

# THE COURTS

## Title 255—LOCAL COURT RULES

### ARMSTRONG COUNTY

#### Adoption of New Local Rules of Court—2002; No. 2002-0189-Misc.

##### Order

And Now, this 28th day of October, 2003, it is hereby Ordered as follows:

1. L.O.C. Rule No. 12.16A, following this Order, is hereby adopted as a new Local Orphans' Court Rule.
2. L.O.C. Rule No. 5.4A and L.O.C. Rule No. 18.1A are hereby amended to read as follows.
3. These new and amended Local Rules of Court shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.
4. Certified copies of this Order with the new and amended Local Rules of Court shall be distributed by the Court Administrator as required by pertinent state rules of court, together with a diskette containing the hard copy version where required.

By the Court

JOSEPH A. NICKLEACH,  
*President Judge*

#### LOCAL ORPHANS' COURT RULES

##### Rule 12.16A. Claims of Minors and Incapacitated Persons

- (a) A petition filed under this rule shall contain the same information prescribed by the Local Rules of Civil Procedure governing such petitions filed in civil actions.
- (b) Petitions for approval by the court of a proposed compromise, settlement, or discontinuance of a cause of action for injury to the person of a minor or to an incapacitated person shall be governed by Rule 1.2D and Rule 3.5F(a)(1) of these Rules.
- (c) If no party in interest answers or objects to such a petition for approval involving a minor, the minor shall be present in Court at the time the record is transmitted to the Court upon praecipe filed pursuant to Rule 3.5F(a)(i) of these Rules. The praecipe shall be filed immediately before commencement of a duly scheduled session of Motions Court.

##### Comment

Under subsection (c) of this rule, the Motions Judge will review the record, see the minor, and act upon the petition.

##### Rule 5.4A. Notice. Proof of Service

Proof of service of notice shall be by affidavit of the person serving, mailing, publishing or delivering such notice. A proof of service by mail or by delivery shall include the name and address of each party in interest so served. The proof of service shall be substantially in the form prescribed by Appendix O-1 of these Local Rules.

##### Rule 18.1A. Notice by Clerk of Entry of Order, Decree, Etc.

- (a) The Clerk shall immediately give written notice by regular mail of the entry of any order, decree, judgment,

memorandum or opinion to the lawyer for the petitioner or accountant, or, if unrepresented, to the petitioner or accountant directly, and to all other parties in interest who have entered an appearance.

- (b) Service by the Clerk of a copy of the document itself shall be sufficient notice of its entry if the front page of the copy bears the date and time of its entry.

##### Comment

Rule 1.2C of these rules requires that the name and address of each party in interest be set forth in the body of any petition filed with the Clerk. The proof of service of the notice of the filing of an account or petition will set forth similar information. See Rule 5.4A of these rules. The proof of service of a citation will set forth the same information. See Rule 3.5B and Rule 3.5C of these rules.

#### APPENDIX O-1

##### [CAPTION]

##### PROOF OF SERVICE

I, the undersigned, hereby certify that I caused a copy of the attached Notice to be served upon the following parties in interest

<u>Name and Address</u>	<u>Method of Service</u>	<u>Date of Service</u>
<u>of Person</u>		

and that attached to said Notice was a true and correct copy of the legal paper referred to therein.

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

[Pa.B. Doc. No. 03-2222. Filed for public inspection November 21, 2003, 9:00 a.m.]

#### DAUPHIN COUNTY

##### Promulgation of Local Rules; No. 1793 S 1989

##### Order

And Now, this 5th day of November 2003, Dauphin County Local Rule 237.1 is renumbered and amended and Dauphin County Local Rule 1018.1 is amended as follows:

Rule [ **237.1** ] **237.5.** Notice of Intention to Enter Default Judgment

The notice of intention to enter judgment by default shall be set forth in both English and Spanish, substantially in the following form:

	: IN THE COURT OF COMMON PLEAS
Plaintiff	: DAUPHIN COUNTY, PENNSYLVANIA
	:
vs.	: NO.
	:
	: CIVIL ACTION -
Defendant:	

##### [ IMPORTANT NOTICE ]

TO: \_\_\_\_\_  
(Defendant)

DATE OF NOTICE:

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO [TAKE ACTION REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) 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 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.] 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 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.**

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**AVISO IMPORTANTE**

A: \_\_\_\_\_  
(Defendido)

