

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Amendment to Rule 14.5; No. 276; Supreme Court Rules Doc. No. 1

Order

Per Curiam:

Now, this 29th day of June, 2001 upon the recommendation of the Orphans' Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the proposed amendment to Orphans' Court Rule 14.5 is adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2001.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 14. INCOMPETENTS' ESTATE

Rule 14.5. Form of Citation and Notice.

* * * * *

Official Note

[Proposed] Rule 14.5 prescribes the form of the uniform citation and notice to be served with a petition for adjudication of incapacity and appointment of guardian as required by Section 5511 of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S. § 5511.

The [proposed] rule is part of an ongoing process by which all existing subdivisions of Rule 14 are being revised to reflect current requirements.

[Pa.B. Doc. No. 01-1297. Filed for public inspection July 20, 2001, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Divorce Rules

Order

Reed, P.J.

June 28, 2001

The Local Divorce Rules (the "Local Divorce Rules") which follow are hereby adopted. Effective the date on

which the Local Divorce Rules become effective, all previously adopted local divorce rules are rescinded.

The Local Divorce Rules shall become effective thirty (30) days after their publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this order and of the Local Divorce Rules, which follow, to the Administrative Office of Pennsylvania Courts; two (2) certified copies of this order, with the Local Divorce Rules attached, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy of this order, with the Local Divorce Rules attached, to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court; and one (1) certified copy of this order, with the Local Divorce Rules attached, to the Prothonotary of Beaver County, to be kept for public inspection and copying.

By the Court

ROBERT C. REED,
President Judge

Rule L1920.43. Special Relief.

A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief. The notice shall set forth the place and time at which the request for special relief will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the request is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the petition seeking relief and of the proposed order.

If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) calendar days before the request is to be presented.

When presented, the petition seeking relief must be accompanied by an affidavit of service setting forth that notice has been given in compliance with the provisions of this Rule L1920.43, which will be strictly enforced. If immediate relief is requested, or if the request for relief is such as would likely be opposed, and opposing counsel or an unrepresented opposing party has not appeared, the party presenting the petition must be prepared to place on the record any communication with opposing counsel or the unrepresented opposing party, or the nature of any unsuccessful attempt to engage in such communication.

Rule L1920.50. Pre-Trial Conference.

When a divorce case which contains contested claims is at issue, either party may present to the judge assigned to divorce matters a motion for a pre-trial conference. A party requesting a pre-trial conference must first have filed an inventory prepared in compliance with Pa.R.C.P. No. 1920.33(a); the motion requesting the pre-trial conference must so certify.

Advance notice must be given. The notice shall set forth the place and time at which the motion will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the motion is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the motion.

At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. (The five (5) calendar day period will be computed in accordance with Pa.R.C.P. No. 106.)

The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a Master will hear any unresolved issues.

Rule L1920.51. Proceedings Before Master.

If a party seeks to continue a hearing or other proceeding which has been set by the Master, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the Master shall be presented to the judge who appointed the Master.

Advance notice must be given. The notice shall set forth the place and time at which the motion will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the motion is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the motion.

Rule L1920.55. Exceptions to a Master's Report.

Counsel or an unrepresented party who files exceptions to a Master's Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the Master.

Rule L1920.76. Form of Divorce Decree.

1. If no economic claims have been raised in the pleadings, and the party seeking a divorce decree is entitled to it, the decree shall read, in full, as follows:

DECREE

And now, _____, 200 __, it is ordered and decreed that _____, plaintiff, and _____, defendant, are divorced from the bonds of matrimony.

2. If economic claims have been raised in the pleadings, and the parties have consented both to a divorce and to the entry of a bifurcated decree, the bifurcated decree shall be in the form prescribed by Pa.R.C.P. No. 1920.76.

3. Where economic claims have been raised in the pleadings, a bifurcated decree has previously been entered, and the parties have now entered into a marriage settlement agreement ("MSA") which resolves the economic issues, a request for entry of the MSA shall be by motion and decree. The motion shall set forth the date on which the bifurcated decree was entered and a request

that the MSA be entered. The decree shall enter the MSA as a part of the divorce decree, whether merged into it or not.

[Pa.B. Doc. No. 01-1298. Filed for public inspection July 20, 2001, 9:00 a.m.]

CARBON COUNTY

Adoption of CARB.C.R.CRIM.P. 528(D)(3), 530 and 531(A)(2) and Rescission of CARB.C.R.CRIM.P. 528.1—528.6 and 529.1; No. 77 MI 01

Administrative Order No. 17-2001

And Now, this 2nd day of July, 2001, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Carbon County Court of Common Pleas hereby *Adopts* Local Rules of Criminal Procedure CARB.C.R.CRIM.P. 528(D)(3) governing Realty as Bail, CARB.C.R.CRIM.P. 530 governing Duties and Powers of a Bail Agency, and CARB.C.R.CRIM.P. 531(A)(2) governing the Qualification of Surety and *Rescinds* Local Rules of Criminal Procedure CARB.C.R.CRIM.P. 528.1 governing the Valuation of Bail Bonds, CARB.C.R.CRIM.P. 528.2 governing the Ten Percent (10%) Cash Bail, CARB.C.R.CRIM.P. 528.3 governing Realty as Bail, CARB.C.R.CRIM.P. 528.4 governing Justification of Personal Surety, CARB.C.R.CRIM.P. 528.5 governing the Qualification of Surety, CARB.C.R.CRIM.P. 528.6 governing Corporate Surety, and CARB.C.R.CRIM.P. 529.1 governing Bail Reduction.

The Carbon County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule 528(D)(3). Realty as Bail.

A. The defendant, or a third party surety, may post realty as security for bail. In this event, the following must be provided:

1. A written appraisal by a licensed real estate broker in the County in which the property is located.
2. Proof of entry of the bail bond as a lien in favor of the County of Carbon in the Prothonotary's Office of the County in which the property is situated.

3. If the property is mortgaged, a letter from the mortgagee indicating any unpaid balance due.

4. A current lien and judgment search by an attorney or reputable Title Insurance Company.

5. Affidavit of justification of surety as provided in paragraph (d).

B. Upon review of the above documents, a determination must be made that the actual net value of the property is equal to the amount of the bond. Only after the information requested above is supplied and a determination is made that the actual net value is at least equal to the amount of the bond, will realty be accepted as consideration for bail.

C. A given piece of realty shall only be used as bail under this rule if it has not been posted or is not presently being used for bail for any other charges for defendants unless allowed by Court Order.

D. If realty is offered as surety, the owner shall present justification for such by filing an affidavit containing the following information for such surety:

1. Owners name, address, age and occupation.
2. A general description of the real estate which is offered as surety.
3. A statement of the manner in which the title is obtained, including the deed or will book reference of the recording of such instrument of title.
4. A statement of all encumbrances, including taxes upon said real estate.
5. A statement of the assessed market value and any rental being paid.
6. A statement of the assessed market and rental value of the real estate.
7. A statement that the real estate is not being contemplated or actually negotiated for in any sale.

Rule 530. Duties and Powers of a Bail Agency.

The Pretrial Services Division of the Adult Probation Office shall be appointed the bail agency for the Court of Common Pleas of Carbon County to monitor and assist defendants released on bail pursuant to Pa. R.Cr.P. 530, except for administering the percentage cash bail.

Rule 531(A)(2). Qualification of Surety.

Residents or owners of realty in order to be qualified to act as sureties must own realty within the Commonwealth of Pennsylvania. In all cases of realty owned outside Carbon County, the surety must provide the following:

1. Affidavit of Justification of such surety;
2. Written appraisal by a reputable licensed real estate broker in the county in which the property is situate;
3. Proof of entry of the bond in favor of the Commonwealth in the Prothonotary's Office of the county in which the property is situate;

4. Letter from the mortgage company indicating the unpaid balance due on the mortgage covering the said property, if any;

5. A lien and judgment search by a reputable title insurance company.

[Pa.B. Doc. No. 01-1299. Filed for public inspection July 20, 2001, 9:00 a.m.]

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CARBON COUNTY

Appointment of Liaison Between Carbon County Court of Common Pleas and the Pennsylvania Sexual Offenders Assessment Board; No. 76 MI 01

Administrative Order 18—2001

And Now, this 2nd day of July, 2001, it is hereby

Ordered and Decreed that, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, Joseph J. Berke, Deputy Chief Adult Probation Officer, be and is hereby *Appointed* to act as a liaison between this Court and the Pennsylvania Sexual Offenders Assessment Board, 1101 South Front Street, Suite 5700, Harrisburg, Pennsylvania, 17104-2533, in order to expedite assessment requests for sexually violent predators.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order and Rule in the Clerk of Court's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 01-1300. Filed for public inspection July 20, 2001, 9:00 a.m.]

