

# THE COURTS

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; No. 10130 of 2001

##### Order

And Now, this 24th day of January, 2001, The Beaver County Local Rules of Civil Procedure are amended as follows;

1. L. R. No. 211 C, L. R. No. 212.1(B)(2), L. R. No. 229 A and 229 B are amended to read as hereinafter set forth.

2. New Rules L. R. 213, L. R. 213A, L. R. 213B, L. R. 223, L. R. 1308, L. R. 4011, L. R. 4017 and L. R. 4020 are promulgated to read as hereinafter set forth.

3. This Order and the amended and new rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven (7) certified copies of this Order and the attachments to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one (1) with the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT C. REED,  
*President Judge*

#### RULE L211C—Briefing Schedule.

(1) The moving party's brief shall be submitted to the Court Administrator and served in accordance with the following schedule:

(a) where the moving party files the praecipe for argument, not later than simultaneously therewith;

(b) where the responding party files the praecipe for argument or the court orders the matter on the argument list, at least twenty (20) days prior to the argument date;

If the moving party fails to timely submit a brief, the court may deny the relief sought or impose other sanctions.

(2) The responding party's brief shall be submitted to the Court Administrator and served at least ten (10) days prior to the argument date provided that the moving party's brief has been timely served. If the brief is not timely submitted, the court may prohibit the responding party from presenting oral argument or may impose other sanctions.

#### RULE L212.1. Civil Actions. Certification For Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

**Note:** This provision is intended to constitute the Notice Required by Pa. R.C.P. No. 212.1(a).

B. (1) A civil action shall be certified for trial by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness

for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L206B has been given.

**Note:** The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pre-trial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4).

#### L.R. 229A. Sanctions for Failure to Deliver Settlement Funds.

(A) As used in this rule, the following words shall have the following meaning:

"Released Party." A party released from a claim or claims of liability by a release executed pursuant to an agreement of settlement.

"Releasing Party." A party who, by execution of a release pursuant to an agreement of settlement, has agreed to forego a claim or claims of liability against a Released Party.

"Settlement Funds." Payment, by a Released Party in any form of monetary exchange, to a Releasing Party pursuant to an agreement of settlement.

(B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement agreement.

(C) The Releasing Party and Released Party may agree in writing to modify or waive any of the provisions of this rule.

(D) A Released Party shall have twenty (20) calendar days from receipt of an executed release or, if appropriate, an order of court approving settlement, within which to deliver the settlement funds to the Releasing Party or its counsel.

(E) If settlement funds are not delivered to the Releasing Party or its counsel within aforesaid twenty-day period, the Releasing Party may:

(1) invalidate the settlement; or

(2) present to the Court a Petition for Sanctions which shall include: (a) an affidavit attesting to nonpayment; (b) a copy of any document evidencing the terms of the settlement agreement; (c) a copy of the executed release; (d) a copy of a receipt reflecting delivery of the executed release more than twenty (20) days prior to the date of filing of the Petition; and (e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph (F) below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

(F) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E)(2) above, the Released Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems it necessary. If the Court finds that the Released Party has violated this local rule and that there is no material dispute as to the terms of the settlement or the terms of the release, the Court shall impose sanctions in the form of simple interest at a rate equal to the coupon yield equivalent (as determined by the Secretary of the U.S. Department of Treasury) of the average accepted auction price for 52-week U.S. Treasury Bills at the auction last preceding the date on which the Petition was filed, running from the twenty-first day to the date of delivery of the settlement funds; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the settlement funds.

(G) The Petition shall be accompanied by two Orders in substantially the following form:

*ORDER*

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a Rule is issued upon \_\_\_\_\_ to show cause why sanctions should not be imposed for failure to deliver settlement funds to \_\_\_\_\_ or \_\_\_\_\_ within twenty (20) days after receipt of an executed release. Rule returnable twenty (20) days hereafter, or \_\_\_\_\_, 20\_\_\_\_, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT

\_\_\_\_\_ J.