FECHA DEL AVISO: \_\_\_\_\_

USTED ESTA EN REBELDIA PORQUE HA FALDADO DE [TOMAR LA ACCION REQUERIDA EN ESTE CASO. A MENOS QUE USTED TOME ACCION DENTRO DE LOS PROXIMOS DIEZ (10) DIAS DE LA FECHA DE ESTE AVISO, SE PUEDE DICTAR UN FALLO EN CONTRA SUYA SIN LLEVARSE A CABO UNA VISTA Y USTED PUEDE PERDER SU PROPIEDAD Y OTROS DERECHOS IMPORTANTES. USTED DEBE LLEVAR ESTE DOCUMENTO INMEDIATAMENTE A SU ABOGADO. SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR UNO, VAYA O LLAME LA OFICINA ABAJO INDICADA PARA QUE LE INFORMEN DONDE PUEDE CONSEGUIR AYUDA LEGAL.] REGISTRAR COMPARENCIA ESCRITA POR SI MISMO O A TRAVES DE UN ABOGADO Y SOMETER CON LA CORTE SUS DEFENSAS U OBJECCIONES A LOS CARGOS QUE SE HAN PRESENTADO CONTRA USTED. A MENOS QUE USTED ACTUE DENTRO DE DIEZ DIAS DE

**HABER RECIBIDO ESTE AVISO, LA CORTE PUEDE TOMAR UNA DECISION EN CONTRA SUYA SIN TENER DERECHOS A UNA VISTA Y USTED PUEDE PERDER SU PROPIEDAD U OTROS DERECHOS IMPORTANTES.**

**USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.**

**SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CALIFICAN.**

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

An adequate supply of forms containing the bilingual notices required by these Rules shall be furnished by the Dauphin County Bar Association to the office of the Prothonotary, and shall be available for use by litigants and their attorneys.

**Rule 1018.1. Notice to Defend. Form.**

(b)— [ (d) ](c) Reserved

(d) The required Notice to Defend shall be set forth in both English and Spanish and shall be in substantially the following form:

Plaintiff : IN THE COURT OF COMMON PLEAS  
          : DAUPHIN COUNTY, PENNSYLVANIA  
          :  
vs.       : NO.  
          :  
          : CIVIL ACTION—  
Defendant:

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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.**

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**AVISO**

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan **[mas] más** adelante en las siguientes **[paginas] páginas**, debe tomar **[accion] acción** dentro de los **[proximos] próximos** veinte (20) **[dias] días [despues] después** de la **[notificacion] notificación** de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas **[aqui] aquí** en contra suya. Se **[la] le** advierte de que si usted falla de tomar **[accion] acción** como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra **[reclamacion] reclamación** o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin **[mas] más** aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO **[O NO PUEDE PAGARLE A UNO]**, LLAME O VAYA A LA SIGUIENTE OFICINA **[PARA AVERIGUAR DONDE PUEDE ENCONTRAR ASISTENCIA LEGAL]**. **ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.**

**SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CALIFICAN.**

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

An adequate supply of forms containing the bilingual notices required by these Rules shall be furnished by the Dauphin County Bar Association to the office of the Prothonotary and shall be available for use by litigants and their attorneys.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 03-2223. Filed for public inspection November 21, 2003, 9:00 a.m.]

**LACKAWANNA COUNTY**

**Appeal and Adoption of Rules of Civil Procedure;  
94 CIV 102**

**Order**

*And Now*, this 30th day of October, 2003, it is hereby *Ordered and Decreed* that, as per the following rescissions, amendments and revisions, Lacka. Co. R.C.P. 295 (Proceeding in Forma Pauperis in Civil Cases), 1018.2 (Civil Cover Sheet), 1531 (Injunctions), 3190—3193 (Real Estate Tax Assessment Appeals) and 4000 (Motion Practice for Discovery and Scheduling Matters) are hereby amended as follows:

1. The language of the following rules which appears in brackets and is bold face is rescinded and deleted from the amended rules;

2. The language of the following rules which appears in regular type and has not been bracketed or bold faced is not rescinded and shall remain part of the revised rules;

3. The language of the following rules which appears in bold face reflects new provisions which have been added to the amended rules;

4. The following repeals, amendments and adoptions shall become effective thirty (30) days from the date of their publication in the *Pennsylvania Bulletin* as per Pa.R.Civ.P. 239;

5. Seven certified copies of the new Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

6. Two certified copies of the new Local Rules and a computer diskette containing the text of the next Local Rules in either MS-DOS, ASCII, Microsoft Word or WordPerfect format shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

7. Once certified copy of the new Local Rules shall be filed with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania; and

8. These new Local Rules shall be available for public inspection and copying in the office of the Clerk of Judicial Records, Civil Division.

