

ADMINISTRATIVE ORDER 2021-05

RE: DISTRICT COURT EVICTION PROTOCOLS

**EFFECTIVE IMMEDIATELY UPON THE EXPIRATION OF THE CDC'S
MORATORIUM PRESENTLY SCHEDULED FOR JULY 30, 2021**

In an attempt to deal with the aftermath and repercussions resulting from the COVID-19 Pandemic, the Court will continue to maintain control of the eviction calendars and will schedule all hearings based upon availability and capacity limits. This order will remain in full force and effect until otherwise ordered by the Court.

Future Eviction Hearings

- The court will continue to assign eviction hearings to the next available hearing date and time based upon capacity limits.
- The clerk's office will continue to mail an Eviction Hearing Notice to all parties, upon receipt of the summons being returned "served".
- Hearings will be scheduled in one (1) hour time slots beginning at 9:00 am. There shall be no more than ten (10) eviction hearings within the one (1) hour time slots. This will continue to be reviewed and modified as safety protocol allows.

Executions

A. Issuance of Executions – No Motion Required

- The Court shall issue an execution for possession of the premises and back rent after the entry of judgment upon request without a motion being filed *provided*:
 - The five (5) day appeal period has passed.
 - No more than thirty (30) days have passed since the entry of judgment.
 - Executions that have been stayed for a date certain may issue on the next day but no more than thirty (30) days after the date certain.

B. Issuance of Execution - Motion Required

- A Motion for Issuance of an Execution shall be filed when:
 - A judgment has been entered by stipulation and the execution is stayed but the defendant has not complied with the conditions as written in the stipulation.
 - A request for possession of the premises where more than thirty (30) days have passed since the entry of judgment.
 - Any cases where a judgment was entered, and a declaration was filed, but not upheld.
- Motions for executions may address requests to adjust the amount of the original judgment.
- Hearings will be scheduled within a one (1) hour time slot beginning at 9:00 am. There shall be no more than five (5) motions filed within the one (1) hour time slot. This will continue to be reviewed and modified as safety protocol allows.
- Motions on cases where a declaration has been filed will not be accepted until the expiration of the CDC Order.

Stays resulting from Prior Challenges on Declaration

- Any executions following a challenge resulting in a thirty (30) day stay shall remain in full force and effect until the expiration of the stay. Executions shall then issue upon request. No motion required.
- In cases where a challenge was not upheld, and execution was stayed per the moratorium, executions may issue upon request provided however motions must be filed in those cases where the judgement is more than 30 days old.
- There will be no further hearings for challenges on a declaration.

Entered as an Order of this Court on this 16th day of July 2021.

Enter:

By Order:

/s/

/s/

Jeanne E. LaFazia
Chief Judge

Stephen Waluk
Administrator