*ORDER*

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to \_\_\_\_\_ or \_\_\_\_\_ within twenty days of receipt of the executed release in the above captioned action, and \_\_\_\_\_ conduct in failing to deliver the settlement funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the settlement funds of \$(\_\_\_\_), is

ordered to pay forthwith simple interest thereon at the rate of \_\_\_\_\_ from \_\_\_\_\_ to the date of delivery of the settlement funds, together with \$ \_\_\_\_\_ in attorneys' fees, and \$ \_\_\_\_\_ in liquidated damages, pursuant to Beaver County Local Rule 229A.

BY THE COURT

\_\_\_\_\_ J.

**L.R.229B. Sanctions For Failure to Pay an Award From an Arbitration or Dispute Resolution From Which No Appeal Has Been Taken.**

(A) As used in this rule, the following words shall have the following meaning:

"Award." The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.

(B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.

(C) The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.

(D) A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.

(E) If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include: (a) an affidavit attesting to nonpayment; (b) a copy of any document evidencing the procedural history of the matter; (c) a copy of the award; (d) a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and (e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph (F) below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

(F) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest at a rate equal to the coupon yield equivalent (as determined by the Secretary of the U.S. Department of Treasury) of the average accepted auction price for 52-week U.S. Treasury Bills at the auction last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

(G) The Petition shall be accompanied by two Orders in substantially the following form:

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, a Rule is issued upon \_\_\_\_\_ to show cause why sanctions should not be imposed for failure to deliver awarded funds to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or \_\_\_\_\_, 20 \_\_\_\_, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT

J.

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to \_\_\_\_\_ or \_\_\_\_\_ within thirty-five days of receipt of the award in the above captioned action, and \_\_\_\_\_ conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(\_\_\_\_\_), \_\_\_\_\_ is ordered to pay forthwith simple interest thereon at the rate of \_\_\_\_\_ on \$(\_\_\_\_\_) from \_\_\_\_\_ to the date of delivery of the awarded funds, together with \$(\_\_\_\_\_) in attorneys' fees, and \$ \_\_\_\_\_ in liquidated damages, pursuant to Beaver County Local Rule 229B.

BY THE COURT

J.

**L.R. 213. Joinder of Cases.**

All Orders which join separately filed actions shall specify whether the joinder is intended to provide for a joint trial or hearing, or is intended to consolidate the actions for all purposes. The Order shall further specify the caption(s) and court number(s) to be utilized thereafter.

**L.R. 213A. Motion for Joint Hearing or Trial.**

All Motions for a Joint Hearing or Trial shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, upon consideration of the foregoing Motion for Joint Hearing or Trial, it is hereby ORDERED and DECREED that a joint hearing or trial shall be held in the cases of \_\_\_\_\_, \_\_\_\_\_ filed at No. \_\_\_\_\_, and \_\_\_\_\_, filed at No. \_\_\_\_\_. Each case shall maintain its separate caption and case number. The Prothonotary shall docket this Order at both case numbers and shall place a duplicate copy of same in the file at No. \_\_\_\_\_. All future filings shall be docketed and maintained separately at the case number they relate to.

BY THE COURT

J.

**L.R. 213B. Motion For Consolidation.**

All Motions to Consolidate shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, upon consideration of the foregoing Motion to Consolidate, it is hereby ORDERED and DECREED that the cases of \_\_\_\_\_ at No. \_\_\_\_\_, and \_\_\_\_\_ at No. \_\_\_\_\_, shall be consolidated for all purposes at No. \_\_\_\_\_. The Prothonotary shall transfer all previous filings at No. \_\_\_\_\_ to the consolidated case number at No. \_\_\_\_\_. All future filings shall be captioned and docketed as follows:

vs.

and

No. \_\_\_\_\_

vs.

BY THE COURT

J.

**Note:** Rules L.213, L.213A and L.213B are intended to clarify for the parties, Court, Prothonotary and Appellate Courts, the intended effect of a joinder and whether the cases are to have a separate or consolidated identity as discussed by the Pennsylvania Superior Court in *Keefe v. Keefe*, 741 A.2d 808 (Pa. Super. 1999).

