The Governor of the Commonwealth and Supreme Court of Virginia. It is, therefore, ORDERED:

**1. General Policies:**

The Court orders the following policies to be applicable to all matters pending in the City of Falls Church General District Court:

A. The Court will limit the number of people allowed in the courtroom and require that all courtroom occupants maintain a social distance consistent with guidelines established by the Commonwealth of Virginia and the Center for Disease Control and Prevention. Only necessary persons, including parties, counsel, court reporter and witnesses will be permitted in the courtrooms.

B. All persons in the courthouse will be required to wear a mask or other facial covering over their nose and mouth. Upon resuming in-person court proceedings, the Court will maintain a liberal continuance policy. If any participant has been ill or currently experiencing symptoms such as shortness of breath, cough, or a fever, or has been exposed to someone who has been diagnosed with COVID-19, the parties are asked to continue or reschedule the hearing.

C. The Court encourages all participants, parties, and litigants to use video or telephone conference for any matter pending in the Court. The Court will use the WebEx platform to conduct video hearing. A free download of the WebEx Meetings for video conferencing can be found at [www.webex.com/downloads.html/](http://www.webex.com/downloads.html/). The Court will permit video, telephone, or teleconference hearings provided the parties file a written motion five (5) business days in advance of the hearing requesting a telephone or video conference that provides:

(1) the current court date and time,

(2) the names of participants that will be appearing by video conference or telephone, specifying if the participant will appear by video or telephone,

- (3) the telephone number and email address for each participant appearing by telephone or video conference,
- (4) a certification that all parties agree with the telephone or video conference, and
- (5) a certification that all participants appearing by video conferencing have downloaded the WebEx app or have been provided the information to download the application.

All parties and counsel appearing by telephone or video shall be prepared to begin the hearing at the scheduled time and remain prepared to begin the hearing even if delayed. All witnesses appearing by telephone or video shall be prepared to testify at the scheduled time and remain prepared to testify during the pendency of the hearing until their testimony is required.

Any evidence, documents or exhibits to be introduced during a telephone or video hearing shall be exchanged between the parties or their counsel and filed with the court, at least, five (5) business days before the hearing. The exhibits filed with the court shall be filed under seal. The court will unseal and review the exhibit only after it has been admitted into evidence.

D. This Order may be extended or modified consistent with future Executive and/or Judicial Orders.

## **2. Criminal Cases (including DWI and Leaving the Scene of an Accident)**

A. All criminal trials and preliminary hearings scheduled through June 9, 2020 are hereby ordered converted to status but remain on the docket to be continued. Subpoenaed witnesses, police officers, and other witnesses shall be released and notified by defense counsel or the Commonwealth. Parties should seek to file an agreed Order to reschedule the case for trial or preliminary hearing. Absent an Order, the matter will be rescheduled to a date on or after June 10, 2020.

However, any criminal trial or preliminary hearing, currently, scheduled through June 9, 2020 and converted to Status by this Order may proceed to trial or preliminary hearing upon the advanced filing of a Motion to Permit Trial/Preliminary Hearing. The Court will review the Motion and determine if the trial or preliminary hearing can be conducted safely on the regularly scheduled docket or at a time certain.

B. All bond motions and in-custody arraignments scheduled through June 9, 2020 will continue to be conducted by video.

C. **Beginning June 10, 2020** all criminal trials, preliminary hearings, and other criminal matters shall resume. Witnesses in a criminal trial or preliminary hearing may participate by telephone or video provided the procedure set forth in paragraph 1(C), above, is followed. The

court expects Counsel and defendant to be present in court during any criminal trial or preliminary hearing.

D. **Motions practice.** The Commonwealth and Defendant in criminal matters may continue to seek relief from the Court prior to court resuming on June 10, 2020 by filing a Motion with the Court. If the Commonwealth and Defendant agree upon the relief sought in any non-dispositive Motion, the parties may request that the court rule upon the Motion on the papers. If argument on any Motion is necessary, a hearing shall be scheduled. A Defendant, Counsel, or witness may participate by telephone or video in any non-dispositive motion hearing provided the procedure set forth in paragraph 1(C), above, is followed. Further, for any non-dispositive motion, a Defendant's appearance may be waived at the request of defense counsel.