—————
MONROE COUNTY

Promulgation of Local Rules of Civil Procedure and Domestic Relations

Order

And Now, June 27, 2001, the Local Rules of Civil Procedure are adopted to be effective September 1, 2001.

All Local Rules of Civil Procedure heretofore adopted are rescinded effective September 1, 2001.

By the Court

RONALD E. VICAN,
President Judge

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General Rules

Any rules not set forth in the following are repealed.

1900. Domestic Relations Action.

1. All actions for Protection From Abuse commenced pursuant to 1901.3 Pa.R.C.P., actions for Support commenced pursuant to 1910.4 Pa.R.C.P., actions for Custody or Visitation commenced pursuant to Pa.R.C.P.1915.3 Pa.R.C.P., and actions for Divorce commenced pursuant to 1920.3 Pa.R.C.P. shall be captioned as follows:

COURT OF COMMON PLEAS OF MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

		NO. ____ Domestic
MARY DOE,	:	Relations 200 ____
Plaintiff	:	
vs.	:	
JOHN DOE,	:	IN DIVORCE (or Custody)
Defendant	:	(or Support) (or P.F.A.)

2. Any party or attorney commencing a new action of the type herein above enumerated between the same parties involved in other pending actions governed by this Rule shall notify the Prothonotary of the number of such pending action. The new action shall be filed to the same number as the other pending actions involving the same parties.

Rule 1900.1. Procedure to Recover Exhibits.

If no Exceptions or Appeal follow a Master's Hearing or Report, within forty-five (45) days of the filing of the Master's Report or the resolution of Exceptions, the parties shall recover their hearing exhibits from the Prothonotary or Court Reporter. If a party has not recovered hearing exhibits within sixty (60) days, the Prothonotary or Court Reporter shall notify Counsel to the parties or the parties themselves if they do not have Counsel, in writing by U. S. mail, first class, at their addresses of record that the exhibits will be destroyed thirty (30) days from the date of such notice. Any exhibits not retrieved timely shall thereafter be destroyed or otherwise disposed of by the Prothonotary or Court Reporter.

Actions in Support/Alimony Pendente Lite

Rule 1910.1. Support and Alimony Pendente Lite.

These Support Rules shall control all actions or proceedings for support or alimony pendente lite.

Rule 1910.4. Commencement of Action.

An action shall be commenced by filing a Complaint in the Monroe County Domestic Relations Office. Thereafter the original and one copy of all pleadings, petitions, briefs and Exceptions shall be filed in the Monroe County Domestic Relations Office which office shall promptly forward all original pleadings, petitions, briefs and Exceptions to the Monroe County Prothonotary.

Rule 1910.10. Alternative Hearing Procedure.

Hearings shall follow the procedure set out in Pa.R.Civ.P. 1910.12. The Support Master shall serve as the Monroe County Hearing Officer.

Rule 1910.12. Hearings, Continuances and Exceptions.

(a) Any requests for continuance of the office conference or of the Master's Hearing shall be made in writing to Monroe County Domestic Relations Office. Requests for continuance shall:

1. Bear the signature of both parties or both attorneys, or include any written agreement of the parties to the continuance, or set out the reason for the request for continuance if there is no agreement between the parties or their counsel.

(b) The Monroe County Domestic Relations Office shall have the discretion to grant or deny any continuances of office conferences. Master's Hearings shall only be continued upon good cause shown after review by the assigned Judge.

(c) Following hearing, the Support Master shall retain possession of any exhibits admitted at hearing. Upon the filing of the Support Master's Report, the Support Master shall return the exhibits to the Court Reporter. When the Court Reporter files the original transcript of hearing in the Office of the Prothonotary, the Court Reporter shall file the exhibits with the transcript.

(d) Within ten days after the date of the Support Master's Report, any party may file Exceptions to the report or any part thereof, to rulings on objections to evidence, to statements or findings of facts, to conclusions of law, or to any other matters occurring during the hearing. Each Exception shall set forth a separate objection precisely and without discussion. Matters not covered by Exceptions are deemed waived unless, prior to entry of the final order, leave is granted to file Exceptions raising those matters. If Exceptions are filed, any other party may file Exceptions within ten days of the date of service of the original Exceptions. All Exceptions shall be filed in the Monroe County Domestic Relations Office.

Exceptions shall be accompanied by the following:

1. Attorney's check, certified check or money order payable to Domestic Relations for \$50.00, or \$50.00 in cash;

2. Attorney's check, certified check or money order payable to the Office of the Prothonotary for \$60.00, or \$60.00 in cash;

3. A Praecipe for Argument listed on the first argument date occurring more than thirty days following the filing of Exceptions; in the form set out at 43 J.D.R.C.P. 211;

4. The Order of Court set out at Rule 1910.12-A

5. Briefs shall be filed in accordance with Monroe County Rules of Civil Procedure, 43 J.D.R.C.P. 210. Failure to timely file Briefs or to appear at Argument may constitute a default for which the exceptions may be stricken or denied, as the Court may deem just and proper.

6. A Certificate of Service on opposing counsel or on opposing non represented parties certifying service of the Exceptions and the Praecipe for Argument.

7. The form order shall be attached to the Exceptions and the Praecipe for Argument shall be presented as a separate document.

Rule 1910.12-A. Form—Exceptions Order.

The following form order shall be filed with all Support Exceptions:

ORDER OF COURT

AND NOW, this _____ day of _____, 2001, Plaintiff/Defendant having filed Exceptions to the recommendation of the Support Master, it is ordered as follows:

1. Both parties shall comply with the provisions of 43 J.D.R.C.P. 1910.12.

2. The Court Reporter is directed to transcribe the Notes of Testimony of the Support Master's hearing held on the _____ day of _____, 200____ and make a copy available to both parties or their counsel and file the transcript prior to _____.

3. Pending adjudication of the Exceptions, in accordance with Pennsylvania Rule of Civil Procedure 1910.12, the order dated (order date) is a temporary order with which the Plaintiff/Defendant must comply.

4. The parties must file their written statements or briefs with the Court in accordance with 43 J.D.R.C.P. 210.

5. The parties or counsel must appear in person for Argument Court on _____ at 9:00 a.m. in Courtroom No. _____, Monroe County Court House, 7th & Monroe Streets, Stroudsburg, PA 18360.

BY THE COURT:

_____ J.

cc: (both parties)
(all counsel of record)
(court reporter)
(Richard D. James, Esquire, Support Master)

Actions in Custody

1915.1. Definitions.

"Conciliator" shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

"Conciliation Conference" shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

"Evidentiary Hearing" shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

"Program" shall be the Monroe County Co-Parent Education Program.

"Provider" shall be the provider of the Monroe County Co-Parent Education Program.

1915.3. Commencement of Action. Complaint. Order. Fees.

(a) All Complaints for custody, partial custody, visitation or modification of custody, and contempt of a custody order and all Motions for Conciliation Conference shall be filed with the Prothonotary and shall be forwarded promptly to the Court Administrator.

Complaints and Motions for Conciliation Conference shall be accompanied by a Scheduling Order and by the Co-Parent Information and Registration forms in the form set forth at Rule 1915.15 below.

(b) Upon the filing of any complaint, petition or motion relating to child custody, partial custody or visitation, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by 43 J.D.R.C.P. 1940.5) in an amount set forth in the fee schedule adopted by the Court.

1915.3-1. Co-Parent Education Program.

1. In all custody actions, including initial complaints, petitions for modification and contempt, the adult parties shall attend and complete the four hour program entitled Co-Parent Education Program.

2. The parties shall register for the Program using the Registration Form set out in these Rules and served with the Complaint. The moving party must register for the Program within fifteen days after filing the Complaint or Motion for Conciliation Conference and must complete the Program within sixty days of such filing. The responding party must register for the Program within fifteen days after service of the Complaint or Motion for Conciliation Conference and must complete the Program within sixty days of registration. The Provider shall certify the parties' attendance by filing a Certificate of Attendance with the Prothonotary.

3. No Evidentiary hearing shall be held until all parties have attended and completed the Program unless the requirement is waived by the Court for good cause shown.

4. Failure to comply with the Co-Parent Education Order may result in the Court's taking any appropriate action, including sanctions and/or contempt.

1915.4-1. Conciliation Conference.