**L.R. 223. Custody and Storage of Trial Exhibits.**

A. All non-documentary exhibits and documentary exhibits larger than 8.5 x 11 inches shall remain in the custody of the moving party and shall be removed from the courthouse at the conclusion of the trial. Such exhibits shall be produced upon order of the trial judge to do so.

B. Any party desiring to utilize a magnified copy of a document or photograph or image at trial shall first submit the original or a copy thereof to be marked as an exhibit for receipt into evidence.

**Note:** The purpose of this rule is to eliminate problems encountered by the court stenographers relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

**L.R. 1308. Discovery.**

Discovery in cases subject to these rules shall be governed by L.R. 4011.

**L.R. 4011. Limitation of Scope of Discovery and Deposition.**

In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule L1301A et seq. (relating to compulsory arbitration) shall be limited in scope to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown.

FORM A
IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

Plaintiff,
vs.
Defendant.

PLAINTIFF'S ARBITRATION DISCOVERY

REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth your full name and address.

INSURANCE

2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes No

(b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes No

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have have not fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes No

(d) If you answered yes, attach each of these documents. I have have not fully complied with request 4(d).

MEDICAL DOCUMENTS

5. (a) Do you have any medical documents relating to the plaintiff? Yes No

(b) If you answered yes, attach each of these documents. I have have not fully complied with request 5(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit? Yes No

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.

(c) Were you ever convicted of a crime that involved dishonesty or false statement, whether by verdict, or by plea of guilty or nolo contendere? Yes No

(d) If you answered yes, list the charge you were convicted of, the court where the conviction was entered and the date of the conviction.

Defendant verifies the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

Date: Defendant

FORM B
IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

Plaintiff,
vs.
Defendant.

DEFENDANT'S ARBITRATION DISCOVERY

REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to

Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF PLAINTIFF(S)

1. Set forth your full name and address.

WITNESSES

2. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes No

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have have not fully complied with request 3(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes \_\_\_\_\_ No \_\_\_\_\_.

(d) If you answered yes, attach each of these documents. I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 3(c).

#### MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received any inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, list the names of the hospitals, the names and addresses of the attending physicians, and the dates of hospitalization.

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If you answered yes, list the name and address of each chiropractor and the dates of treatment.

(e) Have you received any other medical treatment not covered by the previous interrogatories for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(f) If you answered yes, list the names and addresses of each physician or other treatment provider and the dates of treatment.

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in response to interrogatories 4(b), 4(d) and 4(f) or authorizations for these records.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(g).

#### OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five (5) years prior to the incident to the present date.

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital or medical office within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_

(c) If you answered yes, attach a separate sheet which lists the name and address of the hospital or medical office, the date of each treatment, the reasons for the treatment, and the length of the hospitalization.

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_

(e) If you answered yes, attach a separate sheet which lists the chiropractor's name and address, the dates of the treatment, and the reasons for the treatment.

(f) Have you received any other medical treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date? Yes \_\_\_\_\_ No \_\_\_\_\_

(g) If you answered yes, attach a separate sheet which lists the name and address of the medical treatment provider, the dates of the treatment, and the reasons for the treatment.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with requests 5(c), 5(e) and 5(g).

#### WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?

(b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

7. If a claim is being made for lost income, state the following information:

(a) the name and address of your employer at the time of the incident;

(b) the name and address of your immediate supervisor at the time of the incident;

(c) your rate of pay;

(d) the dates of work loss due to the injuries from this alleged accident; and

(e) the total amount of your work loss claim.

#### OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workers' Compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P. S. § 1719(b)? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, set forth the type and amount of these benefits.

#### INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P. S. § 1705 (a) and (b)?

\_\_\_\_\_ Limited Tort Option (no claim is made for nonmonetary damages)

\_\_\_\_\_ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P. S. § 1705(d)(1)-(3) applies).

\_\_\_\_\_ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option".) Describe each vehicle (make, model and year) in your household.

(c) (Applicable only if you checked "Full Tort Option".) Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 9(c).

