

THE COURTS

Title 255—LOCAL COURT RULES

CARBON COUNTY

Adoption of New Local Rules of Civil Procedure and Recission of All Old Local Rules of Civil Procedure; 04-1727

Administrative Order No. 15-2004

And Now, this 22nd day of June, 2004, in order to comply with the new Pennsylvania Rules of Civil Procedure effective July 26, 2004, it is hereby

Ordered and Decreed that, effective July 26, 2004, Carbon County Adopts new Local Civil Rules of Procedure and hereby Rescinds, effective July 25, 2004, all old Local Civil Rules adopted and revised by this Court at various times and docketed to several different docket numbers.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. Electronically submit to the Administrative Office of Pennsylvania Courts a copy of local rules numbered 205.2(a), 205.2(b), 206.4, 208.2(c), 208.2(d), 208.2(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a) for publication on the website located at www.aopc.org.
5. Forward one (1) copy for publication in the *Carbon County Law Journal*.
6. Forward one (1) copy to the Carbon County Law Library.
7. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

Rule 51—Title and Citation of Rules.

All local civil procedural rules adopted by the Court of Common Pleas of Carbon County under the authority of Pa.R.C.P. 239 shall be known as the Carbon County Local Rules of Civil Procedure and shall be cited as "CARB.R.C.P. _____."

Rule 105—Bonds

(1) When a bond with approved security is required, the surety shall be a certified surety company in accordance with a list thereof maintained in the Prothonotary's Office, or in lieu thereof, at least one responsible surety or a deposit of cash.

(2) In all cases the form of the bond and the surety thereon shall be subject to review by the Court upon the filing of a motion stating specifically the objections thereto, together with notice to the adverse party and/or attorney in accordance with CARB.R.C.P. 208.3(a).

Rule 205.2(a)—Filing of Legal Papers with the Prothonotary.

All papers filed in the Prothonotary's Office shall conform to the following requirements:

1. The use of backers and/or toppers is prohibited.
2. Original pleadings shall be held together by paper clip or expandable spring-loaded clip.
3. Original pleadings shall not be highlighted by the use of colored markers. Highlighting of text can be done on the computer by bolding or using a different shape and size of font.
4. All documents shall be single-sided, double spaced and the font size shall be no less than 12 points.
5. Paper size shall not exceed 8 1/2" x 11" and shall be on good quality paper.
6. Attachments smaller than 8 1/2" x 11" paper shall be attached to regular size paper by using scotch tape.
7. All exhibits shall be identified and marked on the bottom center of each exhibit. No exhibit tabs shall be allowed.
8. Pages must be consecutively numbered beginning with page 2 and said number shall appear in the upper right hand corner of the pleading.
9. All copies attached to the pleadings must be clear and legible.

Rule 205.2(b)—Filing Legal Papers with the Prothonotary.

Pursuant to this rule, a Civil Cover Sheet marked Form "A," shall be attached to any document commencing an action (whether the action is commenced by Complaint, Writ of Summons, Notice of Appeal, or by Petition) in the Prothonotary's office.

A Motion Cover Sheet, marked Form "B," shall be attached to any motion or petition being filed.

Court of Common Pleas of Carbon County	
Civil Cover Sheet	For Prothonotary Use only (Docket Number)
A. PLAINTIFF'S NAME:	DEFENDANT'S NAME:
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:	DEFENDANT'S ADDRESS AND TELEPHONE NUMBER:

PLAINTIFF'S NAME:		DEFENDANT'S NAME:	
PLAINTIFF'S ADDRESS & TELEPHONE NUMBER:		DEFENDANT'S ADDRESS & TELEPHONE NUMBER:	
TOTAL NUMBER OF PLAINTIFFS		TOTAL NUMBER OF DEFENDANTS	
B. AMOUNT IN CONTROVERSY <input type="checkbox"/> \$25,000 or less <input type="checkbox"/> More than \$25,000	C. COMMENCEMENT OF ACTION <input type="checkbox"/> 1. Complaint <input type="checkbox"/> 2. Writ of Summons <input type="checkbox"/> 3. Notice of Appeal <input type="checkbox"/> 4. Petition Action	D. CASE PROCESS <input type="checkbox"/> 5. Arbitration <input type="checkbox"/> 6. Jury <input type="checkbox"/> 7. Non Jury <input type="checkbox"/> 8. Class Action	
E. TRACK ASSIGNMENT REQUESTED (CHECK ONE) COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS			
<input type="checkbox"/> FAST <input type="checkbox"/> STANDARD <input type="checkbox"/> COMPLEX If complex, state reasons:			
F. CODE AND CASE TYPE (See instructions)		G. CODE AND CASE SPECIFIC (See instructions)	
H. STATUTORY BASIS FOR CAUSE OF ACTION (See instructions)			
I. RELATED PENDING CASES (List by Docket Number—Indicate whether the related cases have been consolidated)			
J. TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant. Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/APPELLANT'S ATTORNEY		ADDRESS	
PHONE NUMBER	SUPREME COURT IDENTIFICATION NUMBER	E-MAIL ADDRESS: _____	
		FAX NO. (OPTIONAL—FOR SERVICE): _____	
DATE: _____		SIGNATURE: _____	

Instructions for Completing Civil Cover Sheet

The attorney (or pro se party) filing a case shall complete the form as follows:

A. Parties

i. *Plaintiff(s)/Defendant(s)*

Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency or corporation, use the full name of the agency or corporation. In the event there are more than two plaintiffs and/or two defendants, list the additional parties on a separate sheet of paper. Husband and wife should be listed as separate parties.

ii. *Parties' Addresses and Telephone Numbers*

Enter the address and telephone numbers of the parties at the time of filing of the action. If any party is a corporation, enter the address and telephone number of the registered office of the corporation.

iii. *Number of Plaintiffs/Defendants*

Indicate the total number of plaintiffs and the total number of defendants in the action.

B. Amount in Controversy

Check the appropriate box. Indicate whether an Assessment of Damages Hearing is required.

C. Commencement of Action

Indicate type of document to be filed to initiate the action.

D. Other

Indicate whether the case is an arbitration, jury or non-jury case. Check any other appropriate boxes. If the action will require the entry of an Order approving a minor/incapacitated person's compromise, wrongful death or survival action, check the appropriate box.

E. Track Assignment—COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS

If you are requesting the Complex track, please indicate the reasons for your request.

F. Type of Action—Case Type

Select and insert the applicable case type and code from the first two columns of the following list:

<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Type</i>	<i>Code</i>	<i>Case Specific</i>	<i>Code</i>	<i>Case</i>
@	Asbestos Case	9	Mandamus	020	Airplane/Aviation	037	Motor. Veh. Accdt. < \$25,000
X	Assessment Appeal	#	Miscellaneous	001	Assault/Battery	005	M V Prop Damage
A	Civil Action	F	Mortgage Foreclosure	018	Class Action	009	Negotiable Instrument
C	Custody	\$	Municipal Appeal	015	Consumer Credit	032	Partition
1	Declaratory Judgment	7	Name Change	019	Contract—Construction	002	Premises Liability
D	Divorce	Q	Quiet Title	011	Contract—Sale of Goods	003	Personal Injury
W	Ejectment	R	Replevin	012	Contract—Other	027	Product Liability
N	Eminent Dom./Dec. of Tak.	!	Tax Sale	025	Defamation	006	Property Damage (non-veh)
2	Eminent Domain/Pet. Viewers	V	Zoning Appeal	035	Discrimination	010	Recov. Overpaymt.
E	Equity			030	Employment/Wrongful Disc.	013	Rent/Lease/Ejectment
L	License Suspension Appeal			016	Fraud	039	Right to Know
				040	Indirect Criminal Contempt	024	Stockholder Suit
				008	Insurance—Declar. Judgment	014	Title to Real Property
				034	Malicious Prosecution	004	Torts to Land
				022	Malpractice—PROF.	023	Toxic Tort-Pers. Injury
				033	Mechanic's Lien	031	Toxic Waste/Environ.
				007	Motor Veh. Accdt. > \$25,000	021	Wast/Contam/Env

G Case Specific

Insert applicable case specific and code from the last two columns of the above list.

H. Statutory Basis for Cause of Action

If the action is commenced pursuant to statutory authority ("Petition Action"), the specific statute must be cited.

I. Related Pending Cases

All previously filed related cases must be identified. Indicated whether they have been consolidated by Court Order or Stipulation.

J. Plaintiff's/Appellant's/Petitioner's Attorney—Entry of Appearance

The name of filing party's attorney must be inserted, together with the other required information. Unrepresented filers must provide their name, address, telephone number and signature. Providing the fax number shall authorize the service of legal papers by facsimile transmission. See Pa.R.CP. 440(d)

CARBON COUNTY COURT OF COMMON PLEAS
CIVIL DIVISION
MOTION COVER SHEET

NO. _____

vs.

FILING OF:
Movant ()

Respondent ()

- | | |
|-------|---------------------------------------|
| _____ | Assigned Judge |
| _____ | Court Action Taken |
| _____ | Returned to Attorney for Deficiencies |
| _____ | Action Deferred by Court |
| | <i>For Court Use Only</i> |

TYPE OF FILING (check one):

- () 1. Pretrial Discovery Motion (432)
- () 2. Motion for Discovery in Aid of Execution (480)
- () 3. Preliminary Objections to (576) _____
- () 4. Motion for Summary Judgment (306)
- () 5. Motion for Judgment on Pleadings (294)
- () 6. Motion for Leave to Join Additional Defendant (403)
- () 7. Motion for TRO or Preliminary Injunction (438)
- () 8. Petition to Open or Strike Judgment (498)
- () 9. Motion for Alternative Service (409)
- () 10. Motion for Leave to Amend (465) _____
- () 11. Motion to Consolidate Actions (424)
- () 12. Petition to Compromise Minor's Action (435)
- () 13. Motion for Leave to Withdraw (510)
- () 14. Motion for Reconsideration (441)
- () 15. Motion for Advancement on Trial List (404)
- () 16. Other Motion or Petition (specify): _____

OTHER PARTIES:

Attorney's Name (Typed) _____

Attorney for: _____

() Movant

() Respondent

N. B. The numbers after the Motion or Petition above are docket codes used in the Court Computer System. Please be precise when checking your Motion or Petition.

Rule 206.4(c)—Rule to Show Cause. Alternative Procedures.

1. Carbon County adopts the procedure under Pa.R.C.P. 206.6.

2. The issuance of a rule shall grant a stay of proceedings pending further order of court. The automatic stay shall be lifted upon motion with good cause shown.

3. The order shall be pursuant to Pa.R.C.P. 206.6(c) except that it shall be modified by deleting paragraphs (4) and (5) and substituting a new paragraph (4) which shall state: an evidentiary hearing on disputed issues of material fact shall be held on _____ day of _____, 20__ , at _____ time, in Courtroom No. _____ of the Carbon County Courthouse. Paragraph number 6 shall be renumbered to number 5.

Rule 208.2(c)—Motion. Form. Content.

Motions shall include a brief statement identifying the applicable procedural rule, statute, or other authority relied upon for the relief requested.

Rule 208.2(d)—Motion. Form. Content.

When uncontested, motions shall include a certification stating that the motion is uncontested.

Rule 208.2(e)—Motion. Form. Content.

Every motion relating to discovery shall include a certificate signed by counsel for the moving party that counsel has conferred or attempted to confer with all interested parties to resolve the matter and are unable to resolve the dispute without court action.

Rule 208.3(a)—Alternative Procedures.

(A) MOTIONS

(1) Pa.R.C.P. 208.4 shall govern motion procedure in Carbon County.

(2) All motions shall be in writing, except as permitted by the court or when made in open court during a trial or hearing and shall comply with Pa.R.C.P. 208.2.

(3) A motion shall comply with the following requirements:

(a) A brief statement of applicable authority pursuant to CARB.R.C.P. 208(c);

(b) If uncontested, a certification pursuant to CARB.R.C.P. 208.2(d);

(c) In discovery motions, a certification that counsel has conferred or attempted to confer with all interested parties to resolve the matter without court action pursuant to CARB.R.C.P. 208.2(e); and

(4) The failure, in any motion, to state a type of relief or a ground therefore shall constitute a waiver of such relief or ground.

(5) Any motion may request such alternative relief as may be appropriate.

(B) FILING

(1) All written motions and any written answers, and any notices, or documents for which filing is required, shall be filed with the Prothonotary.

(2) Self-addressed, stamped envelopes for each attorney and unrepresented party shall be provided with the filing of the motion to the Prothonotary's Office for service of the Order of Court.

(3) Filing shall be by:

(a) personal delivery to the prothonotary; or

(b) mail addressed to the prothonotary. Except as provided by law, filing by mail shall be timely only when actually received by the prothonotary within the time fixed for filing.

(4) The prothonotary shall accept all written motions, answers, notices, or documents presented for filing. When a document, which is filed pursuant to paragraph (A)(1), is received by the prothonotary, the prothonotary shall time stamp it with the date of receipt and make a docket entry reflecting the date of receipt, and promptly shall place the document in the case file.

(5) If a pro se party submits a document to a judge without filing it with the prothonotary, and the document requests some form of cognizable legal relief, the judge promptly shall forward the document to the prothonotary for filing and processing in accordance with this rule.

(C) SERVICE

(1) All written motions and any written answers, and notices or documents for which filing is required, shall be served upon each party and the district court administrator concurrently with filing.

(2) Service on the parties shall be by:

(a) personal delivery of a copy to a party's attorney, or the party if unrepresented; or

(b) personal delivery of a copy to the party's attorney employee at the attorney's office; or

(c) mailing a copy to a party's attorney or leaving a copy for the attorney at the attorney's office; or

(d) in those judicial districts that maintain in the courthouse assigned boxes for counsel to receive service,

when counsel has agreed to receive service by this method, leaving a copy for the attorney in the attorney's box; or

(e) sending a copy to an unrepresented party by certified, registered, or first class mail addressed to the party's residence, business, or confinement; or

(f) sending a copy by facsimile transmission or other electronic means if the party's attorney, or the party if unrepresented, has agreed to this type of service or the attorney has provided a facsimile signature on any pleading authorizing this method of service for the document; or

(g) delivery to the party's attorney, or the party if unrepresented, by carrier service.

(3) Service on the district court administrator shall be by:

(a) mailing a copy to the district court administrator; or

(b) leaving a copy for the district court administrator at the district court administrator's office; or

(c) delivery to the district court administrator by carrier service.

Rule 210—Form of Briefs

1. Each brief shall contain:

(a) A history of the case;

(b) A statement of the pertinent facts;

(c) A statement of the questions involved; and

(d) The argument.

2. The statement of questions involved shall be so drawn that the Court may quickly determine all the legal questions requiring determination.

3. The argument shall be divided into as many parts as there are questions involved. Opinions of an Appellate Court, of this or any other jurisdiction shall be cited from the National Reporter's System and/or to the official reports of Pennsylvania Appellate Courts, if published therein.

