

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 35]

Amendments to Rules of Appellate Procedure, Business of the Superior Court

The Superior Court has rescinded a section of the Appellate Rules concerning the brief for the appellant due to the adoption by the Supreme Court of Pa. R.A.P. 2111(a)(10) and 2111(d). This rescission is reflected in the Pennsylvania Rules of Appellate Procedure—Business of the Superior Court, with the rescission of Rule 3520, appearing in Pa. Code Chapter 35.

This change became effective June 5, 2003.

ERNEST GENNACCARO,
Chief Staff Attorney

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 35. BUSINESS OF THE SUPERIOR COURT

APPEALS AND ARGUMENT LISTS

Rule 3520. [**Brief of the Appellant**] (Rescinded).

[**There shall be appended to the brief of the appellant a copy of the statement of matters complained of on appeal, filed with the trial court pursuant to Pa. R.A.P. 1925(b). If the trial court has not entered an order directing the filing of such a statement, the brief shall contain a statement the no order to file a statement pursuant to Pa. R.A.P. 1925(b) was entered by the trial court.**]

[Pa.B. Doc. No. 03-1242. Filed for public inspection June 27, 2003, 9:00 a.m.]

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 67]

Amendments to Commonwealth Court Internal Op- erating Procedures

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 67. INTERNAL OPERATING PROCEDURES OF THE COMMONWEALTH COURT

APPELLATE JURISDICTION

§ 67.29. Decisions; Effect of Disagreements.

(a) If a draft opinion in circulation in any case produces any combination of four or more proposed dissents, objections[, **concurrences and concurrences in result,**] or **concurring opinions**, the opinion-writing

judge shall not file the opinion but shall notify the president judge to list the case for consideration the next judicial conference. **For purposes of this subsection the notation "concur in result only" shall not be considered in the foregoing combination.** If, pursuant to vote after judicial conference consideration, a majority of all of the judges, as well as a majority of the judges who heard the case or to whom it was submitted on briefs, favor the result reached in the circulated draft opinion, that opinion, together with any concurring or dissenting opinions and notations of concurrences or dissents, shall be filed. Otherwise, if judicial conference consideration and vote does not warrant reassignment in accordance with § 254, the president judge shall list the case for reargument before the court en banc.

* * * * *

DECISIONS

§ 67.57. Reporting of Unreported Opinions.

After an opinion has been filed as unreported, the court, at any time on its own motion or on the motion of any [**party to the case**] **person**, may order the opinion to be reported. Motions to report unreported opinions [**by parties**] shall be filed within 30 days after the filing of the opinion, and may be granted by majority vote of the commissioned judges.

JAMES G. COLLINS,
President Judge

[Pa.B. Doc. No. 03-1243. Filed for public inspection June 27, 2003, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. IV]

Order Adopting Amendment to Rule 407 and Revi- sion of Comment; No. 313 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 12th day of June, 2003, upon the recommendation of the Committee on Rules of Evidence, this proposal having been published before adoption at 33 Pa.B. 197 (January 11, 2003) and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule of Evidence 407 and revision of comment is hereby amended as follows.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective July 1, 2003.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 407. Subsequent Remedial Measures

When, after an injury or harm allegedly caused by an event, measures are taken which, if taken previously,

would have made the injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove that the party who took the measures was negligent or engaged in culpable conduct, or produced, sold, designed, or manufactured a product with a defect or a need for a warning or instruction. This rule does not require the exclusion of evidence of subsequent measures when offered for impeachment, or to prove other matters, if controverted, such as ownership, control, or feasibility of precautionary measures.

Comment

Pa.R.E. 407 is substantially the same as F.R.E. 407. The wording has been modified in order to clarify two ambiguities in the federal formulation.

The first sentence of Pa.R.E. 407 makes clear that the rule of exclusion favors only the party who took the subsequent remedial measures. Though F.R.E. 407 is silent on the point, the courts have generally held that the federal rule does not apply when one other than the alleged tortfeasor takes the action because the reason for the rule (to encourage remedial measures) is not then implicated. See, e.g., *TLT-Babcock, Inc. v. Emerson Electric Co.*, 33 F.3d 397, 400 (4th Cir. 1994) (collecting cases).