Plaintiff verifies the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

Date: \_\_\_\_\_

Plaintiff

#### L.R. 4017.1. Use of Videotape Depositions at Trial.

The trial judge may refuse permission to use a videotape deposition at trial if either the audio or video portions of the tape are of poor quality. Prior to offering a videotape deposition of a witness at trial, counsel for the proponent of the deposition shall file a certification that he or she has reviewed the videotape and that both the

audio and the video portions thereof are of good quality. Failure to comply with this rule may result in the refusal of permission to use the videotape at the time of trial.

Material to which objection has been sustained shall be excluded at trial by "fast forward" by the video machine operator so as to eliminate both the image and the sound of the objectionable material. A copy of the stenographic transcript of the deposition shall be delivered to the court stenographer with redacted portions, if any, clearly marked, before the close of the parties' case in which the deposition was utilized.

**Note:** The videotape should be marked as an exhibit and physical custody thereof remain with counsel for the proponent subject to surrender to the court upon order to do so pursuant to L.R. 223.

**L.R. 4020. Use of Depositions at Trial.**

Objections made during the taking of depositions or intended to be made at trial pursuant to Pa. R.C. P. No.

4020(c) shall be submitted to the court for ruling thereon prior to the first day of the trial term.

The proponent of the deposition shall petition the court to assign the case to a judge of the court for trial for the purpose of review and ruling on all objections.

**Note:** This rule is designed to make more efficient use of juror time by avoiding the need to preview depositions while venire persons are present and waiting to be selected. However, the rule is not intended to prevent the judge to whom the case is assigned for trial to elect to preview depositions immediately prior to jury selection or to elect to rule on objections as the testimony is being presented to the jury.

[Pa.B. Doc. No. 01-213. Filed for public inspection February 9, 2001, 9:00 a.m.]

**BRADFORD COUNTY  
Rule of Criminal Procedure No. 303**

**Order**

*And Now*, this 23rd day of January, 2001, the Court hereby adopts the following Bradford County Rule of Criminal Procedure, to be effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Criminal Procedural Rules Committee and one (1) copy to the *Bradford County Law Journal* for publication in the next issue of the *Bradford County Law Journal*.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

*By the Court*

JEFFREY A. SMITH,  
*President Judge*

**Rule 303. Arraignment**

(A) Arraignment for each court case shall be scheduled by the issuing authority at the time the defendant is bound over for court. Scheduling shall conform to the common pleas court calendar prepared annually by the Court Administrator. The issuing authority shall provide the defendant with (1) a completed copy of the written notice of arraignment and (2) a copy of the approved waiver form set forth in subsection (C) of this rule.

Waivers of arraignment must be submitted to the Clerk of Courts not later than the date and time arraignment is scheduled.

(B) Unless arraignment is waived in conformity with Rule 303(c) of the Pennsylvania Rules of Criminal Procedure, the defendant and counsel, if any, shall appear for arraignment.

(C) A waiver of arraignment in the following form shall be accepted by the Clerk of Courts:

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
VS.	:	OF BRADFORD COUNTY, PENNSYLVANIA
	:	NO.

**WAIVER OF ARRAIGNMENT AND APPEARANCE OF COUNSEL**

**PART I**

(ACKNOWLEDGMENT OF DEFENDANT)

I, \_\_\_\_\_, hereby acknowledge the following:  
(Defendant's name)

- (1) I understand the nature of the charges against me;
- (2) I understand that I have the right to be represented by an attorney;
- (3) I understand that I have the right to file motions, which includes the right to file the following: (i) a Request for a Bill of Particulars, which may be filed within seven (7) days following the date arraignment is scheduled; (ii) a Motion for Pretrial Discovery and Inspection, which may be filed within fourteen (14) days following the date arraignment is scheduled; (iii) an Omnibus Pretrial Motion, which may be filed within thirty (30) days following the date arraignment is scheduled.

(4) I waive my right to appear for arraignment.

I hereby enter a plea of NOT GUILTY to any and all charges in this case.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's signature

**PART II**

(ACKNOWLEDGMENT OF COUNSEL AND ENTRY OF APPEARANCE)

I hereby acknowledge the following:

- (1) The defendant understands the nature of the charges;
- (2) The defendant understands the rights and requirements of Rule 303(B) of the Pennsylvania Rules of Criminal Procedure;
- (3) The defendant waives his right to appear for arraignment.