1. All parties and all children specifically ordered to attend shall attend the Conciliation Conference. At the Conciliation Conference, the Conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the Conciliator. The Conciliator shall also screen for referral of the appropriate cases to mediation.

2. To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the Conciliator at the conciliation conference shall not be admissible as evidence in court. The Conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the Conciliation Conference. The Conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the Conciliation Conference.

3. Promptly following the Conciliation Conference, the Conciliator shall file a Recommendation with the Court setting forth the terms of a Consent Agreement reached by the parties or setting forth a recommendation for a Temporary Order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or a certified mediator. In appropriate cases, the Conciliator may recommend mediation pursuant to P.A.R.C.P. 1940.1 et seq.

4. Where it appears that the resolution of the matter will require an evidentiary hearing, the Conciliator shall recommend family social studies. The Agency issuing the family social study shall mail the written study to the judge and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P.1915.8.

5. Where it appears that the resolution of the matter will require an evidentiary hearing, the Conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem or counsel for the child or for any other prehearing matters the Conciliator deems necessary or appropriate.

6. No exceptions may be taken from the Recommendation of the Conciliator.

1915.5. Motions and Petitions.

1. Motions for the scheduling of a Conciliation Conference shall be in accordance with 43 J.D.R.C.P. 206(a).

1915.8. Disclosure of Expert Evaluations.

A party to a custody, partial custody or visitation action shall not disclose the contents of an expert report pursuant to Pa. R.C.P. 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.10. Evidentiary Hearing.

Upon the completion of all Family Social Studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a Judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accompanied by a proposed Order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Rule 1915.15 below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Parties need not attend prehearing conferences but shall be available for consultation by telephone.

1915.12. Civil Contempt for Disobedience of a Custody Order.

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with 43 J.D.R.C.P. 1915.3(a) and may be scheduled for a conference before the Conciliator. If the contempt matter is not resolved at conference, then the Conciliator shall refer the matter to the Judge for appropriate action.

1915.15. Forms.

1. The Scheduling Order on Complaints and Motions for Conciliation Conferences shall be in the form attached hereto.

2. The Co-Parent Information and Registration forms shall be in the forms attached hereto.

3. The Order for prehearing conference and final hearing shall be in the form attached hereto.

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff : No.
:
:
vs. :
:
:
Defendant : CUSTODY

O R D E R

You, Plaintiff/Defendant, have been sued in court to obtain/modify custody, partial custody or visitation of the minor child(ren), (names and ages of child(ren)).

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before _____, Esquire, Custody Conciliator, on the _____ day of _____, 200____, in the Conciliation Room, second floor, Monroe County Courthouse at _____ .m. for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this

cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to take (bring) the following children to the conference:

NOTE: Children under the age of eight (8) need not attend.

If you fail to appear as provided by this Order, or to bring with you the minor child(ren), an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

ALL PARTIES ARE FURTHER ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET
P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Dated: _____ J.

cc:

2001 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions. MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM.

PROGRAM CONTENT

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well-being during the periods

of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

I. a) Impact of Divorce on Parents and Children: tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

b) Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.

II. a) Video segments and Discussion: Explaining divorce, warning parents, visitation problems, new relationships, etc.

b) Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

WHEN

The Program is offered every other month on Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on Tuesday evening from 5:30 p.m. until 9:30 p.m.

WHERE

The Program will be presented in the Jury Assembly Room of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania.

ATTENDANCE

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services.

PRESENTERS

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

NOTIFICATION

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

FEEES

A fee of \$25.00 per party for the Program is required and will be used to cover all program costs including the presenters fees, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance.

Security

Upon entering the Courthouse each person will be subject to search and will go through a metal detector, therefore please limit your items.

The Monroe County Sheriff's Office will provide an armed, uniformed deputy at each Program immediately prior to, during and immediately after each presentation.

Evaluation

Each participant shall complete a written evaluation of the Program upon its conclusion.

2001 REGISTRATION FORM—CO-PARENT EDUCATION PROGRAM

The Program is held in the Jury Assembly Room of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Office provides security.

Upon entering the Courthouse each person will be subject to search and will go through a metal detector, therefore please limit your items.

You can choose a Saturday morning or a Tuesday evening session. You should attend the program within 60 days of filing or receiving a divorce/custody complaint, or within 60 days of being ordered to attend. The cost of the program is \$25 per person.

Requests for an extension of time to attend or questions can be directed to Family/Divorce Services at 610-366-8868.

An adult who resides with the party, or a relative who provides substantial childcare, may attend the Program with you, free of charge, if registered below as a guest.

A videotape to view and return is available only to parties who reside more than 90 minutes driving time from Stroudsburg. See registration below.

Please register 7 days in advance of the date you want to attend.

Confirmations are NOT sent. Come to the class you choose.

Children shall NOT be brought to the Program. Please be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, listen to the radio for cancellations-WSBG at 93.5FM or WVPO at 840AM or TV at WYOU news.

If you are disabled and need special assistance, call ahead to make arrangements to meet your needs.

YOU MUST REGISTER BY MAIL: Choose the dated you want to attend, complete the form below and send it with check or money order, payable to: FAMILY/DIVORCE SERVICES, P. O. Box 318, Trexlertown, PA 18087. DOCKET NUMBER: of divorce/custody case: (you may have two) MUST be filled in. Include numbers, letters, year of your file number.

Your name: _____

Guest (name and relationship to child) _____

Address: _____

Phone: Home _____ Work _____

Choose a Saturday OR Tuesday session: _____

SATURDAYS 9am-1pm TUESDAYS 5:30 p.m.-9:30 p.m.

___ February 10, 2001	___ January 9, 2001	
___ April 7	___ February 13	___ March 13
___ June 9	___ April 10	___ May 8
___ August 4	___ June 12	___ July 10
___ October 6	___ August 7	___ Sept 11
___ December 8	___ October 9	___ Nov 13
	___ December 11	

___ VIDEO: Cost is \$54 (fee plus S&H plus Deposit) The \$25 deposit is refunded upon return of the video.

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

Plaintiff : NO.
VS. :
Defendant : IN CUSTODY

ORDER

AND NOW, this day of , 200 , upon consideration of the attached Motion for Evidentiary Hearing, a full Evidentiary Hearing is scheduled for the day of , 200 at M., in Courtroom No. , Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a Prehearing Conference is scheduled for the day of , 200 at .M. in Chambers. The parties shall be available to the Court, in person or by telephone, at the date and time set for prehearing conference.

On or before counsel for each party shall provide to the Court and to opposing counsel a written Prehearing Memorandum which shall include the following:

- 1. Name of client, name and telephone number of attorney.
2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.
3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.
4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the Prehearing Memorandum.
5. The estimated length of hearing time necessary for counsel to present evidence.

Counsel shall provide to the Court at the time of trial proposed findings of fact, conclusions of law, applicable legal authority and a proposed order.

BY THE COURT:

_____ J.

cc:

Actions in Divorce

1920.12. Filing and Service of Complaint; Costs; Co-Parent Education Program.

1. With the filing of a Complaint in Divorce, the Plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

2. In addition to all other information required by law, each Complaint in Divorce shall contain one of the following averments:

- a) Plaintiff avers that there are no children of the marriage under the age of eighteen; or
- b) Plaintiff avers that there are children of the marriage under the age of eighteen (list names, ages and dates of birth);

3. Immediately following the initial page of the Complaint which contains the Notice to Plead, each Divorce Complaint shall contain the Co-Parent Education Order set out in these rules if there are children of the marriage under the age of eighteen.

4. The Affidavit of Service or Acceptance of Service filed shall include an acknowledgment that the Co-Parent Education Order, a Co-Parent Program Registration Form and a Co-Parent Program description as set out in these rules were served with the Complaint.

1920.12(1). Mandatory Co-Parent Education Program.

1. In all actions in divorce or annulment where there are children of the marriage under the age of eighteen, the parties shall attend and complete a four hour program entitled Co-Parent Education Program.

2. The parties shall register for the Program using the Registration Form set out in these Rules and served with the Complaint.

3. No Master's Hearing shall be held nor any divorce decree entered until all parties have attended and completed the Program unless the requirement is waived by the Court for good cause shown. Refusal of the non-moving party to attend the program shall constitute good cause.

4. Failure to comply with the Co-Parent Education Order may result in the dismissal of the Divorce action, the striking of pleadings, or other appropriate action, including sanctions and/or contempt.