4. Briefs shall refer specifically, by page number or other appropriate means, to any portion of the record relied upon in support of the argument.

5. Copies of all Non-Pennsylvania State cases and Non-3rd Circuit Federal cases shall be attached as Exhibits to said Brief.

6. Counsel for the moving party shall in all matters file an original and two (2) copies of a brief in the Office of the Prothonotary and forthwith serve one (1) copy of a brief upon each adverse party or counsel of record. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator.

7. Each adverse party or his counsel of record shall file in the Office of the Prothonotary an original and two (2) copies of a brief in answer, not later than three (3) weeks before the date of argument and forthwith serve a copy thereof upon all opposing parties or their counsel of record. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator.

8. Except as provided in (6), and (7) no untimely briefs shall be filed unless upon special allowance or within such time as shall be set by the Court.

Rule 212.1—Civil Actions to be Tried by Jury. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

Every party shall simultaneously file and serve upon opposing counsel a Pre-Trial Statement on or before the date established in the management review order or the order of court granting a motion to extend milestones.

Any motion to extend milestones shall be in compliance with CARB.R.C.P. 208.2(d) and CARB.R.C.P. 208.3(a). The proposed order shall list the current milestones and the recommended milestones to be established.

Rule 212.3—Pre-Trial Conference

At the Pre-Trial Conference, the parties or representatives of their insurance carriers are expected to attend having realistic settlement authority.

Rule 430—Service pursuant to Special Order of Court. Publication.

The Carbon County Law Journal shall be designated by the Carbon County Court of Common Pleas to be the legal publication for service of process by publication.

Rule 1018.1—Notice to Defend. Form

As required by Pa.R.C.P. 1018.1(c), the following shall be designated in the notice to defend as the person from whom legal referral can be obtained:

District Court Administrator
Carbon County Courthouse
4 Broadway
P. O. Box 131
Jim Thorpe, PA 18229-0131
(570) 325-8556

Rule 1028(c)—Preliminary Objections

A. Preliminary Objections pursuant to Pa.R.C.P. 1028(a)(1), (5), or (6):

1. A proposed order shall be attached to all preliminary objections.

2. A notice to plead shall be attached to the preliminary objections.

3. 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.

4. The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

5. If an amended complaint is not filed within twenty (20) days of service of the preliminary objections, the matter shall be scheduled for hearing.

6. The adverse party shall file a brief in response to the preliminary objections within twenty (20) days of service. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

7. The Court shall dispose of the matter within fifteen (15) days of argument.

B. Preliminary Objections pursuant to Pa.R.C.P. 1028(a)(2), (3), or (4):

1. A proposed order shall be attached to all preliminary objections.

2. 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.

3. The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

4. If an amended complaint is not filed within twenty (20) days of service of the preliminary objections, the matter shall be scheduled for argument.

5. The adverse party shall file a brief in response to the preliminary objections within twenty (20) days of service. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

6. The Court shall dispose of the matter within fifteen (15) days of argument.

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

1 The moving party shall file the motion, proposed order and a supporting brief simultaneously. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P. 208.2(a)(5) shall be attached to the motion. Pa.R.C.P. 40 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P. 210.

2 Any party opposing the motion shall file a responsive brief within twenty (20) days of service of the motion and provide service in accordance with number one above. Failure to file a brief shall be deemed to have no opposition to the motion.

3 Upon service of the motion on the District Court Administrator, argument shall be scheduled allowing for sufficient time to file the response briefs.

4 The Court shall dispose of the matter within fifteen (15) days of argument.

Rule 1035.2(a)—Motion.

1 The moving party shall file the motion for summary judgment, proposed order and a supporting brief simultaneously. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P. 208.2(a)(5) shall be attached to the motion. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P. 210.

2 Any party opposing the motion shall file a responsive brief within thirty (30) days of service of the motion and provide service in accordance with number one above. Failure to file a brief shall be deemed to have no opposition to the motion and the court shall grant the motion.

3 Upon service of the motion on the District Court Administrator, argument shall be scheduled allowing for sufficient time to file the response briefs.

4 The Court shall dispose of the matter within fifteen (15) days of argument.

Rule 1302—List of Arbitrators. Appointment to Board. Oath.

Any attorney interested in serving on Arbitration cases shall complete and return to the District Court Administrator a "Consent to Serve as Arbitrator" as attached hereto.

This information shall be entered into the Court database for maintenance and selection of available arbitrators.

CONSENT TO SERVE AS ARBITRATOR

The undersigned hereby consents to serve as an Arbitrator under the Pennsylvania Rules of Compulsory Arbitration, and asks that his/her name remain on the active roll of Arbitrators to continue to serve in such capacity when called upon until further notice.

SIGNATURE

DATE

<p>PLEASE TYPE OR PRINT CLEARLY: NAME: Date Admitted to the Carbon County Bar Email: FIRM: ADDRESS: MAILING ADDRESS: (if different than above) Telephone No. Fax No. Identification No. (This number appears on the lower left corner of card issued by the State Court Administrator)</p>
<p>I am associated in the Practice of Law with: (Please indicate associates Identification No.)</p> <p># _____ # _____ # _____ # _____</p> <p>I am related to the following members of the Bar who are not associated with me in the Practice of Law.</p> <p># _____ # _____</p>

NOTE: Any change in your status of practicing with or being associated with any other lawyer or lawyers shall immediately be reported to the District Court Administrator.

Rule 1303—Hearing. Notice.

Notice of the appointment of arbitrators and the date, time and place of arbitration shall be pursuant to Pa.R.C.P. 1303 and served pursuant to Pa.R.C.P. 440 by the Prothonotary's Office. The Notice shall include the following language: "The matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing,

the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge."

If a case is settled less than two (2) days before the Arbitration hearing, one of the attorneys must appear before the Board of Arbitrators and have an Award entered by agreement. If it is settled more than two (2) days before the Arbitration hearing, Plaintiff's attorney must file a praecipe to strike the case from the arbitration list because the case is settled and must notify the panel members.

Rule 1501—Conformity to Civil Action.

When a praecipe for a writ of summons, a complaint or a counterclaim is filed, the Prothonotary shall index the action as a lis pendens against real property, if, but only if, the party filing the praecipe, the complaint or the counterclaim, or his attorney:

(1) files a separate praecipe describing said real property by metes and bounds or a sufficient description to identify it, and the volume and page in the Recorder of Deeds Office of this county where a recorded description of said property appears;

(2) directs in said separate praecipe that the action shall be listed on a lis pendens against said real property; and

(3) files in said separate praecipe a certification that said action:

(A) is a proceeding to revive and continue the lien of debts against a decedent's property; or

(B) is a proceeding conveying or vesting title to real property in this Commonwealth; or

(C) is a proceeding of which purchasers of the described real property should have constructive notice; and

(4) files with said separate praecipe, a written verified statement, as verified as defined in Pa. R.C.P. 76, setting forth the basis and subject matter of the cause of action and that said action affects the title to the real property so described or of any interest in said real property.

Rule 1530—Special Relief. Accounting.

1. If an auditor is appointed pursuant Pa.R.C.P. 1530(d), the following procedures shall govern:

(A) The auditor shall give two weeks notice in writing to the parties or their attorneys of record of the time and place fixed for hearing the matter.

(B) Testimony taken by the auditor at the hearing shall be recorded stenographically. The notes of the testimony shall not be transcribed unless exceptions are filed to the auditor's report.

(C) Within forty-five (45) days after the conclusion of the hearing the auditor shall file a written report which insofar as it is practicable shall contain (i) a history of the proceedings before the auditor, (ii) findings of fact, numbered consecutively, (iii) a concise discussion of the evidence presented and the legal issues involved, (iv) conclusions of law, numbered consecutively, and (v) a statement of the account.

(D) Upon filing of the report the auditor shall serve a copy of the same on the parties in accordance with Pa.R.C.P. 440.

(E) Exceptions to the report of the auditor may be filed by any party within ten (10) days after service of a copy

of the report upon him. If such exceptions are filed, the Court shall hear argument on the same and shall enter such order or judgment as may be appropriate. If no timely exceptions are filed, the account stated in the report of the auditor shall be final and judgment may be entered thereon upon praecipe.

(F) The Court shall determine the compensation and reimbursement for expenses to be allowed the auditor and stenographer, and shall direct that such items be taxed in whole or in part against the fund available for distribution or against any party or parties to the action as may be just and equitable in the circumstances. Upon the appointment of an auditor the moving party shall promptly deposit with the Prothonotary such sum as the court may direct for the compensation and expenses of the auditor and stenographer, and the moving party shall deposit such additional sums for such purpose as the Court may from time to time direct. Any sum so deposited which is not required for such purposes shall be refunded to the moving party upon the entry of the final order or decree.

Rule 1901.5—Enforcement.

If an emergency order of a District Justice or a temporary or final order of a Judge is violated, it shall be presumed that the Court of Common Pleas is unavailable and the arresting police officer shall take the defendant before a District Justice in the magisterial district in which the abuse for which relief is requested occurred.

Rule 1905—Forms for Use in Pfa Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

The forms attached hereto shall be used to commence or amend an action pursuant to Pa.R.C.P. 1901.3(a).

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

(Plaintiff) :
 :
vs. : No. _____
 :
 :

(Defendant) :

COUNTY LAWYER REFERRAL SERVICE
NORTH PENN LEGAL SERVICES
122-124 IRON STREET
LEHIGHTON, PA 18235
(610) 377-5400
www.northpennlegal.org

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

(Plaintiff) :
 :
vs. : No. _____
 :
 :

(Defendant) :

TEMPORARY PROTECTION FROM ABUSE ORDER

Defendant's Name: _____

Defendant's Date of Birth: _____

NOTICE OF HEARING AND ORDER

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following papers, you must appear at the hearing scheduled herein. If you fail to do so, the case may proceed against you and a FINAL order may be entered against you granting the relief requested in the Petition. In particular, you may be evicted from your residence and lose other important rights. Any protection order granted by a court may be considered in subsequent proceedings under Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, including child custody proceedings under Chapter 53 (relating to custody).

A hearing on the matter is scheduled for the ____ day of _____, 20____, at _____ M., in Courtroom _____ at Carbon County Courthouse, Jim Thorpe, Pennsylvania.

You MUST obey the Order that is attached until it is modified or terminated by the Court after notice and hearing. If you disobey this Order, the police may arrest you. Violation of this Order may subject you to a charge of indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail under 23 Pa.C.S. § 6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. Under federal law, 18 U.S.C. § 2265, this Order is enforceable anywhere in the United States, tribal lands, U.S. Territories and the Commonwealth of Puerto Rico. If you travel outside of the state and intentionally violate this Order, you may be subject to federal criminal proceedings under the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE A LAWYER REPRESENT YOU AT THE HEARING. THE COURT WILL NOT, HOWEVER, APPOINT A LAWYER FOR YOU. 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 FREE OR NO FEE. IF YOU CANNOT FIND A LAWYER, YOU MAY HAVE TO PROCEED WITHOUT ONE.

Defendant's Social Security Number: _____
Name of All Protected Persons, including Plaintiff and minor child/ren: _____

AND NOW, this _____ day of _____, 20____, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

- () 1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.
- () 2. Defendant is evicted and excluded from the residence at _____

(NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other permanent or temporary residence where Plaintiff or any other person protected under this Order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

- () 3. Except as provided in Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order: _____

- () 4. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this Order, Defendant shall not contact Plaintiff, or any other person protected under this Order, by telephone or by any other means, including through third persons.

- () 5. Pending the outcome of the final hearing in this matter, Plaintiff is awarded temporary custody of the following minor child/ren: _____

Until the final hearing, all contact between Defendant and the child/ren shall be limited to the following: _____

The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the Plaintiff in accordance with the terms of this Order.

- () 6. Defendant shall immediately relinquish the following weapons to the Sheriff's Office or a designated local law enforcement agency for delivery to the Sheriff's Office. _____

Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this order.

- () 7. The following additional relief is granted: _____

- () 8. A certified copy of this Order shall be provided to the police department where Plaintiff resides and any other agency specified hereafter [insert name of agency]: _____

- () 9. THIS ORDER SUPERSEDES
 - () ANY PRIOR PFA ORDER
 - AND
 - () ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

10. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL _____ OR UNTIL OTHERWISE MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.

NOTICE TO THE DEFENDANT

Defendant is hereby notified that violation of this Order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. 23 Pa.C.S. § 6114. Consent of the Plaintiff to Defendant's return to the residence shall not invalidate this Order, which can only be changed or modified through the

filing of appropriate court papers for that purpose. 23 Pa.C.S. § 6113. Defendant is further notified that violation of this Order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. §§ 2261-2262.

NOTICE TO LAW ENFORCEMENT OFFICIALS

This Order shall be enforced by the police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates Paragraphs 1 through 6 of this Order, defendant shall be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this Order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer shall seize all weapons used or threatened to be used during the violation of this Order OR during prior incidents of abuse. Weapons must forthwith be delivered to the Sheriff's office of the county which issued this Order, which office shall maintain possession of the weapons until further Order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer made the arrest.

BY THE COURT:

By: _____
Judge

Date

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

(Plaintiff)
vs.

(Defendant)
: : : : :
: : : : :
: : : : :
: : : : :
: : : : :
: : : : :
No. _____

PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is: _____

2. I am filing this Petition on behalf of:
 Myself and/or Another Person

If you checked "myself," please answer all questions referring to yourself as "Plaintiff."
If you checked "another person," please answer all questions referring to that person as the "Plaintiff," and provide your address here, unless confidential: _____

If you checked "Another Person," indicate your relationship with Plaintiff:
 parent of minor Plaintiff(s) applicant for appointment as guardian ad litem of minor Plaintiff(s)
 adult household member with minor Plaintiff(s) court appointed guardian of incompetent Plaintiff(s)

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse: _____

4. Plaintiff's address is confidential
or
 Plaintiff's address is: _____

5. Defendant is believed to live at the following address:

Defendant's Social Security Number (if known) is: _____
Defendant's date of birth is: _____
Defendant's place of employment is: _____
 Check here if Defendant is 17 years old or younger.;

6. Indicate the relationship between Plaintiff and Defendant.

- Spouse
- Current or former sexual/intimate partner
- Other relationship by blood or marriage: _____
- Ex-spouse
- Parent/Child _____
- Persons who live or have lived like spouses
- Parents of the same children
- Brother/Sister

7. Have Plaintiff and Defendant been involved in any of the following Court actions?

- Divorce
- Custody
- Support
- Protection from Abuse

If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known:

8. Has the Defendant been involved in any criminal court action? _____

If you answered yes, is the Defendant currently on probation? _____

9. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential):
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court Order regarding their custody? _____

If you answered yes, describe the terms of the Order (e.g., primary, shared, legal and/or physical custody): _____

If you answered Yes, in what county and state was the order issued? _____

If you are now seeking an Order of child custody as part of this petition, list the following information:

(a) Where has each child resided during the past five years?

