

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 200]

Landlord and Tenant Act of 1951; Acts 33 and 36 of 1995; No. 156; Doc. No. 1

### Amendatory Order

*Per Curiam:*

*And Now*, this 28th day of December, 1995, Order No. 156 of Judicial Administration is hereby amended to read as follows:

*And Now*, this 30th day of December, 1995, the following Acts of Assembly are hereby suspended for a period of 60 days insofar as they are inconsistent with the Rules of Civil Procedure Governing Actions and Proceedings Before District Justices:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

The following Acts of Assembly are hereby suspended for a period of 60 days insofar as they are inconsistent with the Philadelphia Municipal Court Rules of Civil Procedure:

(1) Act 33 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951; and

(2) Act 36 of 1995, approved July 6, 1995, amending the Landlord and Tenant Act of 1951.

This AMENDATORY ORDER shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

Mr. Justice Montemuro participates by designation as a senior judge as provided by Rule of Judicial Administration 701(f).

[Pa.B. Doc. No. 96-35. Filed for public inspection January 12, 1996, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

Amended Philadelphia Civil Rule \*1303(f)

### Order

*And Now*, this 28th day of December, 1995, it is hereby *Ordered* that Philadelphia Civil Rule \*1301(f) Transfer from Major List to Arbitration be amended and the following rule adopted in its place.

EDWARD J. BLAKE,  
*President Judge*

Phila. Civ. R. No. \*1303.

(f) *Transfer From Major List to Arbitration.*

(1) *By Any Party. [ By Plaintiff.* When a case is initially filed as a major case and thereafter the plaintiff decides to transfer the case to Compulsory Arbitration, a Praeceptum to Transfer from Major to Arbitration must be filed with the Prothonotary. Plaintiff shall indicate on the Praeceptum if there is an agreeable date for the Arbitration hearing. If no such date is agreed upon, the Prothonotary shall assign a hearing date no sooner than 60 days after filing of the Praeceptum. ]

a. *Within Six Months of Date of Filing.* When a case is initially filed as a major case, plaintiff may, within six (6) months of its commencement, transfer the case to compulsory arbitration without leave of Court by filing a Praeceptum with the Prothonotary who shall assign an arbitration hearing no sooner than sixty days hence. Plaintiff must serve notice of the arbitration hearing date upon all counsel of record and any unrepresented parties within forty-eight (48) hours after receipt of the Order scheduling the Arbitration Hearing and shall file an Affidavit of Service with the Prothonotary.

b. *After Six Months or Date of Filing.* When a case is initially filed as a major case and, after the expiration of six (6) months from the commencement date of the action, any party desires to transfer the case to Compulsory Arbitration, a Petition must be filed with the Prothonotary and Motion Court to Transfer from Major to Arbitration. The Petition shall be assigned to the Supervising Program Judge (defined hereunder). If the Petition to Transfer from Major to Arbitration is granted, the Prothonotary shall assign an Arbitration Hearing no sooner than sixty (60) days hence. Counsel for a party requesting transfer must serve notice of the hearing date up on all counsel of record and any unrepresented parties within forty-eight (48) hours after receipt of the Order scheduling the Arbitration Hearing and shall file an Affidavit of Service with the Prothonotary.

(2) *Supervising Program Judge.* The Supervising Program Judge for purposes of subsection (1)b. above is defined as the Team Leader of the respective Day Backward or Day Forward Team to which the case is assigned. If the case has not been specifically assigned, the Motion Court Judge will be the Supervising Judge. [ *By Defendant.* If it appears that the amount in controversy does not exceed the arbitration limits, the defendant may transfer the case to the Arbitration Program only by leave of Court. ]

(3) *By Court.* As provided by Pa.R.C.P. No. 1021(d).

*Explanatory Note:* Pa.R.C.P. No. 1021(d) provides that "The Court on its own motion or motion of any party may by discovery, pre-trial conference, hearing or otherwise, determine the amount actually in controversy and enter an order of reference to arbitration. [ " ] The within local rule does not limit the Court from transferring appropriate cases to Compulsory Arbitration.

**Adopted by the Board of Judges of Philadelphia County on November 16, 1995.”**

[Pa.B. Doc. No. 96-36. Filed for public inspection January 12, 1996, 9:00 a.m.]

## **Title 255—LOCAL COURT RULES**

### **CLINTON COUNTY**

**Amending Rule of Misc. Proc. 202(b); Rescinding  
Rule of Misc. Proc. 202A**

#### **Order of Court**

*And Now*, this 29th day of December, 1995, due to the dismantling of the Health Care Conciliation Program of the Commonwealth of Pennsylvania *It Is Hereby Ordered and Decreed* as follows:

1. Clinton County Rule of Miscellaneous Procedure 202(b) is *Amended* to read:

(b) Praecepte for Trial:

**The only cases to be placed on the trial list are those directed by praecipe of an interested party or by an Order of Court.** A party praeciping a matter for trial shall certify that:

2. Clinton County Rule of Miscellaneous Procedure 202A is *Rescinded*.

3. These changes are effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of the Pennsylvania Courts and two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

*By the Court*

**RICHARD N. SAXTON, Jr.,**  
*President Judge*

[Pa.B. Doc. No. 96-37. Filed for public inspection January 12, 1996, 9:00 a.m.]