*By the Court*

CHESTER T. HARHUT,  
*President Judge*

**Rule 295. Proceeding in Forma Pauperis in Civil Cases.**

(a) Any party who is represented by counsel who certifies on the application or by separate document that the plaintiff is indigent, or any party who is represented by court-appointed counsel or by counsel furnished from a non-profit legal services organization providing free legal services to the indigent may apply to the court for leave to proceed in forma pauperis.

(b) An application to proceed in forma pauperis shall be accompanied by a verified statement showing in detail the inability of such party to pay the fees and costs of ordinarily incident to the filing and processing of such action which shall be substantially in the following form:

(CASE CAPTION)

\_\_\_\_\_ states under the penalties provided by 18 Pa.C.S. Section 4904 (unsworn falsification to authorities) that:

1. I am the \_\_\_\_\_  
 (plaintiff or defendant)  
 in the above action and because of my financial condition  
 am unable to pay the following fees and costs:  
 (state with particularity the relief requested)

2. My responses to the questions below relating to my  
 ability to pay the fees and costs of prosecuting or  
 defending this action are true and correct.

(a) Are you presently employed?

(1) If the answer is yes, state the amount of your  
 salary or wages per month and give the name and  
 address of your employer.

(2) If the answer is no, state the date of your last  
 employment and the amount of the salary and wages per  
 month which you received.

(b) Have you received within the past twelve months  
 any income from a business, profession or other form of  
 self-employment or in the form of rent payments, interest,  
 dividends, pensions, annuities, social security benefits,  
 support payments or other source?

If the answer is yes, describe each source of income,  
 and state the amount received from each during the past  
 twelve months.

(c) Do you own any cash or checking or savings ac-  
 count?

If the answer is yes, state the total amount of the items  
 owned.

(d) Do you own any real estate, stocks, bonds, notes,  
 automobiles, or other valuable property (excluding ordi-  
 nary household furnishings and clothing)?

If the answer is yes, describe the property and state its  
 approximate value and the amount of any encumbrances.

(e) List the persons, if any, who are dependent upon  
 you for support and state your relationship to those  
 persons.

(f) List all your debts and obligations.

3. I understand that a false statement or answer to  
 any question in this verified statement will subject me to  
 the penalties provided by law (misdemeanor of the second  
 degree).

\_\_\_\_\_  
 Signature of Applicant

(c) Parties eligible to apply for leave to proceed in  
 forma pauperis, as set forth in subsection (a) above, may  
 also apply to the court for relief from payment of special  
 or unusual expenses, i.e., those costs not related to filing  
 and service of process. Such application shall also be  
 accompanied by the verified statement required in subsec-  
 tion (b) above.

(d) The right to apply for leave to proceed in forma  
 pauperis shall likewise be available to parties in any civil  
 action commenced before the minor judiciary. Applications  
 in such cases shall be brought to the [ **court of common  
 pleas** ] **presiding District Justice** for disposition in the  
 manner set forth in subparagraph (a) above.

**Rule 1018.2. Civil Cover Sheet.**

**(a) All new civil actions commenced after Janu-  
 ary 1, 2004 are to be filed on 8 1/2" x 11" paper in the  
 office of the Clerk of Judicial Records, First Floor,  
 Lackawanna County Courthouse, 200 North Wash-  
 ington Avenue, Scranton, PA 18503, and any plead-  
 ing or other filing which institutes a new civil  
 action after January 1, 2004 must be accompanied  
 by a duly completed Civil Cover Sheet in the form  
 which is attached to the Appendix to these Local  
 Rules as Form 6.**

**(b) No summons, complaint, pleading or other  
 document used to commence a new civil action  
 after January 1, 2004 will be accepted for filing by  
 the Clerk of Judicial Records unless it is accompa-  
 nied by a duly completed Civil Cover Sheet.**