Child's Name	Person(s) child lives with	Address, unless confidential	When
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) List any other persons who are known to have or claim a right to custody of each child listed above:

Name	Address	Basis of Claim
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. The following other minor child/ren presently live with Plaintiff:

Name(s)	Age(s)	Plaintiff's relationship to child/ren
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. The facts of the most recent incident of abuse are as follows:

Approximate Date: _____ Place: _____

Approximate Time: _____

Describe in detail what happened, including any physical or sexual abuse, threats, injury, incidents of stalking, medical treatment sought, and/or calls to law enforcement (attach additional sheets of paper if necessary):

13. If the Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

14. List the weapon(s) that Defendant has used or threatened to use against Plaintiff or the minor child/ren:

15. Identify the police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order: _____

16. There is an immediate and present danger of further abuse from the Defendant.

CHECK THE FOLLOWING BOXES ONLY IF THEY APPLY TO YOUR CASE AND PROVIDE THE REQUESTED INFORMATION

() Plaintiff is asking the Court to evict and exclude the Defendant from the following residence:

() owned by (list owners, if known): _____

() rented by (list all names, if known): _____

() Defendant owes a duty of support to Plaintiff and/or the minor child/ren.

() Plaintiff has suffered out-of-pocket financial losses as a result of the abuse described above. Those losses are: _____

FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, and AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK ALL FORMS OF RELIEF REQUESTED):

() A. Restrain Defendant from abusing, threatening, harassing, or stalking Plaintiff and/or minor child/ren in any place where Plaintiff may be found.

() B. Evict/exclude Defendant from Plaintiff's residence and prohibit Defendant from attempting to enter any temporary or permanent residence of the Plaintiff.

() C. Require Defendant to provide Plaintiff and/or minor child/ren with other suitable housing.

() D. Award Plaintiff temporary custody of the minor child/ren and place the following restrictions on contact between Defendant and child/ren: _____

() E. Prohibit Defendant from having any contact with Plaintiff and/or minor child/ren, either in person, by telephone, or in writing, personally or through third persons, including but not limited to any contact at Plaintiff's school, business, or place of employment, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

() F. Prohibit Defendant from having any contact with Plaintiff's relatives and Plaintiff's children listed in this Petition, except as the court may find necessary with respect to partial custody and/or visitation with the minor child/ren.

() G. Order Defendant to temporarily turn over weapons to the Sheriff of this County and prohibit Defendant from transferring, acquiring or possessing any such weapons for the duration of the Order.

() H. Order Defendant to pay temporary support for Plaintiff and/or the minor child/ren, including medical support and [] payment of the rent or mortgage on the residence.

() I. Direct Defendant to pay Plaintiff for the reasonable financial losses suffered as the result of the abuse, to be determined at the hearing.

() J. Order Defendant to pay the costs of this action, including filing and service fees.

() K. Order Defendant to pay Plaintiff's reasonable attorney's fees.

() L. Order the following additional relief, not listed above: _____

() M. Grant such other relief as the court deems appropriate.

() N. Order the police or other law enforcement agency to serve the Defendant with a copy of this Petition, any Order issued, and the Order for Hearing. The petitioner will inform the designated authority of any addresses, other than Defendant's residence, where Defendant can be served.

VERIFICATION

I verify that I am the petitioner as designated in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge. I understand that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

SIGNATURE

DATE

PSP Data Sheet Information

Defendant Information: _____
First Middle Last Suffix (Jr, Sr.)

Defendant's Alias: _____

Defendant's Sex: Male / Female Home Phone: _____

Defendant's Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____

Defendant's Date of Birth: _____ Age: _____
Month Day Year (20 ____)

Defendant's Address (if known): _____

City/State/Zip _____

Defendant's State of Birth: _____

Defendant's Skin Tone: Fair / Light / Medium / Dark / Other _____

Defendant's Height (approx.): _____ Defendant's Weight (in pounds): _____

Defendant's Eye Color: _____ Defendant's Hair Color: _____

Defendant's Scars, Marks, Tattoos: _____

Defendant's Social Security Number: _____

FBI Number: _____
 Defendant's Miscellaneous Number: _____
 Defendant's Spends Time (Bars, Friends, etc.): _____
 Defendant's Operator's License Number: _____
 Defendant's Operator's License State: _____ Operator's License Year: _____

Defendant's Vehicle Registration Number: _____
 Defendant's Vehicle Registration State: _____
 Defendant's Vehicle Registration Year: _____
 Defendant's Vehicle Registration Type: _____
 Defendant's Vehicle Identification Number: _____
 Defendant's Vehicle Year: _____
 Vehicle Model: _____
 Defendant's Vehicle Style: _____
 First Color of Vehicle: _____
 Second Color of Vehicle: _____
 Miscellaneous Information (vehicle): _____

Defendant's Place of Employment: _____
 Employer's Address: _____
City / State / Zip Code
 Employer's Telephone Number: _____ Shift worked _____
 Does Defendant have access to any weapons? Yes / No
 Is this an eviction? Yes / No Hearing Date: _____

Plaintiff Information:

First	Middle	Last	Suffix (Jr, Sr, etc.)
Sex: Male / Female	Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____		
Date of Birth: _____ / _____ / _____			
Plaintiff Telephone Number: _____			
_____ Address is confidential			
Address is: _____			
City / State / Zip Code			
Attorney Name: _____		Phone No.: _____	

Other Protected Person(s):

1. _____

First	Middle	Last	Suffix (Jr, Sr, etc.)
Sex: Male / Female	Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____		
Date of Birth: _____ / _____ / _____			
Telephone Number: _____			
_____ Same Address of Person Above			
Address: _____			
City / State / Zip Code			

2. _____

First	Middle	Last	Suffix (Jr, Sr, etc.)
Sex: Male / Female	Race: Caucasian / African American / Hispanic / Latino / Asian American / Pacific Islander / Other _____		
Date of Birth: _____ / _____ / _____			

Telephone Number: _____
_____ Address is same as the Person above.

Address: _____
City / State / Zip Code

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

PLAINTIFF NAME: _____
ADDRESS: _____
TELEPHONE NO. _____
DATE OF BIRTH: _____

VS. NO: _____

DEFENDANT'S NAME: _____
ADDRESS: _____
TELEPHONE NO. _____
DATE OF BIRTH: _____

PROTECTION FROM ABUSE

I understand if I fail to attend the final hearing, the PFA order will be dismissed and I will be required to pay the filing and service fees of approximately \$170.00.

It is understood the costs of this proceeding will be addressed by the Judge at the time of the final hearing.

I further understand, in the event of my relocation, I am required to notify the Prothonotary's Office of such change in address.

DATE: _____
Plaintiff

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

(Plaintiff) :
vs. : No. _____

(Defendant) :

FINAL ORDER OF COURT

Defendant's Name: _____

Defendant's Date of Birth: _____

Defendant's Social Security Number: _____

Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:

<i>Names</i>	<i>Dates of Birth</i>
_____	_____
_____	_____
_____	_____

CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a common child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- sibling (person who shares biological parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa.R.C.P 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this _____ day of _____, 20____, the court having jurisdiction over the parties and subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows: _____

[] Plaintiff's request for a final protection order is denied.

OR

[] Plaintiff's request for final protection order is granted.

[] 1. Defendant shall not abuse, stalk, harass, threaten or attempt to use physical force that would reasonably be expected to cause bodily injury to the Plaintiff or any other protected person in any place where they might be found.

[] 2. Defendant is completely evicted and excluded from the residence at (NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED) or any other residence where Plaintiff or any other person protected under this Order may live. Exclusive possession of the residence is granted to Plaintiff. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this Order.

[] On _____, 20____, at _____ a.m./p.m., Defendant may enter the residence to retrieve his/her clothing and other personal effects, provided that Defendant is in the company of a law enforcement officer when such retrieval is made and _____.

[] 3. Except as provided in Paragraph 5 of this Order, Defendant is prohibited from having ANY CONTACT with the Plaintiff, or any other person protected under this Order, at any location, including but not limited to any contact at the Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this Order: _____

[] 4. Except as provided in Paragraph 5 of this Order, Defendant shall not contact the Plaintiff, or any other person protected under this Order, by telephone or by any other means, including through third persons.

[] 5. Custody of the minor children, _____ shall be as follows: (state to whom primary physical custody awarded; state terms of partial custody or visitation, if any.) _____

[] 6. Defendant shall immediately turn over to the Sheriff's Office, or to a local law enforcement agency for delivery to the Sheriff's Office, the following weapons used or threatened to be used by Defendant in an act of abuse against Plaintiff and/or the minor child/ren: _____

[] 7. Defendant is prohibited from possessing, transferring or acquiring any other weapons for the duration of this Order. Any weapons delivered to the sheriff under Paragraph 6 of this Order or under Paragraph 6 of the Temporary Order shall not be returned until further order of court.

[] 8. The following additional relief is granted as authorized by § 6108 of the Act: _____

[] 9. Defendant is directed to pay temporary support for: (insert the names of the persons for whom support is to be paid) _____ as follows: (insert amount, frequency and other terms and conditions of the support order) _____

This order for support shall remain in effect until a final order is entered by this Court. However, this order shall lapse automatically if the Plaintiff does not file a complaint for support with the Domestic Relations Section of the court within two weeks of the date of this order. The amount of this temporary order does not necessarily reflect the Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

[] 10. The costs of this action are waived as to the Plaintiff and imposed on Defendant.

[] 11. Defendant shall pay \$ _____ to Plaintiff as compensation for plaintiff's out-of-pocket losses, which are as follows: _____

OR

[] Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to _____ [insert the name of the Judge or Court to which the petition should be presented] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the Prothonotary's Office for the filing of this petition.

[] 12. THIS ORDER SUPERCEDES [] ANY PRIOR PFA ORDER AND [] ANY PRIOR ORDER RELATING TO CHILD CUSTODY.

13. All provisions of this order shall expire in eighteen months, on _____, 20 ____.

NOTICE TO DEFENDANT

VIOLATION OF THIS ORDER MAY RESULT IN YOUR ARREST ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND/OR A JAIL SENTENCE OF UP TO SIX MONTHS. 23 PA.C.S. § 6114. VIOLATION MAY ALSO SUBJECT YOU TO PROSECUTION AND CRIMINAL PENALTIES UNDER THE PENNSYLVANIA CRIMES CODE.

THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES AND THE COMMONWEALTH OF PUERTO RICO UNDER THE VIOLENCE AGAINST WOMEN ACT, 18 U.S.C. § 2265. IF YOU TRAVEL OUTSIDE OF THE STATE AND INTENTIONALLY VIOLATE THIS ORDER, YOU MAY BE SUBJECT TO FEDERAL CRIMINAL PROCEEDINGS UNDER THAT ACT, 18 U.S.C. §§ 2261-2262. IF YOU POSSESS A FIREARM OR ANY AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE EVEN IF THIS PENNSYLVANIA ORDER DOES NOT EXPRESSLY PROHIBIT YOU FROM POSSESSING FIREARMS OR AMMUNITION. 18 U.S.C § 922(g)(8).

NOTICE TO LAW ENFORCEMENT OFFICIALS

The police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located, shall enforce this order. An arrest for violation of Paragraphs 1 through 7 of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police. 23 Pa.C.S. § 6113.

Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. The [insert appropriate name or title] _____ shall maintain possession of the weapons until further order of this Court.

When the defendant is placed under arrest for violation of the order, the defendant shall be taken to the appropriate authority or authorities before whom defendant is to be arraigned. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer OR the plaintiff. Plaintiff's presence and signature are not required to file this complaint.

If sufficient grounds for violation of this order are alleged, the defendant shall be arraigned, bond set and both parties given notice of the date of hearing.

BY THE COURT:

Judge

Date

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

Plaintiff
AND/OR (please circle one, if applicable) ON BEHALF OF

vs.

Defendant

:
:
:
:
NO.
:
:
:
:

PETITION TO AMEND PROTECTION FROM ABUSE ORDER

AND NOW COMES, Petitioner, _____, Plaintiff in the above referenced matter and respectfully offers the following:

1. The Petitioner mostly has a Protection from Abuse order, issued against the above-noted defendant on _____, entered under the above referenced docket number.
 2. A copy of the existing Protection from Abuse order is attached hereto.
 3. Petitioner seeks to modify his/her Protection from Abuse order in the following manner:
- _____

4. Petitioner alleges that the following act(s) merit the Court's modification/withdrawal of the existing Protection from Abuse order:

Wherefore, the Petitioner respectfully requests the Court to set a date for the hearing on the merits of the instant petition.

Respectfully submitted,

Dated Plaintiff's Signature

ORDER OF HEARING

The Plaintiff(s) and Defendant(s) is/are ordered to attend a hearing on the Petition to amend the Protection from Abuse Order scheduled below:

_____, _____, 20____ at _____ AM/PM, in Courtroom # _____,
Month Day Year Time
Carbon County Courthouse.

Dated _____ BY THE COURT

_____ J.

Rule 1915.3—Commencement of Action. Complaint. Order.

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

A proposed order substantially in the same form as Form "A" following this rule shall be attached to the complaint or petition.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

_____,
Plaintiff :
vs. : NO. _____
_____, :
Defendant :
_____- Counsel for Plaintiff
_____- Counsel for Defendant

ORDER OF COURT

AND NOW this _____ day of _____, 20____, it is hereby ORDERED and DECREED as follows:

1. This Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved. Absent an emergency situation, each party shall be informed in regard to the medical and dental needs of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party. Neither party shall do anything to estrange the child(ren) from the other party, to injure the opinion of the child(ren) as to the other party, or to hamper the free and natural development of the child(ren)'s love and respect of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week: _____
- (b) Weekends: _____ ;
- (c) Major Holidays: _____ ;
- (d) Minor Holidays: _____ ;
- (e) Mother's Day and Mother's Birthday shall be with the Mother; Father's Day and Father's Birthday shall be with the Father.
- (f) Child(ren)'s Birthday(s): _____ ;
- (g) Vacation/Summers: _____ ;
- (h) Other times: _____ .

7. All other periods of partial custody by either party shall be by mutual agreement of both parties after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy."

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s

best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

Rule 1915.4—Prompt Disposition of Custody Cases.

1 Upon the filing of any claim or modification petition for custody, partial custody or visitation, the moving party shall deposit with the Prothonotary the sum of \$150.00 unless excused by the Court. If the Hearing Officer determines at the pre-hearing conference that the custody issues are complex and that additional sums should be deposited to cover the payment of the Hearing Officer's fees, the Hearing Officer shall prepare an order for the Court directing the deposit of additional sums of money and allocating who shall be responsible for deposit of additional funds.

2 A pre-hearing conference shall be scheduled before a hearing officer no sooner than thirty (30) days but no longer than forty-five (45) days after the filing of the complaint or petition to modify. This conference will focus on issues of fact and law and to explore the possibility of a negotiated settlement.

