

THE COURTS

Title 255—LOCAL COURT RULES

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 judge assigned to the case to direct 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. 03-82. Filed for public inspection January 17, 2003, 9:00 a.m.]

SOMERSET COUNTY

Consolidated Rules of Court; No. 77 Misc. 2002

Adopting Order

And Now, this 27th day of December, 2002, it is hereby Ordered:

1. The following Somerset County Rules of Civil Procedure (Som.R.C.P.), copies of which are as follows, are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.C.P. 3103. Attachment Of Personal Earnings To Satisfy Judgment Damages Awarded To A Judgment Creditor-Landlord.

Som.R.C.P. 3252. Form Of Writ Of Execution-Attachment Of Personal Earnings To Satisfy Judgment For Damages Awarded To A Judgment Creditor-Landlord.

2. The Somerset County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the attached Rules with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order and the following Rules with the Pennsylvania Civil Procedural Rules Committee.

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

By the Court

EUGENE E. FIKE, II,
President Judge

Som. R.C.P. 3103. Attachment Of Personal Earnings To Satisfy Judgment For Damages Awarded To A Judgment Creditor-Landlord.

A. To execute on a judgment by means of attachment of personal earnings of a judgment debtor-tenant, to recover damages awarded to a landlord on a residential lease, the judgment creditor-landlord shall file in the Prothonotary's Office a praecipe for writ of execution in substantially the form specified in applicable Pennsylvania Rules of Civil Procedure.

B. The judgment creditor-landlord shall attach to the praecipe a signed statement certifying:

1. The amount of damages awarded to the judgment creditor-landlord, and the amount subject to attachment.
2. That the damages arose out of a residential lease upon which a court has rendered final judgment.
3. That forfeited security deposits, if any, have been deducted as required by § 8127 of the Judicial Code, 42

Pa.C.S.A. § 8127, or that, if not deducted, the security deposit has been applied to payment of rent due on the subject premises.

C. Upon presentation of the praecipe with attached statement as required by subparagraph B. of this Rule, a writ of execution-attachment shall issue, in substantially the form specified in Som.R.C.P. 3252. The writ of execution-attachment shall have attached a copy of § 8127 of the Judicial Code, 42 Pa.C.S.A. § 8127.

D. The judgment creditor-landlord shall be responsible for effecting service of the writ of execution-attachment through the Sheriff's Office. The writ of execution-attachment shall have attached a copy of § 8127 of the Judicial Code, 42 Pa.C.S.A. § 8127.

Som.R.C.P. 3252. Form Of Writ Of Execution-Attachment Of Personal Earnings To Satisfy Judgment For Damages Awarded To A Judgment Creditor-Landlord.

(Caption)

WRIT OF EXECUTION—ATTACHMENT
NOTICE

This paper is a writ of execution—attachment. It has been issued because there is a judgment against you. It may cause your personal earnings, including wages, to be taken to pay the judgment. You may have legal rights to prevent your earnings from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that earnings, including wages, cannot be taken under certain circumstances. There are exemptions which may be applicable to you.

If you believe your earnings should be exempt, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, a portion of your earnings will be attached, deducted and paid toward satisfaction of the judgment.

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.

Southwestern Pennsylvania Legal Services, Inc.
132 East Catherine Street
Somerset, PA 15501
(814) 443-4615

WRIT OF EXECUTION—ATTACHMENT

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF SOMERSET)
TO THE SHERIFF OF SOMERSET COUNTY:

To satisfy the judgment, interest, and costs against _____, defendant, you are directed to attach the personal earnings, including wages, of the defendant, due or to become due from the defendant's employer, _____
(Name of Employer-Garnishee)

as garnishee, and to notify the employer-garnishee that the employer-garnishee is required to deduct from the

defendant's personal earnings, including wages, and pay over to the Prothonotary's Office, a sum which shall be no more than ten (10%) percent of the net wages per pay period of the defendant or a sum not to place the defendant's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less, as provided for, and subject to the restrictions contained in, § 8127 of the Judicial Code, 42 Pa.C.S.A. § 8127, copy of which is attached. Deduction shall continue until the amount of the judgment is satisfied.

AMOUNT DUE \$ _____

Seal of the Court: _____ (Name of Prothonotary or Clerk)

By _____
(Prothonotary or Deputy)

(Caption)

CLAIM FOR EXEMPTION

TO THE SHERIFF OF SOMERSET COUNTY:

I, the above named defendant, claim exemption of personal earnings, including wages, from attachment for the following reasons (specify amount and basis of claim of exemption):

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at: _____

(Address and Telephone Number)

I verify that the statements made in this claim for exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

(Date)

(Defendant)

THIS CLAIM IS TO BE FILED WITH THE OFFICE OF THE SHERIFF OF SOMERSET COUNTY:

127 East Fairview Street
Somerset, PA 15501
(814) 445-1500

[Pa.B. Doc. No. 03-83. Filed for public inspection January 17, 2003, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial District within the 5th Judicial District of the Commonwealth; No. 192 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 30th day of December, 2002, upon consideration of the Petition to Reestablish the Magiste-

rial Districts of the 5th Judicial District (Allegheny County) of the Commonwealth of Pennsylvania, it is hereby *Ordered* and *Decreed* that the Petition, which provides for the realignment of Magisterial Districts 05-2-21, 05-2-22, 05-2-25, 05-2-43, and 05-3-12 within Allegheny County, to be effective January 6, 2003, Magisterial Districts 05-2-08, 05-2-09, 05-2-11, 05-2-14, 05-2-27, 05-2-31, 05-2-35 to be effective January 5, 2004, Magisterial Districts 05-3-05 and 05-3-09 to be effective January 1, 2005, Magisterial Districts 05-2-06, 05-2-03, 05-3-03, 05-3-14 to be effective January 2, 2006, and Magisterial District 05-2-20 to be effective January 7, 2008 is granted. It is further *Ordered* and *Decreed* that the Petition, which provides for the elimination of Magisterial District 05-3-11 effective January 6, 2003, the elimination of Magisterial Districts 05-2-29, and 05-2-37 effective January 5, 2004, the elimination of Magisterial District 05-3-07 effective January 1, 2005, the elimination of Magisterial Districts 05-3-15, 05-4-01, 05-4-02, and 05-3-15 to be effective January 2, 2006, and which provides for the elimination of Magisterial District 05-3-16, to be effective January 7, 2008 is granted; and that the Petition, which provides for the addition of Magisterial District 05-2-47 within Allegheny County, to be effective, January 5, 2004, is granted. It is *Further Ordered* that the Petition, which also provides for the reestablishment of Magisterial Districts 05-2-01, 05-2-02, 05-2-04, 05-2-05, 05-2-07, 05-2-10, 05-2-12, 05-2-13, 05-2-15, 05-2-16, 05-2-17, 05-2-18, 05-2-19, 05-2-23, 05-2-26, 05-2-28, 05-2-32, 05-2-36, 05-2-38, 05-2-40, 05-2-42, 05-2-46, 05-3-02, 05-3-04, 05-3-06, 05-3-10, 05-3-13, and 05-3-17 within Allegheny County, as they currently exist, to be effective immediately, is granted. The newly created vacancy in Magisterial District 05-2-47 shall be filled in the municipal election of 2003.

Said Magisterial Districts shall be as follows:

Magisterial District 05-2-01 District Justice Donald H. Presutti	Ben Avon Borough Ben Avon Heights Borough Emsworth Borough Kilbuck Township Bellevue Borough Ohio Township Avalon Borough	Magisterial District 05-2-07 District Justice Walter W. Luniewski	Monroeville Borough Pitcairn Borough
Magisterial District 05-2-02 District Justice Mark B. Devlin	Ross Township West View Borough	Magisterial District 05-2-08: District Justice Susan Evashavik	Churchill Borough Forest Hills Borough Wilkins Township Edgewood Borough
Magisterial District 05-2-03 District Justice to be determined	Etna Borough Millvale Borough Reserve Township Shaler Township	Magisterial District 05-2-09 District Justice Ross C. Cioppa	Braddock Hills Borough Braddock Borough Swissvale Borough Rankin Borough
Magisterial District 05-2-04 District Justice Elissa Lang	Aspinwall Borough Blawnox Borough Indiana Township Sharpsburg Borough Fox Chapel Borough O'Hara Township	Magisterial District 05-2-10 District Justice Alberta Thompson	Wilkinsburg Borough
Magisterial District 05-2-05 District Justice Carolyn S. Bengel	Brackenridge Borough Harrison Township Fawn Township Tarentum Borough	Magisterial District 05-2-11 District Justice Robert Barner	East McKeesport Borough Wall Borough North Versailles Township Wilmerding Borough Trafford Borough
Magisterial District 05-2-06 District Justice Leonard J. Hromyak	Penn Hills Township Verona Borough	Magisterial District 05-2-12 District Justice William K. Wagner	Bradford Woods Borough Franklin Park Borough Marshall Township McCandless Township
		Magisterial District 05-2-13 District Justice Thomas S. Brletic	City of McKeesport
		Magisterial District 05-2-14 District Justice Richard D. Olasz, Jr.	Dravosburg Borough West Mifflin Borough Whitaker Borough
		Magisterial District 05-2-15 District Justice Thomas Torkowsky	Homestead Borough Munhall Borough West Homestead Borough
		Magisterial District 05-2-16 District Justice Mary Grace Boyle	Jefferson Hills Borough Pleasant Hills Borough South Park Township
		Magisterial District 05-2-17 District Justice David J. Barton	Baldwin Township Castle Shannon Borough Whitehall Borough
		Magisterial District 05-2-18 District Justice John N. Bova	Baldwin Borough Brentwood Borough
		Magisterial District 05-2-19 District Justice Vacant	Mt. Lebanon Township Dormont Borough
		Magisterial District 05-2-20 District Justice to be determined	Bethel Park Borough Upper St. Clair Township
		Magisterial District 05-2-21 District Justice Elaine M. McGraw	Bridgeville Borough Collier Township South Fayette Township
		Magisterial District 05-2-22: District Justice Gary M. Zyra	Greentree Borough Heidelberg Borough Scott Township

