

THE COURTS

Title 255—LOCAL COURT RULES

LANCASTER COUNTY Common Pleas Local Rules

Administrative Order

The following rules constitute the Lancaster County Court of Common Pleas Local Rules and will be effective on July 26, 2004. On that date, all previously issued Local Rules will be rescinded.

By the Court

MICHAEL A. GEORGELIS,
President Judge

LANCASTER COUNTY COURT OF COMMON PLEAS LOCAL RULES

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JUDGE

MICHAEL J. PEREZOUS
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JUDGE

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JOSEPH C. MADENSPACHER
JUDGE

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JUDGE

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JUDGE

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The Honorable Lawrence F. Stengel, Judge

The Honorable Henry S. Kenderdine, Jr., Judge

The Honorable James P. Cullen, Judge

The Honorable Leslie Gorbey, Judge

The Honorable Isaac H. Stoltzfus, District Justice

The Honorable David P. Miller, District Justice

The Honorable Robert A. Herman, Jr., District Justice
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DEFINITIONS**Party.**

For all of the sections of these Local Rules, a party is defined as a litigant in a legal proceeding and may be self-represented or represented by counsel.

RULES OF CIVIL PROCEDURE**Rule 1. Title and Citation of Rules**

These rules shall be known as the Lancaster County Rules of Civil Procedure and may be cited as "L.C.R.C.P. No. ."

Rule 10. Business Judge

A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

B. Family Court motions and petitions may be presented at Family Business Court, held as indicated in the Court's calendar, or directly to the Family Business Judge, as designated in the Court's calendar, by appointment.

ADMINISTRATIVE APPEALS**Rule 27. Land Use Appeals****A. Appeal Notice**

A land use appeal shall contain:

1. A caption in substantially the following form:

Name of Appellant

v.

NO. CI-_____

Name of municipality and name of body (i.e. zoning hearing board, governing body or or planning commission) which rendered decision

LAND USE APPEAL

2. When applicable, in separately numbered paragraphs and in the following order:

a. Name and address of the appellant.

b. Name and address of the zoning hearing board, governing body or planning commission ("local agency") which rendered the decision.

c. Name and address of the applicant to the local agency, if the applicant is not the appellant.

d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.

e. The chronology of the matter, including the following as applicable:

i. Date of filing application or appeal with zoning officer or other official.

ii. Date of action of the zoning officer or other official.

iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.

iv. Dates of all hearings or meetings of the local agency.

v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.

vi. Date written decision served.

f. The purpose for which the application was made.

g. The basis for appellant's standing to file the appeal.

h. All specific legal and factual grounds for the appeal.

i. Specific request for relief.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. Intervention

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P. S. § 11004-A, shall contain:

a. The caption and number of the appeal.

b. Name and address of intervenor.

c. Nature of the interest of intervenor in the appeal.

d. Legal and factual circumstances under which intervenor claims a right to intervene.

e. Summary of intervenor's position and grounds therefor.

2. Pa. R.C.P. Nos. 2326-2350 shall govern all other intervention.

C. Certiorari

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:

a. All original papers filed in chronological order, commencing with the application.

b. Minutes of meetings of the local agency at which the application was considered.

c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.

d. The complete ordinance under which the local agency rendered its decision, including maps.

e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.

f. Names and addresses of all persons the local agency recognized as parties to the proceedings.

2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. Disposition

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition

may file a motion for a conference and a praecipe requesting that the appeal be assigned to a judge. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:

- a. Require or approve supplementation of the record.
- b. Fix a time for a de novo hearing before the Court.
- c. Employ expert(s) to aid the Court to frame an appropriate order.
- d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.
- e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.

2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.

3. If no party has filed a request for a conference, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to assign it to a judge.

4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.

5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.

6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.

Rule 28. Tax Assessment Appeals

A. Petition

Appeals from orders of the Lancaster County Board of Assessment Appeals (Board) shall be by petition and shall contain:

- 1. A caption in substantially the following form:

In Re: Appeal of)
 (NAME OF APPELLANT))
 from the Lancaster County Board of)
 Assessment Appeals)
 Tax Account No. _____) No. _____ .
 Municipality _____)
 Assessment for the year _____)
 Property of _____)
- 2. Name and address of appellant.

3. Date of filing appeal to Board and amount of assessment originally fixed by the Board.

4. Date of final decision of Board amount of assessment finally fixed by the Board.

5. Reason for appeal.

B. Service

Within ten days after filing the petition, the appellant shall, by certified mail, serve copies of the petition on the Board, the County solicitor, the municipality in which the tax parcel is located, the school district in which the tax parcel is located and the property owner. Within twenty days thereafter, the appellant shall file a proof of service.

C. Intervention

Any person or political subdivision required to be served under paragraph B may intervene as a matter of right by filing within forty days after receipt of the petition, a notice of intervention either as an appellant or appellee. After the forty day period, intervention shall be governed by Pa. R.C.P. Nos. 2326 through 2350.

D. Further Proceedings

Thereafter, the appeal shall proceed pursuant to Local Rule Nos. 208.3(a) and (b) or 212.2A.

Rule 29. Local Agency and Administrative Agency Appeals other than Land Use Appeals

A. Appeals Governed by Rule

This Rule shall apply to all appeals allowed from adjudications under the Local Agency Law, 2 Pa.C.S.A. § 501 et. seq., or the Administrative Agency Law, 2 Pa.C.S.A. § 101 et. seq., and appeals which may be taken to the Court under the Judicial Code, 42 Pa.C.S.A. § 933, other than appeals filed under Article X-A of the Pennsylvania Municipalities Planning Code, 53 P. S. § 11001-A.

B. Notice of Appeal

The notice of appeal shall contain all information required by the statute which authorizes filing of the appeal. The notice of appeal shall also contain:

- 1. A caption in substantially the following form:

Name of Appellant _____
 v. NO. CI-_____
 Name of local or administrative agency which rendered decision STATUTORY APPEAL

2. All relevant information required in Local Rule 27A.2.

3. If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment if a transcript is not already in existence. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the agency filing the return of the record.

C. Intervention

Pa. R.C.P. Nos. 2326-2350 shall govern all intervention.

D. Certiorari

The agency shall submit its entire record within twenty days after receipt of the writ of certiorari in accordance with the procedure in Local Rule 27C. The Prothonotary shall give notice of the return of the agency's record to appellant who shall, within four days after receipt of the notice, notify the agency, the applicant before the agency

(if appellant was not the applicant) and all other parties to the local agency's proceedings. Appellant shall file of proof of service.

E. Disposition

Disposition of the appeal shall be in accordance with the procedure in Local Rule 27D.

Rule 36. Assigned Judge

The assigned judge shall be the judge who:

A. Has been assigned a petition pursuant to Local Rule 206.4(c)B.5, a preliminary objection pursuant to Local Rule 1028(c) or a motion pursuant to Local Rules 1034(a) or 1035.2(a).

B. Conducts a hearing prior to trial.

C. Has been assigned a case pursuant to Local Rules 212.2A or 212.2B.

Rule 205.2(a). Physical Characteristics of Legal Papers

Legal papers submitted to the Prothonotary shall comply with the following requirements:

A. The first page shall set forth:

1. The case caption.
2. The case number.
3. The name of the assigned judge, if applicable.

4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.

5. In medical malpractice actions, "Code 96" shall appear beneath the case number.

B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.

C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.

D. All originals shall be marked "ORIGINAL." Copies shall be marked "COPY."

E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.

F. Tabs shall be placed at the bottom of all exhibits and appendices.

G. The name of each person signing a legal paper shall be typed beneath the person's signature.

H. Briefs and memoranda shall be filed separately and not appended to other documents.

I. Verifications shall be dated.

Rule 205.2(b). Cover Sheet

A. The initial legal paper filed shall be accompanied by a civil cover sheet in the form provided by the Prothonotary.

B. A request for argument, hearing or arbitration shall be accompanied by a scheduling cover sheet in the form provided by the District Court Administrator.

C. Civil cover sheets and scheduling cover sheets may also be obtained at www.co.lancaster.pa.us/courts.

Rule 205.4. Electronic Filing and Service of Legal Papers

A. "Legal paper" includes a writ of summons or a complaint that is original process naming an original defendant or an additional defendant. It excludes any pleading or other paper filed in any action subject to Pa.R.C.P. Nos. 1910.1 through 1910.50, governing support actions.

B. A party may file a legal paper with the Prothonotary by means of electronic filing at the following Internet address:

www.lexisnexis.com/fileandserve

C. A filing party shall pay the costs of the electronic filing of a legal paper to the agent designated by the Prothonotary.

D. Any document filed electronically by 11:59 p.m. ET shall be deemed filed with the Court once the transmission is successfully completed (authorized date and time) as recorded on the LexisNexis File & Serve System.

E. The Prothonotary or the Prothonotary's designated agent shall promptly provide a filing status message to the filing party setting forth the date and time of acceptance of the filing. If the filing party does not receive a filing status message within one hour, the legal paper is not considered filed, and the filing party shall contact the Prothonotary.

F. If an electronic filing is not filed with the Prothonotary or is not served because of (1) an error in the transmission of the document to LexisNexis, which error was unknown to the sending party, or (2) a failure to process the electronic filing when received by LexisNexis, or (3) rejection by the Prothonotary or (4) other technical problems experienced by the filer, the Court shall, upon cause shown, enter an order permitting the document to be filed nunc pro tunc to the date and time it was attempted to be filed electronically. In the case of service, the party shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

Rule 206.1(a). Petition. Definition. Stipulation

A. Petition Defined.

A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record. Petitions include, but are not limited to:

1. Petitions to open or strike judgment.
2. Petitions to transfer venue.
3. Preliminary objections filed pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).
4. Petitions which seek the issuance of a rule to serve the interests of justice.

B. Stipulated Matters.

If the parties agree to the relief sought, the petition shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties and a proposed order.

Rule 206.4(c). Petition. Rule to Show Cause

A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.

B. The petitioner shall attach to the petition a proposed order substantially in the following form:

ORDER

Upon consideration of the attached petition, it is hereby ordered that:

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested.
2. The respondent shall file an answer to the petition within twenty days of service.
3. The petition shall be decided under Pa.R.C.P. No. 206.7.
4. Discovery shall be completed within forty-five days of service of the answer.
5. The petitioner shall file a brief in support of the petition within twenty days after the discovery deadline. Any party opposing the petition shall file a responsive brief within ten days of service of the petitioner's brief. The petitioner may file a reply brief within five business days of service of a responsive brief. After all briefs have been filed, any party may file a praecipe for assignment to a judge.
6. The parties may agree to amend the above deadlines in writing.
7. The petitioner shall provide notice of the entry of this Order to all parties.

BY THE COURT:

_____ J.

_____ DATE

C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.

D. When the petitioner requests a stay, the form of the order may be modified accordingly.

E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the Business Judge for entry of the Order.

F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the Business Judge. For such petitions, the Court shall not issue the rule to show cause unless:

1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or
2. It appears from the petition that there is an agreement of all affected parties; or
3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

Rule 206.7. Procedure After Issuance of Rule to Show Cause

If an answer is not filed, the petitioner shall submit a proposed order and file a praecipe to assign the petition for disposition.

Rule 208.1. Motion. Definition. Scope

A. Motions for judgment on the pleadings shall be governed by Local Rule 1034(a).

B. Motions for summary judgment shall be governed by Local Rule 1035.2(a).

C. Motions in limine shall be governed by the Court's certification order after a pre-trial conference.

D. Discovery motions shall be governed by Local Rule 208.3(c).

E. Emergency motions shall be governed by Local Rule 208.3(a)(3).

F. If the parties agree to the relief sought, a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

Rule 208.2(c). Motion. Form. Content

Motions shall identify the applicable procedural rule, statute or other authority.

Rule 208.2(e). Motion. Form. Content

Every motion relating to discovery shall contain a certification that the parties, after reasonable effort, are unable to resolve the dispute.

Rule 208.3(a). Alternative Procedures

A. Praecipe for Assignment. Any party may file a praecipe to assign a motion for disposition at the expiration of the briefing schedule set forth in Local Rule 208.3(b). The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

B. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

C. Emergency Motions. Emergency motions must be presented to the Business Judge, who will advise the parties how to proceed.

Rule 208.3(b). Alternative Procedures

A. Motion and Brief. The moving party shall file a motion, proposed order and supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

B. Responsive Brief. Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

C. Reply Brief. The moving party may file a brief in reply to the responsive brief within five business days after service of a responsive brief.

Rule 208.3(c). Discovery Motions Court

A. Purpose of Rule. It is the intention of this Rule that discovery motion practice be expedited and that discovery motions and responses be concise.

B. Discovery Motions Judge. Every discovery motion shall be presented to the Discovery Motions Judge. Discovery Motions Court shall be held at 1:30 p.m. on Friday afternoons as scheduled by the Discovery Motions Judge. The District Court Administrator shall publish notice of the location, dates and times of Discovery Motions Court in the weekly courtroom schedule.

C. Contents of Motion. Every discovery motion shall contain the following:

1. A concise statement describing the nature of the case.

2. A concise statement of the status of any discovery procedure involved.

3. A copy of the discovery request and response, if any, in dispute.

4. A statement of the relief requested and a citation to the statute, procedural rule or other authority for the relief requested.

5. A statement identifying all other parties and their counsel, with mailing addresses, telephone numbers and fax numbers.

6. If necessary, a request for the suspension of discovery until the dispute is resolved.

7. A certification that the parties, after reasonable effort, are unable to resolve the dispute.

8. A proposed rule or order.

D. Notice and Service.

1. A copy of the discovery motion, along with notice of when it will be presented, shall be served upon all parties no later than 5:00 p.m. on the Tuesday preceding the scheduled court date. Discovery motions shall not be filed or presented to the Court in any fashion other than to the Discovery Motions Judge. The moving party shall present an original and one copy of the motion to the Court.

2. If service of the motion is made by first class mail, the mailing must be postmarked no later than Friday preceding the scheduled court date. In the event of a Monday holiday, service, if sent by mail, shall be postmarked by the preceding Thursday. Hand delivery of the motion may be made until 5:00 p.m. on the Tuesday preceding the scheduled court date. The parties may serve discovery motions by facsimile, provided that receipt of the fax by all other parties is confirmed by the serving party. The serving party shall attach proof of service to the discovery motion. Failure to serve the motion and notice shall be grounds for dismissal.

E. Briefs. Briefs are not permitted unless directed by the Court.

F. Responses. Any party may submit a response to the discovery motion. The response shall not exceed five pages. The response shall be presented to the Court and served on all parties or their counsel on the scheduled court date. Affidavits, discovery responses, references to depositions, transcripts or other documents responsive to the discovery motion shall not be included in the response but may be referenced during oral argument.