3 If the parties agree on a custodial arrangement, a consent order shall be entered pursuant to CARB.R.C.P. 1915.7.

4 If the parties are unable to agree, the Hearing Officer shall prepare and forward to the Court within 10 days a recommended Interim Custody Order established in the best interest of the child(ren), listing the date and time of the hearing. If the hearing is to be held before a Judge, the Interim Custody Order shall direct the parties to file a Pre-Trial Memorandum at least three (3) days prior to the hearing, which shall contain:

- a. A clear concise statement of the principal custody issues to be resolved by the Court;
- b. Principles of law to be applied;
- c. List of witnesses to be called and exhibits;
- d. Listing of any evidentiary disputes; and Legal Argument.
- e. Proposed Findings of Fact
- f. Proposed Custody Order

5. If the hearing is to be held before the Hearing Officer, the moving party shall be responsible to secure the services and attendance of an outside court reporter for said hearing and shall be responsible for payment of same unless the Court places the payment responsibility on the other party.

Rule 1915.7—Consent Order

A proposed consent order substantially in the same form as Form "A" following this Rule shall be attached to the stipulation or agreement.

"FORM A"

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW

_____ ,	:	
Plaintiff	:	
	:	
vs.	:	NO. _____
	:	
_____ ,	:	
Defendant	:	
_____ -	:	Counsel for Plaintiff
_____ -	:	Counsel for Defendant

ORDER OF COURT

AND NOW this _____ day of _____, 20____, upon review of the attached Agreement between the parties regarding custody of the child(ren), it is hereby

ORDERED and DECREED that said Agreement is approved and shall be incorporated into this Order of Court as if more fully set forth herein.

The attached "Appendix to Order" is incorporated herein and shall be part of this Order.

BY THE COURT:

J.

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

Plaintiff
vs.
Defendant
Counsel for Plaintiff
Counsel for Defendant

AGREEMENT FOR ENTRY OF SHARED CUSTODY ORDER OF COURT

AND NOW, this ___ day of ___, 20 ___, the following agreement is entered into upon stipulation of the parties:

This Agreement and ensuing Order of Court shall govern the custodial situation of the following children:

2. In accordance with the statutory laws of this Commonwealth, each party shall be provided all access to the medical, dental, religious and school records of the child(ren) involved.

3. Jurisdiction of the child(ren) and this matter shall remain with the Court of Common Pleas of Carbon County, Pennsylvania, unless or until jurisdiction would change under the Uniform Child Custody Jurisdiction Act.

4. The welfare of the child(ren) shall be the primary consideration of the parties in any application of the terms of this Agreement. The parties shall exert every reasonable effort to foster a feeling of affection between the child(ren) of the other party.

5. Primary Physical custody of the child(ren) shall be as follows:

6. The Plaintiff/Defendant, Father/Mother, shall have partial physical custody and visitation rights in accordance with the following schedule:

- (a) During the week:
(b) Weekends:
(c) Major Holidays:
(d) Minor Holidays:
(e) Mother's Day and Mother's Birthday shall be with the Mother; Father's Day and Father's Birthday shall be with the Father.
(f) Child(ren)'s Birthday(s):
(g) Vacation/Summers:
(h) Other times:

7. All other periods of partial custody by either party shall be by mutual agreement of both party after reasonable request, and such agreement shall not be unreasonably withheld.

8. Each party agrees to keep the other advised of their current residential address and telephone number. Each party shall be entitled to speak to the child(ren) by telephone at reasonable times and intervals when the child(ren) is/are in the custody of the other party.

9. Each party agrees to give to the other a general itinerary of all vacations they plan to take with the child(ren).

10. Each party shall endeavor to give at least twenty-four (24) hours prior notice to the other in the event that it will not be possible to exercise any of the rights herein identified.

11. It is the intention of the parties that this agreement will be adopted into an Order of Court.

12. The filing fee for the stipulated order shall be paid by the (Indicate Plaintiff or Defendant) to the Prothonotary of Carbon County simultaneous with the filing of the stipulated order.

WITNESS AS TO PLAINTIFF

PLAINTIFF

WITNESS AS TO DEFENDANT

DEFENDANT

APPENDIX TO ORDER

Certain rules of conduct generally applicable to custody matters are set forth below and are binding on both parties, the breach of which could become the subject of contempt proceedings before this Court, or could constitute grounds for amendment of our order. If these general rules conflict with the specific requirements of our order, the order shall prevail.

1.

Neither party will undertake nor permit in his or her presence the poisoning of the minor child's mind against the other party by conversation which explicitly or inferentially derides, ridicules, condemns, or in any manner derogates the other party.

2.

The parties shall not conduct arguments or heated conversations when they are together in the presence of their child(ren).

3.

Neither party will question the child(ren) as to the personal lives of the other parent except insofar as necessary to insure the personal safety of the child(ren). By this we mean that the child(ren) will not be used as a spy on the other party. It is harmful to a child to be put in the role of "spy."

4.

Neither party will make extravagant promises to the minor child(ren) for the purposes of ingratiating himself or herself to the minor child(ren) at the expense of the other party; further, any reasonable promise to the child(ren) should be made with the full expectation of carrying it out.

5.

The parties should at all times consider the child(ren)'s best interests, and act accordingly. It is in a child(ren)'s best interests to understand that he or she is trying desperately to cope with the fact of his parents' separation, and needs help in loving both parents, rather than interference of censure.

6.

The parties should remember that they cannot teach their child(ren) moral conduct by indulging in improper conduct themselves. Children are quick to recognize hypocrisy, and the parent who maintains a double standard will lose the respect of his or her child(ren).

7.

Weekend and evening visitation shall be subject to the following rules:

A. Arrangements will be worked out beforehand between the parties without forcing the child(ren) to make choices and run the risk of parental displeasure. However, the child shall be consulted as to his or her schedule.

B. Visitation rights should be exercised at reasonable hours and under circumstances reasonably acceptable to the other party and to the needs and desires of the minor child(ren).

C. If a party finds him or herself unable to keep an appointment, he or she should give immediate notice to the other party, so as to avoid subjecting the child(ren) to unnecessary apprehension and failure of expectations.

D. The party having custody of the child(ren) should prepare him or her both physically and mentally for the

visitation with the other party and have him or her available at the time and place mutually agreed upon.

E. If either party or the child(ren) has plans which conflict with a scheduled visit and wish to adjust such visitation, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and both parties should be flexible for the sake of the child(ren).

F. If a party shows up for a visit under the influence of alcohol or drugs, the visit may be considered forfeited on those grounds alone.

8.

During the time that the child(ren) is/are living with a party, that party has the responsibility of imposing and enforcing the rules for day-to-day living. However, unless otherwise ordered, both parents should consult with one another on the major decisions affecting the child(ren)'s life, such as education, religious training, medical treatment, and so forth.

Rule 1920.12—Complaint

1. In every divorce or annulment complaint whether pending or new, the plaintiff shall complete Form "A" as set forth below this rule with the Social Security Number of each party to said action as required by 23 Pa.C.S.A. 4304.1(a)(3). Said form shall not be attached to said complaint but shall remain separate from the complaint.

a. The Prothonotary's Office shall record the Social Security Numbers in the Court Computer Database and, upon verification of proper entry, shall shred the form containing the Social Security Numbers. The Social Security Numbers shall remain confidential in that they will only be visible to internal personnel and cannot be accessed through the public access programs.

2. The Social Security Number Disclosure Notice shall be attached to the divorce or annulment complaint. Said notice shall be in the form set forth in Form "B."

3. The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

Form "A"

Docket Number of Divorce/Annulment Case _____

Plaintiff Name: _____

Plaintiff Social Security Number: _____

Defendant Name: _____

Defendant Social Security Number: _____

Form "B"

In the Court of Common Pleas of
Carbon County, Pennsylvania

Social Security Number
Disclosure Notice

In accordance with section 7(b) of the Privacy Act, you are hereby notified that disclosure of your Social Security number is mandatory based on Section 466(a)(13) of the Social Security Act [42 U.S.C. 666(a)(13)], Pennsylvania Consolidated Statutes (Pa C.S.) §§ 4304.1 and 4353(a.2). Additionally, you are notified that this information will be used solely in the divorce action.

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

1. If the Master determines during the course of the proceedings that additional sums should be deposited for

the payment of Master's fees, the Master shall request the parties to deposit such additional sums with the Prothonotary and shall allocate who shall be responsible for the depositing of said additional costs. In the event the parties object to the request of the Master, the party shall petition the Court and the Judge shall hold a hearing thereon and issue an appropriate Order.

2. Hearings shall be stenographically recorded. The moving party shall be responsible to secure the services of an outside Court reporter for said hearing and shall be responsible for payment thereof unless the Court places the payment responsibility on the other party.

Rule 2102(b)—Style of Action.

(1) In all cases where an appeal is taken from a real estate assessment fixed by the Carbon County Board of Assessment and Appeals, the petition for allowance of appeal shall have attached to it a photocopy of the appealed from order of the said board and a proposed preliminary decree which shall provide:

(A) The appeal is allowed.

(B) Within 5 days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said board, the governing body of the municipality, and the board of school directors of the school district in which the real estate is situate and upon the property owner, if he is not the appellant.

(C) The taxing authorities aforesaid and the property owner, if he is not the appellant, be and are hereby entitled to intervene as parties appellee; and

(D) The Carbon County Board of Assessment and Appeals is directed to certify to the Court all evidence including photos, maps, appraisals, submitted below to become part of the Court record.

2. Within forty-five (45) days after required service of the petition and preliminary decree, all parties of record shall file pre-hearing statements and serve a copy on all other parties of record. The pre-hearing statement shall include:

A. A summary of the facts which will be offered by oral and documentary evidence at the hearing;

B. A list of exhibits to be offered;

C. A list of the names and addresses of all witnesses to be called;

D. Copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;

E. A statement of the current valuation which is the basis for the appeal;

F. A statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio, and assessment;

G. A statement that there have been negotiations between the parties and a good faith attempt to settle the case; and

H. The statement shall be signed by the parties or their counsel.

3. Upon docketing of all pre-hearing statements, a pre-hearing conference shall be scheduled. Notice pursuant to Pa.R.C.P. 440 shall be given by the Prothonotary's Office to all affected taxing authorities whether or not parties of record. Each party of record shall either be personally present, or shall be represented by counsel authorized to

act on behalf of the absent party of record with respect to the trial of the case or its settlement.

4. At the pre-hearing conference, the parties of record shall consider:

A. Possible stipulations as to evidence and facts;

B. Simplification of the issue; and

C. Settlement.

5. Following the pre-hearing conference, the Court shall enter an appropriate order or schedule a hearing.

Rule 2974.2—Notice of Judgment and Execution Required by Rule 2973.2. Form

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

Rule 2974.3—Notice of Judgment and Execution Required by Rule 2973.3. Form

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

Rule 3252—Writ of Execution. Money Judgments.

The person to be named in the notice shall be pursuant to CARB.R.C.P. 1018.1.

Rule 3256—Praecept for Writ. Mortgage Foreclosure.

The praecipe for the writ shall state the volume and page of the recorded mortgage securing the obligation upon which the judgment was entered, as well as the volume and page of the deed conveying the real property to the debtor.

Rule 4005—Written Interrogatories to a Party.

Interrogatories, as a matter of right, shall not exceed FORTY (40) in number. Interrogatories inquiring as to the names and locations of witnesses, or the existence, location and custodian of documents of physical evidence each shall be construed as one (1) interrogatory. All other interrogatories, including subdivisions of one numbered interrogatory, shall be construed as separate interrogatories. If counsel for a party believes that more than FORTY (40) interrogatories are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional interrogatories. Counsel are expected to comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the parties seeking to submit additional interrogatories shall file a motion with the Court showing the necessity for relief.

Rule 4014—Request for Admission.

Request for admission, as a matter of right, shall not exceed FORTY (40) in number. Request for admission as to the names and locations of witnesses, or the existence, location and custodian of documents of physical evidence each shall be construed as one (1) admission. All other request for admission, including subdivisions of one numbered request for admission, shall be construed as separate request for admission. If counsel for a party believes that more than FORTY (40) admissions are necessary, counsel shall consult with opposing counsel promptly and attempt to reach a written stipulation as to a reasonable number of additional admissions. Counsel are expected to

comply with this requirement in good faith. In the event a written stipulation cannot be agreed upon, the parties seeking to submit additional admissions shall file a motion with the Court showing the necessity for relief.

[Pa.B. Doc. No. 04-1187. Filed for public inspection July 2, 2004, 9:00 a.m.]

—————

CARBON COUNTY
Fee Schedule for Arbitrators; 04-1728

Administrative Order No. 14-2004

And Now, this 22nd day of June, 2004, it is hereby

Ordered and Decreed that, effective July 26, 2004, Carbon County *Adopts* the following fee schedule for Arbitrators appointed pursuant to Pennsylvania Rules of Compulsory Arbitration:

1. Each member of the board of arbitrators who signs the award shall receive a fee of \$125.00 for all cases involving three (3) hours or less, plus \$25.00 for each hour over three (3) hours. (Awards in companion cases heard together count as one award for purposes of this Order). In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court on petition of the members of the board and for cause shown, may allow additional compensation.

2. In cases where an award is to be entered by the arbitrators pursuant to an agreement of settlement within two (2) days before the scheduled hearing, each member of the board shall receive a fee of \$75.00.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

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

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 04-1188. Filed for public inspection July 2, 2004, 9:00 a.m.]

—————

DAUPHIN COUNTY
Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 23rd day of June 2004, Dauphin County Local Rules are amended as follows:

RULE 205.1. [Filing Legal Papers;] Removing Papers From Prothonotary's Office

(1) All papers filed in the Office of the Prothonotary shall bear the name of the attorney or party filing them, and the address at which service can be made. In all cases where a judge has been assigned to the matter in dispute, a courtesy copy of all pleadings, briefs or memoranda filed with the Prothonotary shall also be filed with the chambers of the assigned judge. The size and other physical characteristics of all papers or other documents filed shall conform to standards set and established by the Pennsylvania Rule of Appellate Procedure for papers or other documents filed in an appellate court.

(2) The Prothonotary shall endorse upon each paper filed the date and time of its filing, and enter it upon the proper docket.

(3) Except as otherwise provided herein, no original papers shall be removed from the Office of the Prothonotary without prior written permission of the Court upon cause shown. Transcripts of proceedings are deemed to be original papers.

(4) No original note, bond or other instrument upon which a judgment has been entered, shall be removed from the Office of the Prothonotary except for use by the Court.

(5) All other papers may be removed by any attorney who is a member of the Dauphin County Bar—

(a) For return prior to the close of the next business day, upon the filing with the Prothonotary of a signed letter listing with specificity each document to be removed together with a receipt as prescribed by Rule 205.1(7), below.

(b) For a period not to exceed thirty (30) days, with written leave of Court.