1920.43. Motions and Petitions.

1. Motions practice shall be in accordance with 43 J.D.R.C.P. 206(a).

2. All Divorce Motions or Petitions including Praecepta for a Master's Hearing shall be filed with the Prothonotary.

1920.51. Proceedings Before the Master.

1. Monroe County shall follow the Master's Hearing procedure set out at Pa.R.C.P. 1920. 55-2.

2. Upon the compliance by both parties with the requirements of Pa.R.C.P 1920.31 and 1920.33(a) and the deposit of the required fee with the Prothonotary as set forth in the fee schedule adopted by the Court, either party may file a Praecepta in the form set out in these Rules, requesting the appointment of a Divorce Master.

3. The Court Administrator shall assign the Master for each case who shall promptly recommend the amount of any additional court costs to be posted by one or both of

the parties. In the event additional hearings are necessary, the Master shall file a request with the Court Administrator identifying the number of additional hearing days and the amount of additional court costs to be posted by the parties. No hearing date shall be scheduled prior to the payment of court costs.

4. Promptly upon appointment, the Master shall issue a Notice scheduling a Pretrial Conference and setting a deadline for the filing and service of Pretrial Statements in accordance with Pa.R.C.P. 1920.33(b). Counsel of record shall attend the Pretrial Conference; parties shall not attend but shall be available to consult with their counsel by telephone. The Notice of the time and date of the Pretrial Conference and the deadline for the filing of Pretrial Statements shall be served by the Master upon counsel of record, any unrepresented parties and the Court. In the event that counsel for either party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement, the Master may recommend that the Court impose sanctions.

5. If a Pretrial Conference or any portion of a hearing day is held, the Master shall receive a fee in the amount to be determined by the fee schedule adopted by the Court, payable from the court cost deposits. The Master shall be compensated for any additional full or partial days of hearings.

6. The Praecepta for Master's Hearing shall be in the form set out as follows:

COURT OF COMMON PLEAS OF
MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

_____ NO. _____
 _____ NO. _____

 VS. PRAECEPTA FOR MASTER'S
 _____ HEARING IN DIVORCE

TO THE PROTHONOTARY OF SAID COURT:

Kindly request the Court Administrator to schedule a Master's Hearing in the above divorce case.

- () The case is now at issue.
- () Estimated time required for Hearing is _____ days.
- () Approximate value of marital assets is \$ _____.

This case to be tried by and notices sent to:

Attorney(s) for Plaintiff(s)	Attorney(s) for Defendant(s)
Address	Address
Telephone Number	Telephone Number
Attorney I.D. Number	Attorney I.D. Number

I hereby certify that the above entitled case is at issue and ready for Hearing; that discovery is complete or foreclosed; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed; that Inventories have been filed; that the Co-Parenting Education Program has been completed or properly waived; that the attorneys of record are named above; and that an initial filing fee of \$750.00 has previously been paid, and that the per diem Hearing Fee and Costs Deposit, previously determined by the Court Administrator, has concurrently been deposited with the Court.

_____ , 200 _____

Attorney for _____

1920.54. Settlement Before Scheduled Hearing.

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the Master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the Master an executed Divorce Settlement Agreement and Affidavits of Consent.

Where parties settle on the record or by the filing of a written Divorce Settlement Agreement, the Master shall file a Report and Recommendation within thirty days of the scheduled hearing date.

1920.55-2. Master's Report.

Following the conclusion of the final hearing, the Master shall file the Record and the Report and Recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days after the receipt by the master of the transcript in contested actions.

Counsel for the parties shall file Briefs or Memoranda of Law within fifteen days after the filing of the transcript. The service of the Master's Report and Recommendations and the filing of Exceptions shall follow the procedures set out in Pa.R.Civ.P. 1920.55-2. The parties shall serve a copy of any Exceptions they file upon the Master, by regular mail or by personal service by a competent adult at the Master's principal office.

1920.72. Form of Complaint.

1. Complaints in Divorce shall include the following Notice if there are children of the marriage under the age of eighteen.

Notice of Mandatory Co-Parent Education Program

ALL PARTIES ARE ORDERED to attend a program entitled the Co-Parent Education Program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days from the date of this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

No Master's Hearing shall be held or Divorce Decree granted where there are children under the age of eighteen of the marriage until all adult parties have attended the Program.

Electronic Testimony in Support/Alimony Pendente Lite

Rule 1930.3. Testimony by Electronic Means before the Support Master.

1. No testimony by electronic means shall be permitted except by court order issued prior to the hearing. All Motions for testimony by electronic means shall be filed at least 30 days prior to a hearing with the Prothonotary and forwarded to the Judge assigned to hear support matters. Pa.R.C.P. 1930.3 shall apply. A copy of the request shall be served upon the Domestic Relations Office and the opposing party or opposing counsel of record and a Certificate of Service shall be filed with the Motion.

2. Motions for testimony by electronic means shall state with particularity the relief requested, the basis for the request and shall identify whether the parties agree to the relief requested in the Motion. Any party opposing a Motion for testimony by electronic means shall file written objections within 5 calendar days of receipt of service of the Motion. Objections shall state with particularity the reason for the objections. The Motion shall be decided without hearing or argument, upon the Court's review of the Motion and any Objections timely filed.

3. The Petition shall include the telephone number where the Petitioner shall be contacted during the hearing. The Domestic Relations Office shall have the discretion to impose a fee for long distance telephone services which shall be paid before hearing.

4. The equipment used by the witness must be capable of and actually produce clear transmission satisfactory to the Master. The Master shall have the authority to terminate the testimony and grant one continuance for the taking of the testimony if the equipment used by the witness does not satisfactorily transmit. If the equipment function is unsatisfactory to the Master at the continued hearing, the requesting party shall have forfeited the entitlement to offer electronic testimony.

5. The witness to be examined by electronic means shall be available and ready to be sworn and begin testimony immediately upon the case being called. Parties testifying by electronic means shall be sworn in by the Court Reporter present at the hearing. Experts and other third-party witnesses shall be sworn in by a person duly authorized in that jurisdiction to administer the oath to the witness. The party proffering the electronic testimony shall be responsible to secure the presence of the person authorized to administer oaths. Experts and other third-party witnesses shall produced satisfactory photo identification to the person who administers the oath. Not less than 5 days before the hearing, the name of this individual and their qualifications to administer the oath in their jurisdiction shall be delivered to the Domestic Relations Office and the other party or their attorney.

6. True and correct copies of any and all documents to be relied upon by either party during their electronic testimony shall be marked as exhibits and exchanged by the parties or their attorneys at least five (5) days before the hearing with copies provided to Domestic Relations for the Master's use.

Mediation in Custody Actions

1940.3. Order for Orientation Session and Mediation. Selection of Mediator.

(a) Upon the commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an

existing order for custody, partial custody or visitation, at the time of the conciliation conference, the Conciliator shall screen the case and identify those cases suitable for referral to mediation.

(b) The Conciliator shall, in his recommendation, refer all cases that he deems appropriate to a mediation orientation session.

(c) Mediation may be recommended after a conciliation conference when deemed appropriate by the Conciliator.

(d) All cases ordered to mediation by the court shall be scheduled for an initial orientation session. This initial orientation/mediation session shall be scheduled for one to two hours. Upon agreement of the parties, additional mediation sessions may be scheduled. The parties' attorneys shall not attend the orientation or any mediation sessions.

Rule 1940.4. Minimum Qualifications of the Mediator.

A mediator is a person approved by the Monroe County Court of Common Pleas who has met the requirements of Pa.R.C.P. 1940.4 and any additional qualifications this court may from time to time require, and who has been approved by the court to perform mediator services hereunder. All mediators shall adhere to the mediator standards of practice adopted by the Academy of Family Mediators and the American Bar Association.

Rule 1940.5. Fees.

A fee authorized by 23 Pa.C.S. 3902(a) and a mediation fee adopted by the Court in its fee schedule shall be paid to the Prothonotary at the time of filing of any complaint in divorce which contains a count for custody or a separate complaint for custody.

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Rules of Construction

RULE 51—TITLE AND CITATION OF RULES.

These Rules shall be known as “Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania, Rules of Civil Procedure” and may be cited as “43 J.D.R.C.P. _____.”

RULE 52—EFFECTIVE DATE.

Each Rule adopted by the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania shall become effective upon the date specified by the Court in promulgating such Rule.

RULE 76—DEFINITIONS.

Unless the context clearly indicates otherwise, each word or phrase set forth in any Rule promulgated by the Court of Common Pleas of Monroe County shall have the same meaning as that word or phrase is given in the Pennsylvania Rules of Civil Procedure with the exception of the following words or phrases:

(a) “Court” shall signify the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania.

(b) “Rule” shall signify any Rule promulgated by the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania.