G. Scheduling. Arguments on discovery motions shall be scheduled at ten minute intervals. Counsel seeking to list a motion for argument shall contact the Discovery Motions Judge no later than 5:00 p.m. on the Tuesday immediately preceding the requested court date. The assignment of all discovery motions to an argument date and time will be made by the Discovery Motions Judge. A list of cases scheduled for argument will be sent via facsimile by the Discovery Motions Judge by the close of business on the Wednesday preceding the scheduled argument date to all parties or their counsel.

Rule 210. Form of Briefs

A. Briefs shall contain complete and accurate citations of all authorities.

B. The brief of the moving party shall contain: all relevant facts; a procedural history; the questions involved; the argument; and a conclusion.

C. The brief of the opposition need contain only an argument and a conclusion. If a counter statement of the case or the questions involved is not filed, the statement of the moving party shall be deemed adopted.

D. Briefs shall be submitted on 8 1/2 x 11 inch paper and shall be double-spaced.

E. Any brief more than fifteen pages shall contain a table of contents and a table of citations.

F. A party shall file a brief with the Prothonotary and shall serve copies pursuant to Pa. R.C.P. No. 440 and Local Rule 440.1.

Rule 212.2A. Pre-trial Conference. Status Report. Memorandum

A. Request for Pre-trial Conference

When an action is at issue, any party who has substantially completed discovery and who desires to proceed to trial shall file with the Prothonotary (1) a praecipe requesting a pre-trial conference; (2) a Status Report; and (3) proof of service. Within ten business days of being served with a praecipe requesting a pre-trial conference and Status Report, each party may file a Status Report. Any party who fails to file a Status Report shall be deemed ready for trial and no further discovery will be permitted by such party.

A Status Report shall include:

1. A short paragraph summarizing the facts.
2. A short paragraph summarizing the claims or defenses.
3. The status of remaining discovery and the time required for completion.
4. Any reason a pre-trial conference should not be held.
5. The complete identification of any cases which should be tried with the case for which pre-trial conference is being requested.

B. Arbitration Appeals

Following an appeal from a compulsory arbitration award, the parties shall proceed in accordance with Section A.

C. Assignment to Judge

Within twenty days of the receipt of a Request For Pre-trial Conference, the Prothonotary shall assign the matter to the trial judge and deliver the file to that judge who shall schedule a pre-trial conference. If the case has previously been assigned to a judge, the Prothonotary shall deliver the file to that judge. Whenever a case has previously been assigned to a judge, the party or attorney who requested the pre-trial conference shall identify the assigned judge on the praecipe. The assigned judge may, upon a review of the Status Reports, refuse to schedule a pre-trial conference. If the requesting party has not substantially completed discovery, the assigned judge shall enter an appropriate order.

D. Trial Counsel

Counsel, who is to conduct the trial, must appear with authority to bind the client.

E. Settlement

The assigned judge shall conduct settlement discussions. Clients or their authorized representatives must be available by phone during the pre-trial conference.

F. Preparation

Counsel shall file a pre-trial conference memorandum, furnish a copy to the assigned judge and serve it on all parties at least one week before the conference.

The pre-trial conference memorandum shall include:

1. A concise statement of the claim or defense on liability and damages.
2. A list of the types and amounts of all damages
3. A list of the legal issues.
4. A list of witnesses on liability and damages with the address of each and a concise statement of their proposed testimony.
5. A list of exhibits on liability and damages.
6. A copy of the report, or answer to interrogatory consistent with Pa.R.C.P. No. 4003.5, containing the opinion and the basis for the opinion of any person who may be called as an expert witness.
7. A list of all deposition transcripts to be used in lieu of testimony and a statement of all objections.
8. A statement of all stipulations sought.
9. A statement of special requests such as for a view, witness needs or courtroom needs.
10. A list of all questions which counsel expects to ask in voir dire which are beyond the areas of inquiry set forth in Pa.R.C.P. No. 220.1.

G. Supplemental Pre-trial Conference Memoranda

At trial, each party will be limited to those witnesses, exhibits and documents set forth in that party's pre-trial conference memorandum unless a supplemental pre-trial conference memorandum is filed and served with a copy furnished to the assigned judge. Unless an objection is filed within ten business days, the changes will be deemed unopposed.

H. Orders

At the conclusion of the pre-trial conference, the assigned judge shall issue an order certifying the case as ready for trial, placing it on a trial list and establishing deadlines.

Rule 212.2B. Special Management Cases

A. Any party may file a praecipe for special management status with a proposed order. The praecipe shall be filed at any time up to thirty days after the close of the pleadings and shall state the reasons for the request. Objections to any such request shall be filed within seven days of service of the praecipe.

B. Criteria for special management may include any of the following:

1. Large number of parties.
2. Large number of claims or defenses.
3. Complex factual or legal issues.
4. Large volume of evidence.
5. Problems locating or preserving evidence.
6. Extensive discovery.
7. Exceptionally long time needed to prepare for disposition.
8. Decision needed within an exceptionally short time.
9. Need to decide preliminary issues before final disposition.

C. Special management designation shall be at the discretion of the Court. Cases granted special management status shall be assigned to an individual judge. Notice of the decision shall be served pursuant to Local Rule 236.

D. Parties shall identify the assigned judge on all documents by including in the caption, under the civil action number, the words "SPECIAL MANAGEMENT: ASSIGNED TO JUDGE _____."

E. At any time after the Court's approval of special management status, any party may file a praecipe entitled request for status conference, with a certificate of service identifying all parties.

F. The status conference shall address the following:

1. All discovery issues.
2. Identification of experts and the furnishing of their reports.
3. Pre-trial motions.
4. Settlement conference, mediation or summary jury trial.
5. Final pretrial conference.
6. Tentative trial date.

G. The parties shall confer, by telephone or in person, and shall address each of the matters listed in Paragraph F. Plaintiff shall file and serve, not later than two business days before the status conference, a joint memorandum for status conference. The memorandum shall contain a brief, non-argumentative statement of the nature of the case, a summary of the positions of the parties on the items in Paragraph F.

Rule 225.1. Opening and Closing Statements

Opening statements shall be limited to a statement of the party's case. Plaintiff shall open first and close last.

Rule 226. Points for Charge

A. Points for charge shall be submitted to the trial judge as directed by the certification order.

B. All points taken from the Pennsylvania Suggested Standard Jury Instructions shall be listed on one page and cited as "Pa. SSJI (Civ) ___."

C. All other points shall be one to a page, citing the authority and exact page number in support.

Rule 227.1. Post Trial Relief

The party filing a post-trial motion shall serve a copy of the motion on the trial judge on the same day the motion is filed. That party shall also deliver to the trial judge the original and necessary copies of a proposed order for the transcription of the record. The trial judge shall enter an order addressing the transcription of the record and a briefing schedule.

Rule 236. Notice by Prothonotary of Entry of Order, Decree or Judgment

The moving party shall provide sufficient copies of all orders, decrees or judgments, together with addressed, stamped envelopes, necessary for the Prothonotary to comply with Pa.R.C.P. No. 236.

Rule 257. Money Paid Into Court

Unless otherwise provided by the Pennsylvania Rules of Civil Procedure, a local rule or order of Court, a party seeking to pay money into Court shall file a petition which conforms to Pa. R.C.P. No. 2303(a)(1)-(4). Service shall be pursuant to Pa. R.C.P. No. 440, and proof of

service shall be pursuant to Local Rule 440.1. A petition shall be governed by Pa. R.C.P. Nos. 206.6 and 206.7.

Rule 260. Trial List

A. Entry on List

When an action has been certified by the trial judge as ready for trial, the District Court Administrator shall place it on a trial list.

B. Order of Trial

Actions shall be listed on a trial list in the order in which they were certified and shall be tried in that order unless otherwise directed by the trial judge.

C. Relisting

Cases not disposed of shall be automatically relisted on the next trial list.

Rule 280. Costs

A. Items of Allowable Costs

Costs may include: fees of Court appointed examiners, masters, auditors, accountants or other experts; statutorily permitted costs for the attendance of witnesses; and such other costs permitted by statute or allowed by the Court.

B. Security for Costs

The Court may require a party to post security for costs.

C. Interlocutory Orders for Costs

A party directed by an interlocutory order to pay costs may not take any further action until such costs are paid.

D. Liability for Costs

Costs shall follow the entry of judgment or decree unless the Court directs otherwise.

E. Time of Filing and Service

Bills of costs must be filed and served within ten days after the entry of a judgment or decree.

F. Exceptions

Exceptions may be filed within five business days of the date of service or shall be deemed waived.

Rule 285. Accounts and Inventories

A. Accounts

When an account is required in a civil action, the account shall proceed in accordance with the Lancaster County Rules of Orphans' Court, except that filings shall be with the Prothonotary.

B. Inventories

Any fiduciary required to file an account shall file a signed and verified inventory within sixty days of appointment.

Rule 286. Sureties

A. General Requirements

Where security is required, a bond shall be filed and approved by the Prothonotary before any action is taken. One corporate surety or two individual securities shall be required.

B. Corporate Requirements

A corporate surety, except as identified in Pa.R.C.P. No. 105, shall file with the Prothonotary evidence that it is authorized to do business in Pennsylvania and its current financial statement, sworn to by an officer or authorized

agent. A new financial statement must be filed at least annually by the third Monday of January. No corporation will be accepted as sole security for an amount greater than half its paid-in capital and surplus. The Prothonotary shall keep a list of qualified companies.

C. Individual Requirements

No bond shall be approved until each surety has filed an affidavit which states that the surety is the owner of real estate having a value in excess of the penalty of the bond and which lists the surety's debts, liabilities and all legal exemptions. The affidavit shall state whether the surety is also a surety on any other obligations, and, if so, what they are. Tenants by the entireties shall be considered a single surety. No person concerned in the execution of process shall become a surety.

D. Objections

Any party in interest may object to the security in accordance with Pa.R.C.P. No. 1535.

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

The Lancaster Law Review is designated as the legal publication for the publication of legal notices.

Rule 440.1. Proof of Service

A proof of service shall conform to Pa. R.A.P. 122.

Rule 1018.1. Notice to Defend

The following is designated to be named in the Notice to Defend as the organization from which information can be obtained:

Lancaster Bar Association
Lawyer Referral Service
Telephone: 717-393-0737

Rule 1028(c). Preliminary Objections

A. Preliminary Objections Pursuant to Pa. R.C.P. No. 1028(a)(2), (3) or (4).

1. Proposed Order. All preliminary objections shall be accompanied by a proposed order.

2. Stipulated Matters. If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

3. Brief. The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.

4. Responsive Brief. If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief. Any party who fails to file a responsive brief shall be deemed not to oppose the objections.

5. Reply Brief. The moving party may file a reply brief within five business days after service of the responsive brief.

6. Praecipe for Assignment. Any party may file a praecipe to assign the objections for disposition at the

expiration of the briefing schedule. The Prothonotary shall assign the objections and deliver the file to the assigned judge.

7. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

B. Preliminary Objections Pursuant to Pa. R.C.P. No. 1028(a)(1), (5) or (6).

Any party filing preliminary objections pursuant to Pa. R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

Rule 1034(a). Motion for Judgment on the Pleadings

A. Proposed Order. All motions shall be accompanied by a proposed order.

B. Stipulated Matters. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. Motion and Brief. The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. Responsive Brief. Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

E. Reply Brief. The moving party may file a brief in reply to the responsive brief within five business days after service of the responsive brief.

F. Praecipe for Assignment. Any party may file a praecipe to assign the motion for disposition at the expiration of the briefing schedule. The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

G. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

Rule 1035.2(a). Motion for Summary Judgment

A. Proposed Order. All motions shall be accompanied by a proposed order.

B. Stipulated Matters. If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.

C. Motion and Brief. The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.

D. Responsive Brief. Within thirty business days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.

E. Reply Brief. The moving party may file a brief in reply to the responsive brief within five business days after service of the responsive brief.

F. Praecipe for Assignment. Any party may file a praecipe to assign the motion for disposition at the expiration of the briefing schedule. The Prothonotary shall assign the matter to a judge for disposition and shall deliver the file to the assigned judge.

G. Oral Argument. Any party may request oral argument by filing a praecipe. Oral argument shall be held at such time and place as the judge shall direct.

Rule 1301. Compulsory Arbitration. Scope

A. All civil suits or actions, where the amount in controversy is \$50,000.00 or less, when at issue, shall first be submitted to arbitration.

B. This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00 or cases requiring equitable or declaratory relief.

C. A case is at issue when:

1. a party files a Praecipe for Reference or
2. when the Court issues an order for reference.

D. A party filing a Praecipe for Reference shall serve all other parties and the District Court Administrator within four business days.

Rule 1302. List of Arbitrators. Appointment to Board

The President Judge shall appoint attorneys to serve as arbitrators and as chairpersons of boards of arbitrators. The District Court Administrator shall maintain the lists of attorneys so appointed and shall assign the attorneys to serve from those lists.

Rule 1303. Hearing. Notice

The District Court Administrator shall fix the date, time and place of the hearing, assign the arbitrators and give notice to the parties not less than sixty days before the hearing.

Rule 1308. Arbitrators' Compensation

Arbitrators and chairpersons shall be compensated at rates established by the President Judge.

Rule 1507. Notice Pursuant to Pa. R.C.P. No. 1507

When notice is required pursuant to Pa. R.C.P. No. 1507:

A. The notice shall be given by publication pursuant to Pa. R.C.P. No. 430 and Local Rule 430.

B. The notice shall state:

1. That an action has been filed.
2. The caption of the case as defined in Pa. R.C.P. No. 1018.
3. The nature of the action and the relief sought.
4. The nature of the noticed party's interest in the property.

C. The notice shall also state that the noticed party may appear in the action and that, if the party fails to do so within thirty days of the publication, a decree which may bind the party's interests may be entered.

ACTIONS FOR SUPPORT**Rule 1910.11(a). Hearings Before the Court. Scheduling. Responsibilities of Counsel**

A. Upon motion of a party, the Court may approve a special listing. Upon approval, counsel shall contact the District Court Administrator to schedule a hearing. The scheduling shall not occur unless the District Court Administrator is notified of the Court's decision by counsel.

B. The scheduling of a special relief hearing must be approved by the Family Business Judge.

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**Rule 1915.1. Scope. Definitions**

Local Rules 1915.1 through 1915.19(a) govern all actions for custody, partial custody and visitation, including original actions, contempt proceedings and petitions to modify orders.

Rule 1915.3. Commencement of Action. Complaint. Order. Service

A. Except as provided in subdivisions F and G, all custody complaints shall be filed with the Prothonotary.

B. In addition to fees assessed for filing a complaint, an additional administrative fee shall be assessed by order of Court and shall be paid to the Prothonotary at the filing of the custody complaint.

C. When a custody claim is asserted in a divorce action, either party may request a date and time for a conference on the custody issue by filing an order with the complaint or with a motion. The administrative fee must be paid to the Prothonotary when the conference is requested.

D. After filing, all complaints or motions for conferences shall be forwarded to the District Court Administrator, who shall set the time, date and place for a custody conference.