(6) A referee, auditor, master or other similar officer appointed by the Court may remove papers for the purposes of his appointment for a period not to exceed ninety (90) days, unless the time be further extended by order of Court.

(7) When an attorney removes papers from the Office of the Prothonotary with permission of the Court he shall give a receipt thereof, setting forth the caption and number of the case, a description of the papers removed and the date of removal, which receipt shall be signed by the attorney removing the papers.

(8) All papers removed on receipt, with or without leave of Court, shall be returned promptly, and in no case shall papers be retained for a period longer than prescribed herein, except by special permission of the Court. If papers are retained beyond the proper time limit, the Prothonotary shall notify the attorney in default of his failure to return such papers, and if such default continues for three (3) days following such notice the attorney concerned shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Prothonotary shall report such cases of continuing default to the Court for appropriate action.]

No original papers, including transcripts, shall be removed from the Prothonotary's Office except by the following officers appointed by the court:

- (1) Custody Conference Officers
- (2) Divorce Masters
- (3) Chair of Board of Arbitration

- (4) Chair of Board of View
- (5) Special Masters
- (6) Court staff and other person(s) specifically authorized by order of court.

Rule 205.2(a) Physical Characteristics Of Pleadings and Other Legal Papers

(1) All documents filed in the Office of Prothonotary shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(a) The document shall be prepared on white paper of good quality and the use of recycled paper is encouraged.

(b) The first sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.

(c) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subsection b, margins must be at least one inch on all four sides.

(d) The lettering shall be clear, legible and no smaller than Arial 12 point.

(e) The lettering shall be on only one side of a page.

(f) All exhibit tabs shall appear at the bottom of the pleading.

(g) No backers shall be used on the original or any copies of pleadings or other legal papers filed with the Prothonotary. The original of pleadings or other legal papers should be stapled in the top left corner. If the document is over one-half inch thick, it should be secured with a binder clip. Backers may be used for copies provided to the court, opposing parties or clients.

(h) Exhibits or attachments smaller than 8 1/2 inches by 11 inches shall be attached to a regular size paper by using adhesive tape.

(i) Pages shall be consecutively numbered beginning with page 2 and said number shall appear on the bottom center of the pleading.

(j) The name of the attorney or party, the address at which service can be made, a telephone number and email address of the attorney or party shall appear on the top left hand corner of the first page of all papers filed in the Office of the Prothonotary.

(k) With the initiating filing and all subsequent filings, in cases where medical malpractice is or will be alleged, the notation "medical malpractice" shall appear on all captions directly underneath the docket number.

(l) Any courtesy copies of filings that are provided to a judge and served on opposing parties must be firmly bound and any metal fasteners or staples must be securely covered with no sharp or protruding edges of any kind.

(m) Filings of record may be referenced in any subsequent filing but shall not be attached thereto.

(2) The Prothonotary shall endorse upon each paper filed, the date and time of its filing, and enter it upon the proper docket.

RULE 205.2(b) COVER SHEETS (Under Further Review and Consideration)

Rule 206—Petitions and Motions; Stay of Proceedings (Rescinded)

Rule 206.1(a)—Petitions

(1) The only applications designated to proceed as petitions are:

- (a) Petitions to Open Judgment;
- (b) Non Pros Petitions; and
- (c) Any other applications so designated by statute or rule of court.

All other applications shall proceed as motions. If an application is designated by statute or rule of court to proceed as a petition, the statutory basis or specific rule must be specifically set forth in the petition.

(2) All issues relating to the administration, filing and processing of judicial assignments relating to petitions shall be under the direction and supervision of the Civil Calendar Judge.

Rule 206.4(c). Applications Designated to Proceed as Petitions—Rules to Show Cause

(1) An original and one copy of a Petition to Open Judgment or a Non Pros Petition or other application designated by statute or rule of court to proceed as a petition shall be filed with the Prothonotary and served on all other parties.

(2) The Prothonotary shall forward the original petition to the Court Administrator's Office and shall retain the copy in the file. The petition shall be assigned to a judge for disposition by the Court Administrator's Office.

(3) The assigned judge may issue a rule to show cause pursuant to Pa.R.C.P. 206.5 Discretionary Issuance). The judge may also issue a scheduling order, which may include any discovery deadlines, briefing schedule, argument or hearing dates and a stay of proceedings as the judge deems necessary upon review of the petition.

Rule 208.2(c)—Motions—Statement of Applicable Authority

All motions shall include a brief statement of the applicable authority which supports the claim for the requested relief.

Rule 208.2(d)—Uncontested Motions—Certification

All motions shall contain a certification indicating that the moving party has disclosed the full text of the motion and the proposed order to all parties by facsimile or electronic communication, and that concurrence to both the motion and proposed order has been given or denied by each party.

Rule 208.2(e)—Discovery Motions—Certification

A party who files a motion for a protective order or a motion to compel discovery that has been objected to by the opposing party, shall certify, in the motion, that counsel has conferred or attempted to confer with all interested parties in order to resolve the dispute. The moving party shall identify the parties who have not concurred in the motion. If the motion is concurred in by all parties, the moving party shall file a stipulation, which must include the signature of all parties, together with a proposed order for consideration by the court.

Rule 208.3(a)—Motion Procedure

(1) General Procedure.

(a) Motions are defined in Pa.R.C.P. 208.1.

(b) In addition to the requirements regarding the content of a motion found in Pa.R.C.P. 208.2, all motions shall contain the following information:

(i) whether a hearing or argument is requested and the estimated length of time needed for the hearing or argument; and

(ii) whether discovery is necessary.

(c) An original and one copy of a motion shall be filed with the Prothonotary and a copy served on all other parties.

(d) The Prothonotary shall forward the original motion to the Court Administrator's Office and shall retain the copy in the file.

(e) The Civil Calendar Judge shall determine whether the motion should be ruled upon by the Motion Judge or if it should be assigned to an individual judge for disposition, which decision shall be final.

(f) If the Civil Calendar Judge determines that the motion should be assigned to an individual judge, the Court Administrator's Office shall assign the motion to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(g) The Court Administrator's Office shall forward the motion to either the Motion Judge or the Assigned Judge for disposition as aforesaid.

(h) The Assigned Judge or Motion Judge, as the case may be, shall review the motion and issue an appropriate order pursuant to Pa.R.C.P. 208.4.

(i) If the Assigned Judge determines that argument is advisable to be heard before a three-judge panel, the Assigned Judge and the Court Administrator's Office shall make the necessary scheduling arrangements for such panel argument.

(j) Additional rules regarding discovery motions are found in Local Rule 4019, especially those relating to a Motion for Sanctions.

(2) Emergency Motions:

(a) Motions that genuinely require an expedited disposition shall be designated as Emergency Motions by the filing party and clearly indicated as such in the title of the motion contained on the first page thereof.

(b) The attorney or pro se party shall promptly notify the Deputy Civil Court Administrator's Office by telephone as soon as it is determined that an Emergency Motion will be filed, and shall give the Deputy Civil Court Administrator's Office a realistic estimate of the date and time of the intended filing, a detailed description of the background of the motion, and the requested relief.

(c) An original and one copy of the Emergency Motion shall be filed with the Prothonotary.

(d) After filing, the original shall be hand-carried by counsel or the pro se party to the Deputy Court Administrator's Office, and the Prothonotary shall retain the copy in the file.

(e) The Court Administrator's Office shall assign the Emergency Motion to a judge to be resolved as soon as practical.

(3) All issues relating to the administration, filing, and processing of judicial assignments relating to motions shall be under the direction and supervision of the Civil Calendar Judge.

Rule 208.4—Motions—Entry of Order

At the initial consideration of the motion, the court shall enter an order in accordance with Pa.R.C.P. 208.4.

Rule 210—Form and Content of Briefs

(1) Briefs shall contain the following:

(a) a full and accurate procedural history of the case;

(b) a full, accurate and unbiased statement of the facts;

(c) a concise statement of the pertinent legal and factual question(s) involved;

(d) a legal discussion, with accurate and verified citations to legal authority, including contra authority;

(e) a concise statement indicating the requested relief and its specific application to the facts of the case; and

(f) a concise statement setting forth the reasons why oral argument is believed to be necessary or, in the alternative, a statement waiving oral argument.

(2) The Brief of each party, if more than fifteen pages in length, shall contain an Index and a Table of Citation of cases and statutes with reference to the page(s) at which they appear in the Brief. All citations must be verified and brought current to the date of filing.

(3) No Reply Briefs shall be filed unless otherwise directed by the Assigned Judge.

Rule 211—Argument Court (Rescinded)

Rule 215.1 Jury Trials

(1) LISTING—[At least six weeks prior to the first day of a session of civil jury trials, any case which is at issue may be listed for trial by the filing of a certificate of readiness with the Prothonotary.] An original and one copy of a Certificate of Readiness shall be filed with the Prothonotary listing a case for a jury trial in accordance with the timelines published in the Annual Court Calendar. No case subject to compulsory arbitration shall be listed for trial, unless on appeal from a report and award of arbitrators. [The party entering a case for trial shall concurrently give written notice thereof, including a copy of the certificate of readiness, to all other parties. Failure to give such notice may be grounds for striking the case from the list.] The party filing the Certificate of Readiness shall communicate with all counsel and/or pro se parties and confirm the availability of all counsel or the pro se party, as the case may be, together with the availability of all witnesses and all parties for the particular trial term before the Certificate of Readiness is filed. The listing party shall attest that all discovery has been completed, serious settlement negotiations have been conducted, videotaped testimony for use at trial has been recorded, and that the case is READY IN ALL RESPECTS for trial. A copy of the Certificate of Readiness shall be promptly served on all counsel and/or pro se parties. If a party is not represented by counsel of record, such notice shall include the date of the first day of the applicable trial session. The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file. The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing the Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness. If a party is unable to satisfy the requirements regarding the filing of a Certificate of Readiness due to the unavailability of counsel, parties or witnesses, such party shall immediately file an Administrative Application for Status Conference in accordance with Dauphin County Local Rule 215.3.

[THE CERTIFICATE OF READINESS CONFIRMS THAT ALL DISCOVERY IN THE CASE HAS BEEN COMPLETED, THAT ALL NECESSARY PARTIES AND WITNESSES WILL BE AVAILABLE, THAT SERIOUS

SETTLEMENT NEGOTIATIONS HAVE BEEN CONDUCTED, AND THAT THE CASE IS READY IN ALL RESPECTS FOR TRIAL.]

(3) OBJECTIONS TO THE CERTIFICATE OF READINESS FOR JURY TRIAL [AND MOTIONS FOR CONTINUANCE]

(a) [(i) At least three (3) weeks prior to the first day of the trial session any and all objections by a party to the listing of a case must be presented in the form of a motion to strike.] All Objections to the Certificate of Readiness shall be set forth in a pleading, in paragraph form, and filed promptly in accordance with the timelines found in the Annual Court Calendar. The Objection shall contain a procedural history of the case and a detailed statement as to why the objection is being made. [The motion must be filed with the Prothonotary, with copies served upon all other counsel and the Court Administrator's Office.] The original and one copy of the Objection shall be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office and retain the copy in the file. The Objection shall be promptly served on all other counsel and/or pro se parties. Objections filed after the timelines established in the Annual Court Calendar will not be entertained, except in extraordinary circumstances for extremely good cause shown.

[(ii) In cases which are otherwise ready for trial, a party shall move for a continuance pursuant to Pa.R.Civ.P.216. Such motions will be heard by the Calendar Judge unless the case has been previously assigned to another member of the court.]

(b) [Objections and motions for continuance submitted in accordance with Rule 215.1(3)(a) will be heard by the Calendar Judge, as provided for in Rule 215.1(5) on the Friday of the third week prior to the trial session, or as otherwise scheduled by the Court.] All objections shall be heard by the Civil Calendar Judge on the date specified in the Annual Court Calendar.

Rule 215.2—Non-Jury Trials and Other Proceedings (Rescinded)

Rule 215.3—Status Conferences

(1) DISCRETIONARY—[Not earlier than six months a] After the filing of a complaint, a party may [petition the Court] file a pleading designated as an Administrative Application for [s]Status [c]Conference. [The petition shall set forth the procedural history of the case and the reasons necessitating the conference. A copy of the petition shall be served on opposing counsel but no answer shall be required. The conference will be scheduled upon filing a request for assignment of a non-jury proceeding with the Court Administrator's Office.] A status conference may be requested for the purpose of setting a discovery deadline; exchanging information regarding witnesses and expected testimony; settlement discussions; discussion of special requests or problems or for facilitating the case to trial. Following the conference the Court may issue such order as may facilitate the resolution of issues raised at the conference and may assign the case for trial to a particular trial term.

(2) MANDATORY—An Administrative Application for Status Conference shall be filed in all cases that are estimated to last longer than five days (jury selection through a reasonable period of jury deliberation) as soon as it is known or believed that the trial of the case may exceed that period of time. In such instances, the case will be assigned to a judge for case management purposes and eventual trial. At the conference, the assigned judge

(in consultation with the Civil Court Administrator's Office), shall identify the civil trial term that accommodates the parties, witnesses, counsel and the court's schedule. The case will be listed for trial for the identified trial term by order of court and will be given a priority status. The scheduling order shall identify the estimated length of trial and any other special considerations.

(3) The Administrative Application for Status Conference shall be in paragraph form and shall set forth the complete and factual procedural history of the case and the reasons necessitating the conference. A copy of the Application shall be served on all opposing counsel and pro se parties and no response shall be required. An original and one copy of the Application shall be filed with the Prothonotary. The Prothonotary shall forward the original to the Court Administrator's Office for assignment to a judge and shall retain the copy in the file. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Application for Status Conference to a judge who has had prior significant involvement with the case or if no judge has had prior significant involvement, to a judge on a rotating basis.

Rule 215.4 Complex Litigation Designation: Appointment of a Single Judge

At anytime after the service of the complaint, any party to a case may [petition the Court for complex litigation designation] file a pleading designated as an Administrative Application for Complex Case Designation. The Application shall be set forth in paragraph form. An original and one copy of the Application shall be filed with the Prothonotary. The [petition] Application shall set forth the parties, the causes of action, the nature of cross or counter claims, and a brief statement of the perceived complexities of the case. The [petition] Application shall further aver that all other parties have been contacted and shall state whether or not they concur in the [petition] Application. Where concurrence has not been obtained, a Rule to Show Cause, returnable within [10] ten days of service, shall be attached to the [petition] Application. The Prothonotary shall forward the original Application to the Court Administrator's Office for further processing and shall retain the copy in the file. The Court Administrator's Office [The matter] shall thereafter [be referred] refer the matter to the Civil Calendar Judge who, upon review of the [petition] Application and any answer thereto, shall determine whether complex litigation designation is appropriate. If such status is granted, the Civil Calendar Judge shall by order assign the case to a member of the Court. This assignment shall be considered permanent for all pre-trial, trial, and post-trial matters.

A denial by the Civil Calendar Judge of complex litigation designation shall be without prejudice to refile another Application after the pleadings are closed.