I hereby enter my appearance for the defendant.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Supreme Court ID #

[Pa.B. Doc. No. 01-214. Filed for public inspection February 9, 2001, 9:00 a.m.]

**CLINTON COUNTY**

**Rules of Miscellaneous Procedures and Rules of Civil Procedure; No. 29 January Term 1976**

**Order**

Now, January 25, 2001, *It Is Hereby Ordered* that the Local Rules of Court of Clinton County, Pennsylvania be amended as follows:

1. New Rule: **Clinton. R.M.P. 103. Form of Papers.**

(a) No paper or other document may be filed in the Court of Common Pleas on any paper other than paper approximately 8-1/2" x 11" in size. Any paper or other document filed in the Court of Common Pleas of Clinton County shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:

1. Prepared on white paper (except for covers, dividers and similar sheets) of good quality with typed or printed matter 6-1/2" x 9-1/2".

2. The first sheet (except for the cover of paper books) shall contain a 3" space from the top of the paper for all court samplings, filing notices, etc.

3. Lettering shall be clearly legible and shall not be smaller than typewriting pica with line spacing (except for quotations) not closer than typewriting double spacing.

4. The lettering shall be only on one side of a page, except that exhibits and similar supporting documents and paper books may be lettered on both sides of the page.

5. No backers shall be filed with the original document.

6. Only one staple shall be placed in the upper left-hand corner of the original filing.

7. Black ink shall be used for all hand written information, signatures, etc. and typewritten information shall also be in black ink.

(b) *Non-Conforming Papers.* The Prothonotary may reject any non-conforming papers or documents except those documents filed pro se which shall be immediately accepted for filing and forwarded to the assigned judge for action.

2. New Rule: **Clinton R.C.P. 4002.1. Filing Discovery Marterial.**

(a) The Prothonotary shall not accept discovery material for filing unless relevant to a motion or other pre-trial proceeding, ordered by the Court, or required by statute. Depositions taken for use at trial are not within the scope of this rule.

(b) The Court shall impose appropriate sanctions on counsel upon being made aware that discovery material has been filed in violation of this rule.

*It Is Further Ordered* that the Prothonotary forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts; two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy to the Civil Procedure Rules Committee.

These amendments shall take effect on March 1, 2001, or thirty (30) days after the date of publication in the *Pennsylvania Bulletin*, whichever shall occur last.

*By the Court*

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

[Pa.B. Doc. No. 01-215. Filed for public inspection February 9, 2001, 9:00 a.m.]

**NORTHAMPTON COUNTY**

**Administrative Order 2001-1—Alternative Sentencing Program for D.U.I. Second Offenders; Misc. 7-2001**

**Order of Court**

*And Now* this 19<sup>th</sup> day of January, 2001, it is hereby Ordered:

1. The D.U.I. Program Director for Northampton County shall contact all defendants charged with D.U.I. as a second offense, as defined in 75 Pa.C.S.A. 3731(e)(l)(ii), within ten days of the filing of the criminal

complaint to provide information about the availability of the Alternative Sentencing Program for Second Offenders.

2. Application for admission to the Alternative Sentencing Program for Second Offenders shall be filed with the D.U.I. Program Director no later than thirty days after the preliminary hearing is held or after a waiver of the preliminary hearing.

3. Upon receipt of an application, the D.U.I. Program Director shall review the case. The D.U.I. Program Director shall list those cases which qualify for the hearing before the Court.

4. The hearing before the Court shall be scheduled at 1:15 P.M. on regularly scheduled summary appeal/A.R.D. days on the court calendar.

5. The Judge assigned to the Summary Appeals/A.R.D. list shall be authorized to accept the guilty plea and sentence the defendant even if the file contains an order assigning the case to another judge for guilty plea.

6. Administrative Order 1995-1 is hereby vacated.

7. The effective date of this order is March 1, 2001.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

[Pa.B. Doc. No. 01-216. Filed for public inspection February 9, 2001, 9:00 a.m.]

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