The last sentence of Pa.R.E. 407 makes clear that the rule's exception for evidence that is offered to prove matters such as ownership, control, or feasibility of precautionary measures, applies only when those issues are controverted. Though the federal rule, as worded, can be construed to mean that only feasibility need be controverted, the cases have generally interpreted it to mean that any issue for which evidence is admitted under the rule's exception must be controverted. See, e.g., *Hall v. American Steamship Co.*, 688 F.2d 1062, 1066-67 (6th Cir. 1982); *Hull v. Chevron U.S.A., Inc.*, 812 F.2d 584, 586-87 (10th Cir. 1987).

Duchess v. Langston Corp., 564 Pa. 529, 769 A.2d 1131 (2001), is a case dealing with the admissibility of evidence of subsequent remedial measures in a strict product liability case, and, in particular, the applicability of exceptions to the rule of exclusion when the evidence is offered to prove feasibility of precautionary measures, or to impeach the credibility of a witness.

The original wording of Pa.R.E. 407 applied to negligence cases, but, like the original wording of F.R.E. 407, left open whether it applied to strict product liability cases. In *Duchess v. Langston Corp.*, 564 Pa. 529, 769 A.2d 1131 (2001), the Supreme Court held that it did. The rule was amended to make this clear.

Official Note: Adopted September 11, 1998, effective October 1, 1998; Comment revised June 12, 2003, effective July 1, 2003.

FINAL REPORT

Amendment of Pa.R.E. 407 and Revision of Comment

On June 12, 2003, upon the recommendation of the Committee on Rules of Evidence, the Supreme Court adopted the changes to Pa.R.E. 407 and Comment effective July 1, 2003. These changes are made to reflect the opinion of the Supreme Court in *Duchess v. Langston Corp.*, 769 A.2d 1131 (Pa. 2001). This Amended Rule 407 makes it clear that evidence of subsequent remedial measures is not admissible in products liability cases. The amended rule expands the interpretation of the two exceptions to the exclusionary rule, i.e., when evidence is

offered to (a) prove feasibility of precautionary measures, or (b) to impeach the credibility of a witness. The rule of exclusion favors only the party who took the subsequent remedial measures.

[Pa.B. Doc. No. 03-1244. Filed for public inspection June 27, 2003, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200, 400, 1000, 2950, 2970, 3000 AND 4000]

Amendment of Rule 1018.1 Governing the Notice to Defend and Conforming Amendments; No. 393 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 10th day of June, 2003, the Pennsylvania Rules of Civil Procedure are amended as follows:

I. Rule 1018.1 is amended to read as follows.

II. Rules 237.4, 237.5, 430 and 4009.33 are amended to read as follows.

III. Rules 2964, 2965, 2966, 2974.2, 2974.3, 3146, 3252, 3282, and 3288 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective September 1, 2003.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 237.4. Form of Notice of Praecipe to Enter Judgment of Non Pros.

The notice required by Rule 237.1(a)(2) shall be substantially in the following form:

* * * * *

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE A COMPLAINT IN THIS CASE. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR RIGHT TO SUE THE DEFENDANT AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. [YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:]

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

* * * * *

Rule 237.5. Form of Notice of Praecipe to Enter Judgment by Default.

The notice required by Rule 237.1(a)(2) shall be substantially in the following form:

* * * * *

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. [YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:]

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

* * * * *

CHAPTER 400. SERVICE OF ORIGINAL PROCESS

SERVICE PURSUANT TO SPECIAL ORDER OF COURT

Rule 430. Service Pursuant to Special Order of Court. Publication.

* * * * *

(b)(1) If service of process by publication has been authorized by rule of civil procedure or order of court, the publication shall be by advertising a notice of the action once in the legal publication, if any, designated by the court for the publication of legal notices and in one newspaper of general circulation within the county. The publication shall contain the caption of the action and the names of the parties, state the nature of the action and conclude with a notice substantially in the following form:

NOTICE

* * * * *

[YOU SHOULD TAKE THIS NOTICE 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 LEGAL HELP.]

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

* * * * *

CHAPTER 1000. ACTIONS AT LAW

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1018.1. Notice to Defend. Form.

* * * * *

(b) [CAPTION]
NOTICE

* * * * *

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 LEGAL HELP]. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

* * * * *

Official Note:

* * * * *

This rule applies to all complaints including those where service is by publication. For the mandatory content of the publication in such cases see Rule [1009(f)] 430(b).

When a defendant is [a nonresident] served outside the United States, [Rules 2081(a), 2131.2(a), 2157.2(a) and 2182(a) provide] Rule 1026(b) provides a sixty-day period for pleading.

(c) Each court shall by local rule designate the officer, organization, agency or person to be named in the notice from whom [legal help] information can be obtained.