Rule 1028(c)—Preliminary Objections—Procedures for Disposition

(1) An original and one copy of the Preliminary Objections shall be filed with the Prothonotary and served on all other parties.

(2) When the Preliminary Objections are ready for disposition in accordance with the Pennsylvania Rules of Civil Procedure, but not earlier than twenty days after actual service on all other parties, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain the copy in the file.

(4) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Preliminary Objections to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Assigned Judge shall issue a scheduling order, which will include any briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument.

(6) If a party requests that discovery is necessary for the disposition of the Preliminary Objections, said request shall be contained in the Preliminary Objection or in the answer thereto. The Assigned Judge shall dispose of this request in the scheduling order.

(7) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

Rule 1034(a)—Motion for Judgment on the Pleadings—Procedures for Disposition

(1) An original and one copy of the Motion for Judgment on the Pleadings shall be filed with the Prothonotary and served on all other parties.

(2) When the Motion for Judgment on the Pleadings is ready for disposition in accordance with the Pennsylvania Rules of Civil Procedure, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain the copy in the file.

(4) The Court Administrator's Office shall promptly assign the Motion for Judgment on the Pleadings to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Assigned Judge shall issue a scheduling order, which will include any briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument.

(6) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

Rule 1035.2(a)—Motion for Summary Judgment—Procedures for disposition

(1) An original and one copy of the Motion for Summary Judgment shall be filed with the Prothonotary and served on all other parties.

(2) When the Motion for Summary Judgment is ready for disposition in accordance with the Pennsylvania Rules of Civil Procedure, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file.

(4) The Court Administrator's Office shall promptly assign for Motion for Summary Judgment to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Assigned Judge shall issue a scheduling order, which will include any briefing requirements and an argument date (if necessary). If the Assigned Judge determines that argument is advisable before a three-judge panel, the Assigned Judge and the Court Administrator's Office will make the necessary scheduling arrangements for such panel argument.

(6) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

RULE 1038. TRIAL WITHOUT JURY

[Assignment of a case to a judge for a trial without jury shall be requested in accordance with Dauphin County local rule 215.2.]

(1) When a case is READY IN ALL RESPECTS to be scheduled for a trial without a jury, any party may file an original and one copy of a Certificate of Readiness with the Prothonotary.

(2) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and shall retain the copy in the file.

(3) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall assign the case to be tried without a jury to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

Rule 1301—Arbitration

(2) When a [Praeceptum for Arbitration] Certificate of Readiness is filed, it shall contain a statement of any other actions pending in this Court involving a common question of law or fact, together with the amount involved therein. If all such cases are subject to arbitration, the Prothonotary shall consolidate them for arbitration. If any such case is not subject to arbitration, all such cases shall be consolidated for trial before the Court.

Rule 1303—Listing of a Case. Notice. Location. Continuances.

(a) (1) [A party or attorney to an arbitration case shall file a Praeceptum for Arbitration in the Prothonotary's Office at least six weeks prior to the date scheduled for the

beginning of an arbitration week and shall concurrently serve a copy of the Praeceptum on all other parties or attorneys.] When a case is READY IN ALL RESPECTS for arbitration, a party may file an original and one copy of a Certificate of Readiness with the Prothonotary in accordance with the timelines established in the Annual Court Calendar. The Prothonotary shall forward all original Certificate of Readiness forms to the Court Administrator's Office. The Chair of the arbitration panel shall prepare the list of cases and send the list of cases to all attorneys and pro se parties involved in the cases. The Certificate of Readiness [praecipe] shall contain the following statement:

This matter will be heard by a [b]Board of [a]Arbitrators at the time, date, and place specified by the Chair of the panel but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a Judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a Judge.

A hearing under the provisions of this notice shall be heard by the Arbitration Judge if his/her schedule so permits.

(2) At least thirty [30] days prior to filing a [praecipe to list for arbitration] Certificate of Readiness, a party or attorney must notify all other parties or attorneys of the intention to list.

(3) All hearings shall be in the Dauphin County Courthouse unless otherwise agreed to in writing by the parties or attorneys and the Court Administrator.

(4) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

(b) Continuances

(1) [Motions for continuance shall be in writing and presented to the arbitration panel chairman, with copies served concurrently upon all other parties.] The original and one copy of a pleading designated as an Application for Continuance shall be filed with the Prothonotary. The Prothonotary shall immediately forward the original to the Court Administrator's Office and retain the copy in the file. The Court Administrator's Office shall forward the Application to the Arbitration Chair if the case is less than two years old. If the case is more than two years old, the Court Administrator's Office shall forward the Application to the Arbitration Judge. Applications for Continuance shall be served concurrently upon all other parties. No continuance shall be granted if filed less than ten days prior to the beginning of the arbitration term except in the most extraordinary circumstances. A courtesy copy of the Application shall be sent to the Arbitration Chair.

(2) The Application for Continuance [motion] shall certify that all other parties do or do not concur in the request.

(3) If all parties concur, and the case is less than two years old, the panel [c]Chair[man] shall approve the Application for Continuance [motion] and [note the same on the docket] file an order continuing the matter and directing the parties to file a Certificate of Readiness for a subsequent term.

(4) If a party does not concur, and the case is less than two years old, the panel [c]Chair[man] shall convene a

telephone conference among all parties, and shall make a decision on the Application for Continuance [motion]. [He] The Chair shall then inquire if any aggrieved party wishes to appeal the matter to the [Calendar] Arbitration Judge.

(a) If a party indicates an intention to contest the decision of the panel [c]Chair[men], an Application [motion] for [c]Continuance shall thereafter be presented to the [Calendar] Arbitration Judge, reciting the date the Application for Continuance [motion] was presented to the panel [c]Chair[man], the date of the conference call, the names of the attorneys and parties who participated in the call, and the panel [c]Chair[man]'s decision.

(b) If no party indicates an intention to contest the decision of the panel [c]Chair[man], [he] the panel [c]Chair shall [note that decision on the docket] file an order with the Prothonotary indicating the decision.

(5) Only one request for continuance will be granted for cases less than two [2] years old, and none shall be granted for those over two [2] years old, except with leave of court for cause shown.

Rule 1703 Class Actions

When a Class Action Complaint, which is properly captioned as such, is filed with the Prothonotary, a copy of the Complaint shall be immediately brought to the Court Administrator's Office by the filing party. The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, will promptly assign the matter to a judge in accordance with Pa.R.C.P. 1703(b).

Rule 1910.7 Question of Jurisdiction or Venue.

Preliminary Objections to the existence or exercise of jurisdiction or venue in any support action shall be assigned to a judge for disposition [in accordance with Dauphin County Local Rule of Civil Procedure 215.2].

Rule 1910.24 Stay of Proceedings—Support (Rescinded)

Rule 1915.5 Question of Jurisdiction or Venue. No Responsive Pleading Required. COUNTERCLAIM

(c) Preliminary objections to the existence or exercise of jurisdiction or venue in any custody action shall be assigned to a judge for disposition [in accordance with Dauphin County Local Rule of Civil Procedure 215.2].

Rule 1920.2 Question of Jurisdiction or Venue

Preliminary objections to the existence or exercise of jurisdiction or venue in any divorce action shall be assigned to a judge for disposition [in accordance with Dauphin County Local Rule of Civil Procedure 215.2]. Either party may submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2].

Rule 1920.43 Special Relief—Divorce

(1) A petition for special relief filed in accordance with Pennsylvania Rule of Civil Procedure 1920.43 shall include a Rule to Show Cause in accordance with Pa.R.C.P.206.5 (Discretionary Issuance).

(2) When a response to the Rule to Show Cause is filed, [either] a party may, if otherwise appropriate under the Rules of Civil Procedure, [submit a non-jury assignment request form to the Court Administrator's Office and the matter will be assigned to a judge in accordance with Dauphin County Local Rule of Civil Procedure 215.2] file an original and one copy of a Certificate of Readiness with the Prothonotary.

(3) The Prothonotary shall forward the original Certificate of Readiness to the Court Administrator's Office and retain a copy in the file.

(4) The Court Administrator's Office, under the direction and supervision of the Civil Calendar Judge, shall promptly assign the Petition for Special Relief to a judge who has had prior significant involvement with the case or, if no judge has had prior significant involvement, to a judge on a rotating basis.

(5) The Certificate of Readiness form is available in the Prothonotary's Office, in the Court Administrator's Office and online at the Dauphin County website (www.dauphincounty.org). Parties filing a Certificate of Readiness form must ensure that the most current form is utilized. Failure to utilize the most current form shall result in the rejection of the Certificate of Readiness.

Rule 2959(e)—Stay of Proceedings—Striking Off or Opening Judgments (Rescinded)

Rule 3121(b)—Stay of Execution—Money Judgment (Rescinded)

Rule 3162(b)—Stay of Execution—Ejectment (Rescinded)

Rule 3172(b)—Stay of Execution—Replevin (Rescinded)

Rule 3183(b)—Stay of Execution—Mortgage Foreclosure (Rescinded)

Rule 4013—Stay of Proceedings—Discovery (Rescinded)

Rule 4019 Discovery [Disputes]

(1) (a) [Whenever,] Except in the situations that are covered by subsection (4) hereof, when a dispute arises, during any discovery permitted under the Pennsylvania Rules of Civil Procedure, [a dispute as to the discovery of any matter arises between the parties,] an aggrieved party shall file with the Prothonotary an original and one copy of a Motion for a Discovery Conference [motion with the Prothonotary and immediately deliver to the Court Administrator's Office both a copy of the motion and a non-jury slip as required by Dauphin County Local Rule 215.2(2)]. The Prothonotary shall forward the original discovery conference motion to the Court Administrator's Office for assignment in accordance with Local Rule 208.3(a) and shall retain the copy in the file.

(3) (c) The Judge assigned to conduct the discovery conference [hearing the discovery dispute] shall enter an appropriate order [(1)] disposing of the issues raised in the motion [or (2) directing that the motion be listed for Argument Court].

(4) Procedure for failure to provide discovery permitted by statute, rule of practice, rule of procedure, or order of court. [; Motion for Sanctions.]

(a) WRITTEN DISCOVERY

(1) If a party fails to timely respond [timely] to interrogatories or a request for production of documents, [or

fails to appear in response to a notice of deposition] and no extension of time has been granted, no motion for a protective order has been granted, or no objection to the written discovery request has been lodged, the party seeking [issuing] the discovery [request] shall proceed under ONE of the following options: [may file a motion for sanctions.]

(a) DISCOVERY CONFERENCE—the aggrieved party may promptly file a Motion for a Discovery Conference in accordance with Local Rule 4019(1), provided that no written Notice of Intention to Seek Sanctions has been sent pursuant to Local Rule 4019(4)(a)(1)(b) as set forth hereafter.

(b) MOTION FOR SANCTIONS—

(i) A written [n]Notice of [i]Intention to [s]Seek [s]Sanctions, specifically (a) referencing this rule, (b) listing the sanctions sought, and (c) where applicable, noting that the Sanctions Hearing Order will require the presence of both the defaulting party(ies) and their counsel at said hearing, unless counsel for the defaulting party(ies) accepts full responsibility for the default, in writing, filed within five calendar days of receipt of the motion, shall be sent to counsel for the defaulting party(ies), if represented, otherwise to the defaulting party(ies), by certified mail, return receipt requested, at least thirty days before filing a [m]Motion for [s]Sanctions.

(c) (ii) If [the requested] a full and complete discovery response authorized by the Pennsylvania Rules of Civil Procedure is received within said thirty-day notice period, no [m]Motion for [s]Sanctions shall be filed. However, a Discovery Conference can thereafter be sought for any appropriate relief upon motion of any party.

(d) (iii) A [m]Motion for [s]Sanctions shall state [(1)] the discovery requests alleged to be in default, and [(2)] the requested appropriate [proposed] sanctions [appropriate] pursuant to Pa.R.Civ.P. 4019. A written certificate of service of the written [n]Notice of [i]Intention to [s]Seek [s]Sanctions [under subparagraph (b)] and a copy of the notice shall be attached. If attorneys' fees and expenses are sought, reasonable documentation of time devoted and expenses incurred must [shall] be attached to the [m]Motion. Failure to attach such reasonable documentation shall preclude consideration of that form of relief. A concise Answer to the Motion is permitted if filed within ten days of service of a copy of the Motion for Sanctions.

(e) (iv) The Civil Calendar Judge shall conduct a hearing on the [m]Motion, even if the default that prompted the [m]Motion has been corrected before the hearing date.

(v) Nothing in this section shall prohibit a party(ies), who is having difficulty in complying with a discovery request, from requesting a Discovery Conference with the Court by filing a Motion for Discovery Conference before a Notice of the Intention to Seek Sanctions is sent by the requesting party(ies).

(b) DEPOSITIONS

(1) When a party or nonparty fails to appear for a duly noticed deposition, and no Protective Order has been obtained, a Motion for Sanctions may be filed immediately and without further notice. However, it shall be the firm responsibility of the party seeking sanctions to

ensure, to a certainty, that actual notice of the deposition was personally served on the person failing to appear.

These amendments shall be effective July 26, 2004.

By the Court

JOSEPH H. KLEINFELTER,
President Judge

[Pa.B. Doc. No. 04-1189. Filed for public inspection July 2, 2004, 9:00 a.m.]

FAYETTE COUNTY

**Local Rule 1034; Civil Division; No. 1336 of 2004
GD**

Order

And Now, this 18th day of June, 2004, pursuant to the Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rule 1034 is hereby amended to read as follows and shall become effective on July 26, 2004.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

(5) This amendment shall also be published on the web site of the Administrative Office of Pennsylvania Courts (www.aopc.org).

By the Court

CONRAD B. CAPUZZI,
President Judge

Rule 1034. Judgment on the Pleadings

(a) A Motion for Judgment on the Pleadings shall be presented in Motions Court as a Routine Motion within ten (10) days after the date on which a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument. A response to the motion shall be filed within 20 days after service of the same.

(1) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(2) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

[Pa.B. Doc. No. 04-1190. Filed for public inspection July 2, 2004, 9:00 a.m.]

FAYETTE COUNTY

Local Rules 201, 201.1, 202, 203, 204, 205.2, 206.1, 206.4, 208.2, 208.3, 211, 211.1, 211.2, 211.3, 214, 1028, 1034, 1035.2; Civil Division; No. 1289 of 2004

Order

And Now, this 8th day of June, 2004, pursuant to the Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rules 211, 211.1, 211.2, and 211.3 are hereby rescinded; Local Rules 201, 201.1, 202, 203, 204 and 214 are hereby amended, and new Local Rules 205.2, 206.1, 206.4, 208.2, 208.3, 1028, 1034, 1035.2 are hereby promulgated, to read as follows. These revisions shall become effective on July 26, 2004.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

(5) These revisions shall also be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org).