E. The moving party shall serve the complaint and order or motion in accordance with the Pennsylvania Rules of Civil Procedure and shall file a proof of service.

F. Any complaint seeking custody of a child within the jurisdiction of the Juvenile Court pursuant to any proceeding under the Juvenile Act shall be presented to the Juvenile Court Judge who will determine how the matter will proceed.

G. Any complaint seeking custody of a child within the jurisdiction of the Orphans' Court pursuant to a petition for voluntarily relinquishment of parental rights, confirmation of consent to adoption, involuntary termination of parental rights or adoption shall be presented to the Orphans' Court Judge who will determine how the matter will proceed.

Rule 1915.5(a). Jurisdiction. Contempt. Continuances. Emergency Relief

A. A party objecting to jurisdiction or venue before the custody conference shall present the objection to the Court and present a request for a continuance to the District Court Administrator.

B. A contested request for a continuance of a scheduled custody conference shall be presented to the Court for decision. A request for continuance shall be filed with the District Court Administrator in accordance with local procedure. In all requests for a continuance, no continu-

ances will be granted within 14 days of the conference without an order of Court and payment of the conference fee.

C. Any complaint for custody, petition for modification, request for special relief or contempt petition containing a request for interim relief must be presented to the assigned Family Court Judge in Family Business Court.

D. Where the parties are in agreement for a continuance, they shall file an Uncontested Motion for Continuance and Waiver of Custody Case Time Requirements in the form provided in Local Rule 1915.19(a).

Rule 1915.5(b). Custody Conference Officer. Confer- ences. Procedure

A. The Court shall appoint members of the Lancaster County Bar or other appropriate persons as custody conference officers to conciliate custody cases filed with the Court and to recommend temporary custody orders.

B. All custody matters shall be scheduled for conference before a custody conference officer no sooner than ten days after the filing of a request for conference. All parties shall be present at such conference unless excused by the custody conference officer. Failure of a party to appear at the conference may result in the entry of a temporary or permanent order without information from that party.

C. A child shall not be brought to the conference except by order of Court. If a child, who is the subject of an action, attends a hearing or conference pursuant to Pa. R.C.P. No. 1915.11(c) or other rule, the party bringing the child shall be responsible for supplying a person to supervise the child while the parties are in the custody conference or in Court.

D. To facilitate conciliation and to encourage frank exchanges between the parties and their respective counsel, statements made by the parties at the custody conference shall be inadmissible as evidence at a later custody hearing. The custody conference officer shall not be a witness for or against any party at any subsequent custody hearing.

E. Post-conference Procedure

1. Settled Case. If an agreement is reached during the conference, the custody conference officer shall record the agreement on a memorandum of agreement form supplied by the Court. All parties shall sign the memorandum, and the custody conference officer shall prepare and present a proposed order to the assigned Family Court Judge. The proposed order shall not be presented to the Court for approval until the parties have furnished the custody conference officer, who shall attach to the proposed order, certificates verifying each party's completion of the custody education seminar referred to in Local Rule 1915.15 Form of Order, or completion of such alternative education program which may be utilized by the Court at the time a custody complaint is filed. If an agreement is reached within twenty four hours before a scheduled conference, the parties shall submit a stipulation signed by all parties and a proposed order to the custody conference officer, who shall submit them to the assigned Family Court Judge. Counsel shall attach to the stipulation certificates verifying completion of the custody education program requirement then in effect.

2. Contested Case. If the parties fail to reach an agreement before the conclusion of the custody conference, within ten days of the conference the custody conference officer shall submit to the assigned Family Court Judge a conference summary report and recom-

mended temporary order. The recommendation may propose a follow-up custody conference with or without consent of the parties. The order will schedule a follow-up custody conference or a hearing.

F. Pre-trial Conference

1. Scheduling. Upon recommendation of a conference officer or a motion of counsel, the Court may schedule a custody pre-trial conference.

2. Attendance. Each party shall be represented at the conference by trial counsel, who shall have authority to bind the client.

3. Preparation. At two business days before the conference, counsel shall file a pre-trial memorandum containing:

- a. A concise statement of the issues and proposed resolution;
b. A list of any contempt issue;
c. A list of fact and expert witnesses with their addresses and a concise statement of their proposed testimony;
d. A list of exhibits;
e. A list of deposition transcripts to be used in lieu of testimony and a statement of all known objections;
f. A statement of stipulations sought; and
g. A statement of requests such as a special time for a witness, courtroom needs etc.

Rule 1915.7. Consent Order

If an agreement is reached regarding custody, partial custody or visitation at least twenty four hours prior to the scheduled conference, the parties may submit a stipulation, with attached custody education seminar completion certificates, and proposed order to the Family Court Judge for disposition. An agreement reached within twenty four hours of the scheduled conference shall be governed by Local Rule 1915.5(b)(E)(1).

Rule 1915.15. Form of Order

The order to be attached on top of a complaint for custody or petition for visitation or to modify custody shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION LAW

Plaintiff v. No. Defendant

ORDER

You, (defendant) (respondent), have been sued in Court to (obtain)(modify) custody, partial custody or visitation of the following child/children: (names)

1. You are ordered to appear in person at 50 North Duke Street, Lancaster County Courthouse, Lancaster, Pennsylvania, on the day of , 20 , at o'clock .m. for a conciliation conference to be held in room number before Custody Conference Officer .

2. Pending the custody conference: (Court selects option)

No temporary order is requested.

The Court issues no temporary order.

The custody Order (date and reference No.) remains in effect.

With the following revisions (if applicable)

Three horizontal lines for revisions.

The Court enters the following Temporary Order:

Three horizontal lines for the temporary order.

3. Required Education Seminar:

a. All parties named in the caption of the case MUST participate in the custody education seminar approved by the Court at the time the custody action was filed.

b. Unless specifically directed by order of Court, no children shall be present at either the custody education seminar or the conciliation conference. For those cases in which the Court directs the party to bring a child or children to the conference, the supervision requirements of Local Rule 1915.5(b)C apply.

c. Attendance at the custody education seminar will be verified by a certificate which must be presented to the Conference Officer at the beginning of the conciliation conference.

d. A brochure and registration form identifying the seminar and giving the dates, times and location of the seminar is attached. The registration form and fee MUST be returned promptly to assure timely attendance. All parties must attend the required seminar even if the seminar information was omitted from the attached complaint or petition.

e. If a brochure and registration form are not attached, call the District Court Administrator at 717-299-8041 or access the form on the County website which is www.co.lancaster.pa.us/Courts.

f. If you fail to attend the custody education seminar without being excused by order of Court, you WILL be subject to contempt proceedings.

4. If you fail to appear as provided by this order, an order for custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

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.

OFFICE OF THE DISTRICT COURT ADMINISTRATOR
LANCASTER COUNTY COURTHOUSE
50 NORTH DUKE STREET
LANCASTER, PA 1760
(717) 299-8041

disabled individuals having business before the Court, please contact the District Court Administrator. All arrangements must be made at least seventy two hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

AMERICANS WITH DISABILITIES ACT OF 1990

BY THE COURT:

The Court of Common Pleas of Lancaster County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to

JUDGE

DATE:
ATTEST:

Rule 1915.15(a). Form of Motion

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

Plaintiff v. Defendant
Docket Number: CI-_____

UNCONTESTED MOTION FOR CONTINUANCE AND WAIVER OF CUSTODY CASE TIME REQUIREMENTS

Motion is hereby made to continue the above captioned case scheduled on [date], [time], [place], [Officer/Judge], for a ___ conference ___ hearing, for reason(s) as follows:

Table with 3 columns: Signature of Applying Counsel or Pro se Party, Representing, Date. Includes rows for opposing counsel and a waiver section with checkboxes for initial custody conference, start of hearing, and completion of hearing.

Order

AND NOW, this ___ day of ___, ___, the Motion is granted. The custody ___ conference ___ hearing, (date) ___ is rescheduled to (time) ___ Place: ___, Officer/Judge: ___.

BY THE COURT

Judge

Rule 1920.42(a). Praecepto to Transmit Record

Any party filing a praecipe to Transmit Record shall give notice to the opposing party and shall file proof of service of that notice within five days of filing. Failure to give such notice shall be grounds to strike the Praecepto to Transmit Record at the request of any party not given such notice.

ACTIONS FOR DIVORCE OR ANNULMENT OF MARRIAGE

Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing

A. Master's Authority. A master shall hear claims in an action of divorce under Section 3301(a), (b) and (d)(1)(ii) of the Divorce Code, in an action for annulment and in claims for alimony, equitable distribution of marital property, counsel fees, costs and expenses.

B. Filing Fees and Costs. The party first raising an issue which is to be referred to a master under these Local Rules shall pay the sum required by the Prothonotary's fee bill, in addition to any normal filing fees. This sum is not refundable. If a hearing requires more than

one-half day, an additional fee will be due for each one-half day or part thereof. These fees shall be paid within ten days after a continuance has been granted.

C. Motion for the Appointment of a Master. When an action is at issue pursuant to Pa.R.C.P. No. 1920.51(a), a party may file a motion and proposed Order to Appoint Master. The motion and proposed order shall be in conformity with Pa.R.C.P. No. 1920.74 and L.C.R.C.P. No. 1920.74.

D. Affidavit of Vital Statistics. The party filing the motion for the appointment of the master shall file the Pennsylvania Department of Health, Bureau of Vital Statistics form.

E. Actions Not Requiring a Hearing or a Master In the following cases, neither a master nor a hearing will be required:

1. No hearing will be required in an action which is filed under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and in which an agreement is to be incorporated into the divorce decree relative to claims for equitable distribution, alimony, counsel fees, costs and

expenses. Instead, the master shall review the record and file a recommendation with the Court within twenty days after receipt of the record.

2. Pursuant to Pa.R.C.P. No. 1920.51(a)(2)(ii), no master will be appointed where a divorce action contains a claim for divorce under Section 3301(c) or Section 3301(d) of the Domestic Relations Code and there are no claims for equitable distribution, alimony, counsel fees, costs and expenses or there are no other factual disputes and there is no agreement to be incorporated into the divorce decree. Instead, after all pleadings and other documents have been filed, either party may file with the Prothonotary a praecipe in the form prescribed by Pa.R.C.P. No. 1920.73, and the Prothonotary shall transmit the record to the Court, which shall review the record and enter an appropriate decree.

F. Hearing Pursuant to Local Rule. In all other actions for divorce in which there are no claims for alimony, counsel fees, costs, expenses, or equitable distribution or if all such claims have been resolved by an agreement which is to be made a part of the Court order, the master may conduct a hearing in the manner set forth in Paragraph M.

G. Hearing Pursuant to Pa.R.C.P. No. 1920.53. In all other cases, the master shall take testimony and file a report which complies with the requirements of Pa.R.C.P. No. 1920.53.

H. Special Relief Hearings. Any request for a special relief hearing is subject to approval by the assigned Family Court Judge.

I. Telephonic Conference before Pre-hearing Conference. There shall be a telephonic conference between the parties and the master before any pre-hearing conference to discuss the status of discovery, the need for appraisals, general issues and the scheduling of a pre-hearing conference by the master.

J. Pre-hearing Conferences and Pre-trial Statements. Pre-hearing conferences shall be held in a Court facility designated by the District Court Administrator. Each party shall attend the pre-trial conference prepared to stipulate to items not in dispute. The master shall have the discretion to require the attendance of the parties, if necessary. Clients shall be consulted by counsel in advance of the pre-hearing conference as to authority respecting stipulations as to items not in dispute and settlement, including definite maximum or minimum limits, as appropriate, and regarding such other questions as may reasonably be anticipated to be relevant. The parties shall also prepare and furnish to the master and other party, at least five business days prior to the date scheduled for conference, a pre-trial statement as described in Pa.R.C.P. No. 1920.33(b). At the hearing, the parties will be limited to those witnesses, exhibits and documents set forth in their pre-trial report unless:

1. All parties affected by any changes agree in a writing which shall be filed with the Court.

2. Prompt notice of changes in the list of witnesses, exhibits or documents is made by filing with the master and by serving the other party with a supplemental pre-trial statement. A proof of service shall be filed with the supplemental pre-trial report pursuant to Local Rule 440.

3. Supplemental pre-trial statements will be liberally received by the master, absent a showing of failure to give prompt notice, undue inconvenience, expense or prejudice. Any objections shall be ruled on by the master or the

Court. If no pre-hearing conference is required by the master, a pre-trial statement, as set forth herein, shall be furnished to the master and opposing party at least five business days before the hearing.

K. Scheduling and Notice of Hearing. The master shall give at least twenty days written notice of the time and place of the hearing to all parties unless waived in writing by all parties. All hearings shall be held in a facility designated by the District Court Administrator.

L. Evidence in Uncontested Cases. A plaintiff who believes the action will be uncontested shall submit to the master at the hearing the following:

1. Affidavit Re Vital Statistics;
2. Plaintiff's Record of Testimony in question and answer or narrative form, signed and verified by plaintiff;
3. The testimony of each of plaintiff's witnesses, in question and answer or narrative form, signed and verified by the witness; and
4. Any exhibits identified in the testimony.

M. Uncontested Hearings Using Plaintiff's Record of Testimony. The master shall conduct the hearing in an uncontested hearing as follows:

1. The plaintiff and all witnesses whose evidence has been prepared in advance shall attend the hearing, and shall swear to or affirm their prerecorded evidence.

2. The master may examine the plaintiff and the witnesses with respect to the evidence prepared in advance in order to evaluate the credibility of those offering pre-recorded evidence, and, to this end, may interrogate the plaintiff and the witnesses as to any relevant matters, including any post-nuptial agreement, whether or not included in the prepared Record of Testimony.

3. The master, upon being satisfied that the Plaintiffs Record of Testimony is credible evidence, shall accept it and include it in the report in lieu of findings on the merits, provided, however, that, in the report, the master certifies:

a. That, at the hearing, the plaintiff and the witnesses offering pre-recorded testimony were placed under oath or affirmation and were examined and that they, by credible evidence, substantiated the facts set forth in the Plaintiff's Record of Testimony; and

b. That no witness, who was sworn or affirmed, presented testimony or evidence to the contrary of the facts set forth in such Record of Testimony.

N. Master's Report in Uncontested Cases. After the hearing wherein the Plaintiff's Record of Testimony has been accepted, the master shall prepare and file the report together with a recommendation in accordance with Pa.R.C.P. No. 1920.53.

O. Master's Status Report if Filing Not Timely. Masters shall submit a status report to the Court and the parties if the report is not timely filed.

Rule 1920.55-2. Exceptions To Master's Report

A. A party filing exceptions to a master's report shall also file a praecipe listing the exceptions for argument and shall serve all parties with copies. The District Court Administrator shall maintain a list of all such cases. Argument Court dates and filing deadlines are as published in the Court calendar.