Magisterial District 05-2-23 District Justice Dennis R. Joyce	Carnegie Borough Crafton Borough Ingram Borough Rosslyn Farms Borough Thornburg Borough Pennsbury Village Borough	Magisterial District 05-3-02 District Justice James E. Russo	Aleppo Township Bell Acres Borough Edgeworth Borough Glenfield Borough Haysville Borough Leet Township Leetsdale Borough Osborne Borough Sewickley Borough Sewickley Heights Borough Sewickley Hills Borough
Magisterial District 05-2-25 District Justice Shirley Rowe Trkula	Coraopolis Borough Crescent Township Moon Township	Magisterial District 05-3-03: District Justice David Sosovicka	Cheswick Borough Harmar Township Oakmont Borough Springdale Borough Springdale Township
Magisterial District 05-2-26 District Justice Ernest L. Marraccini	Elizabeth Borough Elizabeth Township Forward Township West Elizabeth Borough	Magisterial District 05-3-04 District Justice Suzanne Blaschak	East Deer Township Frazer Township West Deer Township
Magisterial District 05-2-27 District Justice Eileen Conroy	City of Pittsburgh Wards 4, 16 and 17	Magisterial District 05-3-05 District Justice Thomas G. Miller, Jr.	Lincoln Borough South Versailles Township Versailles Borough White Oak Borough
Magisterial District 05-2-28 District Justice Oscar J. Petite, Jr.	City of Pittsburgh Wards 1, 2, 3 and 5	Magisterial District 05-3-06 District Justice Mary Ann Cercone	McKees Rocks Borough Stowe Township Kennedy Township
Magisterial District 05-2-31 District Justice Ron Costa, Sr.	City of Pittsburgh Wards 8, 10 and 11	Magisterial District 05-3-09 District Justice Armand Martin	City of Clairton Glassport Borough Liberty Borough Port Vue Borough
Magisterial District 05-2-32 District Justice Linda I. Zucco	Plum Borough	Magisterial District 05-3-10 District Justice Gene Zielmanski	City of Pittsburgh Wards 6 and 9
Magisterial District 05-2-35 District Justice Nathan N. Firestone	City of Pittsburgh Ward 7 and 14	Magisterial District 05-3-12 District Justice Kevin E. Cooper	City of Pittsburgh Wards 12 and 13
Magisterial District 05-2-36 District Justice James J. Hanely, Jr.	City of Pittsburgh Wards 15 and 31	Magisterial District 05-3-13 District Justice Daniel R. Diven	City of Pittsburgh Ward 20
Magisterial District 05-2-38 District Justice Charles A. McLaughlin	City of Pittsburgh Ward 19	Magisterial District 05-3-14 District Justice Richard King	City of Pittsburgh Wards 18, 29, 30 and 32 Mt. Oliver Borough
Magisterial District 05-2-40 District Justice Cathleen Cawood Bubash	City of Pittsburgh Wards 21, 22, 23, 24 & 25	Magisterial District 05-3-17 District Justice Anthony W. Saveikis	Findlay Township McDonald Borough (Allegheny County portion) North Fayette Township Oakdale Borough
Magisterial District 05-2-42 District Justice Robert P. Ravenstahl, Jr.	City of Pittsburgh Wards 26 and 27		
Magisterial District 05-2-43 District Justice Carla Swearingen	Neville Township City of Pittsburgh Ward 28 Robinson Township		
Magisterial District 05-2-46 District Justice Regis C. Welsh, Jr.	Pine Township Hampton Township Richland Township		
Magisterial District 05-2-47 District Justice To Be Determined	Chalfant Borough East Pittsburgh Borough North Braddock Borough Turtle Creek Borough City of Duquesne		

The portion of the Petition for Realignment filed by the President Judge of the Fifth Judicial District dated November 15, 2002 relating to the proposed Central Court and the evaluation of the current Pittsburgh Magistrates Court to gauge the feasibility of transitioning the Pittsburgh Magistrates Court into the statewide district justice system is hereby granted.

To maintain the effective administration of justice in the Pittsburgh Magistrates Court during the evaluation period, (1) Pittsburgh City Magistrates will continue to serve until the expiration of their current commissions; (2) all judicial appointments and reappointments to va-

cancies on the Pittsburgh Magistrates Court occurring on or after December 31st 2002 are hereby suspended effectively immediately; and, (3) the President Judge of the Fifth Judicial District of Pennsylvania will assign district justices to sit on the Pittsburgh Magistrates Court as necessary to maintain the ongoing operations of the Pittsburgh Magistrates Court during the evaluation period.

The suspension of appointments to the Pittsburgh Magistrates Court will continue until further order of this Court.

[Pa.B. Doc. No. 03-84. Filed for public inspection January 17, 2003, 9:00 a.m.]