Court of Common Pleas of Lackawanna County  
 Civil Cover Sheet

FOR CLERK OF JUDICIAL RECORDS USE ONLY  
 Docket Number: \_\_\_\_\_

PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
PLAINTIFF'S NAME		DEFENDANT'S ADDRESS
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION Complaint    Petition    Action    Notice of Appeal Writ of Summons    Transfer from other jurisdictions
AMOUNT IN CONTROVERSY In Excess of Jurisdictional Amount? Yes            No	COURT PROGRAMS Arbitration    Jury    Non-Jury    Petition    Minor Court Appeal    Statutory    Appeals Other:	
CASE TYPE AND CODE (SEE INSTRUCTIONS)		

STATUTORY BASIS FOR CAUSE OF ACTION (SEE INSTRUCTIONS)	
REMARKS:	
TO THE CLERK OF JUDICIAL RECORDS: Please enter my appearance on behalf of Plaintiff; Papers may be served at the address set forth below:	
NAME OF PLAINTIFF'S ATTORNEY OR PRO SE PLAINTIFF	ADDRESS
PHONE NUMBER	FAX NUMBER
SUPREME COURT IDENTIFICATION NO.	E-MAIL ADDRESS
SIGNATURE	DATE

LACKAWANNA COUNTY COURT OF COMMON PLEAS  
CIVIL COVER SHEET INSTRUCTIONS

An attorney or pro se party filing a document commencing any type of civil action shall file a properly completed Civil Cover sheet. Copies of the Civil Cover Sheet shall be attached to service copies of the document commencing the action.

PARTIES

Regardless of the type of action, the initiating party or parties shall be designated as Plaintiff or Plaintiffs and the responding party or parties shall be designated as Defendant or Defendants. Names of individuals shall be listed as last name, first name, middle initial. Full names of agencies and corporations shall be provided. Spouses shall be listed as separate parties unless the claim of one spouse is limited to a claim for consortium in which case the designation, et ux. or et vir shall be used. Where there are more than three plaintiffs or defendants, a supplemental form listing the additional parties shall be attached to the Cover Sheet.

The section labeled "Remarks" is for procedural matters only. These may include such matters as related cases where consolidation might be advisable. Matters such as expected difficulty with service of process or the status of settlement discussions do not belong in this section.

CASE TYPE AND CODE DESIGNATION

FAM	Family Court
MCT	Minor Court Appeal
LAG	Local Agency Appeal
LAG/MVS	Motor Vehicle Suspension
LAG/ZB	Zoning Board Appeal
LAG/O	Other Agency Appeals
PCP	Proceedings commenced by Petition
CNT	Contract cases
TORT/AB	Assault & Battery
TORT/LS	Libel & Slander
TORT/FR	Fraud
TORT/BF	Bad Faith
TORT/WCP	Wrongful Use of Civil Process
TORT/O	Other torts
NGL/MVA	Motor Vehicle Accident
NGL/NF	No-Fault Benefits
L NGL/PI	Personal Injury
NGL/PREM	Premises Liability
NGL/PROD	Product Liability
NGL/TT	Toxic Tort
NGL/O	Other Negligence Action
M MLP/D	Dental Malpractice
MLP/L	Legal Malpractice
MLP/M	Medical Malpractice

FAM	Family Court
MLP/O	Other Malpractice
EQ	Equity
RP	Real Property
RP/EJ	Ejectment
RP/QT	Quiet Title
RP/MF	Mortgage Foreclosure
RP/ML	Mechanic's Lien
RP/PRT	Partition
PP	Personal Property Actions

STATUTORY CAUSE OF ACTION

If the action is commenced pursuant to statutory authority, the specific statute must be identified with full citation.

PENDING CASES

Previously filed related cases must be identified by caption and docket number whether or not consolidated.

**Rule 1531. Injunctions.**

No application for an injunction will be considered by the court unless the factual reasons are set forth specifically and in detail. The pleading of conclusions will not be sufficient. If an application for an injunction is considered, the court will issue an order for a hearing to be scheduled by the Court Administrator **pursuant to Pa.R.Civ.P. 1531. [within five days of presentation of the application or within three days when required by Pa. R.C.P. 1531(f)(1).]** Requests for immediate hearings will be granted upon approval of the court if it finds that extraordinary and urgent circumstances exist which require an immediate hearing.

