

VIRGINIA:

IN THE RAPPAHANNOCK COUNTY GENERAL DISTRICT COURT

ORDER RESUMING OPERATION OF THE GENERAL DISTRICT COURT

Whereas, the Supreme Court of Virginia stated in its Fourth Order Modifying and Extending Declaration of Judicial Emergency in Responses to COVID-19 Emergency dated May 5, 2020 (Order) that all courts may hear in-person non-emergency matters if they determine it is safe to do so and provided they comply with the guidance for transitioning from emergency to routine operation provided by the Office of the Executive Secretary in order to minimize the risk of the spread of COVID-19 from in-person court proceedings; and

Whereas, the judge of the Rappahannock County General District Court has determined that measures can be implemented in the courtroom to safely hear non-emergency cases in-person;

Therefore, it is hereby Ordered:

1. Effective May 19, 2020, the General District Court will begin the process of transitioning from emergency court operations to those more in line with pre-pandemic court operations.
2. All cases on the dockets (civil, criminal and traffic, emergency or non-emergency) will be called and heard in person or via remote appearance as scheduled, if granted.
3. Counsel and/or parties who desire to appear remotely by WebEx, Polycom or telephone, shall make a written request at least 72 hours in advance of the court date and provide a copy of the request to opposing counsel and/or parties. The court will consider the request on a case by case basis.
4. Counsel and/or parties are encouraged to reach stipulations about the admission of documents and witness testimony.
5. (a) Continuance requests that are filed at least 72 hours in advance will be granted liberally to those impacted by COVID-19. Agreed continuance orders filed in advance of the scheduled hearing date will be entered and the matter will be continued to the agreed date.

(b) With the exception of covered residential unlawful detainer matters as per the CARES Act, cases will no longer be automatically continued when the parties and/or counsel fail to appear for the scheduled hearing. If parties and/or counsel fail to appear and have not requested to appear by telephone, Polycom or WebEx or filed a motion to continue, those cases will be disposed of as follows:
 - i. For criminal and traffic cases, the defendant may be tried in their absence and/or have a capias and/or show cause issued, as applicable, if they fail to appear.

ii. In civil cases, except for residential unlawful detainer matters covered by the CARES Act, the defendant may be subject to a default judgment if they fail to appear. The plaintiff's failure to appear may result in the cases being dismissed. Unless the parties otherwise agree, all residential unlawful detainer cases currently docketed and covered by the CARES Act, shall be continued to a date after July 25, 2020.

iii. The Clerk's office cannot accept new residential unlawful detainer filings covered by the CARES Act until after July 25, 2020.

6. The court will observe and enforce social distancing. Seats will be marked to maintain social distancing in the courtroom. Bailiffs will monitor the number of people in the courtroom to ensure compliance.

(a) Parties and witnesses with cases on the docket may be prohibited from entering the courtroom due to social distancing requirements. Those parties and witnesses prohibited from entering the courtroom due to social distancing, shall remain outside of the courtroom until their case is called.

(b) Only parties, witnesses and counsel and other authorized individuals will be allowed in the courtroom. All other persons are prohibited from entering the courtroom until directed otherwise by judge or authorized personnel and are encouraged not to enter the courthouse.

7. All persons entering the courtroom are encouraged to wear Personal Protection Equipment (masks).

8. Continuance motions and agreed orders may be filed in the Clerk's Office via facsimile at (540)675-5357 or email to dfoster@vacourts.gov.

9. Should any provision herein conflict with the Order of the Supreme Court of Virginia, the Order of the Supreme Court of Virginia shall control.

Entered this 19th day of May, 2020.



J. Gregory Ashwell, Judge