(c) “Party” or “Parties” shall signify the party or parties appearing in any action or the attorney or attorneys of record for such party or parties, whichever the context requires;

(d) “Prothonotary” shall signify the Prothonotary of the Court of Common Pleas of Monroe County, 43rd Judicial District, Commonwealth of Pennsylvania.

(e) “Court Administrator” shall mean the person, including assistants, appointed by the Court to facilitate the disposition of court business.

RULE 101—PRINCIPLES OF INTERPRETATION.

When interpreting any Rule, the Principles of Interpretation, Rules of Construction, and Presumptions in Ascertain Intent set forth in the Pennsylvania Rules of Civil Procedure shall be applied.

Business of Courts

RULE 201—COURT SESSIONS.

The Court shall annually promulgate the official judicial calendar for each calendar year. The court calendar shall list all regularly scheduled sessions of the Court to be held during the year and shall be made available to all attorneys practicing in this Court by the Court Administrator. All attorneys practicing in this Court shall be available at the times and dates set forth in the court calendar for all matters in which they are a participant, unless excused by the Court for good cause shown.

RULE 203—ADMISSION TO THE BAR OF THIS COURT.

1. The Prothonotary shall maintain a record of the dates of admission to the Bar of this Court of all members of this Bar, which record shall be conclusive as to the seniority of the members of this Bar.

2. Admissions to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show that the applicant (a) has been admitted to the Bar of the Supreme Court of Pennsylvania; (b) that he or she is a person of good moral character; (c) either that he or she is a bona fide resident of Monroe County or that he or she maintains an office for the practice of law in Monroe County.

3. Nothing contained in this Rule shall prevent any attorney who is in good standing as a member of the Bar of the Supreme Court of Pennsylvania from practicing in this Court.

4. All members of the bar shall participate in the compulsory arbitration process as set forth in 43 J.D.R.C.P. 1302.

RULE 204—COMMUNICATIONS WITH THE COURT.

Ex parte communications with the Court are prohibited. Written correspondence on matters of substance, other than pleadings, is discouraged.

RULE 205A—FORM AND FILING OF DOCUMENTS.

All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(a) No pleading, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8 1/2" x 11" in size.

(b) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed, or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address, telephone number and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(c) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(d) All papers and other documents shall be securely affixed at the top.

(e) A proposed order shall accompany all motions or other requests for relief.

(f) No original documents shall be faxed to the prothonotary's office without prior leave of court.

RULE 205B—REMOVING PAPERS.

(a) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, as the case may be, shall take a written receipt for the records

or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(b) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as herein before set forth.

(c) The delivery provisions of this Rule do not apply to Judges, Judge's staff, Court Administrator and members of Court Administrator's staff.

RULE 206A. MOTION PRACTICE.

(a) All Motions shall be in writing and shall be filed in the Office of the Prothonotary. The signing of a Motion by the attorney of record shall constitute a certification that he or she has read the Motion and that, to the best of their knowledge, information and belief there are good grounds to support it and that it is not interposed merely for delay.

(b) All Motions shall state with particularity the grounds on which they are based and shall precisely state the relief which is being sought and shall cite any statute or procedural Rule authorizing the grant of such relief.

(c) Except for Motions enumerated in subsection (e), all Motions shall contain a certification by counsel for the

moving party that concurrence in the Motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the Motion. Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the Motion.

(d) For cause shown, any moving party may request expedited disposition of any Motion filed with the Prothonotary. If expedited disposition is requested, a praecipe shall be filed with the Motion explaining the grounds for requesting such expedited disposition. Upon receipt of a praecipe for expedited disposition, the Court Administrator shall promptly notify the moving party of the Judicial assignment. It shall be the responsibility of the moving party to arrange a teleconference among the Judge and all other counsel interested in the subject of the Motion within three business days of the time the Motion is presented.

(e) Motions authorized by Pa.R.C.P. 1028 (preliminary objections), 1034 (judgment on the pleadings), 1035.1 (summary judgment), 1509 (preliminary objections-equity) and 227 (post trial relief) shall be filed with the Prothonotary. At the time of filing such Motions with the Prothonotary, the moving party shall also file a Praecipe to place the matter on the first Argument List occurring more than 30 days following the date of filing the Motion or Petition. Failure to comply with this provision may be sufficient basis for the Court to deny the Motion.

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

(Plaintiff's Name) : (NO. CIVIL)
:
Plaintiff :
:
vs. :
:
(Defendant's name) :
:
Defendant : (SUBJECT)

P R A E C I P E

TO THE COURT ADMINISTRATOR:

Expedited Disposition of attached Motion is requested for the following reasons:

ATTORNEY FOR (Plaintiff or Defendant)

FOR COURT ADMINISTRATOR ACTION ONLY

MOTION OR PETITION ASSIGNED TO JUDGE _____

COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT

RULE 206B. PETITION AND RULE TO SHOW CAUSE PRACTICE.

(a) A petition and rule to show cause may be used to bring before the court any proper matter for which no other specific procedure is authorized or in which only a Petition is prescribed as the authorized procedure for bringing such matter before the court for disposition.

(b) A rule to show cause shall be issued at the discretion of a judge of the court as contemplated by Pa.R.C.P. 206.5. The court, upon its own initiative, may schedule an

evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

(c) All petitions shall contain a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of oppos-

ing counsel shall be attached to the petition.

(d) All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary. Counsel's signature upon a petition shall constitute a certification that counsel has read the Petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. The prothonotary shall deliver daily a petitions list with accompanying petitions to the court administrator to monitor and assign to a judge.

(e) All petitions and answers thereto, shall comply with the provisions of Pa.R.C.P. 206.1 through 206.3.

(f) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition, upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days from the date of the order setting the rule with the prothonotary.

(g) If no answer is filed on or before the return date, the moving party may file a motion to make the rule absolute. A motion to make the rule absolute shall evidence compliance with the service requirements of Pa.R.C.P. 440 setting forth the time, place and nature of service. No rule shall be made absolute without certification that the petition and rule to show cause have been served in compliance with Pa.R.C.P. 440. Counsel or the moving party shall make such certification under oath or in conformance with Pennsylvania Rules of Civil Procedure.

(h) Failure to comply with any provision of this rule may constitute sufficient grounds for the court to dismiss the petition and/or deny any requested relief.

RULE 207—PRAECIPE FOR ARGUMENT.

All praecipes for argument shall be listed on the first argument date occurring more than thirty days following the filing of the motion, petition or exceptions to the recommendation of the master.

Praecipes requesting the scheduling of argument outside the parameters of this rule are prohibited.

RULE 210—BRIEFS.

(a) *Form.* Each brief shall be typewritten, printed or otherwise duplicated, endorsed with the name of the case, the Court, the term and number, and the name, address and telephone number of the attorney.

(b) *Content.* The brief shall include a statement of the facts, a statement of the question involved, and the argument.

(1) The statement of the facts shall, depending upon the nature of the case, consist of an abstract of the testimony or of the pleadings or both, and shall include a procedural history of the case showing how the issue is made up and how the case arises before the Court.

(2) The statement of questions involved must be so drawn that the Court may quickly determine all the legal questions to be decided.

(3) The argument shall be divided into as many parts as there are questions involved. Citations of authority shall be accurately designated, shall set forth the volume and page number where they appear, and shall set forth

the exact citation of the principles for which they are cited. Whenever a Pennsylvania statute is cited, the pertinent title and section number of Purdon's Statutes shall also accompany said citation.

(4) Whenever testimony is abstracted or referred to, it must contain reference to the pages of the transcript where the supporting evidence may be found.

(c) *Filing.* Fifteen (15) days before the date set for argument, the moving party shall deliver a copy of his brief to the adverse party and file a copy with the Prothonotary. The respondent shall deliver his brief to the moving party and file a copy with the Prothonotary five (5) days before the date for argument. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

(d) In all other proceedings scheduled for hearing before the Court, all counsel shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these Rules or by Order of Court.

(e) *Penalty for Noncompliance.* Failure to substantially comply with any requirement of this rule shall constitute a default for which the cause may be continued or stricken off the list or the application of the parties in default refused, as the Court may deem just and proper.

(f) *Informal Letter Briefs.* Notwithstanding this Rule, the Court may in any case allow counsel to file an informal letter brief.

RULE 211—ORAL ARGUMENT.

(a) *Nature of Case.* The Prothonotary shall prepare an argument list consisting of all cases ordered thereon either by the Court or by praecipe filed in accordance with the court calendar. The attorney who praecipes the case for argument shall give notice thereof upon filing to the opposing party or pro se litigant.

