

ALLEGHENY COUNTY HEALTH DEPARTMENT
ADMINISTRATIVE ORDER

IN RE: Emergency Order Re: COVID-19

AND NOW, this 1st day of June, 2020, it is hereby ORDERED that any administrative appeal before the Allegheny County Health Department (“ACHD”) Hearing Officer which was required to be filed between March 19, 2020 and June 1, 2020 shall be deemed to have been timely filed if it is filed by June 2, 2020.

The Hearing Officer also highly encourages anyone filing an appeal to do so electronically, preferably using the ACHD’s Standard Notice of Appeal Form, available at

https://www.alleghenycounty.us/uploadedFiles/Allegheny_Home/Health_Departmen t/Resources/Legal/Appeal_Notice_Form.pdf, and also attached on Page 6 of this Order. All electronically-filed appeals should be sent by email to ACHD Hearing Officer Max Slater at max.slater@alleghenycounty.us.

BACKGROUND

On March 19, 2020, the Supreme Court of Pennsylvania (“Supreme Court”) issued Orders 531 and 532, which directed that all Pennsylvania courts be closed to the public, through at least April 3, 2020, with a few specific exceptions. This action followed an order by the Supreme Court on March 16, 2020, declaring a judicial emergency because of the outbreak and spread of the disease COVID-19. The purpose of the March 16 and March 19, 2020 orders is to protect court and other judicial personnel, and also members of the public with business before the courts.

In Orders 531 and 532, the Supreme Court directed, “[A]ny 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.” (emphasis in original).

On April 1, 2020, the Supreme Court updated Orders 531 and 532 to extend the deadline for filing legal papers or pleadings from April 6, 2020 to April 30, 2020. On April 28, 2020, the Supreme Court updated Orders 531 and 532 to extend this deadline to May 11, 2020.

On May 6, 2020, the Honorable Kim Berkeley Clark, President Judge of the Court of Common Pleas of Allegheny County, Pennsylvania, issued an emergency order, which among other things, extended filing deadlines through June 1, 2020.

On May 28, 2020, President Judge Clark issued an order, available at https://www.alleghencourts.us/downloads/Administration/Covid_19Plan.pdf?V=7, amending the May 6, 2020 emergency order. In her May 28, 2020 order, President Judge Clark directed, “the suspension of time calculations due to the judicial emergency that began on March 16, 2020 ends at the end of the day on June 1, 2020.” She also directed, “New deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency as applied to the particular time calculation) to the original deadline. The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the

particular time calculation would have otherwise been running.” Finally, President Judge Clark instructed, “Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency.”

ORDER

Pursuant to the above-listed directives from the Supreme Court of Pennsylvania and President Judge Clark of the Court of Common Pleas of Allegheny County, it is hereby ORDERED as follows:

- 1) Any administrative appeal before the ACHD Hearing Officer which was required to be filed between March 19, 2020 and June 1, 2020 shall be deemed to have been timely filed if it is filed by June 2, 2020.
- 2) If the time calculation for filing an administrative appeal falls between March 19, 2020 and June 1, 2020, then that timeframe shall not count in determining when the deadline for filing the administrative appeal is.
- 3) If, however, the time calculation for an administrative appeal does not begin until June 2, 2020 or afterward, then the filing deadline shall not be extended, except by consent of the parties.
- 4) The Hearing Officer will determine on a case-by-case basis whether a failure to meet a deadline was a result of the judicial emergency imposed from March 19, 2020 through June 1, 2020.

5) By August 31, 2020, this Order will be updated to reflect the ongoing and changing situation regarding COVID-19.

Max Slater

Max Slater, Esq.
Administrative Hearing Officer
Allegheny County Health Department

Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.

Name _____
Mailing Address _____
City _____ State ____ Zip _____ Email _____
Phone _____ Fax (optional) _____

If you are represented by an attorney, please provide contact information for your attorney:

Name _____
Mailing Address _____
City _____ State ____ Zip _____ Email _____
Phone _____ Fax (optional) _____

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.)

By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.

Signature _____ Date _____

Appeals should be submitted in person or by mail to: Allegheny County Health Department Attention: Hearing Officer 542 4th Avenue Pittsburgh, PA 15219, or emailed to the Hearing Officer at max.slater@alleghenycounty.us.