**Rule 4000. Motion Practice for Discovery and Scheduling Matters.**

(a) Any court order regarding discovery, including orders involving sanctions **and pre-trial deadlines for the completion of discovery, the exchange of expert reports, the filing of case dispositive motions, and other scheduling matters prior to the filing of a Certificate of Readiness,** which a party seeks pursuant to any provisions of Pa.R.Civ.P. 4001 through 4020 or any provisions of the Rules of Civil Procedure of the court of common pleas of Lackawanna County pertaining to discovery **or scheduling orders** shall be sought by the presentation **[to the court]** of a motion in compliance with the provisions of Lacka. Co.R.C.P. 206.1, **4000.1 and 4019.**

**Rule 3190. Real Estate Tax Assessment Appeal**

(a) **A real estate tax assessment appeal from a decision of the Lackawanna County Board of As-**

assessment Appeals as to the amount of assessment for real estate tax purposes or as to exemption of real estate from payment of real estate taxes shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed with the Clerk of Judicial Records within the time prescribed by statute.

(b) A Real Estate Tax Assessment Appeal shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Lackawanna County Board of Assessment Appeals as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as of course as a party in the assessment appeal by designating such named owner in the caption as Respondent.

(2) Brief description of the subject real estate, its location, name and address of the owner, and municipality and school district wherein the real estate is located.

(3) Nature of and reasons for the appeal.

(4) Reference to the decision of Lackawanna County Board of Assessment Appeals (Board) from which the appeal is taken. A copy of the Board's notice of decision shall be attached as an exhibit.

(5) Verification consisting of a verified statement as "verified" is defined in Pa.R.Civ.P. No. 76.

(c) Appellant shall serve copies of the appeal by certified or registered mail upon the Board at its official office and, unless named as the appellant, upon the Board of County Commissioners of Lackawanna County and upon the legislative governing body of the municipality and the board of school directors of the school district wherein the real estate is located at their respective official offices or, in the absence of an official office, at the last known address of the secretary of said body and upon the respondent owner of the real estate at said owner's last known address.

(d) Appellant shall file with the Clerk of Judicial Records within ten (10) days of the filing of the Real Estate Tax Assessment Appeal, proof of service of copies thereof consisting of a verified statement (as "verified" is defined in Pa.R.Civ.P. No. 76) that service was made by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto.

(e) No response is required to be made by Appellee or by the County, municipality, school district or Respondent owner of real estate served with copy of Real Estate Tax Assessment Appeal.

#### Rule 3191. Intervention.

(a) The County, municipality, or school district not named as Appellant may intervene as of course during pendency of the appeal by filing a Notice of Intervention with Clerk of Judicial Records.

(b) Notice of Intervention shall contain the name of the intervening party designated as intervenor in the caption, and shall set forth that such identified party is intervening.

(c) Intervenor shall serve copies of Notice of Intervention by certified or registered mail upon Appellant, Appellee, any Respondent owner and any other intervening parties of record.

(d) Intervenor shall file with the Clerk of Judicial Records within ten (10) days of the filing of Notice of Intervention, proof of service of copies thereof consisting of a verified statement (as "verified" is defined in Pa.R.Civ.P. No. 76) that service was made by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto.

(e) No response is required to be made by any party served with copy of Notice of Intervention.

#### Rule 3192. Discovery.

(a) Pa. R.C.P. Nos. 4001 et seq. and Lackawanna Co. R.C.P. 4000 et seq. addressing Depositions and Discovery shall be applicable to real estate tax assessment appeals, unless otherwise ordered by the court.

#### Rule 3193. Pretrial Status Conference.

(a) The court sua sponte or upon application of a party shall schedule a pretrial status conference. Notification of conference need be given by the court only to Appellant, Appellee, Respondent owner if any, and such other parties who have intervened of record.

(b) Each party of record shall file with the Clerk of Judicial Records, a Pretrial Status Conference Memorandum and serve a copy thereof on the trial judge at least seven (7) days prior to the date of scheduled conference along with proof of service of copies thereof upon parties of record by personal service or by regular mail. Proof of service shall consist of a verified statement as "verified" is defined in Pa.R.Civ.P. No. 76.

(c) Pretrial Status Conference Memorandum shall contain a summary statement of facts, stipulations desired, witnesses expected to be called, exhibits expected to be offered, legal issues, and special problems presented, if any.

[Pa.B. Doc. No. 03-2224. Filed for public inspection November 21, 2003, 9:00 a.m.]

