



Supreme Court of Appeals State of West Virginia

News

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New Temporary Order Gives Additional Guidance In Civil Matters, Seeks Public Comments

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CHARLESTON, W.Va. – The Supreme Court of Appeals of West Virginia today issued a temporary order that allows judges to proceed with a wider variety of cases as long as they hold hearings via telephone or video conference.

The temporary order is intended to supplement the order issued Wednesday, April 22, and will remain in effect for seven days. During this time, individuals may submit comments to the Office of Clerk of the Supreme Court: Edythe.gaiser@courtswv.gov. After that time, the Court will reconsider whether additional measures are required.

The new order is posted on the West Virginia Judiciary website on the COVID-19 page: <http://www.courtswv.gov/covid19/COVID19.html>. The order:

- Encourages judges to assess the status of pending civil cases that have trial dates in less than six months and consider amending existing scheduling orders as needed;
- Allows Judges to consider fully submitted motions. The order creates a briefing schedule to allow motion practice to proceed and requires parties to state in filings whether a hearing is required. A Judge can rule on a motion based on the materials submitted;
- Allows discovery in civil cases to proceed. Parties must respond as fully as possible considering the current circumstances. To the extent the COVID-19 crisis results in difficulties for a party to comply with properly executed discovery requests, it is the obligation of the parties to confer regarding how that discovery shall be conducted, with the aim of permitting otherwise proper discovery to the greatest extent possible;
- Permits depositions by remote methods, including remote attendance by court reporters; and
- Says that depositions of health care providers and first responders involved in treating COVID-19 patients are not permitted, except for limited circumstances.

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