

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

In Re: The County of Allegheny

CIVIL DIVISION

Misc, No. 20-mc-394-MRH

Chief Judge Mark R. Hornak

FOURTH MOTION TO EXTEND STAY IN CERTAIN CASES

On May 15, 2020, this Court entered a Third Order holding in abeyance certain civil action obligations in 12 cases in which Allegheny County or Allegheny County employees were a party. (ECF 3:20-mc-00394-MRH #10-1.) This stay was necessary because of the emergency situation in Allegheny County created by impact of the Coronavirus disease, COVID-19 within Allegheny County. The stay is set to expire on June 16, 2020. The Order provides that an extension of the period of abeyance could be sought if circumstances warrant. For the reasons set forth below Allegheny County respectfully requests an extension of the abeyance in 10 cases. Attached as Exhibit "A" is a list of these cases.

1. Assistant County Solicitors and the Allegheny County Law Department are representing Allegheny County and/or the individual County employees in all of these actions.
2. These 10 cases involve the Allegheny County Jail that is currently facing unprecedented responsibilities that call upon all its available time, talent, and resources to ensure it continues to perform vital governmental functions for the residents of Allegheny County and adequately address the unique concerns created by the COVID-19 pandemic.
3. In each of these cases, if the stay were lifted, the Jail would be required within the next

30 days to devote significant time, resources, and attention to defend the lawsuit. Respectfully, this is time, resources, and attention that must be devoted now to combating the impact of COVID-19 in the Allegheny County jail.

4. In all the cases, where a party is represented by counsel, that attorney has been contacted and either consented to the granting of this motion or has not stated an objection to the request.

5. This motion is made with the good faith belief that all counsel who have not responded do not oppose the granting of this motion.

6. On March 13, 2020, the federal government declared a national emergency concerning the Coronavirus disease, COVID-19.

7. On June 4, 2020 the Pennsylvania Governor modified his stay at home order and added Allegheny County to the "Green Phase." The Green Phase lifted mandatory restrictions on jails and left the precautions to be taken to the discretion of the facility. However, the Allegheny County Jail has not materially changed its COVID-19 related operations and it is now also operating under a consent decree issued the Court at 2:20-cv-00496-CB-CRE.

8. As of June 10, 2020, Allegheny County Department of Health advised that in Allegheny County there are 2034 reported COVID-19 cases, 352 hospitalizations, and 172 deaths.

9. The Allegheny County Jail is required at this time of emergency to focus all of their available manpower and resources to address the essential needs of the Allegheny County Jail's inmates and staff and to fulfill their obligations to the populations they serve, including addressing the unique challenges COVID-19 presents. By way of example:

- a. There remains 28 positive COVID-19 tests of inmates and staff have increased from 5 to 6 positive cases at the Jail, and extreme efforts are still underway to address the emergency situation, quarantine inmates where appropriate, follow evolving guidelines, and provide unique medical services

- and care to inmates. The Jail must continue to devote its time and manpower to ensuring the health and safety of its inmate population and all personnel employed in this secure correctional facility. Jail personnel are now also required to devote significant time to respond to a COVID-19 related lawsuit seeking an injunction;
- b. The manpower and workload issues that have arisen in the Jail due to staffing concerns because of the stay at home order, closing of supporting facilities, leave use and other COVID-19 related employee issues;
 - c. The jail is required to operate 24/7 and continue to have to perform all of their other mandatory obligations while adding to their work the complexities presented by COVID-19.
10. Allegheny County Jail has been called upon to assess, marshal, and redeploy their resources to focus upon meeting these needs.
11. The Allegheny County Law Department is also called upon to divert its resources to providing unique legal advice to various County Departments presented by employee-related issues of COVID-19 and needs to be available to perform new work necessitated by the COVID-19 emergency. Including the rescheduling of primary elections, and planning on other contingencies, including a sharp increase in mail-in balloting.
12. Allegheny County needs its employees in the Jail to be able to devote as much time and attention as possible to addressing the emergency situation created by COVID-19.
13. The Allegheny County Solicitor needs Law Department attorneys to be able to devote their time and attention to the new duties they are called upon to perform.
14. Allegheny County respectfully requests that the 10 cases listed in the attached Exhibit be held in abeyance for the next 30 days.
15. The granting of this Motion will assist the government of Allegheny County in being able to expend its resources in a manner that best serves the interests of the residents of Allegheny County in this time of emergency.

WHEREFORE, the Allegheny County requests a 30-day stay in all cases set forth in the attached document.