## SCHUYLKILL COUNTY

### Amended/Adopted Criminal Rules of Procedure; No. 592 Misc. 2003

#### Order of Court

And Now, this 6th day of November, 2003, at 9:30 a.m., Schuylkill County Criminal Rules of Procedure, Rule 106 and Rule 319 are amended and Rule 722 is adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

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

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

2) File two (2) certified copies of this Order and Rules 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 Rules with the Pennsylvania Criminal 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 Rules.

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 106 Continuances

#### Motion by Defendant

A. All motions for continuance of trial by a defendant shall be in writing, upon forms approved by the Court, and shall be executed by the defendant and his attorney, if any.

B. Upon a first application for a continuance, the presence of the defendant and his or her counsel shall not be required at the hearing on said motion unless the District Attorney has notified the Defendant and the Court Administrator (criminal) that the continuance request is opposed. All first application requests shall be filed with the Clerk of Courts and contemporaneously a copy shall be served on the District Attorney by the defendant before the close of business on the Monday preceding the Friday continuance date set forth on the Court Calendar. Any first continuance request not filed by the Monday preceding the continuance court date shall be treated as if opposed and the party and counsel will be required to appear in person at continuance court.

C. When a motion seeks a second or subsequent continuance the defendant shall give at least twenty-four (24) hours advance notice of the intention to present said motion to the District Attorney. The defendant will be required to appear in Court for a second or subsequent continuance, with counsel (if any), for consideration of the continuance request.

### Rule 319 Procedure for Obtaining Dismissal and Expungement Order upon Successful Completion of A. R. D. Program.

(a) Whenever a defendant is placed under the Accelerated Rehabilitation Disposition Program and shall have satisfactorily completed the program and complied with its conditions, the Adult Probation Office shall notify the defendant in writing of his/her eligibility to petition the Court for dismissal of the charges and expungement of the arrest record.

(b) A motion for dismissal of the charges and expungement of the arrest record shall be filed on a form approved by the Court and available at the office of the Adult Probation Department. Every motion so filed shall include a certification from the Adult Probation Department that the defendant has satisfactorily completed the program and complied with all its conditions and shall further include a proposed order in compliance with Pa.R.Crim.P. Rule 722.

(c) The defendant shall file the motion in the office of the Clerk of Courts and shall contemporaneously serve a copy on the District Attorney. The Clerk of Courts shall forward the motion to the Court Administrator for assignment to a judge. If the District Attorney objects to dismissal of the charges or to automatic expungement of the arrest record, the objections shall be filed within

thirty (30) days after service of the motion for dismissal and expungement. A copy of the objections shall be served on the defendant or the defendant's attorney. If objections are filed the Court shall conduct a hearing, affording all parties an opportunity to be heard. If no objections are filed, the Court may order dismissal of the charges and expungement of the arrest record without hearing.

### Rule 722 Petitions for Expungement

(a) Every motion for expungement shall have attached a proposed order of expungement in compliance with Pa.R.Crim.P. 722.

(b) A defendant shall file the original motion for expungement with the Clerk of Courts and contemporaneously serve a copy on the District Attorney. The Clerk of Courts shall forward the motion to the Court Administrator for assignment to a judge. If the District Attorney objects to expungement, the objections shall be filed within thirty (30) days after service of the motion. A copy of the objections shall be served on the defendant or the defendant's attorney. If objections are filed, the Court shall conduct a hearing, affording all parties an opportunity to be heard. If no objections are filed, the Court may order expungement of the arrest record without hearing.

[Pa.B. Doc. No. 03-2225. Filed for public inspection November 21, 2003, 9:00 a.m.]

## SCHUYLKILL COUNTY Amended Orphans' Court Rules

### Order of Court

*And Now*, this 6th day of November, 2003, at 9:30 a.m., the Court hereby amends Schuylkill County Orphans' Court Rule 6.1A. This rule is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Clerk of the Orphans' Court of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) 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 Orphans' Court Rules Committee.

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 6.1A Accounts. Form. Additional Requirements.

(a)(1) All accounts shall be in the form approved by the Pennsylvania Supreme Court and known as Uniform

Fiduciary Accounting Standards. Should the account filed fail to comply with said accounting standards, the Clerk shall notify the Accountant to immediately comply prior to thirty (30) days before Audit Submission Day. The corrected account shall be given to all parties in interest. A failure to correct the account shall result in the account being stricken.

[Pa.B. Doc. No. 03-2226. Filed for public inspection November 21, 2003, 9:00 a.m.]

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