* * * * *

CHAPTER 4000. DEPOSITIONS AND DISCOVERY ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4009.33. Motion for Entry Upon Property of a Person Not a Party.

* * * * *

(c) The notice required by subdivision (a) shall be substantially in the following form:

(CAPTION)
IMPORTANT NOTICE

* * * * *

YOU MAY WISH TO TAKE THIS NOTICE TO A LAWYER WHO CAN ADVISE YOU. IF YOU DO NOT HAVE A LAWYER AND WISH TO OBTAIN ONE, CONTACT [THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:] THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

* * * * *

Conforming amendments are made to the following rules of civil procedure as follows:

Rule 2964.	Notice of Judgment and Execution Required by Rule 2958.1. Form.
Rule 2965.	Notice of Judgment and Execution Required by Rule 2958.2. Form.
Rule 2966.	Notice of Judgment and Execution Required by Rule 2958.3. Form.
Rule 2974.2.	Notice of Judgment and Execution Required by Rule 2973.2. Form.
Rule 2974.3.	Notice of Judgment and Execution Required by Rule 2973.3. Form.
Rule 3146.	Judgment against garnishee upon default or admission in answer to interrogatories.
Rule 3252.	Writ of execution; money judgments.
Rule 3282.	Petition. Averments. Notice to Defend.
Rule 3288.	Petition. Averments. Notice to Defend.

[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 LEGAL HELP.]

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

[Pa.B. Doc. No. 03-1245. Filed for public inspection June 27, 2003, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1000]

Amendment of the Explanatory Comment to Rule 1023.1 et seq.; No. 392 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 10th day of June, 2003, the Explanatory Comment to Pennsylvania Rule of Civil Procedure 1023.1 et seq. is amended to read as follows.

Whereas prior distribution and publication of these amendments would otherwise be required, it has been determined that the amendments are of a perfunctory nature and that immediate promulgation of the amendments is required in the interest of justice and efficient administration.

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

(*Editor's Note:* This Order amends the Explanatory Comment that appears at 32 Pa.B. 2315, 2316 (May 11, 2002).)

EXPLANATORY COMMENT

* * * * *

II. Practice under the rule

The rule leaves for resolution on a case-by-case basis, considering the particular circumstances involved, the question as to when [a motion for violation of] Rule 1023.1 should be [served and when, if filed, it should be decided] invoked. Ordinarily the [motion] written notice and demand for withdrawal or correction of the paper should be served promptly after the inappropriate paper is filed, and, if delayed too long, may be viewed as untimely. In other circumstances, it should not be served until the other party has had a reasonable opportunity for discovery. Given the "safe harbor" provisions discussed below, a party cannot delay [serving its Rule 1023.1 motion] invoking Rule 1023.1 until conclusion of the case (or judicial rejection of the offending contention).

* * * * *

The rule provides that requests for sanctions must be made as a separate motion, i.e., not simply included as an additional prayer for relief contained in another motion. The motion for sanctions cannot be filed until at least 28 days [or such other period as the court may set] after service of a written notice and demand, upon the party whose conduct is claimed to violate the rule, that the offending document or portion of the document be withdrawn or appropriately corrected. If, during this period, the alleged violation is corrected, as by withdrawing (whether formally or informally) some allegation or contention, the motion may not be filed with the court. These provisions are intended to provide a type of "safe harbor" against motions under Rule 1023.1 in that a party will not be subject to sanctions under Rule 1023.1 on the basis of another party's motion unless, after [receiving the motion] having been served with the written notice and demand, it refuses to withdraw that allegation or contention or to acknowledge that it does not currently have evidence to support it. The timely withdrawal of an allegation or contention will protect a party against a motion for sanctions.

To stress the seriousness of a motion for sanctions and to define precisely the conduct claimed to violate the rule, the "safe harbor" period begins to run only upon service of the [motion] written notice and demand. In most cases, however, counsel should give informal notice to the other party, whether in person or by a telephone call or letter, of a potential violation before proceeding to prepare and serve [a Rule 1023.1 motion] the written notice and demand.

III. Sanctions

* * * * *

The sanction should be imposed on the persons—whether attorneys, law firms, or parties—who have violated the rule or who may be determined to be responsible for violation. The person signing, filing, submitting, or advocating a document has a nondelegable responsibility to the court and, in most situations, is the person to be sanctioned for a violation. Absent exceptional circumstances, a law firm is to be held also responsible when one of its partners, associates, or employees is determined to have violated the rule. Since such a motion may be filed only if the offending paper is not withdrawn or corrected within 28 days after service of the [motion] written notice and demand, it is appropriate that the law firm ordinarily be viewed as jointly responsible under established principles of agency.

