

## **VIRGINIA: IN THE CIRCUIT COURT OF LOUDOUN COUNTY**

### **ORDER:**

#### **COVID-19 CONTINGENCY OR ACTION PLAN**

#### **LOUDOUN COUNTY CIRCUIT COURT ORDERED PROCEDURES**

WHEREAS, the government of the Commonwealth of Virginia has, by executive order, declared a state of emergency; and

WHEREAS, the government of the United States has, by executive order, declared a national emergency; and

WHEREAS, the Court finds it meritorious, just and necessary to promulgate emergency rules of procedure governing the administration of justice in the Loudoun County Circuit Court. The following rules and procedures are effective immediately until further order of the Court.

- A. All criminal matters currently on the Court's docket through April 10, 2020, except for arraignments (to include capias returns and indictment returns) and bond motions, are converted to status as follows:
  - i. All matters currently set during the weeks of March 16, 2020 and March 23, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 21, 2020, at 9:00 a.m. for status or to be set for hearing.
  - ii. All matters currently set during the week of March 30, 2020 and April 6, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 28, 2020, at 9:00 a.m. for status or to be set for hearing.
  - iii. Arraignments and bond motions currently on the docket will remain and may otherwise be added to the Court's docket. Counsel will appear telephonically by arrangement with the Court's docket manager unless otherwise ordered by the Court.
  - iv. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to [amy.bain@loudoun.gov](mailto:amy.bain@loudoun.gov). The Court will determine whether to docket the matter.
  - v. No other criminal motions shall be set prior to April 21, 2020.
  - vi. All criminal dockets (pleas, sentencings, probation violations, motions) are cancelled through April 10, 2020.

- B. All civil matters on the Court's dockets through April 10, 2020 are removed from the docket and docketed for tracking, as follows:
- i. All matters currently set the week of March 16, 2020 and March 23, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 20, 2020, at 9:00 a.m. for status or to be set for hearing.
  - ii. All matters currently set the week of March 30, 2020 and April 6, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 27, 2020, at 9:00 a.m. for status or to be set for hearing.
  - iii. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to [amy.bain@loudoun.gov](mailto:amy.bain@loudoun.gov). The Court will determine whether to docket the matter.
  - iv. Matters currently filed for Civil Motions Day on Friday, April 3, 2020, will remain on the docket. No praecipes for Civil Motions Day on Friday April 3, 2020, will be accepted after entry of this Order. Parties may request the Court to appear telephonically on Civil Motions Day on Friday, April 3, 2020 via email to [amy.bain@loudoun.gov](mailto:amy.bain@loudoun.gov). *The status of this docket remains subject to further review and revision.*
- C. Appeals from the district courts shall be docketed in the Circuit Court as follows:
- i. Except for protective orders, any civil matter appealed from the Loudoun County General District Court or the Loudoun County Juvenile and Domestic Relations District Court shall not be noticed or docketed for scheduling in the Loudoun County Circuit Court on the April 10, 2020 misdemeanor/civil appeals docket and shall be set for the May 8, 2020 misdemeanor/civil appeals docket or to a later misdemeanor/civil appeals docket for scheduling.
  - ii. Any criminal matter appealed from the Loudoun County General District Court or the Loudoun County Juvenile and Domestic Relations District Court shall not be noticed or docketed for the April 10, 2020 misdemeanor/civil appeals docket and shall docketed for scheduling in the Loudoun County Circuit Court on the May 8, 2020 or later misdemeanor appeals docket.
- D. Should a party believe any matter must be scheduled and/or heard prior to the dates set out above, the emergency motion procedure should be followed.

- E. Nothing herein changes any statutory or rule-based filing deadlines. All parties are strongly encouraged to liberally consent to extension of deadlines where the law so permits and to submit appropriate consent orders memorializing such agreements. The Court notes, however, consistent with Virginia law, that not all consent orders are legally effectual as they purport to be. For example, agreement of the parties does not serve to confer jurisdiction upon the Court.
  
- F. To the extent this Order conflicts with any provision of the General Administrative Order (“GAO”) entered March 16, 2020, this Order shall control. Otherwise, the GAO remains in full force and effect.
  
- G. All aspects of this Order are subject to revision and review by this Court. All aspects of this Order are subordinate to the Order of any Court superior to this Court.

ENTERED this 16<sup>th</sup> day of March, 2020, at 12:42 p.m.

A handwritten signature in black ink, reading "Douglas L. Fleming, Jr.", written over a horizontal line.

Douglas L. Fleming, Jr.  
Chief Judge