B. The listing party shall file and serve a brief thirty days before the Argument Court date, and all other parties shall file briefs fifteen days before that date. The

District Court Administrator shall publish the list of cases to be argued. The President Judge shall assign cases, and the assigned judge shall notify the parties how and when argument shall be presented.

Rule 1920.74. Form of Motion for Appointment of Master. Order

The motion and proposed order, in addition to confirming to the requirements of Pa.R.C.P. No. 1920.74 shall also contain the following:

(Caption)

ORDER

AND NOW, this _____ day of _____, 20 __, _____ is appointed Master with respect to the following claims:

Counsel and unrepresented parties are hereby directed to participate in a telephonic status conference with the divorce master on the _____ day of _____, 20 __, at _____ o'clock __ .m. The conference call shall be initiated by the counsel or unrepresented party who requested the master's appointment.

In the event that the status conference is required to be re-scheduled at the request of an unrepresented party or counsel, the unrepresented party or counsel requesting the change shall be responsible for promptly coordinating the new date and time with the divorce master and initiating the conference call.

BY THE COURT:

_____ J.

Copies To: Divorce Master
All Parties

Rule 2039. Compromise, Settlement, Discontinuance and Distribution

A. Contents of Petition

A petition for leave to compromise, settle or discontinue an action in which a minor is a party or an action for wrongful death in which a minor is interested shall set forth:

1. The facts of the case.
2. The damages sustained.
3. All expenses incurred or to be incurred, including counsel fees.
4. Any other relevant information.

B. Hearing

The Court may require a hearing to determine whether the proposed compromise, settlement or discontinuance should be approved.

C. Appearance at Hearing

Necessary parties and witnesses shall appear at the hearing unless excused for cause shown.

Rule 2064. Compromise, Settlement, Discontinuance and Distribution

A petition for leave to compromise, settle or discontinue an action in which an incapacitated person is a party shall be governed by Local Rule 2039.

Rule 2206. Settlement, Compromise, Discontinuance and Judgment

A petition filed pursuant to Pa. R.C.P. No. 2206 shall be governed by Local Rule 2039.

Rule 3252. Writ of Execution

The following is designated to be named in the Writ of Execution Notice as the organization from which information can be obtained:

Lancaster Bar Association
Lawyer Referral Service
Telephone: 717-393-0737

Rule 4007.1. Procedure in Deposition by Oral Examination

A. A period of at least ten days is deemed reasonable notice as required by Pa.R.C.P. No. 4007.1(a).

B. Depositions shall be taken in Lancaster County unless the Court directs otherwise.

RULES OF CRIMINAL PROCEDURE

Rule 1. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules of Criminal Procedure and may be cited as "L.C.R. Crim.P. No. _____."

Rule 2. Trial List

The District Court Administrator shall publish the list of all cases certified as trial ready for each term of Court no later than one week prior to the commencement of the following trial term. This will be known as the trial list.

Rule 3. Call of the List

A call of the trial list will take place as scheduled by the District Court Administrator prior to each trial term. At that time, the President Judge or his designee will address all motions for trial continuances and requests to schedule guilty pleas. Any case not removed from the trial list at the call of the list will be considered trial ready. Pro se defendants must be present for all calls of the list on which their cases appear.

Rule 4. Continuances During Trial Term

Once the trial term begins, any continuance must be authorized by the President Judge or his designee and will only be granted for compelling reasons.

Rule 5. Trial Priority List

A. All cases on the Trial Priority List are deemed to be trial ready and will be listed in a priority established by the District Attorney.

B. The Trial Priority List will be published by the District Court Administrator before the commencement of the Criminal Court term.

C. As cases are disposed of and/or called for trial, the District Attorney will continue to update the Trial Priority List in conjunction with the District Court Administrator, who will publish the updated lists.

D. Cases will be placed into a courtroom in accordance with their priority, attorney availability and witness availability.

E. Cases on the Trial Priority List can be moved up on the list by the District Attorney with reasonable notice to counsel.

F. Counsel and/or pro se defendants for cases on the Trial Priority List not immediately assigned to a courtroom must be available to commence trial on reasonable notice.

G. Pro se defendants must contact the District Court Administrator as frequently as needed throughout the term of Court to determine where their cases appear on the Trial Priority List and when they will be placed into a courtroom.

Rule 6. Guilty Pleas During Trial Term

If a case on the Trial Priority List is to be presented as a guilty plea during the trial term, it must be presented when it is assigned to a courtroom.

Rule 10. Business Judge

The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Clerk of Courts or may be presented by counsel directly to the Business Judge by appointment.

Rule 120. Attorneys—Appearances and Withdrawals

A. Counsel for the defendant shall file an appearance in writing in all cases with the Clerk of Courts at or before the time of arraignment. An appearance shall be filed immediately if employment follows arraignment.

B. No appearance may be withdrawn except by leave of Court unless an appearance by another attorney is entered. The delay or continuance of a case listed for trial shall be considered by the Court in ruling upon motions to withdraw an appearance.

C. Once an appearance has been entered, counsel shall represent the defendant through sentencing.

D. Except as provided in E, after a case has been returned to Court, any motion filed by counsel shall be deemed an entry of appearance.

E. In any ancillary proceeding such as a bail petition, motion for return of seized property, probation or parole violation or ARD revocation, an appearance of counsel shall be limited to that proceeding if the appearance so indicates.

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 202, search warrants for the crimes listed below, shall not hereafter be issued by any judicial officer, unless the search warrant applications have the approval of an attorney for the Commonwealth before filing:

A. Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;

B. Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;

C. Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;

D. Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;

E. Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;

F. Homicide by Vehicle While Driving Under Influence in violation of 75 Pa.C.S.A. Section 3735;

G. Rape in violation of 18 Pa.C.S.A. Section 3121;

H. Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;

I. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;

J. Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

K. Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;

L. Crimes Against Unborn Child in violation of 18 Pa.C.S.A. Chapter 26;

M. Arson in violation of 18 Pa.C.S.A. Section 3301;

N. Obscene and Other Sexual Materials in violation of 18 Pa.C.S.A. Section 5903; and

O. Violation of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P. S. Section 780-113(30) (Delivery or Possession with Intent to Deliver a Controlled Substance).

Rule 311A. ARD Application Process

A. Accelerated Rehabilitative Disposition (ARD) applications shall be submitted to the Office of the District Attorney using the approved form. A defendant shall simultaneously submit a Motion for Trial Continuance and Waiver using the approved form. A defendant shall be notified by first class United States mail of acceptance or rejection. A defendant whose application has been accepted shall be listed for an ARD hearing on the first available date. A defendant whose application has been rejected shall be placed on the next pre-trial conference list.

B. Application for non-DUI related ARD may be made anytime prior to formal arraignment.

C. Applications for DUI related ARD shall be submitted to the Office of the District Attorney within thirty days of the filing of the criminal complaint. Additionally, within thirty days of the filing of the criminal complaint, a defendant shall waive the preliminary hearing and schedule a Court Reporting Network evaluation. Qualification information and further application requirements may be obtained by contacting the Office of the District Attorney.

Rule 421A. Approval of Private Criminal Complaints for Summary Bad Check Charges by Attorney for the Commonwealth

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 421 and its Comments, summary private criminal complaints, in which the affiant is not a law enforcement officer, as defined in Pa.R.Crim.P. 103, and which charge the crime of BAD CHECKS, 18 Pa.C.S.A. § 4105, shall not be submitted to any issuing authority unless the private criminal complaint has been reviewed and has been approved by an attorney for the Commonwealth.

Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option

The District Attorney having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the crimes listed below, shall not hereafter be accepted by any judicial officer, unless the complaints and affidavits have the approval of an attorney for the Commonwealth before filing:

A. Criminal Homicide in violation of 18 Pa.C.S.A. Section 2501;

B. Murder in any degree in violation of 18 Pa.C.S.A. Section 2502;

C. Voluntary Manslaughter in violation of 18 Pa.C.S.A. Section 2503;

D. Involuntary Manslaughter in violation of 18 Pa.C.S.A. Section 2504;

E. Homicide by Vehicle in violation of 75 Pa.C.S.A. Section 3732;

F. Homicide by Vehicle While Driving Under Influence in violation of 75 Pa.C.S.A. Section 3735;

G. Rape in violation of 18 Pa.C.S.A. Section 3121;

H. Statutory Sexual Assault in violation of 18 Pa.C.S.A. Section 3122.1;

I. Involuntary Deviate Sexual Intercourse in violation of 18 Pa.C.S.A. Section 3123;

J. Aggravated Indecent Assault in violation of 18 Pa.C.S.A. Section 3125;

K. Sexual Assault in violation of 18 Pa.C.S.A. Section 3124.1;

L. Crimes Against Unborn Child in violation of 18 Pa.C.S.A. Chapter 26;

M. Arson in violation of 18 Pa.C.S.A. Section 3301;

N. Obscene and Other Sexual Materials in violation of 18 Pa.C.S.A. Section 5903; and

O. Violation of the Controlled Substance, Drug, Device and Cosmetic Act, 35 P. S. Section 780-113 (30)(Delivery or Possession with Intent to Deliver a Controlled Substance).

Rule 528. Use of Realty to Satisfy Monetary Condition of Release on Bail

A. When realty located in Lancaster County is offered as security for bail of \$10,000 or less, such security must include an affidavit of all record owners and must recite the fair market value of the realty, all liens and the balance of each lien.

B. When realty located in Lancaster County is offered as security for bail greater than \$10,000, such security must include a certification of an attorney, a title insurance company or a title abstracting company and must identify all record owners, all liens and the balance of each lien. The certification must be accompanied by an appraisal by a licensed appraiser conducted within thirty days of the date the realty is offered as security.

C. When realty located outside Lancaster County is offered as security for bail in any amount, such security must include the certification and appraisal described in B.

Rule 529. Modification of Bail Order Prior to Verdict

A. Upon filing any motion to modify or reinstate bail, the moving party shall schedule a conference with the business judge by communicating directly with such judge's chambers. An unopposed motion may be presented to the business judge at any time provided that it contains written verification by the opposing party of the lack of opposition.

B. The conference may occur in chambers or in the courtroom at the discretion of the business judge.

C. At least twenty-four hours before the conference, the moving party shall serve a copy of the motion on the opposing party or counsel for the opposing party, including notice of the date, time and place of the conference.

D. For purposes of this rule, "business judge" is the assigned business judge on the date of the scheduled conference.

E. All orders modifying or reinstating bail shall be filed immediately with the Clerk of Courts. In cases pending in Court or in an appellate court, the Clerk of Courts shall immediately serve the Lancaster County Prison a copy of the order by facsimile or other electronic means when the order accomplishes any of the following:

1. reinstates bail to a monetary condition where the bail has previously been posted and not withdrawn;

2. reinstates bail to ROR, unsecured or a non-monetary condition; or

3. modifies bail to ROR, unsecured or a non-monetary condition.

In all other cases pending before the Court or in an appellate court, the Clerk of Courts, unless the Court explicitly orders to the contrary, shall not be required to serve the Lancaster County Prison a copy of the order until the actual satisfaction of the full amount of any monetary condition of bail.

F. In cases pending before a district justice, service of an order on the district justice may be effected by any of the following:

1. the Clerk of Courts' delivery of a certified copy by regular or interdepartmental mail;

2. the moving party's personal service of a certified copy at the regular office of the district justice; or

3. the moving party's transmitting a copy to the district justice by facsimile or other electronic means and simultaneously sending a certified copy to the district justice by regular or interdepartmental mail.

G. In cases pending before a district justice when the Court has modified bail, the district justice shall issue a new bail bond in either of the following:

1. the district justice's directing a constable to transport the defendant to the office of the district justice, whereupon the defendant can execute the new bail bond; or

2. where the modified bail does not have a monetary condition, the district justice shall transmit by facsimile a new bail bond to the Lancaster County Prison, whereupon prison personnel shall act as the authorized agent of the district justice and secure the defendant's execution of the new bail bond.

A defendant proceeding under G(2) shall comply with F(3) and shall serve a certified copy of the order on the Lancaster County Prison.

H. Nothing in this rule shall affect the right of the Commonwealth or the defendant to request a bail hearing.

Rule 530. Duties and Powers of a Bail Agency

A. Pursuant to Pa.R.Crim.P. 530, the Court designates the Office of Bail Administration and Pre-Trial Services as the bail agency.

B. The bail agency, after investigating and concluding that a defendant is appropriate for release on bail, may present a motion to modify or reinstate bail. The bail

agency may act on behalf of defendants who are incarcerated on bench warrants or who are unable to post the monetary amount of bail.

C. If the issuing authority sets bail which includes supervision by the bail agency, the issuing authority shall require the defendant to complete the bail agency's supervision form.

Rule 570. Pre-trial Conference

A. Scheduling of pre-trial conference

1. After the information is filed, the District Court Administrator shall schedule a pre-trial conference.

The District Court Administrator shall provide notice of the pre-trial conference to counsel no later than seven days before the conference and shall provide notice to pro se defendants pursuant to Pa.R.Crim.P. 113.

2. A pre-trial conference for a homicide case shall be governed by Local Rule 570A.

B. Appearances required

The attorney for the Commonwealth and the attorney for the defendant or the pro se defendant shall appear at the pre-trial conference.

C. Certification for trial

A case may be certified ready for trial by the attorneys for the Commonwealth and the defendant (or the pro se defendant) at the pre-trial conference.

When a case is certified ready for trial, it shall not be scheduled for any further pre-trial conferences.

D. Continuance

A continuance request made at the pre-trial conference must be in writing and shall state the position of the opposing attorney.

E. Guilty plea

1. If the status of a case is a guilty plea, the guilty plea must be scheduled at the pre-trial conference.

2. A defendant may plead guilty at the pre-trial conference at the discretion of the Court.

F. Status order

The Court shall issue a status order at the pre-trial conference. Copies shall be provided to all parties and the District Court Administrator.

Rule 570A. Assignment and Trial of Homicide Cases

A. The assignment and trial of any criminal case in which one or more of the offenses charged is any grade or type of homicide, including homicide by vehicle and homicide by vehicle while driving under the influence, shall be conducted in accordance with the provisions of this rule.

B. Homicide cases shall be assigned to a trial judge by the President Judge. All matters thereafter shall be the responsibility of the trial judge.

C. Pre-trial conferences shall be scheduled by the trial judge and shall not be included on the regularly scheduled criminal pre-trial conference lists.

D. Additional pre-trial conferences may be scheduled at the discretion of the trial judge. The trial judge shall issue a final pre-trial order establishing a firm trial date and containing any further final instructions. Once set, the firm trial date shall not be continued except for extraordinary circumstances.

E. Copies of all pre-trial orders shall be provided to the President Judge, the District Court Administrator and counsel.

Rule 571. Arraignment

A. The District Attorney shall conduct arraignment pursuant to Pa.R.Crim.P. 571(C). A plea of not guilty shall be entered on behalf of the defendant unless the defendant states an intent to enter a plea of guilty.

B. Arraignment shall take place at least thirty days prior to trial, unless a defendant and defense counsel agree otherwise.

