

**PRINCE WILLIAM COUNTY CIRCUIT COURT MEMORANDUM REGARDING
TEMPORARY PROCEDURES FOR CERTAIN CIVIL MATTERS**

Effective immediately, in recognition of the COVID-19 pandemic, and in an effort to allow more access to the Court without potentially exposing counsel and litigants to health threats, and consistent with the Supreme Court of Virginia's *Third Order Extending Declaration of Judicial Emergency in Response to COVID-19* issued on April 22, 2020, allowing the implementation of local policies, as needed, to remain operational and to provide essential services while balancing the health and safety needs of visitors to the court and personnel, the Court has established the procedures set forth below to allow for the submission of non-evidentiary motions to the Circuit Court to be ruled on without oral argument or for a court appearance by remote hearing with the consent of all parties. The Court is also providing guidance concerning requests for emergency hearings to be conducted in-person.

A. Non-Evidentiary Motions with Waiver of Oral Argument:

Where all parties consent to waive oral argument, and with the approval of the presiding judge, the following non-evidentiary matters may be decided on the pleadings and memoranda:

1. Demurrers
2. Pleas in bar where all facts are stipulated
3. Motions for summary judgment
4. Motions to compel and other discovery motions
5. Motions for Rule 4:10 examinations
6. Motions in limine
7. Motions for extensions of time or for a continuance
8. Motions to amend pleadings
9. Motions requesting an interpretation of existing agreements or orders where all facts are stipulated
10. Motions for pendente lite child or spousal support where all facts are stipulated
11. Adult guardianship petitions with proper notice to all parties in interest, supported by the required medical evaluation and guardian ad litem report
12. Infant settlements and wrongful death settlements supported by a guardian ad litem report for an infant plaintiff or infant beneficiary. Funds payable for the benefit of an infant or other person under a disability must be payable to the Clerk of Court or paid into an annuity funding a structured settlement.

B. Non-Evidentiary Motions with Remote Argument:

Where all parties do not consent to waive argument but do consent to a hearing by audio/visual means or by teleconference, with the approval of the presiding judge, the above non-evidentiary matters may be decided after hearing arguments by audio/visual means or by teleconference. Audio/Visual hearings in the Prince William County Circuit Court are currently available only through the Polycom platform, which is supported by the Supreme Court. The Court does not have access to WebEx, Zoom or other platforms. Counsel wishing

to connect with the Court via Polycom will need to download the Polycom RealPresence Mobile App on an Apple or Android device. Polycom will not function on a Windows 10 device. The Court will contact counsel with proposed hearing dates upon receipt and review of the pleadings and request for remote argument. Connection instructions will be provided to counsel at the time the hearing is scheduled.

The above motions should be submitted as follows:

1. The Motion, Petition, etc. with any memorandum in support and proposed Order from the moving party, the Response with any memorandum in opposition and proposed Order from the non-moving party and a *Waiver of Oral Argument or a Consent to Audio/Visual Hearing or by Teleconference signed by both parties* should be filed with the Clerk's Office in the usual manner. Counsel should provide a courtesy copy of all such documents directly to Chambers.
2. Upon receipt of the filings, the parties will receive an email or telephone call from Chambers confirming receipt of the pleadings and waiver or consent along with the Court's decision as to whether the matter is appropriate for a ruling without argument or with remote argument only.
3. The submission by the parties, excluding the Waiver/Consent and proposed order, *may not exceed ten (10) pages* per side.
4. No other motion in the case may be then pending review and decision by the Court.
5. No motion shall be decided without a Waiver of Oral Argument or Consent to Audio/Visual Hearing. Sample Waiver and Consent forms are attached hereto. If a judge determines that the motion cannot be decided without hearing evidence, the parties shall be notified by Judges' Chambers.
6. Once the judge has ruled on the motion, a copy of the judge's ruling shall be emailed to the parties, to which the parties may note their objections by emailing written objections to Chambers at cglenn@vacourts.gov and mprivott@vacourts.gov, which shall then be attached to the judge's Order and forwarded to the Clerk's Office within three (3) business days of receipt of the objections.