By the Court

CONRAD B. CAPUZZI,
President Judge

Fayette County Local Rules—Civil

FCR 201 Case Assignment

(a) All civil cases, not including family court matters, filed in the Prothonotary's Office shall be assigned to a Judge as set forth in FCR 201.1. The Prothonotary shall notify the assigned Judge of the assignment upon the filing of the initial responsive pleading of any defendant. The assigned Judge's name shall be placed on all subsequent pleadings by counsel under the number and term of the case.

(b) If pending cases which arise from the same transaction or occurrence are assigned to different Judges, the Court, on its own motion or the motion of any party, may order the cases consolidated before the Judge assigned to the first case filed.

FCR 201.1 Random Assignment

Civil cases set forth in FCR 201(a) shall be assigned randomly by the Prothonotary's computer system to a Judge. Those cases which have not yet been assigned and require an emergency determination as provided in FCR 208.3(a)(3) will be immediately assigned randomly by the Prothonotary's computer system, after the President Judge approves the case as being in compliance with FCR 208.3(a)(3).

FCR 202 Status Conference

As to cases filed on or after the effective date of FCR 201(a), the assigned Judge shall schedule a status conference no sooner than thirty (30) days after the initial responsive pleading to the complaint is filed.

FCR 203 Case Management Order

(a) At the FCR 202 status conference, the assigned Judge shall enter a case management order which may include the following:

- (1) a date for discovery to be completed;
- (2) referral to arbitration of all cases when the amount actually in controversy does not exceed the jurisdictional limits of arbitration. The Court shall set forth the estimated length of time for the arbitration hearing in the referral order;
- (3) a date for all dispositive motions, including motions for summary judgment and for judgment on the pleadings, to be filed;
- (4) a pretrial conference date; and
- (5) the earliest trial date on which the case may be tried pursuant to Pa.R.C.P. 212.1(a).

FCR 204 Presentation of Applications for Court Action

(a) All applications for Court action, including motions, petitions, and those other applications specifically listed in Pa.R.C.P. 208.1 (b)(1) and (2), shall be presented to the Court by following the Motions Court procedure set forth in FCR 208.3(a). As used herein, the term "motion" shall include every type of motion, petition, or other application for action by the Court, and shall be designated as either "Priority" or "Routine," presentation of the latter not requiring the presence of the parties or counsel for either side. By definition, a "priority" motion is one which may be subject to contest or is so unusual as to require discussion or explanation, while "routine" motions include all other applications, such as uncontested matters to which the parties have consented in writing, requests for hearing, or requests for later argument.

(b) All motions filed and served pursuant to FCR 208.3(a)(1) shall include a Certificate of Service, signed by the party's attorney, or the party if unrepresented, setting forth the date and manner of service (personal delivery, mail, facsimile), and the names, addresses and phone numbers of the persons served.

Example:

I hereby certify that I am this day serving the within document upon the persons and in the manner indicated below.

1. Service by certified mail, return receipt requested:
(Name of person served) _____,
_____ Phone Number _____ Address _____
 2. Service by facsimile at FAX number _____ :
(Name of person served) _____,
_____ Phone number _____ Address _____
 3. Service in person:
(Name of person served) _____,
_____ Phone number _____ Address _____
- Date: _____ Signature _____

FCR 205.2 Filing Legal Papers with the Prothonotary

(a) The caption of every pleading or other legal paper, with the exception of original process, shall set forth immediately below the docket number the name of the assigned judge.

FCR 206.1 Petition, Definition, Content and Form

(a) In addition to petitions to open and for non pros, petition practice shall also be applicable to petitions to transfer venue on grounds of forum non conveniens.

FCR 206.4 Rule to Show Cause

(c) Fayette County hereby adopts Pa.R.C.P 206.5 as the procedure governing Rules to Show Cause. The issuance of Rules to show Cause will be discretionary with the Court upon presentation of a petition seeking the same.

(1) A petition for a Rule shall be presented to the assigned judge as a Priority Motion in accordance with FCR 208.3(a).

(i) Those petitions which show no merit on their face or which can be determined by a short presentation by the respective attorneys in Motions Court will be disposed of without a formal factfinding procedure.

(ii) If it appears to the Court that formal factfinding is necessary to the disposition of the Rule, the Court will set a date for argument subsequent to the filing of an Answer and the taking of any necessary discovery.

(2) In the event that the Court grants the Rule to Show Cause, an order to that effect will be issued in accordance with Pa. R.C.P. 206.5, setting forth the time mandates for the Respondent's Answer and any depositions required prior to argument.

(i) Said order will also indicate the date set for argument on the matter.

(ii) The Petitioner for the Rule must provide notice of the entry of this order to all parties within seven (7) business days of the entry thereof.

(3) A request for a stay of execution pending disposition of a petition to open may be ordered upon presentation of said petition.

FCR 208.2 Motions

(c) All motions and other applications for Court action must set forth a specific citation to relevant constitutional provisions, case law, statutory provisions or rules that provide the Court's authority to grant the relief requested. Said citation shall be placed on the Certificate of Presentation, which form appears in Paragraph 7 of FCR 208.3(a).

(d) All motions and other applications for Court action presented as uncontested require certification as such, if no joinder has been attached.

(e) Any motion relating to discovery must contain a certification that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

FCR 208.3 Motions Court Procedure

(a) In order to provide a uniform means of presenting to the Court all matters which require action by the Court, Motions Court will be held daily at 9:00 o'clock A.M. in the courtroom of the Motions Judge. The name of the assigned Motions Judge for each day shall be published periodically in the Fayette County Legal Journal.

(1) The Court Administrator shall maintain a Motions Docket and shall make daily entries of all motions filed and the disposition thereof.

(2) All motions shall be accompanied by a Certificate of Presentation as set forth in FCR 208.3(a)(7).

(3) The moving party shall file the original motion, Certificate of Presentation, and any attachments in the

appropriate office before presentment in Motions Court. An original proposed order, a copy of the Certificate of Presentation and motion, assembled in that order, shall be delivered to the Court Administrator and every other party of record. Such copies and notice shall be given so as to be received at least two (2) business days before presentation in Motions Court, unless there are emergency circumstances specified in the motion requiring presentation within a shorter time.

(4) All priority motions will be presented to the assigned Judge in Motions Court.

(5) The Court Administrator shall assign any motion not otherwise assigned to a Judge for disposition.

(6) Failure to accurately provide the information required by paragraph (7) below may result in the matter not being listed for Motions Court.

(7) The Certificate of Presentation shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

:
:
:
:
:
: NO. ____ OF ____

CERTIFICATE OF PRESENTATION

- 1. The undersigned, _____, represents _____, the moving party herein.
- 2. The attached motion will be presented in Motions Court on _____, _____, 20 ____ at 9:00 o'clock A.M.
- 3. The attached motion shall be classified as a Routine/Priority motion as defined in the preceding Rule entitled Presentation of Applications for Court Action. (If the motion is Routine, parties or counsel are not required to be present in Motions Court.)
- 4. Judge _____ has been assigned or has previously ruled on a matter relevant to this motion. (See attached relevant ruling.)
- 5. The SPECIFIC citation for the Court's authority to grant the relief requested is _____.
- 6. Estimated time for hearing or argument to resolve the motion on its merits: _____.

Respectfully submitted,

Date: _____

FCR 214 Trials

(a) There shall be four (4) Sessions of Civil Jury Trial terms each year, beginning respectively on the third Monday of January, April, July, and October, unless otherwise specifically ordered.

(b) The jury selection day shall be the first day of the Civil Jury Trial term, and such other days as the Court may direct.

(c) Non-jury and equity trials shall be scheduled at the pretrial conference.

(d) As to any civil jury trial, unless the assigned Judge directs otherwise, a trial date and a jury selection date shall be determined at the pretrial conference.

FCR 1028 Preliminary Objections

(c) Preliminary objections shall be presented in Motions Court as a Routine Motion within ten (10) days after the date for filing an amended pleading pursuant to Pa.R.C.P. 1028(a)(1) or a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

FCR 1034 Judgment on the Pleadings

(a) A Motion for Judgment on the Pleadings shall be presented in Motions Court as a Routine Motion within ten (10) days after the date on which a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

FCR 1035.2 Summary Judgment

(a) A Motion for Summary Judgment shall be presented in Motions Court as a Routine Motion within ten (10) days after a response is due from the non-moving party, accompanied by a proposed order for the Court's use in setting the date and time for argument.

(i) Unless otherwise ordered, the brief of the moving party shall be served on all parties and the assigned Judge within fifteen (15) days from the presentation of the motion pursuant to FCR 208.3(a); and the briefs of all responding parties shall be served on all other parties and the assigned Judge within fifteen (15) days after service of the moving party's brief. A certificate of service shall be filed with the Prothonotary, the brief itself need not be filed.

(ii) Failure to comply with the briefing schedule may result in the denial of oral argument or such other sanctions as are appropriate.

[Pa.B. Doc. No. 04-1191. Filed for public inspection July 2, 2004, 9:00 a.m.]

NORTHUMBERLAND COUNTY

Adoption of Local Rules; Misc. Doc. No. Misc. CV86-1958

Order

And Now, this 22nd day of June, 2004, the Court hereby adopts the following Northumberland County Local Rules of Civil Procedure, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further Ordered that the District Court Administrator shall file seven (7) certified copies of these Rules with the Administrative Office of Pennsylvania Courts, two (2) copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy to the Civil Rules Committee and one (1) copy to the *Northumberland County Legal Journal* for publication in the *Northumberland County Legal Journal*.

It is further Ordered that this local rule shall be kept continuously available for public inspection and copying in the Prothonotary's Office.

By the Court

ROBERT B. SACAVAGE,
President Judge

**Northumberland County
Local Rules of Court
Rules of Civil Procedure**

Northum.L.R. 205.2(a). Physical Characteristics of Pleadings and Other Legal Papers

(1) All papers to be filed shall be prepared on letter size paper, double spaced, margins not less than 3/4" on the left side and 1/4" on the right side of the paper, and single-sided.

(2) The first page shall contain a 3" space from the top of the page for all stampings, filing notices and notations. Beginning at the left-hand margin 3" from the top of the page, the attorney name, attorney identification number, firm name, address and telephone number shall appear in that order. It must state the designation of the party being represented, i.e. "Attorney for Plaintiff" or "Attorney for Defendant [name]." The case caption shall follow with the number appearing on the right side.

(3) Any change of address shall be promptly filed on a separate paper entitled "Notice of Change of Address."

(4) Any proposed orders shall be separately attached, except a proposed rule to show cause or order for hearing which shall be attached as the first page after any cover sheet required by Northum. L. R. 205.2(b).

Northum.L.R. 205.2(b). Cover Sheet Form

(1) A civil cover sheet in the form set forth herein shall be attached to any legal paper such as a petition or motion that requires a hearing or argument date, for purposes of scheduling by the Court Administrator's office.

(2) The form of the civil cover sheet is as follows:

CIVIL COVER SHEET

(ALL ITEMS MUST BE COMPLETED)

1. CAPTION AND CASE NUMBER:

_____ vs. CASE NO. _____

2. ATTORNEY FOR EACH PARTY (with address) (if none, please indicate and list address for service of the notice)

Plaintiff: _____

Defendant: _____

Other: _____

3. Has any matter in this case or a companion case been before a Judge? Yes _____ No _____

a. If yes, please provide the Judge's name: _____

b. Nature of prior matter: _____

4. How much time is required before the Court? (You WILL BE limited to the time requested!)

5. (a) Has concurrence been sought? Yes _____ No _____
Why not? _____

(b) Was concurrence obtained? Yes _____ No _____

6. How much NOTICE must be given prior to the Hearing? _____

7. Are there any other scheduled dates or matters pending before the Court?

(a) If yes, when? _____

8. Please list any dates you are not available for Court! Continuances WILL NOT be granted except for extraordinary circumstances:

**TO BE FILLED OUT BY THE COURT
ADMINISTRATOR**

DATE SET: _____ TIME: _____

JUDGE: _____ SCHEDULING OFFICER: _____

Northumb.L.R. 206.1(a). Petitions.

(1) A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record.

(2) The designated applications which are to proceed in the manner of a petition under Pa.R.C.P. No. 206.1 et seq. would be any application for relief other than a motion and not otherwise covered by these rules, for which a rule to show cause is typically issued.

Northum.L.R. 206.4(c). Issuance of a Rule to Show Cause. (Discretionary Issuance)

(1) A petitioner seeking the issuance of a rule to show cause shall follow Pa.R.C.P. 206.5 (discretionary issuance), including the requirement of notice to all other parties of the intention to request the court to issue the rule, by filing a certificate of service of such notice.

(2) The petition shall set forth a citation to applicable legal authority being asserted as the basis for the requested relief.

(3) The request for the issuance of the rule shall be reviewed by the court as to whether it is properly pleaded, and states prima facie grounds for relief. In the event a rule is not initially issued, briefing or argument will be established by order of court, with notice provided by the Court Administrator's office.

(4) Every petition under Pa.R.C.P. 206.1(a) shall include as the first page after any cover sheet required by Northum.L.R. 295.2(b) a proposed rule to show cause in the following form:

Caption

ORDER

AND NOW, this ____ day of _____, 200 __, upon consideration of the foregoing 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 _____ days of this date;

(3) the petition shall be decided under Pa.R.C.P. No. 206.7;

(4) an evidentiary hearing on disputed issues of material facts shall be held on the _____ day of _____, 200 __, at ____ o'clock, ____ .m., in Courtroom No. _____ of the Northumberland County Courthouse, 201 Market Street, Sunbury, Pennsylvania.

(5) Notice of the entry of this order shall be provided to all parties by the petitioner, and a certificate of service filed.

BY THE COURT:

J.

(5) All petitions and other applications addressed to the Court shall be filed with the Prothonotary, who shall promptly file-stamp same and make a brief docket entry. At least one (1) copy of each such document and proposed order shall be presented to the Prothonotary with the original, which shall be retained by the Prothonotary while the original document is forwarded for consideration by the Court. The Prothonotary shall thereafter forward such original documents and any supporting papers and proposed orders to the Court Administrator for transmittal to the Court. Any such papers needing prompt court attention, after filing as noted above, may be forwarded immediately to the Court Administrator by the attorney filing such papers.

The Court Administrator, following consideration and disposition of the document by the Court, shall contact the counsel of record for the moving party advising of the action taken by the Court.

(6) The petition must be accompanied at the time of filing with stamped, addressed envelopes for each attorney of record and unrepresented party along with sufficient copies of the petition and proposed rule to show cause or other proposed order for each of them.

(7) A party may request oral argument as to any petition and answer by promptly filing a praecipe for argument.

Northum.L.R. 208.2(c). Motion to Include Statement of Applicable Authority

All motions, except continuances or scheduling matters, must include a brief statement of the applicable authority by citation to a statute, rule of court or other authority being asserted as the basis for the requested relief.

Northumb.L.R. 208.2(d). Certification of Uncontested Motions.