C. A defendant and defense counsel may waive arraignment and enter a plea of either guilty or not guilty by filing a written waiver of arraignment. The form for the waiver is available in the Office of the District Attorney. To waive arraignment, the written waiver must either be filed in the Clerk of Courts Office or be delivered to the Office of the District Attorney by noon on the day before the scheduled arraignment date or at the time of arraignment. An unrepresented defendant must appear at arraignment.

Rule 575A. Motions Other Than Bail

Motions not otherwise governed by Pennsylvania Rules of Criminal Procedure or these rules shall be submitted as follows:

A. Upon filing any motion requiring a conference in the Court, the moving party shall schedule the conference with the business judge by communicating directly with such judge's chambers. An unopposed motion may be presented to the business judge at any time provided that it contains written verification by the opposing party and, if applicable, the probation or parole officer, of the lack of opposition.

B. The conference may occur in chambers or in the courtroom at the discretion of the business judge.

C. At least twenty-four hours before the conference, the moving party shall serve a copy of the motion on the opposing party or counsel for the opposing party, including notice of the date, time and place of the conference. In emergency matters in which it is not possible to provide twenty-four hours notice, the moving party shall provide opposing counsel with a copy of the motion as soon as possible prior to the scheduling of the conference.

D. For purposes of this rule, "business judge" is the assigned business judge on the date of the scheduled conference.

E. After decision on the motion, the motion and order shall be filed immediately with the Clerk of Courts.

F. Motions which may be submitted ex parte pursuant to the Pennsylvania Rules of Criminal Procedure and which require a Court order shall be submitted directly to the business judge or the judge assigned to the case.

Rule 575B. Uncontested and Ex-parte Motions

A. If the relief requested in a motion is not opposed, counsel for the moving party shall certify that opposing counsel and, if applicable, the probation or parole officer, do not object to the relief requested. The motion shall be submitted to the business judge or judge to whom the case has been assigned.

B. Motions which may be submitted ex-parte shall be submitted to the business judge or the judge to whom the case has been assigned.

Rule 590. Pleas and Plea Agreements

A. Guilty pleas shall be scheduled with the guilty plea secretary in the Office of the District Attorney. When scheduling the guilty plea, counsel shall inform the guilty plea secretary if and where the defendant is incarcerated. Once a guilty plea date is obtained, the defendant or counsel must file with the District Attorney a Request to Schedule a Guilty Plea in the form provided by the District Attorney.

B. Once a guilty plea is scheduled, it may be removed from the guilty plea list at anytime up to seven days before the scheduled date by notifying the guilty plea secretary. If the defendant or counsel elects to remove the guilty plea from the list within seven days of the scheduled date, the defendant must personally appear on the scheduled date to request a continuance from the Court.

C. Prior to entering a guilty plea, a defendant shall complete and sign a written guilty plea colloquy on the form provided by the District Attorney. The form shall be presented to the Court at the time of the guilty plea hearing.

Rule 604. Opening Statements and Closing Arguments

A. Opening statements shall be limited to a brief statement of the party's case and the facts to be adduced in support thereof and shall not include any argument concerning the facts or the law applicable thereto.

B. The length of closing arguments may be regulated by the trial judge, but any time limitation shall be made known to all counsel before the closing arguments begin.

Rule 620. Waiver of Jury Trial

A waiver of jury trial shall be in compliance with Pa.R.Crim.P. 620 and on the form provided by the District Attorney.

Rule 631. Examination and Challenges of Trial Jurors

Unless a specific method is required by statute or general rule, the trial judge shall determine the method of examination and challenges of trial jurors, giving due consideration to the nature and circumstances of the case.

Rule 647. Requests for Instructions, Charge to the Jury and Preliminary Instructions

Written requests for instructions to the jury shall contain citations to the authority relied upon and shall be submitted at the time set by the trial judge. Case and article citations shall be pinpoint. The failure to submit written requests for instructions to the jury at the time set may be deemed a waiver of the right to do so unless the trial judge determines otherwise in the interests of justice.

RULES OF JUVENILE COURT PROCEDURE**DELINQUENCY****Rule 1. Title and Citation of Rules**

These rules shall be known as the Lancaster County Rules of Juvenile Court Procedure—Delinquency.

Rule 2. Scope of Rules

These rules govern actions alleging delinquency pursuant to the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq.

Rule 3. Scheduling

All juvenile court delinquency matters, with the exception of transfer hearings which are governed by Local Rule 394, shall be scheduled by the Office of Juvenile Probation.

Rule 112. Continuances

A. All requests for continuances or time changes must be submitted on the approved District Court Administration continuance request forms to the District Court Administrator no later than five business days before the scheduled hearing in all transfer proceedings and two business days before the scheduled hearing in all other juvenile proceedings.

B. In the case of an initial continuance request, the moving party shall indicate whether or not the opposing party is in agreement. In the case of second and subsequent continuances of the same juvenile adjudication, the moving party shall include a signed statement of the opposing counsel indicating either agreement with or opposition to the continuance request.

C. All other continuance requests must be presented in person to the presiding judge at the scheduled proceeding to which the continuance request pertains.

Rule 394. Transfer Hearing

All dates for transfer hearings pursuant to 42 Pa.C.S.A. § 6322 (Transfer from Criminal Proceedings) and 42 Pa.C.S.A. § 6355 (Transfer to Criminal Proceedings) shall be set by the District Court Administrator.

DEPENDENCY**Rule 1. Title and Citation of Rules**

These rules shall be known as the Lancaster County Rules of Juvenile Court Procedure—Dependency.

Rule 2. Scope of Rules.

These Rules govern actions alleging dependency pursuant to the Juvenile Act, 42 Pa.C.S.A. § 6301 et seq.

Rule 3. Commencement of Action. Petition.

A. Petitions shall conform to the provisions of Section 6334 of the Juvenile Act and shall be filed with the Clerk of Courts.

B. After filing, the Clerk of Courts shall forward the petition to the juvenile judge for scheduling a hearing.

C. Petitioner shall serve copies of the petition and the order scheduling a hearing on all parties as set forth in the Juvenile Act or as ordered by the Court.

D. Petitioner shall file proof of service before or at the hearing.

Rule 4. Juvenile Dependency Business Court.

A. Petitions and motions after the filing of the original action shall be presented in Juvenile Dependency Business Court.

B. Copies of each petition or motion shall be served on all parties at least two business days before the presentation to the Court and as provided by Pa.R.C.P. No. 440. A proposed rule or order shall be attached as the first page, and a proof of service shall be attached as the last page.

Rule 5. Master's Hearing. Record. Master's Findings and Recommendations.

A. With the consent of all parties, the Court shall appoint a master who shall conduct hearings as directed by the Court. A stenographic record shall be made. The Master's Findings and Recommendations shall be presented to the juvenile judge on a form provided therefor with a Recommended Order for the Court's approval. The Court shall enter an appropriate Order. The Clerk of Courts shall serve copies of the Order and the Master's Findings and Recommendations on all parties.

B. If all parties do not consent to hearings before a master, the juvenile judge shall hear the action.

Rule 6. Exceptions. Request for Hearing. Scheduling of Hearing.

A. Exceptions to the Master's Findings and Recommendations or the Court's Order and a request for a hearing before the Court shall be filed with the Clerk of Courts within ten days after receipt of the Master's Findings and Recommendations and the Court's Order. Exceptions shall specify the reasons in detail. The party filing exceptions and request for a hearing shall serve copies of the exceptions and request on all parties and file proof of service.

B. The Clerk of Courts shall promptly transmit the request for a hearing to the Court Administrator.

C. If no request for a hearing is filed within ten days of receipt of the Master's Findings and Recommendations and the Court's Order, the Court's Order shall become final.

Rule 7. Notes of Testimony.

The hearing before the Master shall not be transcribed except by order of the Court. In any such order, the Court shall fix responsibility for the payment of the costs of a transcript.

Rule 8. Form of Hearing. Use of Record.

The Court may conduct a hearing de novo or may hear only matters in dispute. The Court may adopt in whole or in part the factual record, if any, of the Master's hearing or the Master's findings or fact.

RULES OF ORPHANS' COURT

Rule 1. Judges—Local Rules

Rule 1.2. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules of Orphans' Court and may be cited as "L.C.R.O.C. No. ."

Rule 3. Pleadings and Practice

Rule 3.2. Pleadings

Pleadings shall be limited to a petition, an answer, new matter, a reply to new matter, preliminary objections and an answer to preliminary objections.

Rule 3.6. Depositions, Discovery, Production of Documents and Perpetuation of Testimony

No discovery or perpetuation of testimony is permitted except by petition for leave of Court or by agreement of the parties.

A. A petition shall set forth the nature of the discovery sought, the reasons why the discovery is necessary and the time period within which discovery is to be completed. Upon receipt of a petition, any other party seeking discovery shall file a petition within five days unless all parties agree to proceed under 3.6B.

B. Parties may request leave of court to conduct discovery by agreement. The agreement shall be signed by counsel and shall describe the proposed discovery and shall state the time for completion.

Rule 3.7. Pre-trial Conferences

The Court, sua sponte or on motion of any party, may order a pre-trial conference to consider:

A. The simplification of issues.

B. The necessity or desirability of amendments to the pleadings.

C. Stipulations or admissions of facts or documents.

D. Such other matters as may aid in the disposition of the action.

Rule 3.8. Trust Inter Vivos

Any party requesting the Court to exercise jurisdiction over an inter vivos trust first shall file with the Clerk of the Orphans Court the original of the trust instrument and any amendments thereto or a copy certified by counsel to be true and correct.

Rule 6. Account and Distribution

Rule 6.1. Accounts

Accounts shall be prepared in substantial conformity to accounting forms approved by the Supreme Court of Pennsylvania.

Rule 6.3. Notice of Audit of Account

Notice shall be given at least twenty days prior to the audit, and a copy of the form of notice shall be filed before or at the audit. In addition to the requirements of Pa. O.C. Rule 6.3, notice shall include the following:

A. Except as to legatees or claimants whose legacies or claims have been or will be paid in full, either that a copy of the account and a copy of the will or trust instrument will be sent upon request or the location where a copy of the same is available for inspection, and that any persons who object to the transactions shown in the account must either (1) file written objections in conformity to Rule 6.10 prior to audit or (2) appear in person or by counsel at the audit under penalty that the Court may otherwise conclude that no objection exists; and

B. The accountant's interpretation of any dispute, or fairly disputable question, which will be presented to the Court; a copy of the instrument or material parts relevant to the dispute; and a statement that, if the person notified does not agree with the accountant's interpretation, the person must appear at the audit or by counsel to present the contention, under penalty for failure to appear that the Court will conclude that the persons agrees with the accountant's interpretation; and

C. Notice to a claimant shall include: the accountant's understanding of the nature of the claim; whether the claim is admitted or contested; if admitted, whether it will be paid in full or in part, or, if contested, that failure by the claimant to appear at the audit in person or by counsel may result in the court concluding the claimant has elected not to press the claim.

Rule 6.4. Time of Filing Account and Call of Audit List

A. Accounts to appear on a particular audit list must be filed not later than noon of the third Wednesday preceding the session of court when that audit list will be called. When that Wednesday falls on a holiday, accounts must be filed not later than noon of the preceding business day.

B. The audit list will be called on the first Tuesday of every month except July, August and September. In September, the audit list will be called on the third Tuesday.

Rule 6.6. Compliance with Local Rules

Accounts received by the Court for audit found to violate any provisions of these rules may be returned unaudited to the Clerk of the Orphans Court pursuant to Court order.

Rule 6.9. Petition for Adjudication

A petition for adjudication shall be filed and served no later than seven days prior to the audit, using forms supplied by the Clerk of the Orphans Court or reproductions thereof. The petition shall include a schedule of proposed distribution in sufficient detail to provide the basis for the Court's decree of distribution. The petition shall be signed and sworn or affirmed to by at least one accountant. Any accountant objecting shall comply with Rule 6.10.

Rule 6.10. Written Objections to Accounts

A. Form. Written objections to accounts shall be numbered consecutively and signed by the objector or his attorney. Each objection shall:

1. Be specific as to description and amount.
2. Contain as far as practicable only one material allegation.
3. Set forth briefly the reason or reasons in support thereof.

B. Time of Filing. Objections may be filed with the Clerk of the Orphans Court on any day prior to the day when the account objected to is listed for audit, or at, but not later than, such audit.

C. Service. A copy of the objections shall be served without delay after filing on accountant's attorney or on the accountant promptly.

D. Continuance of Audit. When objections to an account have been filed, the audit of the account will be continued, upon call of the audit list, to a day fixed by the Court for auditing the account and hearing the objections.

Rule 6.13. Memorandum for Audit

Amendments to the account, such as additional receipts and disbursements, and any other pertinent information may be brought before the Court by a memorandum for audit. Where appropriate, the memorandum for audit shall be in accounting form and contain a revised computation of the balance for distribution.

Rule 6.14. Tax Certificate

A form pertaining to Pennsylvania inheritance tax liability is available in the office of the Clerk of the Orphans Court and shall be completed, signed by counsel for the accountant or the accountant and filed prior to the closing of the audit.

Rule 10. Register of Wills**Rule 10.2. Appeal**

A. Anyone desiring to appeal from a judicial act or proceeding of the Register of Wills shall file with the Register a Notice of Intention to Appeal using the form supplied by the Register.

B. After the Notice of Intention to Appeal has been filed with the Register, the Register shall certify the record to the Court.

C. Within thirty days after the filing of the Notice of Intention to Appeal, appellant shall file a Petition for Citation Sur Appeal with the Clerk of the Orphans Court. The petition shall set forth the grounds for the appeal, the names and addresses of all interested parties and the necessary jurisdictional facts. If the petition sets forth a prima facie case, the Court shall award a citation directed to all parties in interest to show cause why the appeal should not be sustained and the act or proceeding of the Register set aside. If the petition is not filed within thirty

days after the filing of the Notice of Intention to Appeal, the appeal shall be deemed abandoned without prejudice to the right of any party to file another appeal within the statutory period for taking an appeal.

Rule 12. Special Petitions**Rule 12.2. Allowance to Surviving Spouse of Intestate Appraisal of Property**

Where the allowance is claimed from property at valuations agreed upon by all parties in interest, no formal appraisal is required. If an appraisal is needed, the manner of appraising, or of filing and confirming the appraisal, and of advertising or giving notice thereof shall be by special order in each case.

Rule 12.5. Appointment of a Guardian for the Estate or Person of a Minor Appearance in Court

Unless required by the Court, the appearance of the minor in Court for the appointment of a guardian of his estate is not required.

Rule 12.9A. Public Sale of Property. Contents of Petition—Additional Requirements

A. Personal Representative. The petition of a personal representative to sell real or personal property at public sale (in addition to the requirements of Pa. O.C. Rule 12.9) shall set forth in separate paragraphs:

1. The name, residence and date of death of the decedent; whether the decedent died intestate or testate; and the date of the grant of Letters.