* * * * *

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 03-1246. Filed for public inspection June 27, 2003, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Beaver County Local Rules of Civil Procedure are amended to add New Rules L3101, L3101.1, and L3101.2 as follows.

This order and New Rules 3101, 3101.1 and 3101.2 shall be effective thirty days after publication in the *Pennsylvania Bulletin*. The Court Administrator of Beaver County shall submit seven certified copies of this order and the attachments to the Administrative Office of Pennsylvania Courts, two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court and one copy to the Prothonotary of Beaver County to be kept for public inspection and copying.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Rule L3101—Landlord Tenant Related Wage Attachments

(1) Landlord Tenant wage attachments permitted under 42 Pa.C.S. § 8127 shall be initiated with the Prothonotary only by filing a Praecipe for Writ of Execution Naming Judgment Debtor's Employer as Garnishee in a form approved and adopted hereunder.

(2) A Praecipe for a Writ of Execution Naming Judgment Debtor's Employer as Garnishee filed hereunder shall conform strictly to the form contained in Rule L3101.1. Such Praecipies shall contain (a) the name and last known address of the defendant whose wages are to be attached, (b) the name and address of the employer who is to receive the wage attachment, and (c) the name, address, and phone number of the plaintiff. The Protho-

notary shall not accept for filing any Praecipe for a Writ of Execution Naming Judgment Debtor's Employer as Garnishee that deviates from the form approved and adopted hereunder or which fails to set forth the information required therein.

(3) When filing a Praecipe under this rule, the filer will present the Prothonotary with a self-addressed and stamped envelope for returning the a Writ of Execution Naming Judgment Debtor's Employer as Garnishee to the filer.

(4) A Praecipe for a Writ of Execution Naming Judgment Debtor's Employer as Garnishee filed with the Prothonotary hereunder shall be accompanied by a certified copy of the Transcript of the Judgment entered by the District Justice or a certified copy of the Judgment entered by Court of Common Pleas or equivalent court of another jurisdiction. No such Praecipe shall be presented to or be accepted by the Prothonotary until the Judgment is final by operation of law or otherwise.

(5) Writs of Execution Naming Judgment Debtor's Employer as Garnishee issued by the Prothonotary hereunder shall conform strictly to the form set forth in Rule L3244.2.

(6) Service of Writs of Execution Naming Judgment Debtor's Employer as Garnishee shall be made by the Sheriff in accordance with Pa.R.C.P. Rule 3108 or any Rule or Rules of Civil Procedure that are promulgated to replace Rule 3108.

Rule L3101.1—Landlord Tenant Related Wage Attachments—Form of Praecipe

The Praecipe for Writ of Execution Naming Judgment Debtor's Employer as Garnishee to be issued pursuant to Rule L3101 shall conform strictly to the following form or such other form as may be promulgated by the Supreme Court of Pennsylvania:

CAPTION

PRAECIPE FOR WRIT OF EXECUTION NAMING JUDGMENT DEBTOR'S EMPLOYER AS GARNISHEE—LANDLORD TENANT MATTER 42 Pa.C.S. § 8127—RESIDENTIAL LEASE

To the Prothonotary of Beaver County:

Issue a Writ of Execution Naming the Judgment Debtor's Employer as Garnishee to attach the wages of the Defendant, _____, who resides at _____ . Direct the Writ to Defendant's employer, _____, at _____ in the total amount of \$ _____; this claimed amount arises out of physical damages and/or rent due for a residential lease between the Plaintiff and the Defendant for that leasehold premises located at _____. I certify that the judgment in this case upon which this Praecipe relies is final and has not been appealed. Documentary proof of the said final judgment is attached hereto. I further certify that the requested wage attachment is only to recover for physical damages to a residential leasehold and/or rent due on a residential lease.