(b) *Oral Argument.* Cases on the argument list must be submitted upon oral arguments and briefs unless the Court agrees to consider the case on briefs without argument. The Court encourages submission on briefs with respect to matters not raising substantial or novel issues.

(c) *Notice.* A copy of the praecipe and notice of argument date shall be forwarded by the moving party to opposing counsel or pro se litigant

(d) *Form of Praecipe.* The following form shall be used in accordance with this Rule.

COURT OF COMMON PLEAS OF MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff No. _____
Vs
Defendant

TO: PROTHONOTARY, MONROE COUNTY
PRAECIPE FOR ARGUMENT

Place the above captioned case on the Argument List for the ____ day of _____ 2000.

Issue (s) to be argued: _____

Rules 43 J.D.R.C.P. 206(E), 207, 210 and 211 are applicable.

Signature of Moving Party

Printed Signature

Address of Moving Party

Telephone Number

A copy of this praecipe has been provided to the following by the moving party.

Name:	Address:
_____	_____
_____	_____

RULE 212—PRETRIAL PROCEDURE.

1. No case shall be entered on the Civil Trial List until (1) the expiration of 90 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; and (2) unless counsel for the moving party certifies at the time of filing of praecipe for the trial list that:

- a. All preliminary objections have been finally determined;
- b. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay trial;
- c. The moving party and witnesses are available and ready to proceed to trial;
- d. Counsel has given 15 days written notice of their intention to list the case for trial to all other parties and shall provide and file an affidavit that the notice provisions of this section have been complied with.

2. A case shall be listed for civil trial by filing a praecipe in the form attached to this rule.

3. If opposing counsel has no objection, they need do nothing. Alternatively, if opposing counsel objects to the listing, the objecting party shall file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for listing, along with a praecipe for argument. All of the foregoing shall be served on opposing counsel.

4. Forty-five days prior to the first day of each Civil Trial Term as scheduled on the Court Calendar, the Prothonotary shall place upon the Civil Trial List all the cases for which praecipos have been filed, without successful objection thereto, in accordance with the foregoing provisions. The list shall be kept in the Prothonotary's Office for the inspection of all concerned and shall be sufficient notice of trial to the parties concerned in all cases contained therein. Said list shall be printed, together with the jurors for the term and copies thereof furnished, without charge, to all members of the bar who have entered appearances in the cases set forth on said list. Said list shall also be published in the *Monroe County Legal Reporter* and the Monroe County Bar Association and web site.

5. The assigned judge shall notify all counsel of the date and place of the pretrial conference and said information shall be listed on the Monroe County Bar Association web site. At least five (5) days prior to the pretrial conference with the Court, all counsel who desire to participate in the pretrial conference with the Court shall confer in person, and not by telephone, and shall provide

to each other all of the information required to be set forth in the pretrial memorandum hereinafter described. Counsel who placed the case on the trial list shall be responsible for arranging conference of counsel.

6. In any case requiring Court Approval of Settlement, a copy of any Contingent Fee Agreement in any case scheduled for a pretrial conference shall be made available for inspection by the Judge conducting the pretrial conference.

7. Only counsel who attend the conference of counsel and the pretrial conference with the Court shall be permitted to conduct trial before the Court.

8. At least 24 hours prior to the pretrial conference with the Court, counsel for each party shall provide the Judge conducting the pretrial conference with a written pretrial memorandum which shall include, inter alia, the following:

- a. Trial list number, name of client, name and phone number of attorney who will try the case;
- b. In jury cases, the demand and offer of settlement which shall be binding upon the parties for purposes of Rule 238(e) of the Pennsylvania Rules of Civil Procedure; the name and coverage limits of any insurance carrier;
- c. A statement of all legal or evidentiary issues anticipated at trial and citation to legal authorities relied upon by counsel in respect thereto;
- d. The names and addresses of all witnesses to be called at trial with a notation of their purpose, e.g. liability, damages, etc.;
- e. A list of all exhibits to be used at trial. A statement certified by counsel that all exhibits were furnished to all opposing counsel at the counsel conference and the admissibility of which exhibits will be contested at trial;
- f. A list of all special damage claimed by any party seeking recovery;
- g. The estimated length of trial time necessary for counsel to present his or her evidence.

9. At trial, the parties will be limited to those witnesses, exhibits and documents disclosed in the pretrial memorandum, unless opposing counsel waives such restrictions or the Court finds such limitation to be unjust. If a party has indicated that he or she will call a specific witness, they will be expected to produce that witness at trial unless they have given opposing counsel at least three days written notice prior to trial that they do not intend to call such witness.

10. Any party may request a status or settlement conference with the Court by filing an appropriate motion.

RULE 213—EQUITY PRETRIAL PROCEDURE.

- 1. Equity cases shall not be listed on civil trial lists.
- 2. Equity cases may be listed for trial by any party by filing a motion requesting listing for equity trial.
- 3. The motion for equity trial shall include all matters required for jury trial listing by Rule 212(1)(a) through (d).
- 4. Objection procedures shall be the same specified by 212.
- 5. The Court may schedule a pretrial conference in which case the parties shall comply with the requirements of Rule 212(5), (7), and (8).

RULE 217—COSTS.

1. Costs shall follow the verdict or decree, unless the Court orders otherwise.

2. Taxation of costs. A party entitled to costs shall file a bill of costs, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. If no objections to the bill of costs are filed by any party within ten (10) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.

3. An appeal taken to the Court from the Prothonotary's taxation of a bill of costs must be filed within 30 (thirty) days from the date of the filing of the Prothonotary's taxation.

4. The Court, upon motion of any party, or on its own motion, may tax as costs the following:

(a) Jury costs, including mileage and per diem, if the Court finds that any party or lawyer in any case before the Court has acted in bad faith or has failed to exercise reasonable diligence in the settlement of such case at the earliest practicable time.

(b) Reasonable counsel fees as a sanction for dilatory, obdurate or vexatious conduct, if the Court finds a party or lawyer has so acted.

(c) Costs contemplated by Pa.R.C.P. 217.

RULE 223—CONDUCT OF THE TRIAL.

(a) *Time.* The time to be occupied in examining a witness and addressing the jury may be regulated by the trial judge.

(b) *Number of Attorneys.* The trial judge may limit the number of attorneys representing the same party or the same group of parties who may actively participate in the trial of the case or may examine or cross-examine a witness or witnesses, and also the number of witnesses whose testimony is similar or cumulative.

RULE 225—OPENING ADDRESSES AND CLOSING ARGUMENTS.

1. The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principals:

(a) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.

(b) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the supportive evidence intended to be introduced.

(c) Counsel for the party having the burden of proof of the issue on the pleadings shall open the case and shall be followed by opposing counsel and by third parties in the order in which they appear in the caption of the action, unless otherwise agreed.

(d) Counsel for defendant or any third party defendant may elect to make the opening address prior to the presentation of evidence by the defense, unless the trial judge in a particular case requires such opening address by the defense counsel to be made at a particular time.

(e) At the conclusion of the evidence, closing argument shall be presented by counsel in the reverse order in which counsel was entitled to open, so that counsel for the party having the burden of proof shall close last.

RULE 226—POINTS FOR CHARGE.

Points for charge shall be provided to the Court as early as practicable and may be supplemented prior to closing arguments of counsel. For each requested point for charge, counsel shall cite legal authority in support of the requested point for charge. At request of counsel, conferences may be held prior to closing arguments on points for charge and specific judicial rulings may be requested.

RULE 227.1—POST-TRIAL RELIEF.

(a) A copy of any Motions for Post-Trial Relief shall be delivered to the trial judge, the official court reporter and the adverse party within twenty-four (24) hours after filing them with the Prothonotary. Counsel shall assign specific reasons for each motion and shall state whether a partial or full transcript of the testimony is required and set forth the reason therefor. Upon receipt of the post-trial motions the trial judge may determine what portions of the testimony shall be transcribed.

(b) In motions requesting a new trial, particular reasons shall be assigned; general reasons will not be considered. Reasons relating to rulings on evidence shall be separately designated.

RULE 236—NOTICE BY PROTHONOTARY OF ENTRY OF ORDER, DECREE OF JUDGMENT.

When filing any order, decree or judgment, a party shall list on the document the name and address of each attorney of record and each unrepresented party.

RULE 250C—COSTS OF TRANSCRIPT/DEPOSITS OF FEE FOR TRANSCRIPT.

Transcripts ordered by a party or required by any general rule to be filed by any party shall be paid for by the party at the usual and customary rate established by the Court. The Court may require a deposit for a transcript, which deposit shall be made directly to the reporter.