2. That the personal representative is not otherwise authorized to sell by statute, or is denied the power to do so by the will or that it is desirable that the sale have the effect of a judicial sale, stating the reasons.

3. Whether an inventory and appraisement has been filed; the total value of the property shown therein; and the value at which the property to be sold was included therein.

4. If the personal representative posted bond, the name of the surety and the amount of such bond.

5. The names and relationships of all parties in interest; a brief description of their respective interests; and whether any of them are minors, incapacitated persons or deceased, and, if so, the names of their fiduciaries, if any;

6. For real property, any improvements, by whom it is occupied, its rental value and current tax assessment.

7. Sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

B. Trustee. The petition of a trustee to sell real or personal property at public sale (in addition to the requirements of Pa. O.C. Rule 12.9) shall set forth in separate paragraphs:

1. How title was acquired, stating the date and place of probate of the will or recording of the deed.

2. A recital of the relevant provisions of the will or deed pertaining to the property to be sold.

3. The names and relationships of all parties in interest; a brief description of their respective interests; whether any of them are minors, incapacitated persons or deceased, and, if so, the names of their fiduciaries, if any;

4. For real property, any improvements, by whom it is occupied, its rental value and the current tax assessment;

5. That the trustee is not otherwise authorized to sell by statute, or is denied the power by the trust instrument

or that it is desirable that the sale have the effect of a judicial sale, stating the reason; and

6. Sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust,

C. Guardian of a Minor or an Incapacitated Person. The petition of a guardian to sell real or personal property at public sale (in addition to the requirements of Pa. O.C. Rule 12.9) shall set forth in separate paragraphs:

1. The age of the minor or incapacitated person.

2. The names of those who would be entitled to take under the intestate laws and the notice given them of the presentation of the petition.

3. How title was acquired, stating the date and place of probate of the will or recording of the deed.

4. A recital of the relevant provisions of the will or deed pertaining to the property to be sold.

5. The nature and extent of the interest of the minor or incapacitated person, and of other persons in the real property.

6. For real property, any improvements on the property, by whom it is occupied, its rental value and current tax assessment; and

7. Sufficient facts to enable the Court to determine that the sale will be for the best interests of the minor or incapacitated person.

Rule 12.9B. Public Sale of Real Property. Notice. Return

A. Notice. After the allowance of a petition for the public sale of real property, notice shall be by personal service or certified mail to such parties in interest as the Court may direct in its decree.

B. Return. Returns of public sales of real property for the purpose of approval or confirmation by the Court shall be on the form provided by the Register of Wills.

C. Security. On the return day of the sale, the Court, in the decree approving or confirming the sale, shall fix the amount of bond or additional security which the personal representative, trustee or guardian shall be required to enter or will excuse the fiduciary from entering additional security.

Rule 12.10A. Private Sale of Real Property or Options Therefor. Contents of Petition—Additional Requirements. Exhibits

A. Additional Requirements. When it is required that a personal representative, trustee or guardian petition the Court to sell real property at private sale, the petition shall conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale.

B. Exhibits. The following exhibits must be attached to the petition by a personal representative, trustee or guardian:

1. A copy of the will, deed or decree by which the fiduciary was appointed.

2. Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join.

3. A copy of the agreement of sale.

4. Affidavits as to value by two real estate appraisers in the form prescribed by Pa. O.C. Rule 12.10(b).

Rule 12.11. Mortgage or Lease of Real Property. Additional Requirements

A. Contents of Petition. A petition to mortgage or lease real property shall: conform as closely as practicable to the requirements of these Rules with regard to a petition to sell real property at public sale; set forth the amount and terms of the proposed mortgage loan or lease; and set forth facts to enable the Court to determine whether the mortgage should be approved.

B. Exhibits. The following exhibits shall be attached to the petition:

1. A copy of the will, deed or decree by which the fiduciary was appointed.

2. Any consents or joinders of parties in interest, and the names and a copy of the notice which has been given to those parties who do not consent or join.

C. Security. The amount of the bond or additional security required to be entered, or the waiver thereof, will be determined by the Court in its decree approving the mortgage.

Rule 12.16. Settlement of Small Estates on Petition

A. Contents of Petition. In addition to any requirements set forth under Section 3102 of the Probate, Estates and Fiduciaries Code, as amended, or any subsequent legislation relating thereto, petitions presented to the Court for the settlement of small estates shall contain the following averments:

1. The standing of the petitioner.

2. The date and place of death as well as the residency of the decedent.

3. Whether or not the decedent died testate, and

(i) the names, addresses, ages and relationships of the decedent's heirs under Pennsylvania intestate laws or beneficiaries under decedent's last will and testament.

4. The nature and value of the assets comprising the decedent's gross probate estate.

5. A statement of all known liabilities of the estate and the source of their payment.

6. A schedule of proposed distribution.

B. Exhibits.

1. If the decedent died testate, the original will must be attached to the petition as an exhibit.

2. A death certificate must be attached as an exhibit.

C. Notice. Notice of intention to present the petition shall be furnished to all parties in interest as provided under Pa. O.C. Rule 5.3.

Rule 12.17. Change of Situs of Trust

A petition for transfer of situs of any testamentary or inter vivos trust filed by a trustee or any party in interest shall set forth the following:

A. The name of the decedent or settlor and the date of the creation of the trust estate.

B. The names and addresses of all parties in interest and whether they are sui juris and join in the prayer of the petition.

C. The names and addresses of all fiduciaries.

D. A statement whether all taxes due the Commonwealth of Pennsylvania and its political subdivisions have been paid or provided for.

E. The reasons why the change of situs is necessary or desirable.

F. The name and address of a successor trustee, if appropriate, and the court which will have jurisdiction over the trust.

G. The place where the trust instrument is recorded.

H. A statement of what actions will be taken in the other jurisdiction causing the appropriate court to accept jurisdiction of the trust.

Rule 12.18. Allowance from Minor's Estate. Contents of Petition

A petition for allowance from a minor's estate shall set forth:

A. The manner of the guardian's appointment and the date thereof.

B. The age and residence of the minor, whether the minor's parents are living, with whom the minor resides and the name and age of the minor's spouse and children, if any.

C. The value of the minor's estate, real and personal, and the net annual income.

D. The circumstances of the minor: whether employed or attending school; the name and address of the person charged with the duty to support the minor and, if that person is living, the financial condition and income of such person and why he is not discharging the duty to support the minor; and whether there is adequate provision for the support and education of the minor, his spouse and children.

E. The date and amount of any previous allowance by the Court.

F. The financial requirements of the minor and the minor's family unit, in detail, and the circumstances making such allowance necessary.

Rule 13. Distribution—Special Situations

Rule 13.1. Representation by Counsel

At the time of counsel's entry of appearance for a foreign distributee or claimant, a valid, duly authenticated power of attorney executed by the foreign distributee or claimant in favor of counsel shall be filed with the Clerk of the Orphans Court.

Rule 13.2. Report by Fiduciary

If it appears that the existence, identity or whereabouts of a distributee is unknown, the report required under Rule 13.3 of the Pa. O.C. Rules shall be filed at or before the audit of the account. Upon examination of such report, the Court may:

A. Require the fiduciary to make further investigation.

B. Appoint a master

C. Direct distribution pursuant to 20 Pa.C.S.A. § 3540.

D. Take other action appropriate under the circumstances.

Rule 15. Adoptions

Rule 15.1. Local Rules

A. These Rules are adopted under the option given by Rule 15.1 of the Pa. O.C. Rules to adopt local rules. These Rules may be modified in a particular case by a special order of the Court.

B. Petitions which require a hearing shall have a preliminary decree attached for the purpose of setting a

hearing date, specifying persons to whom and the manner in which notice is to be given and, in the case of an adoption petition, indicating which agency is to make the required investigation. Petitions shall be signed by the petitioners and by counsel and shall be verified.

C. In every proceeding where the Pa. O.C. Rules or the Adoption Act require the adoptee's birth certificate to be exhibited to the Court, the birth certificate shall show the names of the mother and father if that information is recorded. If the name of the father is not recorded, but there is a claim of paternity under Section 8303 of the Adoption Act, such information shall be provided to the Court.

D. In all proceedings under the Adoption Act, counsel for petitioners shall present at the time of the hearing a proposed decree. In any proceeding for voluntary relinquishment of parental rights, confirmation of consent or involuntary termination of parental rights, at the time of the hearing, counsel shall present the notices to the birth parents concerning their right to place information on file with the Court and with the Department of Public Welfare or the Division of Vital Records, together with a stamped envelope addressed to each birth parent.

E. At the time of the hearing the return of notice shall be by affidavit of the person serving, mailing, publishing or delivering such notice.

F. In any proceeding for voluntary relinquishment of parental rights, confirmation of consent, involuntary termination of parental rights or adoption in which a parent whose parental rights are to be relinquished or terminated is a minor, is incarcerated or is in military service, counsel for petitioner shall provide in the preliminary decree for the appointment of counsel to represent such parent.

G. Special requests for scheduling shall be submitted to the Court.

H. If the person to be adopted is an adult, no investigation by an agency shall be required. The preliminary decree shall provide for notice of the proposed adoption to the biological parents unless the Court waives this requirement for good cause.

Rule 15.2. Voluntary Relinquishment to Agency

A. Representatives of agencies who have acted as intermediaries shall appear at the hearing unless excused by the Court.

B. The Court may allow a relinquishment or termination of parental rights by one parent to be conditioned upon relinquishment or termination of parental rights of the other parent of the child intended to be adopted.

Rule 15.3. Voluntary Relinquishment to Adult Intending to Adopt Child

A. Individuals who have acted as intermediaries shall appear at the hearing unless excused by the Court.

B. The Court may allow a relinquishment or termination of parental rights by one parent to be conditioned upon relinquishment or termination of parental rights of the other parent of the child intended to be adopted.

Rule 15.4. Involuntary Termination of Parental Rights

A. When the Court appoints counsel to represent a child in an involuntary termination proceeding, the cost shall be paid in such manner as the Court directs.

B. In any proceeding where a petition for involuntary termination of parental rights is either granted or denied,

the Clerk shall promptly, by first class, mail a certified copy of the decree to all parties at their last known addresses and to their attorneys of record.

Rule 15.5. Adoption

A. The original and one copy of a petition for adoption shall be filed with the Clerk with the required fee.

B. All necessary exhibits such as birth certificates and consents to adoption shall be attached to the petition for adoption unless previously filed with the Report of Intermediary.

C. All consents to adoption shall be in the form required by the Adoption Act and shall be completed with exactitude.

D. The certificate of adoption form furnished by the Bureau of Vital Statistics of the Pennsylvania Department of Health shall be submitted to the Court at the adoption hearing.

E. The report concerning disclosure of fees and costs required by Pa. O.C. Rule 15.5(d) shall be submitted to the Court at the adoption hearing.

F. The statements set forth in the petition for adoption shall be investigated by an agency designated by the Court. The fee for the report of investigation shall be taxed as costs to the adopting parent or parents and is payable directly to the agency.

G. Notice of the adoption hearing shall be given to each person whose consent to the adoption is required and to such other persons directed by the Court.

H. If the person to be adopted is an adult and a change of name is desired, the petitioner shall present evidence of compliance with the law relating to change of name. The petition shall be captioned Petition for Adoption and Change of Name.

Rule 15.6. Notice; Method and Time

A. If the identity of any person whose parental rights are to be terminated is unknown or cannot be determined, the petition shall include an affidavit setting forth in detail the basis for such allegations. The Court may require further testimony.

B. In any proceeding in which notice is to be given to one or more persons by publication, a separate petition shall be submitted to the Court setting forth in detail the efforts made to determine the address of the person to be notified and the results of such efforts.

The decree authorizing service by publication in the location of the last known address of the person to be notified shall include the name of the newspaper of general circulation and the name of the legal periodical, if any, in which such notice is to be published. Publication shall be made by advertising once each week for two successive weeks in the newspaper of general circulation and in the legal periodical, if any.

RULES FOR CONSTABLES AND DISTRICT JUSTICES

RULES FOR CONSTABLES

CONSTABLES

Rule 1. Title and Citation of Rules

These rules shall be known as the Lancaster County Rules for Constables and District Justices and may be cited as "L.C.R.C.D.J. No. ."

Rule 2. District Court Administrator. Screening of Applicants Constable Vacancies

The District Court Administrator shall be responsible for screening all applicants for the offices of constable or deputy constable and shall submit all petitions and recommendations to the President Judge.

RULES FOR DISTRICT JUSTICES

Rule 3. Supervision of District Justices by President Judge

The President Judge designates the District Court Administrator as the liaison between the Court and district justices.

COMMENT: The District Court Administrator is so designated to assist the President Judge with exercising the authority granted by Rule 17 of the Rules Governing Standards of Conduct of District Justices.

Rule 4. Termination of Inactive Summary Matters

A. A summary offense may be terminated if it has not been adjudicated within two years of the filing of the charge.

B. Before any such termination, the district justice shall give at least thirty days notice in writing to counsel of record and unrepresented parties of impending termination. Such notice shall be given in person or by mail to the last address of record of the parties or their counsel of record (including the District Attorney and Public Defender) and shall minimally consist of the name of the defendant, docket number, a brief description of the charge and date the offense was filed.

COMMENT: This Rule covers some of the provisions of Pa. R.J.A. No. 1901.

Rule 5. Duty Courts

A. There shall be four duty courts in Lancaster County: the Central Sector, the Northeast Sector, the Southern Sector and the Northwest Sector. The Central Sector consists of Magisterial Districts 02-1-01; 02-2-01; 02-2-02; 02-2-03 and 02-2-04. The Northeast Sector consists of Magisterial Districts 02-1-02; 02-2-07; 02-2-08; 02-3-06 and 02-3-07. The Southern Sector consists of Magisterial Districts 02-2-06; 02-3-02; 02-3-03; 02-3-04 and 02-3-05. The Northwest Sector consists of Magisterial Districts 02-1-03; 02-2-05; 02-3-01; 02-3-08 and 02-3-09.

B. One district justice from each duty court shall handle all misdemeanor and felony cases and may also handle summary cases during the hours when the other district justice offices in the sector are not regularly open. However, the duty court district justice shall exercise jurisdiction for a sector only while the district justice is on call to cover such cases.

C. The duty court district justice before whom such a case is brought shall have jurisdiction and venue over the matter. Any case filed before the duty court district justice shall be transferred to the district justice for the magisterial district where the offense was allegedly committed.

D. If a district justice is unavailable during regular business hours, the duty court district justice shall have jurisdiction and venue in any matter for which the unavailable district justice would be responsible.

E. The district justices from each duty court sector shall select one of their members to prepare an annual duty court schedule and shall submit the schedule to the District Court Administrator and other appropriate, interested officials no later than the third Monday of Decem-

ber. This schedule shall be binding but may be amended from time to time with notice to the District Court Administrator.