Respectfully submitted,

	<p><u>/s/ Andrew F. Szefi</u> PA ID# 83747 ALLEGHENY COUNTY LAW DEPARTMENT 445 Fort Pitt Blvd. Suite 300 Pittsburgh, PA 15219 (412) 350-1173 Andrew.Szefi@AlleghenyCounty.US</p> <p>Solicitor for Allegheny County</p> <p><u>/s/ John A. Bacharach</u> PA ID# 19665 ALLEGHENY COUNTY LAW DEPARTMENT 445 Fort Pitt Blvd. Suite 300 Pittsburgh, PA 15219 (412) 350-1173 john.bacharach@AlleghenyCounty.US Assistant County Solicitor</p>
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“Exhibit A to Fourth Motion to Extend Stay in Certain Allegheny County Cases”

	Case Caption	Docket Number	Assigned Judge	AC Attorney	Department
1.	Kimberly Andrews v. Allegheny County, et al.	2:19-cv-00670	Marilyn J. Horan	J.B.	Jail
2.	Carl English v. Allegheny County, et al.	2:18-cv-00651	Maureen P. Kelly	J.B.	Jail
3.	Adam Anderson, on behalf of Joel Velazquez-Reyes, deceased, v. Allegheny County, et al	2:19-cv-00612	Maureen P. Kelly	J.B.	Jail
4.	Richard Allen Hammonds II v. Allegheny County Bureau of Corrections, et al.	2:18-cv-01389	Cynthia Reed Eddy	L.D.	Jail
5.	Daelon Hill-Johnson v. Deangeus, et al.	2:19-cv-01277	Lisa Pupo Lenihan	J.B.	Jail
6.	Julius Hurt v. Allegheny County Medical Staff, et al.	2:19-cv-00653	Lisa Pupo Lenihan	J.B.	Jail
7.	“Jane Doe” v. Allegheny County, et al.	2:19-cv-00954	Maureen P. Kelly	J.B.	Jail
8.	Bianca Morris v. Orlando Harper, et al.	2:19-cv-01639	J. Nicholas Ranjan	J.B.	Jail
9.	Leo Russo v. County of Allegheny	2:18-cv-00097	Mark R. Hornak	J.B.	Jail
10.	Jules Williams v. Allegheny County, et al.	2:17-cv-01556	Marilyn J. Horan	J.B.	Jail

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

INRE: MOTION OF)	Misc. No. 2:20-mc-394-MRH
ALLEGHENY COUNTY TO)	(This Order to also be cross-
EXTEND ABEYANCE OF)	filed on the docket of each
CERTAIN CIVIL ACTION)	affected civil action as listed on
OBLIGATIONS)	Exhibit "A" hereto)

ORDER OF COURT

AND NOW, this ____ day of June 2020, after consideration of Allegheny County's FOURTH MOTION TO EXTEND STAY IN 10 CASES, and for good cause shown upon the face of such Motion and in this Court's Administrative Order of May 15, 2020 at this docket number, ECF No. 10-1, said MOTION is GRANTED AS FOLLOWS.

As to those civil actions set forth in Exhibit "A" hereto, all filing/scheduling/ ADR discovery/discovery response deadlines, and all other case management/administration obligations and deadlines of the parties, in such listed actions are held in abeyance from the date of this Order until and including July 15, 2020, unless that period of abeyance is modified by subsequent Order of the undersigned or of the judicial officer assigned to any such civil action. Any party to a listed civil action may apply to this Court or to the assigned judicial officer for an extension of the period of abeyance, if the circumstances warrant. The judicial officer assigned to any such listed civil action may elect to formally stay the action and administratively close the action, in their sound discretion.

This Order is entered without prejudice to the rights or position of any party to any such civil action, and any party who believes that their substantial rights have been impaired by the grant of this extension of period of abeyance may file a motion for appropriate relief with the judicial officer to whom the specific civil action is assigned, who will be in the best position to make such

determinations.

As to those civil actions in this Court as to which Allegheny County or one of its individual employees or officers is a defendant but which action is **not** listed on Exhibit "A", application for appropriate relief should be made in the first instance to the assigned judicial officer.

The Clerk shall file this Order on the docket at 20-mc-394-MRH, and upon the docket of each civil action listed on Exhibit "A".

Counsel for Allegheny County shall forthwith serve a copy of this Order upon all other parties (via counsel in the case of represented parties) to any action listed in Exhibit "A" by electronic means (if such electronic service is possible) and if electronic means is not possible by first class mail, and shall promptly file a certificate of such service upon this docket, and upon the docket of the involved civil actions.

Mark R. Hornak
Chief United States District Judge