

THE COURTS

Title 255—LOCAL COURT RULES

YORK COUNTY

Rule 6035, Termination of Inactive Cases; No. 99 MI 00125

Administrative Order

And Now, to wit, this 30th day of April, 1999, it is Ordered that Rule 6035 Termination of Inactive Cases suspended by Administrative Order dated June 9, 1998, is hereby rescinded and the following adopted and promulgated effective June 1, 1999 as: Rule 6035 Termination of Inactive Cases:

(a) All civil cases filed in this court, except as provided in (a) (1), (2), and (3), which shall not have been reduced to judgment or final order, and in which no action has been taken for a continuous period of two (2) years or more and which lack any docket activity for the same period of time or more, preceding the end of each calendar year, shall be terminated as herein provided, in accordance with Pa.R.J.A. 1901.

(1) In condemnation proceedings in which payment of damages into court by the condemnor has been made, the proceedings shall not be terminated for a period of six (6) years, commencing from the date of such payment;

(2) In all divorce proceedings, the cases shall not be terminated for a period of five (5) years, commencing from the date of last docket activity;

(3) All support and custody proceedings shall be governed by the provisions set forth in Rule 1915.1, et seq.

(b) On a quarterly basis throughout the calendar year, the Prothonotary shall furnish to the District Court Administrator a list of all cases which have become inactive cases as herein defined as of the close of the preceding quarter.

(c) Such list shall set forth for each such case:

(1) The docket number, and type of action;

(2) The name and address of counsel of record for each party;

(3) The name and address of each party for whom there is no counsel of record; and

(4) The date of the last action taken of record therein.

(d) The District Court Administrator shall give notice of all such cases by ordinary mail, postage prepaid, to the last address of record of counsel of record for each party; the parties for whom there is no counsel of record; the Prothonotary's office; and all opposing counsel. Service of this notice by publication will only be utilized if the attempted mailing was returned undelivered.

(e) The parties of record shall have 30 days from the date of the notice of termination to file a written objection with the Prothonotary setting forth the due diligence of prosecution during the two years of docket inactivity and all compelling reasons for the delay. The objecting party shall also serve a copy of the objection upon all opposing counsel. All other parties of record shall have 30 days to file a reply to the objection to termination, averring that prejudice has occurred and that the matter should be terminated, by serving a copy upon the Prothonotary and all parties.

(f) The matter will be disposed of as follows:

(1) If no written objection to the termination notice is filed within 30 days, the matter will be summarily dismissed in accordance with Pa.R.J.A. 1901.

(2) If an objection to termination is filed, and no reply is filed within 30 days by any party of record, the matter shall be returned to active status for a period of one year.

(3) If an objection to termination is filed, and a reply is filed by any party, the parties are directed to proceed in accordance with Local Rule 6034.

By the Court

JOHN C. UHLER,
President Judge

[Pa.B. Doc. No. 99-781. Filed for public inspection May 14, 1999, 9:00 a.m.]