COMMENT: This Rule covers some of the provisions of Pa. R.Crim.P. 130 and 132.

Rule 6. Judicial or Notary Fees

Fees received by a district justice or any staff member for affidavits, oaths, acknowledgments or other similar services, regardless of where the work is performed, shall be remitted to the County of Lancaster.

COMMENT: This Rule covers some of the provisions of Rule 13 of the Rules Governing Standards of Conduct of District Justices.

[Pa.B. Doc. No. 04-752. Filed for public inspection April 30, 2004, 9:00 a.m.]

MONTGOMERY COUNTY

Revision of the Local Rules of Civil Procedure Governing Motion Practice; No. 04-00001

Order

And Now, this 14th day of April, 2004, the Court approves and adopts the following Revision of the Montgomery County Local Rules of Civil Procedure Governing Motion Practice. This Revision shall become effective on July 26, 2004.

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. This Revision shall also be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org). 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, and (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 205.2(b). Cover Sheet.

The cover sheet required by Rules 208.3(b), 1028(c), 1034(a) and 1035.2(a) shall be as follows:

- (1) Cover Sheet of the Moving Party

See Form

- (2) Cover Sheet of the Respondent

See Form

Rule 206.1(a). Petition. Definition.

The following applications are defined as "petitions," and are to be governed by Rule 206.1, et seq.:

- (1) Requests to transfer venue on the ground of forum non conveniens.

Comment:

1. The following applications are not governed by Rule 206.1, et seq. or by Rule 208.1, et seq., but rather are governed by the provisions of the general rule(s) governing the particular matter: Request to Appoint Trustee or Receiver pursuant to Pa.R.C.P. 1533; Petition to Compromise, Settle or Discontinue Minor's Action pursuant to Pa.R.C.P. 2039 and Local Rule 2039(a)*; Petition for Supplementary Relief in Aid of Execution pursuant to Pa.R.C.P. 3118; Petition to Fix Fair Market Value of Real Property Sold pursuant to Pa.R.C.P. 3282; Petition for Appointment of Viewers pursuant to 26 P.S. § 1-504; Petition to Post Bond in Land Use Appeals pursuant to 53 P.S. § 11003-A; Petition to Intervene pursuant to Pa.R.C.P. 2328; Petition for Change of Name pursuant to 54 Pa.C.S.A. § 701 et seq.

Rule 206.4(c). Issuance of a Rule to Show Cause.

(1) *Issuance.* The issuance of a Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall not be faced with a cover sheet of moving party, but rather shall be accompanied by a proposed order in the following form:

See Form Proposed Order

The petition and proposed order shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of execution pending disposition of a petition to open default judgment, or any other petition governed by this rule, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

(2) *Praecepte.* After the filing of respondent's answer and/or the completion of discovery, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. If the respondent does not file an answer to the petition within the timeframe outlined in the proposed order, petitioner may, by checking the appropriate box on the argument praecipe, request the court to consider the petition without the need for briefs, and enter an appropriate order in accordance with Rule 206.7(a).

The Prothonotary shall forthwith deliver a copy of the praecipe to Court Administration. The praecipe shall be in the following form:

See Form Argument Praecepte

(3) *Briefs.* The brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. The brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the petition where the moving party has failed to comply;

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

(4) *Disposition.* Once briefs are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument is requested by either party on either their respective cover sheets or the argument praecipe, the matter shall then be scheduled for argument. If oral argument is not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Rule 208.2(c). Motion. Brief Statement of Applicable Authority

Any motion filed pursuant to Rule 208.1 shall include a brief statement of the applicable authority.

Rule 208.2(d). Uncontested Motions. Certification.

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel may file a certification that the motion is uncontested. This certification language is included on the cover sheet of the moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this Rule.

Disposition of an uncontested motion is governed by Local Rule 208.3(a).

Rule 208.2(e). Motions Relating to Discovery. Certification.

Any motion relating to discovery must include a certification by counsel for the moving party that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. This certification language is included on the cover sheet of moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this Rule.

Rule 208.3(a). Motions. Simplified Procedure.

The following "motions" shall be considered by the court without written responses or briefs:

- (1) Requests for Alternative Service pursuant to Rule 430;
- (2) Requests to Proceed Informa Pauperis (Rule 240);
- (3) Any motion certified as uncontested pursuant to Local Rule 208.2(d).

The foregoing motions, after filing with the Prothonotary, shall be presented to the Court Administrator. The Court Administrator shall promptly deliver the motion to the Civil Equity/Emergency Judge for review and determination.

Rule 208.3(b). Motion Practice. Rule to Show Cause.

(1) *Filing.* All other "motions" as defined by Rule 208.1, excepting those listed above in Local Rule 208.3(a), shall be governed by this Rule. All such motions shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the moving party's proposed order. The motion, together with the cover sheet, shall be presented to the Court Administrator, after filing with the Prothonotary, for a return day on the rule.

(2) *Listing.* Excepting motions for sanctions or contempt of a prior court order, the Court Administrator

shall fix promptly a return day which shall not be less than thirty (30) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the motion and the rule return date were served upon all parties, in substantially the following form:

See Form *Certificate of Service*

Motions for sanctions or contempt of a prior court order shall be forwarded by the Court Administrator to the assigned Judge for the scheduling of a hearing.

Motions that are alleged to be "emergencies" will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the assigned Judge. If the matter is deemed to be an emergency by the assigned Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

(3) *Response.* At or before the call of the list on the return day, the respondent shall file an answer to the motion, even if there are no contested issues of fact. The answer shall be faced with the respondent's cover sheet in the form set forth in Rule 205.2(b) and shall be accompanied by a proposed order.

Comments:

1. Rule 208.1(b)(1)(iv) specifically excludes motions to exclude expert testimony pursuant to Rule 207.1 and motions in limine from the above process. These motions are filed with the Prothonotary and referred to the trial judge, upon assignment of trial.

2. Rule 208.1(b)(2)(i) specifically excludes asbestos litigation matters from the above process. Motions filed in said matters are handled pursuant to Local Rule 1041.1*.

3. Requests for leave to withdraw an appearance in family court actions pursuant to Rule 1012 and requests under local Rule 229(a)*(1) are considered "motions" that are subject to this Rule.

Rule 208.4. Disposition of Motions.

(1) *Initial Consideration of Motion—Rule Return Day.* On the return day, the Court Administrator or his/her designee shall call all matters listed. If a response is not filed to the motion at or before the call of the list, the court will treat the motion as uncontested, and grant the requested relief, if appropriate, and if a proper certificate of service was filed pursuant to Local Rule 208.3(b)(2). In the absence of a proper certificate of service, the motion will be stricken.

Matters relating to discovery in which responses have been filed will proceed by Local Rule 4019*. Motions raising appealable matters in which responses have been filed will proceed pursuant to section (2) herein. All other matters (interlocutory) in which responses have been filed will forthwith be referred to the assigned Judge for disposition, including argument, if requested.

(2) *Praecipe.* On all motions raising appealable matters in which responses have been filed, the Court Administrator, after the return day, will issue an order directing the completion of discovery, if necessary, within sixty (60) days of the date of the order. Upon completion of discovery, if necessary, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary

shall forthwith deliver a copy of the praecipe to Court Administration. The praecipe shall be in the following form:

See Form *Argument Praecipe*

(3) *Briefs*. For motions raising appealable matters, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. Regarding appealable matters, the brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For motions raising interlocutory matters, where the Court orders briefs, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

If the brief of either party is not timely filed, either per the directive of this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply;

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

(4) *Disposition*. Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Comments:

1. Appealable matters are those that are before the Court for final judgment or adjudication. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

2. Motions relating to discovery in family law actions—excluded from the above process by Rule 208.1(b)(2)(iv)—are governed by Local Rule 4019.1* Family Discovery Master.

Rule *301. Argument Court—Interlocutory Matters.
Rescinded.

Rule *302. Argument Court—Appealable Matters.
Rescinded.

Rule *303. Argument Court Forms.

Rescinded.

Rule *406. Termination of Inactive Cases.

Rescinded.

Rule 1028(c). Preliminary Objections.

(1) *Filing*. Preliminary objections shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the

moving party's proposed order. The moving party shall check the box on the cover sheet requiring a response, if any, per the Pennsylvania Rules of Civil Procedure. Preliminary objections are not given a rule return date by Court Administration.

(2) *Response*. The respondent shall file an answer or other responsive document in accordance with the Pennsylvania Rules of Civil Procedure, if any, which response shall be faced with a cover sheet of the respondent in the form set forth in Local Rule 205.2(b) and shall be accompanied by the respondent's proposed order. After the response is filed, if any, where any party demands discovery, the parties shall complete such discovery within sixty (60) days of the filing of the response, unless otherwise directed by the Court.

(3) *Praecipe*. After the filing of respondent's answer and/or the completion of discovery, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe to Court Administration. The praecipe shall be in the following form:

See Form *Argument Praecipe*

(4) *Briefs*. For preliminary objections raising appealable matters, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. Regarding appealable matters, the brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For preliminary objections raising interlocutory matters, where the Court orders briefs, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the preliminary objections where the moving party has failed to comply;

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

(5) *Disposition*. Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Comments:

1. Appealable matters are those that are before the Court for final judgment or adjudication. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

2. The term “party” or “parties” shall be deemed to mean counsel for a party or parties to a legal proceeding and such party or parties as are unrepresented by counsel.

Rule 1034(a). Motion for Judgment on the Pleadings.

(1) *Filing.* A motion for judgment on the pleadings shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b), and shall be accompanied by the moving party’s proposed order. The moving party shall check the box on the cover sheet requiring a response, if any, per the Pennsylvania Rules of Civil Procedure. Motions for judgment on the pleadings are not given a rule return date by Court Administration.

(2) *Response.* The respondent shall file an answer or other responsive document in accordance with the Pennsylvania Rules of Civil Procedure, if any, which shall be faced with a cover sheet of the respondent in the form set forth in Local Rule 205.2(b), and shall be accompanied by the respondent’s proposed order.

(3) *Praecepte.* After filing of respondent’s answer, if any, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe to Court Administration. The praecipe shall be in the following form:

See Form *Argument Praecepte*

(4) *Briefs.* For motions for judgment on the pleadings raising appealable matters, the brief of the moving party shall be filed in the Prothonotary’s Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the Judge assigned to the case. Regarding appealable matters, the brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party’s brief.

For motions for judgment on the pleadings raising interlocutory matters, where the Court orders briefs, the brief of the moving party shall be filed in the Prothonotary’s Office within thirty (30) days of the date of said order and the respondent’s brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters, even though not specifically directed by the Court.

If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply;

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

(5) *Disposition.* Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition. If oral argument is requested by either party on their respective cover sheets or argument praecipe, the matter shall be scheduled for argument. If oral argument is not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Comments:

1. Appealable matters are those that are before the Court for final judgment or adjudication. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

2. The term “party” or “parties” shall be deemed to mean counsel for a party or parties to a legal proceeding and such party or parties as are unrepresented by counsel.

Rule 1035.2(a). Motion for Summary Judgment.

(1) *Filing.* A motion for summary judgment shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the moving party’s proposed order. The moving party shall check the box on the cover sheet requiring a response, if any, per the Pennsylvania Rules of Civil Procedure. Motions for summary judgment are not given a rule return date by Court Administration.

(2) *Response.* The respondent shall file an answer or other responsive document in accordance with the Pennsylvania Rules of Civil Procedure, if any, which shall be faced with a cover sheet of the respondent in the form set forth in Local Rule 205.2(b) and shall be accompanied by the respondent’s proposed order. After the response is filed, if any, where any party demands discovery, the parties shall complete such discovery within sixty (60) days, unless otherwise directed by the Court.

(3) *Praecepte.* After filing of respondent’s answer and/or the completion of discovery, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of said praecipe to Court Administration. The praecipe shall be in the following form:

See Form *Argument Praecepte*

(4) *Briefs.* For motions for summary judgment raising appealable matters, the brief of the moving party shall be filed in the Prothonotary’s Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directed by the Judge assigned to the case. Regarding appealable matters, the brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party’s brief.

For motions for summary judgment raising interlocutory matters, where the Court orders briefs, the brief of the moving party shall be filed in the Prothonotary’s Office within thirty (30) days of the date of said order and the respondent’s brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directed by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:

(a) Dismiss the motion where the moving party has failed to comply;

(b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;

(c) List the matter for argument, at which time only the complying party shall be heard; or

(d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

(5) *Disposition.* Once briefs, if required, are filed, the matter shall be referred to the assigned Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition.

If oral argument was requested by either party on either their respective cover sheets or the argument praecipe, the matter shall be scheduled for argument. If oral argument was not requested by either party, the assigned Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Comments:

1. Appealable matters are those that are before the Court for final judgment or adjudication. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

2. The term "party" or "parties" shall be deemed to mean counsel for a party or parties to a legal proceeding and such party or parties as are unrepresented by counsel.

Rule 4019*. Discovery Master.

In order to facilitate the prompt disposition of discovery motions, the Court adopts Local Rule of Civil Procedure 4019* implementing the "Discovery Master Program" as follows:

(1) The Board of Judges shall appoint a designated number of members of the Bar who shall have practiced civil law in Montgomery County for a minimum of 15 years to serve as Discovery Masters, for an indeterminate term, without compensation, at the pleasure of the Court.

(2) All motions relating to discovery, originally processed under Local Rule 208.3(b), other than a motion for sanctions, shall be subject to this Rule.

(3) If the motion is resolved amicably prior to the return day issued pursuant to Local Rule 208.3(b), the

motion shall either be withdrawn or a stipulated order shall be submitted to the Court Administrator for submission to the signing Judge. If the motion is opposed, the parties shall appear in a courtroom or arbitration room designated by the Court Administrator on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery Master designated by the Court Administrator to hear the matter. In the event that Friday is a legal holiday, the matter shall be argued before the Discovery Master on the Thursday following the return day. Briefs in support of and in opposition to the motion may be submitted to the Court Administrator's Office prior to the day on which the matter is to be argued before the Discovery Master.

(4) After hearing argument and considering the motion, answer, and any briefs filed, the Discovery Master shall submit a written recommendation and proposed order to the assigned Judge for entry of an appropriate order.

(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:

a. A date for completion of all discovery, except for depositions for use at trial;

b. A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

c. 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.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

VS.

NO.

COVER SHEET OF MOVING PARTY

Date of Filing _____ Moving Party _____

Counsel for Moving Party _____ I.D. No. _____

Document Filed (Specify) _____

Matter is (Check One) _____ (Appealable) _____ (Interlocutory)

Oral Argument _____ (Yes) _____ (No)

CERTIFICATIONS—Check ONLY if appropriate:

_____ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)

_____ Counsel for moving party certifies that the subject civil motion is uncontested by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

By: _____
Counsel for Moving Party

RULE TO SHOW CAUSE—Check ONE of the Choices Listed Below:

_____ Respondent is Directed to Show Cause, in the Form of a Written Response, Why the Attached Motion Should Not be Granted. Rule Returnable the _____ day of _____, 20____ at 1:00 p.m. in Video Room 1.

