

**VIRGINIA:
IN THE LOUDOUN COUNTY GENERAL DISTRICT COURT**

**UPDATED ORDER REGARDING DOCKET CONTROL PROCEDURES AND OPERATIONS
OF THE GENERAL DISTRICT COURT**

Whereas, the Supreme Court of Virginia has declared an ongoing state of Judicial Emergency in Response to COVID-19 Emergency since March 16, 2020;

Whereas, the Supreme Court of Virginia has stated in its prior orders Modifying and Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency that all courts may hear in-person non-emergency matters if they determine it is safe to do so and comply with the guidance for operations 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;

Whereas, the Loudoun County General District Court (GDC) issued an Order on May 12, 2020 resuming operations during the ongoing Judicial Emergency period;

Whereas, the GDC judges continue to find that reasonable measures can be implemented in the GDC courtrooms to safely hear non-emergency cases in-person;

Whereas, the GDC judges find that reasonable docket control measures should be implemented during the judicial emergency to ensure clear standards for access to justice within the GDC;

Therefore, during this judicial emergency, it is hereby Ordered:

1. Pertaining to all matters:

- A. 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 they are scheduled.
- B. The Court will continue to observe and enforce social distancing within the GDC courtrooms and clerk's office. Employees, parties, witnesses, and counsel shall wear face coverings/masks in each courtroom and the clerk's office unless otherwise authorized. Seating is marked to maintain social distancing in each courtroom. Bailiffs will monitor the number of people in each courtroom to ensure compliance.
- C. Parties and witnesses with cases on the docket may be prohibited at times 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 and shall maintain social distancing in the lobby or other designated areas in the courthouse.

- D. Only parties, witnesses and counsel will be allowed in the courtroom. All other persons (e.g., supporting family, friends) are prohibited from entering the courtroom unless directed otherwise by a judge or authorized personnel and are further encouraged not to enter the courthouse.
- E. Counsel and/or parties are encouraged to reach stipulations in advance of court hearings about the admission of documents and witness testimony.
- F. Counsel, parties and/or witnesses are encouraged to appear remotely, by WebEx, Polycom, or telephone, where appropriate.
 - i. Counsel, parties and witnesses who desire to appear remotely for a court hearing must file a written motion at least forty-eight (48) hours / two (2) business days in advance of the court date and time, and simultaneously provide a copy of the request to opposing counsel and/or parties. Motions for remote appearance shall include sufficient detail to allow the Court to make a ruling on the motion based on what is submitted in writing. The Court will consider requests for remote appearance on a case by case basis. Newly updated form motions are attached hereto for such requests; the forms are also available at the Clerk's office.
 - ii. The Court will not hear cases by WebEx, Polycom, or telephone that are scheduled for more than 30 minutes without prior court authorization.
- G. Continuance requests based upon being impacted by COVID-19 will be liberally granted, but evaluated on a case by case basis. Agreed continuance orders are to be filed no less than forty-eight (48) hours / two (2) business days in advance of the court date and time and submitted to chambers for consideration.
- H. Pursuant to the authorization of the judicial emergency directives of the Supreme Court of Virginia, the court will accept motions, pleadings or orders that contain an electronic or digital scan of a signature of counsel.
- I. Any filing that seeks immediate court action or variance from the procedures set forth herein should be appropriately labeled and identified as an "Emergency" in writing. Any such matters identified as an Emergency will be brought to the attention of an available judge. The reviewing judge will assess the filing on its face and determine if such matter qualifies as an emergency and is otherwise entitled to exemption from the procedures herein or other priority treatment. Such matters will only be docketed at the direction/authorization of the reviewing judge.

2. Pertaining to criminal or traffic docket matters:

- A. In a criminal or traffic case, consent orders may be filed for consideration by a judge in chambers.
- B. To docket a motion in a criminal or traffic case, the moving party must provide forty-eight (48) hour / two (2) business day advance written notice, both to the court and the opposing party, unless otherwise stated herein.
- C. A bail / bond motion requires twenty-four (24) hour / one (1) business day advance written notice, and shall include notice to Pretrial Services, unless otherwise authorized by the Court.
- D. The Court may in its discretion conduct remote hearings for defendants in custody where requested by the defendant and appropriate waivers are endorsed.
- E. Defendants in custody will not be automatically transported in-person to Court for any hearings. In any matter involving a defendant in custody whose in-person presence is requested for a court hearing, counsel for either the defense or the commonwealth must notify the clerk of such request in writing before 2:00 p.m. the business day prior to the scheduled hearing (electronic mail is an acceptable writing for these requests).
- F. Any motion to the Court to issue or amend restricted driving privileges may be submitted in writing to chambers for judicial consideration, unless otherwise directed by the Court. Submissions must include an appropriate application form and documentation of the requesting party's current driver license status (e.g., a valid DMV driver transcript, compliance summary, etc.) and other sufficient information so as to permit the court to make an informed decision on the written request.

3. Pertaining to civil docket matters:

- A. Any request for action by a judge on a civil matter shall be made by properly filed praecipe, notice, motion or order. A letter or e-mail alone requesting that a judge take certain action on a case will not be considered.
- B. Counsel are encouraged to make use of remote appearance mechanisms for scheduling and/or civil return dockets.
- C. To docket a motion in a civil case, the moving party must provide at least seven (7) day advance written notice, both to the court and the opposing party, unless otherwise stated herein.

D. Eviction actions:

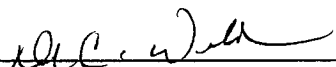
- i. Effective immediately, the GDC will not docket any filings or authorize any actions related to eviction unless an attesting affidavit accompanies any filing for unlawful detainer or writ of eviction setting forth that the filing or action is permitted under current state or federal law. A sample affidavit is attached hereto and is also available at the Clerk's office.
- ii. In an effort to reduce the number of people coming to the courthouse, the Court encourages landlords to consider the procedures set forth in Virginia Code Section 16.1-88 to eliminate the need for *ex parte* proof on the return date in the event of default. If the Plaintiff anticipates that additional sums for rent will be due as of the return date, those sums should also be set out in that affidavit.

If the unlawful detainer summons is not filed and served with an affidavit, the Court will accept evidence in support of a default judgment in the form of a subsequent affidavit in lieu of live witness testimony. This affidavit should also reflect any additional sums for rent due as of the court date if those amounts will be sought.

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

This Order shall be in effect until otherwise modified by this Court or until the termination of the ongoing statewide judicial emergency, whichever comes first.

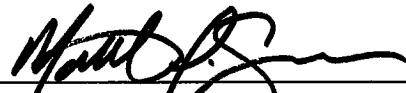
ENTERED this 25th day of November 2020.



Deborah C. Welsh, Chief Judge



Lorrie A. Sinclair Taylor, Judge



Matthew P. Snow, Judge