Dated: _____ Respectfully Submitted,

(Name, address, & phone number)

Rule L3101.2—Landlord Tenant Related Wage Attachments—Form of Writ

The Writ of Execution Naming Judgment Debtor's Employer as Garnishee issued pursuant to Rule L3101 shall conform strictly to the following form or such other form as may be promulgated by the Supreme Court of Pennsylvania:

CAPTION

**WRIT OF EXECUTION NAMING JUDGMENT
DEBTOR'S EMPLOYER AS GARNISHEE
LANDLORD TENANT—42 Pa.C.S.
§ 8127—RESIDENTIAL LEASE**

To: _____
Name and Address of Employer

Re: _____
Name of Employee

The above Employer shall attach and deduct from the wages of the above named Employee a sum not to exceed ten (10%) percent of the net wages per pay period of said Employee or a sum not to place Employee's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less. "Net wages" shall mean all wages paid the Employee less only the following items:

- (1) Federal, state and local income taxes;
- (2) F.I.C.A. payments and non-voluntary retirement payments;
- (3) Union dues; and;
- (4) Health insurance premiums

The Total amount of income to be withheld is \$ _____.

The Employer shall send the attached wages to the Prothonotary, Beaver County Court House, Third Street, Beaver, Pennsylvania, 15009 by check payable to (Name of Plaintiff), Plaintiff-Creditor, within fifteen (15) days from the close of the last pay period in each month. The Employer shall be entitled to deduct from the wages collected from the Employee pursuant hereto the costs incurred from the extra bookkeeping necessary to implement the within Writ of Attachment, not exceeding \$5.00 of the amount of wages so deducted. If you, the Employer, are served with more than one Writ of Attachment for damages arising out of a residential lease against the same Employee, then the wage attachments shall be satisfied in the order in which said Writs of Attachment were served. Each prior wage attachment shall be satisfied before any effect is given to a subsequent attachment.

You shall not take any adverse action against the Employee solely because his wages, salaries or commissions have been attached. Violation may result in (i) your being adjudged in contempt and committed to jail or fined by the court and (ii) an action against you by the Employee for damages.

Willful failure to comply with this Writ of Attachment may result in (i) your being adjudged in contempt of court and committed to jail or fined by the court; (ii) your being held liable for any amount not withheld or withheld but not forwarded to the Prothonotary's office; and (iii) attachment of your funds or property.

This Writ of Attachment has been entered pursuant to 42 Pa.C.S.A. Section 8127. A copy of this Writ of Attach-

ment has been sent by the United States mail, postage prepaid, to the Employee's last known address at _____.

Prothonotary

Deputy Prothonotary

PLEASE DIRECT ALL INQUIRIES TO: BEAVER COUNTY PROTHONOTARY'S OFFICE, THIRD STREET, BEAVER, PA 15009—724-728-5700 EXT. 11261

SEAL

DATE: _____

[Pa.B. Doc. No. 03-1247. Filed for public inspection June 27, 2003, 9:00 a.m.]

SCHUYLKILL COUNTY

**Amended Rules of Judicial Administration; No.
S-1022-2003**

Order of Court

And Now, this 9th day of June, 2003, at 9:30 a.m., Schuylkill County Rules of Judicial Administration, Rule 1901 is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules.
- 4) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rule as it existed prior to the amendment is hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

WILLIAM E. BALDWIN,
President Judge

Rule 1901. Termination of Inactive Cases

(b)(1)(a) The Prothonotary shall prepare and forward to the Court on or before the third Monday of July each year, or on such other date as the Court by special order may direct, a list containing all civil matters in which no steps or proceedings have been taken for two years or more prior to the preceding June 30. The Court may initiate proceedings to terminate the cases contained on said list pursuant to Pa.R.C.P. 230.2.

[Pa.B. Doc. No. 03-1248. Filed for public inspection June 27, 2003, 9:00 a.m.]

COMMONWEALTH COURT

Regular Sessions of the Commonwealth Court for
the Year 2004; No. 126 M.D. No. 3

Order

And Now, this 10th day of June, 2003, this Court's order of May 10, 2003 fixing the Calendar for the Year 2004 is amended to include a July 2004 Administrative Conference situate in Philadelphia, PA. Accordingly, the year 2004 calendar is amended as follows:

Session

February 2-6
March 1-5
March 29-April 2
May 3-7
June 7-11
July 13
(Administrative Conference)
September 7-10
October 4-8
November 1-5
December 6-10

Situs

Pittsburgh
Philadelphia
Harrisburg
Pittsburgh
Philadelphia
Philadelphia

Harrisburg
Pittsburgh
Philadelphia
Harrisburg

JAMES GARDNER COLINS,
President Judge

[Pa.B. Doc. No. 03-1249. Filed for public inspection June 27, 2003, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT****Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania issued June 11, 2003, Nicholas R. Perrella is suspended from the practice of law for a period of three months, effective July 11, 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. 03-1250. Filed for public inspection June 27, 2003, 9:00 a.m.]