_____ Respondent is Directed to Show Cause, in the Form of a Written Response, Why the Attached Family Court Discovery Motion Should Not be Granted. Rule Returnable and Argument the _____ day of _____, 20____ at 1:00 p.m. at 321 Swede Street, Norristown, Pa.

_____ Respondent is Directed to File a Written Response in Conformity with the Pennsylvania Rules of Civil Procedure.

By: _____
Court Administrator

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

VS. :
: NO.
:
:

COVER SHEET OF RESPONDENT

Date of Filing _____ Respondent _____

Counsel for Respondent _____ I.D. No. _____

Document Filed (Specify) _____

RULE RETURN DATE of Related Motion _____

Matter is (Check One) _____ (Appealable) _____ (Interlocutory)

Oral Argument _____ (Yes) _____ (No)

Respondent Requires (Specify Reason Only if Interlocutory) :

_____ DISCOVERY _____

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

VS. :
: NO.
:
:

ORDER

AND NOW, this _____ day of _____, 200____, upon consideration of the attached Petition, it is hereby ORDERED that:

- (1) A rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested;
- (2) The Respondent shall file an answer to the Petition within twenty (20) days of service upon the Respondent;
- (3) The Petition shall be decided under Pa.R.C.P. No. 206.7;

(4) Discovery related to the Petition shall be completed within sixty (60) days from the date of filing of Respondent's answer.

BY THE COURT:

Court Administrator

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION—LAW

VS. :
: NO.
:
:

ARGUMENT PRAECIPE

Please submit the following matter to the designated Judge for disposition:

INTERLOCUTORY matter:
(Specify) _____
(Name of Moving Party) _____

APPEALABLE matter:
 (Specify) _____
(Name of Moving Party) _____

ORAL ARGUMENT: Requested Waived

NO ANSWER FILED—(for petitions governed by Rule 206.1 ONLY)—Petitioner certifies that the time period for response to the above petition, as directed in the proposed order attached to the petition, has expired, and that no answer was filed to the subject petition. Accordingly, petitioner requests the court to consider the petition without the need for briefs, and enter an appropriate order in accordance with Rule 206.7(a).

Signature of Filing Party

Name Typed and Attorney I.D. #

Phone Number

NOTE—PRAECIPES TO BE FILED IN DUPLICATE WITH THE PROTHONOTARY BRIEFS OR MEMORANDUMS TO BE FILED WITH THE PROTHONOTARY

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

VS. :
: NO.
:
:

CERTIFICATE OF SERVICE

I, _____, hereby certify that a true and correct copy of
(Name of Server)
_____ noting a Rule Return date of
(Name of Motion/Petition)
_____ in Video Room "1" of the Montgomery County Court House,
(Date of Rule Return)

Airy & Swede Streets, Norristown, PA at 1:00 p.m. has been served upon the following persons:
(Insert Complete Name(s) and Address(s))

Via: _____ on _____
(Form of Delivery e.g. Mail/Courier etc.) (Date Mailed or Delivered)

(Signature of Server)

SUPREME COURT

Reestablishment of the Magisterial Districts Within the 11th Judicial District; 205 Magisterial Doc. No. 1

Order

Per Curiam:

And Now, this 13th day of April, 2004, upon consideration of the Petition to Reestablish the Magisterial Districts of the 11th Judicial District (Luzerne County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and*

Decreed that the Petition, which provides for the elimination of Magisterial District 11-2-02, within Luzerne County, to be effective immediately, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 11-1-05, 11-1-06, 11-3-01, 11-3-02, 11-3-03 and 11-3-06, within Luzerne County, to be effective immediately, is granted. It is further *Ordered and Decreed* that the Petition, which also provides for the reestablishment of the remaining Magisterial Districts, within Luzerne County, as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 11-1-01
District Justice William H. Amesbury

Magisterial District 11-1-02
District Justice Martin R. Kane

Magisterial District 11-1-03
District Justice Joseph D. Zola

Magisterial District 11-1-04
District Justice Fred A. Pierantoni, III

Magisterial District 11-1-05
District Justice Paul J. Roberts, Jr.

Magisterial District 11-1-06
District Justice Andrew Barilla

Magisterial District 11-2-01
District Justice Joseph Carmody

Magisterial District 11-2-03
District Justice Joseph A. Halesey

Magisterial District 11-3-01
District Justice John E. Hasay

Magisterial District 11-3-02
District Justice Donald L. Whittaker

Magisterial District 11-3-03
District Justice Daniel O'Donnell

City of Wilkes Barre:
Wards 10, 12, 13, 14 and 15

City of Wilkes Barre:
Wards 1, 2, 3, 4, 5, 6, 8, 9, 16, 17, 18, 19 and 20

City of Hazleton

City of Pittston
Avoca Borough
Dupont Borough
Duryea Borough
Hughestown Borough
Municipality of Kingston
Borough of Edwardsville

Courtdale Borough
Forty Fort Borough
Larksville Borough
Luzerne Borough
Pringle Borough
Swoyersville Borough

Exeter Borough
West Pittston Borough
West Wyoming Borough
Wyoming Borough
Exeter Township

Ashley Borough
Sugar Notch Borough
Warrior Run Borough
Hanover Township

Nescopeck Borough
New Columbus Borough
Shickshinny Borough
Conygham Township
Fairmont Township
Hunlock Township
Huntingdon Township
Nescopeck Township
Ross Township
Salem Township
Union Township

City of Nanticoke
Plymouth Borough
Newport Township
Plymouth Township

Conygham Borough
Black Creek Township
Butler Township
Hollenback Township
Sugarloaf Township

Magisterial District 11-3-04
District Justice Thomas J. Sharkey
Magisterial District 11-3-05
District Justice Gerald L. Feissner

Magisterial District 11-3-06
District Justice Ronald W. Swank

Magisterial District 11-3-07
District Justice Michael G. Dotzel

Magisterial District 11-3-08
District Justice Diana Malast

Magisterial District 11-3-09
District Justice James E. Tupper

West Hazleton Borough
Hazle Township
Freeland Borough
Jeddo Borough
Penn Lake Park Borough
White Haven Borough
Dennison Township
Foster Township
Nuangola Borough
Dorrance Township
Fairview Township
Rice Township
Slocum Township
Wright Township
Bear Creek Village Borough
Laurel Run Borough
Bear Creek Township
Buck Township
Wilkes Barre Township
Lafin Borough
Yatesville Borough
Jenkins Township
Pittston Township
Plains Township
Dallas Borough
Harveys Lake Borough
Dallas Township
Franklin Township
Jackson Township
Kingston Township
Lake Township
Lehman Township

Mr. Justice Baer did not participate in the consideration or decision of this matter.

[Pa.B. Doc. No. 04-754. Filed for public inspection April 30, 2004, 9:00 a.m.]

**Reestablishment of the Magisterial Districts Within
the 14th Judicial District; 206 Magisterial Doc.
No. 1**

Order

Per Curiam:

And Now, this 13th day of April, 2004, upon consideration of the Petition to Reestablish the Magisterial Districts of the 14th Judicial District (Fayette County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial Districts 14-3-01, 14-3-03, 14-3-05 and

14-3-08, within Fayette County, to be effective January 2, 2006, and the elimination of Magisterial District 14-3-07, to be effective January 7, 2008, within Fayette County, is granted; and that the Petition which also provides for the realignment of Magisterial Districts 14-2-02, 14-2-03, 14-3-02 and 14-3-06, within Fayette County, to be effective January 2, 2006, and 14-1-02, within Fayette County, to be effective January 7, 2008, is granted. It is further *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 14-1-01, 14-2-01 and 14-3-04, within Fayette County, as they currently exist, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 14-1-01
District Justice Mark L. Blair
Magisterial District 14-1-02
District Justice Ronald J. Haggerty, Sr.

Magisterial District 14-2-01
District Justice Rick Vernon

City of Uniontown
City of Connellsville
South Connellsville Borough
Bullskin Township
Connellsville Township
Saltlick Township
Springfield Township
Menallen Township
South Union Township

Magisterial District 14-2-02
District Justice Deberah L. Kula

Markleysburg Borough
Ohiopyle Borough
Henry Clay Township
North Union Township
Stewart Township
Wharton Township

Magisterial District 14-2-03
District Justice Herbert G. Mitchell, Jr.

Brownsville Borough
Brownsville Township
Luzerne Township
Redstone Township

Magisterial District 14-3-02
District Justice Randy S. Abraham

Fairchance Borough
Masontown Borough
Point Marion Borough
Smithfield Borough
Georges Township
German Township
Nicholson Township
Springhill Township

Magisterial District 14-3-04
District Justice Jesse J. Cramer

Belle Vernon Borough
Fayette City Borough
Newell Borough
Jefferson Township
Washington Township

Magisterial District 14-3-06
District Justice Dwight Shaner

Dawson Borough
Dunbar Borough
Everson Borough
Perryopolis Borough
Vanderbilt Borough
Dunbar Township
Franklin Township
Lower Tyrone Township
Perry Township
Upper Tyrone Township

Mr. Justice Baer did not participate in the consideration or decision of this matter.

[Pa.B. Doc. No. 04-755. Filed for public inspection April 30, 2004, 9:00 a.m.]

2004-2005 Professional Liability Insurance Certification; No. 27 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 15th day of April, 2004, pursuant to this Court's inherent and exclusive power to supervise the conduct of attorneys, as set forth in Section 10(c) of Article V of the Constitution of Pennsylvania, and in furtherance thereof, *It Is Hereby Ordered* that every attorney admitted to practice law in this Commonwealth and selecting active status shall respond to all inquiries

made by the Administrative Office pursuant to Rule 219(d)(1)(vi), Pa.R.D.E. concerning professional liability insurance. Responses to such inquiries will be used to provide statistical information to the Court and will be kept strictly confidential.

It is *Further Ordered* that the failure to fully respond to all such inquiries shall be deemed a request for transfer to inactive status, and the Administrative Office shall certify the names of such attorneys to the Court, which shall immediately enter an order transferring the attorney to inactive status. Attorneys transferred to inactive status for failure to respond shall not regain active status until they have fully responded to all such inquiries.

2004-05 PROFESSIONAL LIABILITY INSURANCE CERTIFICATION

To obtain current, accurate information about the financial responsibility of each attorney *electing to assume or continue active status* for professional liability claims, the Supreme Court requires this certification to be *fully executed* and returned with your 2004-2005 Annual Fee Form to: Administrative Office of PA Courts/Lawyer Assessment, P. O. Box 46, Camp Hill, PA 17001-0046. A copy of the Supreme Court's Order requiring certification is provided on reverse.

1. Name: _____ 2. Attorney ID Number: _____
3. Office Address: _____
4. County Where Primary Practice is Located: _____

5. Places of Legal Employment (Check all that apply):

- Small Law Firm (2-5 attorneys)
- Medium Law Firm (6-20 attorneys)
- Large Law Firm (21+ attorneys)
- Solo Practitioner
- Public Defender
- Other Law Related Employment
- Corporate Legal Department
- Federal Government
- State Government
- Local Government
- Legal Service Organization

6. I am engaged exclusively in the practice of law as a full-time government attorney, legal service organization attorney, public defender, judicial clerk or corporate in-house counsel and do not represent clients outside that capacity. If yes, I am not required to provide information requested in Questions 7-8 below.

- YES NO

7. I am currently covered by a professional liability insurance policy, other than an extended reporting endorsement (also referred to as "tail" coverage, it generally provides liability coverage for claims that are made after a policy's expiration and only if the claim-related occurrence took place prior to the expiration date).

- YES NO

If yes, then provide the policy details below (or attach a copy of a verification of insurance by carrier(s) providing policy details as specified).

Name of Insurance Carriers	Per Claimant or Occurrence Limits	Aggregate Limits
	\$. 0 0	\$. 0 0
	\$. 0 0	\$. 0 0
	\$. 0 0	\$. 0 0

8. I am engaged in the private practice of law (full or part-time) involving representation of one or more clients within the Commonwealth of Pennsylvania. YES NO

9. I have unsatisfied legal malpractice judgments entered against me or against a professional entity arising from my performance of legal services. YES NO

If yes, then provide the date of judgment, amount of judgment and court below.

Dates	Amounts	Courts
	\$. 0 0	
	\$. 0 0	
	\$. 0 0	

I certify the information provided is true. If any statements are false, I realize I am subject to discipline by the Supreme Court of Pennsylvania.

Signature of Attorney

Date

ALL CERTIFICATION QUESTIONS MUST BE ANSWERED TO RETAIN ACTIVE ATTORNEY STATUS.

[Pa.B. Doc. No. 04-756. Filed for public inspection April 30, 2004, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 19, 2004, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 18, 2004 for Compliance Group 2 due August 31, 2004.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

- Carolyn Loraine Adams
Wells River, VT
- Guido Babore
Cherry Hill, NJ
- John J. Baulis
San Anselmo, CA
- Mark Andrew Bernstein
Cherry Hill, NJ
- Lawrence Timothy Cullen
Gaithersburg, MD
- Michael C. Dorf
New York, NY
- Karen Eisele
Haddon Heights, NJ
- Rebecca Henszey Ewing
Washington, DC
- Patrick J. Flor
Trenton, NJ

Joshua A. Friedman
Voorhees, NJ

Thomas Edward Golden
Maple Shade, NJ

Karen Eta Goldman
Washington, DC

James W. Govert
Ann Arbor, MI

William Joseph Healy
Trenton, NJ

William Lewis Hoffman
Princeton, NJ

Henry Jackson Howard
Washington, DC

Gregory Joseph Hubachek
Matairie, LA

Steven Jay Jozwiak
Cherry Hill, NJ

Walter H. Killian
Columbia, MD

Theresa Pirmann Kirkpatrick
Mt. Laurel, NJ

Kimberly A. Kitterman
Cherry Hill, NJ

Penelope Margaret Lister
Washington, DC

Jane A. Lorber
Westmont, NJ

David Marshall McCoy
Bridgewater, NJ

Deborah Marie Murray
Basking Ridge, NJ

Steven M. Paikin
West Bloomfield, MI

Stephanie P. Pennant
Cherry Hill, NJ

F. Phillip Renzulli
Wilmington, DE

Mark Anthony Rinaldi
Marlton, NJ

Laurence E. Rosoff
Cherry Hill, NJ

Jonathan Blair Slade
Washington, DC

George Henry Smith Jr.
College Park, MD

Thadeus A. Tanski
Garfield, NJ

Christopher Dwayne Taylor
Willingboro, NJ

Lee David Unterman
New York, NY

Jane Susan Weaver
Arlington, VA

Lisa J. Whipkey
Parsippany, NJ

Stephen M. Zullo
Parsippany, NJ

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

[Pa.B. Doc. No. 04-757. Filed for public inspection April 30, 2004, 9:00 a.m.]