

THE COURTS

Title 255—LOCAL COURT RULES

LEHIGH COUNTY

Adoption of Local Rule of Civil Procedure 223.1 Pertaining to Exhibits; No. 2002 J 107

Order

Now, this 10th day of December, 2002, *It Is Ordered* that the annexed Lehigh County Rule of Civil Procedure 223.1 pertaining to exhibits in the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective on the 30th day following publication of this rule in the *Pennsylvania Bulletin*.

The Court Administrator of Lehigh County is directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
 2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
 3. File one (1) certified copy with the Civil Procedural Rules Committee.
 4. File one (1) copy with the Clerk of Courts of the Lehigh County Court of Common Pleas.
 5. Forward one (1) copy for publication in the *Lehigh County Law Journal*.
- By the Court*

WILLIAM H. PLATT,
President Judge

Rule 223.1 Exhibits

(a) Exhibits admitted at trial

(i) At the conclusion of a trial or hearing, all exhibits larger than 8-1/2 x 11 inches which are part of the record shall be reduced to that size, and all tangible objects which are part of the record, shall be photographed in color by the party originally proffering the evidence. The 8-1/2 x 11 inch reductions and color photographs shall be substituted in the record for the original exhibits and tangible object unless the trial judge, upon motion or sua sponte, or an appellate court, shall direct otherwise.

(ii) Whenever a videotape deposition of a witness is presented at a trial or hearing, the videotape cassette shall be marked as an exhibit as required by Pa.R.C.P. 4017.1. At the conclusion of the trial or hearing, the videotape cassette shall be returned for safekeeping to the party who presented it and that party shall maintain custody of the cassette until conclusion of all appellate proceedings in the case, unless the trial judge upon motion or sua sponte shall direct otherwise.

(iii) Whenever a videotape deposition of a witness is presented at trial or hearing, it shall be accompanied by a transcript of the deposition as required by Pa.R.C.P. 4017.1(a)(2). The accompanying transcript shall be marked as an exhibit and retained in the record of the proceedings. In the event the record of the trial or hearing is transcribed for appellate or other purposes, the exhibit of the transcript accompanying the deposition

shall be considered the official transcript of the testimony of the deponent. It shall not be necessary for the trial court reporter or court monitor to also transcribe the audio portion of the videotape deposition which was presented at trial or hearing, so long as the record clearly reflects which part of the audio portion of the videotape deposition was offered into evidence and admitted.

(b) Disposition of exhibits after trial

(i) After trial, exhibits admitted into evidence shall be retained by the clerk of courts until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the clerk of courts until disposition of the appeal.

(ii) Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the clerk of courts. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the clerk of courts.

(iii) Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial. The presiding judge shall determine the validity of such claim and determine the manner and timing of disposition.

[Pa.B. Doc. No. 02-2303. Filed for public inspection December 27, 2002, 9:00 a.m.]

MONTGOMERY COUNTY

Amendment to Local Rule of Civil Procedure— Rule 4019*

Order

And Now, this 2nd day of December, 2002, the Court hereby amends Montgomery County Local Rule of Civil Procedure Rule 4019*. Discovery Master. This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

S. GERALD CORSO,
President Judge

Rule 4019*. Discovery Master

In order to facilitate the prompt disposition of discovery matters, the Court adopts Local Rule of Civil Procedure

4019* implementing what shall be known as the "Discovery Master Program" as follows:

- (1) ****
- (2) ****
- (3) ****
- (4) ****

(5) In civil actions in which the damages sought exceed the jurisdictional limit for compulsory arbitration, any party may request the Court Administrator to list the case for a Discovery Management Conference before a Discovery Master. The Discovery Master may recommend a Discovery Management Order, which establishes the following:

(i) A date for completion of all discovery, except for depositions for use at trial;

(ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

(iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories.

(6) The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.

(7) Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.

[Pa.B. Doc. No. 02-2304. Filed for public inspection December 27, 2002, 9:00 a.m.]

SUPREME COURT

The Act of June 29, 2002 (P. L. 663, No. 100), the Right-to-Know Law; No. 141; Magisterial Doc. No. 1; Book No. 2

Order

Per Curiam:

And Now, this 12th day of December, 2002, pursuant to this Court's authority under Article V, Section 10(c) of the Constitution of Pennsylvania to provide for the assignment and reassignment of classes of actions among the several courts as the needs of justice require, proceedings pursuant to Section 4(b) of the Act of June 29, 2002 (P. L. 663, No. 100), 65 P. S. § 66.4(b), are hereby *Assigned To and Shall Be Commenced In* the courts of common pleas, pending promulgation of necessary rules of practice and

procedure to govern actions in local magisterial districts as provided for in said statute.

[Pa.B. Doc. No. 02-2305. Filed for public inspection December 27, 2002, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that William W. Freihofer having been disbarred on consent from the practice of law in the Commonwealth of New Jersey by Order dated June 14, 2002, the Supreme Court of Pennsylvania issued an Order on December 10, 2002, disbaring William W. Freihofer from the Bar of this Commonwealth, effective January 9, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-2306. Filed for public inspection December 27, 2002, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Joseph F. Muto having been Disbarred from the practice of law in the Commonwealth of New York by Order dated March 19, 2002, the Supreme Court of Pennsylvania issued an Order on December 10, 2002, disbaring Joseph F. Muto from the Bar of this Commonwealth, effective January 9, 2003. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
*Executive Director and Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-2307. Filed for public inspection December 27, 2002, 9:00 a.m.]