C. Guidance for Requesting a Hearing on Emergency Motions:

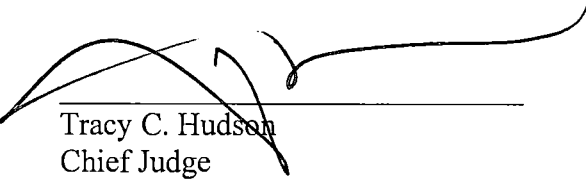
The Court has received numerous inquiries concerning the hearing of emergency motions, particularly in matters involving child custody and visitation. While the Court appreciates the importance of such issues to the parties, the Court is mindful of the direction provided by the Supreme Court which states:

Judges shall exercise their discretion as necessary in determining whether the matter is urgent and must be heard without delay *in order to protect important liberty and*

constitutional interests and the health and safety of the parties, and others necessarily involved and affected by the proceedings. [Emphasis added].

Requests for emergency hearings will be decided on a case by case basis guided by a consideration of the factors set out by the Supreme Court – liberty and constitutional interests and the health and safety of the parties and other affected persons. Requests for such hearings should set out in detail facts to support a finding that the foregoing factors are implicated in the case. Any emergency hearing which may be granted will necessarily require the presentation of evidence in person in open court.

April 22, 2020



Tracy C. Hudson
Chief Judge
Circuit Court of the
31st Judicial Circuit

VIRGINIA :

IN THE CIRCUIT COURT FOR PRINCE WILLIAM COUNTY

_____)	
(Plaintiff))	
v.)	Civil No. _____
_____)	
(Defendant))	NOTICE OF WAIVER OF
	ORAL ARGUMENT FOR
	CIVIL MOTION

NOTICE

PLEASE TAKE NOTICE that the parties, pursuant to the Prince William County Circuit Court's Temporary Procedure for the Waiver of Oral Argument, do hereby waive oral argument and submit the _____ for review and a decision on the record and the briefs.

We certify that each submission is not more than ten (10) pages and the Motion does not require any evidence to be presented. We also certify that this is the only motion currently pending under review pursuant to a waiver of oral argument.

Party Signature or Attorney Signature & VA Bar No.

Party Signature or Attorney Signature & VA Bar No.

Party or Attorney Name

Party or Attorney Name

Address

Address

Email Address

Email Address

Phone Number

Phone Number

VIRGINIA :

IN THE CIRCUIT COURT FOR PRINCE WILLIAM COUNTY

_____)	
(Plaintiff))	
)	
v.)	Civil No. _____
)	
_____)	
(Defendant))	

CONSENT TO HEARING OF CIVIL MOTION BY AUDIO-VISUAL MEANS OR BY TELECONFERENCE

The undersigned parties or counsel of record for all parties, pursuant to the Prince William County Circuit Court’s Temporary Procedure for argument of civil motions by audio/visual means or teleconference, do hereby consent to oral argument by audio/visual means or by teleconference for the following Motion:

The parties are requesting a hearing by:

_____ Audio/Visual Means; or

_____ Teleconference

We understand that audio/visual hearings in the Prince William County Circuit Court are currently available only through the Polycom platform. Parties or counsel wishing to connect with the Court via Polycom must download the Polycom RealPresence Mobile App on an Apple or Android device. Polycom will not function on a Windows 10 device. Connection instructions will be provided to counsel at the time the hearing is scheduled. The Parties and counsel agree not to share the connection IP address with any other person and to use the address only for the purpose of the above hearing.

If the hearing is to be conducted by teleconference, the parties and counsel agree to provide the Court with a current telephone number and to be available to accept the call from the Court at the scheduled time.

The parties and counsel also understand that this is a non-evidentiary hearing in which the Court will only consider the pleadings, memoranda and oral arguments in making its decision.

Party Signature or Attorney Signature & VA Bar No.

Party Signature or Attorney Signature & VA Bar No.

Party or Attorney Name

Party or Attorney Name

Address

Address

Email Address

Email Address

Phone Number

Phone Number