No transcript shall be furnished to a party until expenses of transcription are paid.

Any reproduction of an official transcript without prior court approval is prohibited.

RULE 250D—BANKRUPTCY—NOTICE OF STAY.

Whenever a party in a pending civil action files a federal bankruptcy proceeding entitling the party to an automatic stay, said party shall file written notice thereof in the office of the Prothonotary. The notice shall contain the caption and number of the pending action and include a photocopy of the face sheet of the bankruptcy petition certified by the Clerk of the Bankruptcy Court showing the filing number and date. The moving party shall provide a copy of said notice to all parties and the assigned judge.

Upon termination of the stay, any party may move to reactivate the pending proceeding.

Failure to give notice as required by this rule may result in the imposition of sanctions, including costs.

RULE 400.1—SERVICE OF ORIGINAL PROCESS.

Original process shall be served within the Commonwealth:

(a) by the sheriff or a competent adult in actions in equity, partition, prevent waste and declaratory judgment when declaratory relief is the only relief sought; and

(b) by the sheriff in all other actions.

RULE 430—NOTICES AND SERVICES BY PUBLICATION.

(a) *Form.* All notices shall be in writing.

(b) *Legal Periodical.* The *Monroe County Legal Reporter* shall be the legal periodical for the publication of all notices.

(c) *Notice Where Manner Not Otherwise Prescribed.* Whenever notice is required to be given and the manner thereof is not prescribed by statute or rule of Court, the notice shall be published once in one newspaper of general circulation published in the county, and once in the *Monroe County Legal Reporter* immediately preceding the event.

(d) Prior to requesting service pursuant to this rule, the moving party must demonstrate compliance with Pa.R.C.P. 430.

RULE 500—DISPOSITION OF EVIDENCE.

Within thirty (45) days from the date that an action is finally concluded, each party which has introduced evidence during a hearing at the trial of a matter shall recover their trial exhibits from the court reporter.

If a party has not recovered an exhibit or exhibits offered at trial within sixty (60) days from the date the action is finally concluded, the court reporter shall notify counsel for the parties, or the parties themselves if they do not have counsel, in writing by U.S. first class mail at their addresses of record, that the exhibits will be destroyed thirty (30) days thereafter.

If the exhibits are not retrieved during that time period, the court reporter shall destroy or otherwise dispose of the exhibits.

**Actions at Law
Civil Actions**

RULE 1012—APPEARANCE; WITHDRAWALS.

1. The signing of a pleading or motion by an attorney shall be deemed to constitute that attorney's entry of appearance, whether or not the signature is made on behalf of a professional corporation, or partnership or similar entity. Appearances by attorneys or parties not signing pleadings or motions shall be made by written praecipe filed with the Prothonotary of Monroe County.

2. Appearances of counsel may not be withdrawn, except by substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney, or by leave of Court, in which case, a Rule to Show Cause shall be issued to the client represented by the movant and to all other parties to the litigation or proceeding.

3. All changes in counsel shall be evidenced by an appropriate praecipe filed in the office of the Prothonotary. Change of counsel will not be a basis for continuance of any proceeding unless specifically allowed by the Court.

PLEADINGS

RULE 1018.1—NOTICE TO DEFEND.

In accordance with Pa.R.C.P. 1018.1 (c), the Monroe County Bar Association Lawyer Referral Service, 913 Main Street, P. O. Box 786, Stroudsburg, Pennsylvania 18360, telephone (570) 424-7288, fax (570) 424-8234, is hereby designated as the agency to be named in the Notice To Defend and in any similar notice required by any other applicable Rule of Civil Procedure.

RULE 1019—PLEADING OF STATUTES, ORDINANCES, REGULATIONS AND RULES.

When any right, claim or defense is asserted to be founded upon a specific statute of this or another jurisdiction or upon an ordinance, governmental regulation or rule of court, the first pleading in which such right, claim or defense is asserted shall cite, for the information of the Court, the statute, ordinance, regulation or rule so relied upon.

RULE 1021—MONEY DAMAGES.

When a party claims relief in the form of liquidated money damages, he or she shall in his pleading state the manner in which the damages claimed by him are computed, and if entitled to interest, the date or dates from which interest thereon or on any part thereof is claimed.

RULE 1025—ENDORSEMENT—CHANGE OF ADDRESS.

(a) *Praecipe.* Any party may file with the Prothonotary a praecipe, which shall be noted upon the appearance docket and form part of the record in the case, setting forth a new address other than that appearing as an endorsement on a pleading theretofore filed.

(b) *Making of Endorsement.* No paper shall be filed until it has first been endorsed, showing the title of the paper, the number and term and the name of the parties to the action. If the paper is presented by an attorney it shall be endorsed by him.

RULE 1029—ACTION ON BOOK ACCOUNT.

In actions in which book accounts may be offered in evidence, if a legible copy thereof is attached to any pleading, it shall not be necessary to produce the books at the trial, unless a responsive pleading shall allege that the account or copy is incorrect, stating particulars, or that the books are not books of original entry, and shall demand the production of the books at the trial; otherwise, the copy shall be admitted as evidence without further proof.

RULE 1037—OPENING DEFAULT JUDGMENTS.

1. *Petition.* All proceedings to open judgment by default shall be in accordance with 43 J.D.R.C.P. 206(B). Petitions to open a judgment by default shall be accompanied by an answer to the complaint in cases where an answer is required. In other cases the petition shall disclose the nature and character of all grounds for relief as fully as in an answer.

2. *Stay Order.* A rule to show cause under this rule will not include a stay of proceedings unless ordered by the Court.

Action in Ejectment

RULE 1051—COMMENCING ACTION BY PRAECIPE.

Where an action is commenced by filing with the Prothonotary a praecipe for a writ of summons, a copy of the legal description of the land as recorded in the office of the Monroe County Recorder of Deeds shall be filed with the praecipe and shall be incorporated in the writ.

Compulsory Arbitration

RULE 1301—SCOPE.

1. All civil cases where the amount in controversy (exclusive of interest and costs) shall be Twenty Five Thousand (\$25,000.00) Dollars or less except those involving title to real estate, equity cases, mandamus, quo

warranto and mortgage foreclosure, shall first be submitted to a Board of Arbitrators in accordance with Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361. The amount in controversy shall be determined from the pleadings or by agreement of counsel. The Court may of its own motion or upon the motion of any parties strike from the trial list and certify for arbitration any case which should have been arbitrated in the first instance.

2. No case shall be scheduled for arbitration until (1) the expiration of 30 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; and (2) unless counsel for the moving party certifies at the time of filing of praecipe for the trial list that:

a. All preliminary objections have been finally determined;

b. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay hearing;

c. The moving party and witnesses are available and ready to proceed to hearing;

3. Form: A case shall be listed for arbitration by filing a praecipe in the form attached to this rule.

4. Notice: Notice of the date, time and place of arbitration shall be provided to counsel for the parties or if unrepresented, to the party directly by the Court Administrator, and shall include the following provision pursuant to Pa.R.C.P. 1303(a)(2):

“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

COURT OF COMMON PLEAS OF MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

vs.

No. _____
PRAECIPE FOR ARBITRATION
43 J.D.R.C.P. 1301

TO THE PROTHONOTARY OF SAID COURT:

ARBITRATION NO. _____

- Appoint arbitrators in the above case
- () Amount in controversy is \$25,000.00 or less.
- () The case has been at issue more than thirty days.
- () Order of the Court.
- () Judgment has been entered Sec Leg, Assessment of Damages only.
- () Estimated time required for hearing is _____ hours.
- () There is Companion Case No. _____
- () Other

This case is to be tried by and notices sent to:

Attorney(s) for Plaintiff(s) or Pro Se Plaintiff

Address

Phone Number

Attorney(s) for Defendant(s) or Pro Se Defendant

Address

Phone Number

I CERTIFY that all preliminary objections have been finally determined; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed.

I CERTIFY that a copy of this praecipe has been provided to the following by the moving party.

Name:

Address:

Dated: _____ 20____

Attorney for the

RULE 1302—SELECTION AND COMPENSATION OF ARBITRATORS.

1. The attorneys admitted to the Bar of the Court shall constitute a list of members qualified to act as arbitrators. The Court Administrator shall select from said list three (3) arbitrators for each action; the chairperson shall have been a member of the Bar of this Court for at least five (5) years.

2. If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall file a motion with the Court at least seven (7) days before the scheduled hearing, except where excused by the Court for exigent circumstances. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of his appointment by mail by the Court Administrator, the attorney may be subject to sanctions.