### **3. Civil Cases.**

A. **Civil matters prior to June 10, 2020.** All civil matters (EXCEPT PROTECTIVE ORDERS) scheduled through June 9, 2020 are removed from the docket and continued to June 24, 2020 at 11:00 a.m. for status for the setting of a new date. Attorneys and parties to any civil matter removed from the docket are encouraged to contact the clerk's office, by telephone, and provide an agreed upon date to reschedule the case for initial return, pretrial conference, or trial prior to June 24, 2020. If the parties reach an agreement for a new date, the clerk will make a notation on the file and the matter will be continued to the agreed upon date without the need for counsel or parties to appear in court or the clerk's office. An Order can be submitted at a subsequent time.

However, any civil matter, currently, scheduled through June 9, 2020 and converted to Status by this Order may proceed to hearing or trial upon the advanced filing of a written Motion to Permit Hearing/Trial. The Court will review the Motion and determine if the hearing or trial can be conducted safely on the regularly scheduled docket or at a time certain. All parties, counsel, and witnesses may participate by telephone or video in any civil matter provided the procedure set forth in paragraph 1(C), above, is followed.

B. **Beginning June 10, 2020** all civil matters will resume (EXCEPT GARNISHMENT proceedings and UNLAWFUL DETAINER proceedings). Counsel, parties, subpoenaed witnesses, and other witnesses are expected to be prepared for trial or hearing on and after June 10, 2020 except for any proceedings in Garnishment or Unlawful Detainers. All parties, counsel, and witnesses may participate by telephone or video in any civil matter provided the procedure set forth in paragraph 1(C), above, is followed.

C. **Unlawful Detainers.** All Unlawful Detainer proceedings currently pending on the court's docket to July 27, 2020 are hereby ordered converted to status but remain on the docket to be continued. Parties should seek to file an agreed Order to reschedule the case for a new hearing. Absent an Order, the matter will be rescheduled to a date on or after July 27,

2020 to ensure compliance with the protections afforded under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) that extends protections for 120 days from its enactment on March 27, 2020. A plaintiff in a pending Unlawful Detainer proceeding may seek relief from the Court for an earlier court date provided the Plaintiff files a CARES Act Affidavit certifying that the rental property is not a covered dwelling under the CARES Act. Plaintiff is not relieved of service of process and notice requirements of any proceeding.

Any new Unlawful Detainer filings will not be accepted unless it is accompanied with a Coronavirus Aid, Relief and Economic Security (CARES) Act Affidavit certifying that the rental property is not a covered dwelling under the CARES Act.

Any Unlawful Detainer action may proceed to a hearing on or after June 29, 2020 provided it is accompanied with a CARES Act Affidavit certifying that the rental property is not a covered dwelling under the CARES Act.

**D. Garnishments pending through June 28, 2020.** All Garnishment proceedings under Virginia Code § 8.01-511 currently pending on the court's docket through June 28, 2020 are hereby ordered converted to status but remain on the docket to be continued. Parties should seek to file an agreed Order to reschedule the case for a new hearing. Absent an Order, the matter will be rescheduled to a date on or after June 29, 2020.

The court will not accept any new Garnishment filings before June 29, 2020. All Garnishment proceedings under Virginia Code § 8.01-511 will resume on June 29, 2020.

**E. Protective Orders.** All Petitions for Preliminary Protective Orders will proceed on the docket as normal without changes. At a full hearing on the Petition, the court will have a liberal continuance policy and attorneys, plaintiffs, defendants, and witnesses are encouraged to remain home if they are feeling ill or displaying symptoms of illness.

**4. Traffic Cases.** All non-jailable traffic cases (Excluding DWI and Leaving the Scene of an Accident) scheduled through June 9, 2020 will be removed from the docket and rescheduled to the officer's available date on or after June 10, 2020. All traffic cases will resume on June 10, 2020 on a schedule to be determined.

**5. Prior Orders.** The following Orders previously entered by this Court shall remain in full force and effect and/or extended through June 7, 2020:

A. Order to Suspend the Filing of Garnishments is extended through June 28, 2020;


B. Order for Suspension of Evictions and Tolling of Deadlines Pursuant to Section 17.1-330(D) is extended through June 28, 2020;

C. Order to Modify Hours of Operation is extended through June 28, 2020;

D. Order suspending delayed and weekend confinement obligations shall remain in full force and effect;

E. Order to Extend Time to Perform Community Service Through OAR or Sheriff's Work Force shall remain in full force and effect.

6/2/20  
DATED

  
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R. Frances O'Brien, Chief Judge  
Falls Church General District Court