3. The Court Administrator shall mail a copy of the notice of appointment to each attorney of record and to each arbitrator appointed. In the event that any party is not represented by an attorney, the Court Administrator shall send such copy to the party at his last known address. The address of the unrepresented party is to be

furnished to the Court Administrator when the attorney files the praecipe for arbitration.

4. The President Judge or his designee shall have the power to grant continuances and all applications for continuances shall be in motion form as set forth in Rule 206A/B and filed at least seven (7) business days prior to the date of the hearing.

5. If a party fails to appear, no default judgment shall be entered. The arbitrators shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence. The arbitrators shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305, 1306.

6. The compensation for each member of the Board of Arbitrators to be paid by the County shall be established from time to time by the Court. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon petition by the Chairperson on behalf of the Board. If there is concurrence, the motion shall include a certification that all participants are in concurrence with the motion and shall set forth a hearing date mutually agreed upon by counsel, the parties and the arbitrators.

Court of Common Pleas of Monroe County
43RD Judicial District
Commonwealth of Pennsylvania
NO.

VS.

OATH OF ARBITRATORS

NOW, The _____ day of _____, 200 , we, the undersigned, having been named Arbitrators in the above cause, do hereby swear that we will hear the evidence and allegations to the parties, justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty days of the date of hearing the same.

Sworn to and subscribed before me

This _____ day of _____

Chairman

Panelist

Panelist

Appearing for Plaintiff _____

Appearing for Defendant _____

REPORT AND AWARD OF ARBITRATORS

AND NOW, the _____ day of _____, 200 , we the undersigned arbitrators chosen in the above case, after having been duly sworn, and having heard the evidence and allegations of the parties, do award and find for the: _____

in the sum of: _____

Hearing held: _____

Substitution of Arbitrators as follows: _____

Chairman

Panelist

Panelist

RULE 1311—PROCEDURE ON APPEAL

An appeal taken from an award shall be duly listed for trial. The attorney taking the appeal shall file a praecipe for trial within thirty days and the Prothonotary shall note the fact that an appeal is from arbitration on each appeal action appearing on the trial list.

Minors as Parties**RULE 2039—COMPROMISE SETTLEMENT AND PHYSICIAN'S STATEMENT OF EXTENT OF INJURY.**

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the minor's injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said minor shall have appeared in court or shall have been excused from such appearance by the Court.

A copy of any contingent fee agreement shall be made available for inspection by the Court prior to the distribution of any fees and shall be annexed to the settlement petition.

Incompetents as Parties**RULE 2064—COMPROMISE SETTLEMENT AND PHYSICIAN'S STATEMENT OF EXTENT OF INJURY.**

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the incapacitated person's injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said incapacitated person shall have appeared in Court or shall have been excused from such appearance by the Court.

A copy of any contingent fee agreement shall be made available for inspection by the Court prior to the distribution of any fees and shall be annexed to the settlement petition.

Actions for Wrongful Death**RULE 2206—SETTLEMENT, COMPROMISE, DISCONTINUANCE AND JUDGMENT NOTICE TO THE DEPARTMENT OF REVENUE CONTENTS OF THE PETITION DEPARTMENT'S RESPONSE.**

A. When a petition is presented seeking an order permitting a compromise of a claim, whether in suit or not, by an estate or when a petition is presented pursuant to Pa.R.C.P. 2206, the Court shall set a date for hearing. Petitioner shall provide a copy of the petition and notice of the hearing date to the Office of Chief Counsel, Department of Revenue, Commonwealth of Pennsylvania, at least twenty-one (21) days prior to the hearing date.

B. Said petition shall contain the following information:

1. the extent, if any, of the decedent's conscious pain and suffering resulting from the incident giving rise to the decedent's claim;
2. a copy of an accident report, if available;
3. the medical expenses incurred resulting from the incident giving rise to the decedent's claim;
4. name, age, relationship to decedent, and the extent of financial dependence upon decedent of wrongful death beneficiaries of decedent;

5. Non-minor decedent's probable future earned income less cost of maintenance discounted to present worth (attach supporting economist's report, if available).

C. Counsel for the Department of Revenue shall notify the petitioner's counsel at least seven (7) days prior to the hearing date whether or not the Department agrees with the proposed apportionment.

Substitution of Parties**RULE 2353—SERVICE BY PUBLICATION.**

If the residence and whereabouts of such successor is not known, notice shall be given by publication as provided by Rule 430.

Confession of Judgment for Money**RULE 2959—PROCEDURE FOR PETITION TO OPEN OR STRIKE-OFF JUDGMENT-DEPOSITIONS.**

Where a petition is filed to open a judgment, the petitioner shall within thirty (30) days from the time the rule to show cause issues proceed to the taking of depositions where the allegations raise questions of fact which make such steps necessary; unless the petitioner within thirty (30) days schedules the taking of depositions, the petition to open judgment may be stricken from the record upon written motion of any party.

RULE 3252.b—ORGANIZATION NAMED IN NOTICE OF WRIT OF EXECUTION.

The name, address and telephone number of the organization to be set forth in the notice attached to a writ of execution shall be:

MONROE COUNTY BAR ASSOCIATION
LAWYER REFERRAL SERVICE
913 MAIN STREET
P. O. BOX 786
STROUDSBURG, PA 18360
(570) 424-7288

Discovery**RULE 4005—LIMITATION ON NUMBER OF INTERROGATORIES.**

Except upon leave of Court or agreement of the parties, interrogatories, including subpart thereto, shall not exceed twenty-five (25) in number.

RULE 4007.1—OBJECTIONS AT ORAL DEPOSITIONS.

1. Counsel making an objection during an oral deposition shall state the word "objection" and state the legal basis for the objection.

2. Any amplification of the objection, or argument of the objection, shall take place only after the witness has been excused from the deposition room. Argument shall be on the record unless all counsel agree to go off record. The witness shall return to the deposition room only after argument has been completed.

3. An instruction by counsel for a witness that the witness shall not answer a question shall be sufficient basis for other counsel to suspend the deposition pending presentation of the propriety of the instruction not to answer to a judge. Counsel shall make every effort to contact a judge by telephone to promptly present the issue raised by the instruction not to answer.

RULE 4017.1—OBJECTIONS AT VIDEOTAPE DEPOSITIONS.

1. When counsel makes an objection, he or she shall merely state the word "objection" and request that the

video operator stop the videotape. Any arguments on objections shall be made on the written transcript but off camera.

2. Once the video is stopped, counsel should first summarize the reasons for the objection in a word or phrase. Counsel may then proceed with argument on the transcript and off the camera or may merely state the summary grounds for the objection. Arguments should be brief, and should consist of no more than the reason for the objection, an answer to the reason for the objection, and brief rebuttal. If requested by Counsel for any party, the witness must leave the deposition room while the arguments are made.

3. Counsel shall review the transcript together before presentation to the trial judge to resolve whatever objections can be resolved. They shall present to the judge a list by page and line of the objections that still need rulings at the time of the pretrial conference.

RULE 4017.D—FILING OF CERTIFICATE OF DEPOSITION.

(1) Upon completion of the stenographic transcription of any deposition, the stenographer before whom the deposition has been taken shall prepare a Certificate of

Deposition which shall be filed with the Prothonotary by the moving party. The Certificate of Deposition shall contain the following information and shall substantially conform to the form shown in Appendix A:

- (a) the name(s) of the person(s) deposed;
 - (b) that the witness was duly sworn;
 - (c) the total number of pages in each deposition;
 - (d) the date, time, and place deposition was taken;
 - (e) the counsel present at deposition; and
 - (f) the name of counsel who has received the original transcription and copies thereof.
- (2) The Prothonotary shall promptly file the certificate and record its filing on the docket.
- (3) Custody and responsibility for original deposition. This responsibility shall remain with the attorney who has received the original transcription until the case is terminated or the deposition has been filed pursuant to paragraph (4) herein.
- (4) The attorney having custody of the original deposition shall forthwith file the entire original deposition with the Prothonotary whenever filing is directed by the Court.

(APPENDIX A)

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

CAPTION

CERTIFICATE OF DEPOSITION

I certify that on the _____ day of _____, 200 , the following person(s) appeared before me and gave deposition under oath:

NAME:

NO. OF PAGES:

Further, I certify that counsel listed below were present at the deposition and that distribution was made by me as indicated:

NAME:

ORIGINAL OR COPY:

Stenographer/Reporter

Date: _____

[Pa.B. Doc. No. 01-1301. Filed for public inspection July 20, 2001, 9:00 a.m.]