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel shall file a certification that the motion is uncontested, and provide a proposed order.

Northum.L.R. 208.2(e). Certification in Discovery Motion of Attempt to Resolve.

A motion relating to discovery must include a certification by counsel for the moving party that an attempt was made by reasonable effort to resolve the matter.

Northum.L.R. 210. Briefs.

(1) The brief of the moving party shall set forth the procedural history, the relevant facts, the questions involved, argument and conclusion.

(2) The response brief need only contain argument and conclusion. If a counter statement of the facts or the questions involved is not set forth, the statements of the moving party shall be deemed adopted.

(3) Briefs shall be submitted on 8 1/2 × 11 inch paper and shall be double spaced.

(4) Briefs are to be submitted in duplicate to the Court Administrator directly, and not filed with the Prothonotary.

(5) The moving party shall submit a brief fourteen (14) days before the date set for argument. The response brief is due seven (7) days after receipt of the moving party's brief, but no later than three (3) days before argument.

Northum.L.R. 1028(c). Preliminary Objections. Procedure.

(1) All preliminary objections shall be accompanied by a proposed order. A brief is not required at the time of filing the preliminary objections.

(2) After twenty (20) days from service of the preliminary objections, if an amended pleading has not been filed, any party may file a praecipe with the Prothonotary to place the preliminary objections on the argument list. Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

(3) 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 Northumb. L.R. 206.4(c).

Northum.L.R. 1034(a). Motion for Judgment on the Pleadings. Procedure.

Upon filing a motion for judgment on the pleadings, the moving party shall also file a praecipe with the Prothonotary to place such motion on the argument list. Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

Northum.L.J. 1035.2(a). Motion for Summary Judgment. Procedure.

(1) After thirty (30) days from service of the motion for summary judgment, any party may file a praecipe with the Prothonotary to place the matter on the argument list.

(2) If a response is filed where any party demands discovery, the parties shall complete such discovery within sixty (60) days, unless otherwise directed by the Court, and thereafter a praecipe may be filed for placement on the argument list.

(3) Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

Northum.L.R. 208.3(b). Responses to Motions.

(1) Any response to a motion shall be filed within twenty (20) days after service of the motion, unless the time for filing the response is modified by court order.

(2) A brief need not be filed with a response.

(3) Any party may file a praecipe with the Prothonotary to place the matter on the argument list. Subsequently, a briefing schedule and assignment to a judge will be issued by the Court Administrator.

[Pa.B. Doc. No. 04-1192. Filed for public inspection July 2, 2004, 9:00 a.m.]

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SCHUYLKILL COUNTY
Amended Civil Rules of Procedure

Order of Court

And Now, this 16th day of June, 2004, at 11:30 a.m., Schuylkill County Civil Rules of Procedure are amended/adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective July 24, 2004 pursuant to PA. R.C.P. 239.8.

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

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

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

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 205.1. Custody of Papers.

(a) All papers relating to civil matters shall be filed in the Office of the Prothonotary, with the exception of support matters which shall be filed with the Domestic Relations Section in accordance with appropriate statutes, Pennsylvania Rules of Civil Procedure, and these rules, with a case number and year thereon and the date and hour of filing to be stamped thereon by the Prothonotary or Clerk of the Domestic Relations Section.

(b) Upon receipt by the Prothonotary of the record of a case transferred from another judicial district, the Prothonotary shall assign a case number and year to the action and shall notify all counsel of record thereof.

(c) Prepayment of costs for filing. The Prothonotary, Clerk of Court of Common Pleas, Register of Wills, Clerk of the Orphans' Court Division, Clerk of the Domestic Relations Section, and the Recorder of Deeds shall have the right to require payment for the filing, recording, or service of a paper or pleading at the time same is filed and, if said officer is unable to determine in advance the amount so required, he shall have a right to require a

reasonable sum as a deposit against the costs for filing, recording, or service of a paper or pleading at the time same is filed.

(d) The record papers in the Office of the Prothonotary and Domestic Relations Section shall be in the custody of said officials who shall be responsible for their safekeeping. No person, other than the prothonotary or the Chief of the Domestic Relations Section, or their duly authorized clerks, shall have access to the files in which such record papers are kept.

(e) Auditors, masters, and other similar officers appointed by the Court shall have authority to remove such records as may be necessary for the purposes of their appointment, and they shall return the same within three (3) months unless the Court authorizes their longer retention.

(f) None other than those named in (e) shall be permitted to remove the papers from the Office of the Prothonotary or Domestic Relations Section without a written Order of Court. It shall be the duty of the Prothonotary and the Chief of the Domestic Relations Section to insure full compliance with this rule.

(g) The record papers may be examined and copied by any other party in interest only in the office of the Prothonotary or Domestic Relations Section. However, the original transcript of testimony may not be photocopied.

(h) The Prothonotary shall keep and maintain the following dockets:

- (1) Suit Docket
- (2) Judgment Docket
- (3) Federal Tax Lien Docket
- (4) Secured Transaction Docket
- (5) Fictitious Names Docket

Rule 205.2. Filing Legal Papers. Praecipe to Transmit

(a) All papers, pleadings, and documents filed with the Prothonotary and Domestic Relations Section shall be on 8 1/2 × 11 inch paper, and where signatures are required, such signatures shall be in black or blue-black ink.

(b) All filings which require action by a judge or an assignment by the Court Administrator shall be accompanied by a praecipe to transmit on Prothonotary Form 205.2(b), and shall indicate the nature of the filing and what action is being sought to move the matter forward. The purpose of the praecipe is to advise the Court of what may be necessary for a disposition (i.e. when a hearing is required; when a matter is ripe for disposition on the record; matters that can be immediately addressed) and to expedite action on the filing. When a non-jury trial or a hearing involving witnesses is being requested, then the moving party shall list the witnesses to be presented and include an estimate as to the time required to present the case. In matters requiring a non-jury trial or hearing, opposing counsel is required to submit a report in WRITING to the Court Administrator within ten (10) days of the moving party's filing of the praecipe to transmit, (1) listing the names of the witnesses they will use at trial or hearing; and (2) an estimate of time required to present their case. Failure to file the praecipe to transmit or to indicate what action is required from the Court may result in denial of the relief sought. Failure to list witnesses may result in the preclusion of their testimony.

FORM OF PRAECIPE TO TRANSMIT.

Pursuant to this Rule, the Praecipe to Transmit shall be in the following form:

(CAPTION)

PRAECIPE FOR CERTIFICATION—PROTHONOTARY FORM 205.2(b)

TO: THE PROTHONOTARY: Transmit the attached filing to the Court Administrator for Assignment to a Judge. The nature of the filing and requested action is as follows:

_____ Jury Trial—(Complete Certificate of Readiness)

_____ Non-Jury Trial—
Any matter dispositive of the case e.g.:
() Equity Actions; () Tax Appeals; () Summary Appeals;
() Name Change Actions; () Permanent Injunctions;
() Other _____ (specify)

I estimate it will require _____ hours to present the plaintiff's/defendant's case and I will present only the following witnesses for testimony:

_____ Petition pursuant to Pa.R.C.P. 206.1 requesting
() Issuance of Rule to Show Cause; () Transfer to Court for disposition, no answer having been filed; () Transfer to Court for disposition, contested matter and fact finding complete or unnecessary;
() Other _____ (specify)

Issue that can be decided on the record and briefs, being: () Gov't Appeal; () Exceptions; () Judgment on the Pleadings; () Summary Judgment;
() Other _____ (specify)

Issue that can be assigned for immediate actions, being: () Stipulation; () Uncontested Motion; () Motion for Appointment; () Quiet Title Motion;
() Other _____ (specify)

_____ Contested Motion (Memo Attached), being:
() Discovery Motion;
() Other _____ (specify)

_____ () Transmit to Custody Officer. Reason: _____
(If hearing is required, complete the time and witness portion of this form).

_____ Hearing required/requested: Reason for Hearing: _____
() Special Relief; () Contempt Petition;
() Preliminary Injunctions;
() Other _____ (specify)

I estimate it will require _____ hours to present the plaintiff's/defendant's case and I will present only the following witnesses for testimony:

Attorney for Plaintiffs

Date: _____

For Defendant: _____

For Plaintiff: _____

Notice: In matters requiring a non-jury trial or hearing opposing counsel is required to submit a report in WRITING to the Court Administrator within 10 days, (1) listing the names of the witnesses they will use at the hearing; and (2) an estimate of the time required to present their case.

Rule 206.1. Petitions.

(a) As used in this chapter, "petition" includes an application:

- (1) to open a default judgment, or
- (2) to open a judgment of non pros.

(b) Petition and answer practice shall comport with Pa.R.C.P. 206.1 and 206.2 and the rule provisions of Sch.R.C.P. 1019 setting forth the authority on which the Petition is based.

Rule 206.4(c). Rule to Show Cause.

(1) A rule to show cause shall issue as a matter of course pursuant to Pa.R.C.P. 206.6

(2) Each petition seeking issuance of a rule to show cause shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b). Upon filing, an Order in the form set forth in Sch.R.C.P. 206.6 shall be issued as of course and the parties shall thereafter proceed pursuant to the provisions of Pa.R.C.P. 206.7 and Sch.R.C.P. 206.7.

Rule 206.6. Form of Order.

Pursuant to this rule the petitioner shall attach to any petition seeking a rule to show cause a proposed order and the following form:

(CAPTION)

ORDER

AND NOW, this _____ day of _____, 20____, upon consideration of the foregoing petition, it is hereby DIRECTED that:

(1) A rule is issued upon the respondent to show cause why the petitioner is not entitled to he 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) Depositions shall be completed within 60 days of this date unless otherwise extended by the Court;

(5) Either party may request oral argument pursuant to Sch.R.C.P. 206.7(d); and

(6) Notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT,

_____ J.

Rule 206.7. Procedure After Issuance of Rule to Show Cause.

(a) In the event the respondent fails to file an answer to the rule within the time set forth in the rule, the movant may request to have the matter assigned to the Court for entry of an appropriate order by praecipe to transmit pursuant to Sch.R.C.P. 205.2(b).

(b) If the defendant files an answer to a disputed rule raising no issue of material fact, either party may request

to have the matter assigned to the Court for entry of an appropriate order by filing a Praeceptum to Transmit pursuant to Sch.R.C.P. 205.2(b).

(c) When a contested case is at issue, and the parties have complied with the fact finding provisions of Pa.R.C.P. 206.7(c) and 206.7(d), where applicable, either party may move to have the matter assigned to the Court for disposition by praecipe pursuant to Sch.R.C.P. 205.2(b).

(d) In cases where an answer has been filed, each party shall file of record a brief in support of their respective position within twenty (20) days of the date of filing the praecipe to transmit the matter to the Court for disposition. Unless otherwise requested, contested petitions shall be decided upon the record. Either party may request oral argument by filing a written request for oral argument with the Court Administrator of Schuylkill County.

Rule 208.1. Motion. Definition.

(a) All motions or petitions for appointment, and all miscellaneous matters shall be governed by this Rule, 208.1 et seq.

Rule 208.2. Motion. Form.

(c) All motions shall state with particularity the grounds on which they are based, and each shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought by the motion. Every response in opposition to a motion shall be accompanied by a form of order, which, if approved by the Court, would deny or amend the relief sought by the motion.

(d) Every uncontested motion shall be accompanied by a certificate of counsel that such motion is uncontested, substantially in the following form:

(CAPTION)

CERTIFICATION

_____ hereby certifies that a copy of the attached petition/motion was served upon the party listed below, in the manner and date set forth, and that the undersigned has received an affirmative response from that party indicating that the petition/motion is not opposed.

Date served: _____ Served upon: _____
(Name)

Manner of Service: _____
(address)

(signature)

(e) A party may, with respect to discovery-related issues, file a motion for scheduling conference with the Court when the party is unable to coordinate the scheduling of depositions or other discovery despite reasonable and good faith efforts to do so. The motion for scheduling conference should state in specific detail the efforts which counsel has made to schedule discovery and otherwise complete discovery. Upon addressing a motion for scheduling conference and any response thereto, the Court may hold a hearing or scheduling conference at its discretion.

Rule 208.3. Motion Procedure.

(a) An original and one copy of all motions or filings pursuant to this provision, together with a praecipe to transmit as set forth in Sch.R.C.P. 205.2(b), shall be filed with the Prothonotary, which office shall transmit the pleadings to the Court Administrator for assignment to a

Judge for disposition. The praecipe must indicate the nature of the action requested of the Court to move the matter forward.

(1) Motions for final judgment in quiet title actions, where service was made by publication, shall contain a certificate of publication indicating the dates and sources of such publication.

(2) Any interested party may make a written request for oral argument on a motion. The Court may require oral argument whether or not requested by a party.

(3) This Rule does not apply to matters set forth in Pa.R.C.P. 208.1(b)(1) and (b)(2).

(b) Every motion not certified as uncontested shall be accompanied by a memorandum containing a concise statement of the legal contentions and authorities relied upon in support of the motion and an affidavit of service upon the party against whom relief is sought, or to his attorney. Any party opposing the motion shall file and serve such answer or other response that may be appropriate, a memorandum in opposition, and an affidavit of service upon the other party within twenty (20) days after service of the originating motion and supporting brief, unless the Pennsylvania Rules of Civil Procedure mandate a period of time different than twenty (20) days. In the absence of a timely response, the motion may be treated as uncontested. The Court may require or permit further briefing, if appropriate.

Rule 1028(c). Preliminary Objections

(1) All preliminary objections will be disposed of by one Judge on behalf of the Court, unless such objections are certified by the Judge to be of sufficient importance to require disposition by the Court en banc.

(2) Preliminary objections shall be accompanied by a memorandum of law in support of the objections. A certification of service thereof upon opposing counsel shall be filed within 10 days after the filing of the preliminary objections.

(3) Respondent's memorandum of law contra the preliminary objections shall be filed within twenty (20) days after service of the brief of the moving party, and shall contain a certification of service upon the moving party.

(4) When the date for the filing of respondent's memorandum has passed, the Prothonotary shall deliver the preliminary objections, memorandum of law, and other file papers to the Court Administrator. The Judge to whom the preliminary objections are assigned may, if requested, set the matter for oral argument, or may dispose of the objections on the briefs submitted.

(5) Preliminary objections filed in domestic relations and paternity cases shall not be cause for delay in hearing or interviews scheduled by the Domestic Relations Office. Such objections will be determined by the Court when and if hearings before a Judge and/or a jury are required for adjudication of the issues involved in the petition or complaint. Defendant's brief will be filed with the objections and plaintiff's brief shall be filed 3 days before any scheduled hearing.

(6) In the event disposition of a preliminary objection requires fact finding, the filing party shall accompany the preliminary objections with a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b), specifying that a hearing is required and the reasons the hearing is necessary.

Rule 1034. Motion for Judgment on the Pleadings.

(a) A motion for judgment on the pleadings shall be accompanied by a praecipe to transmit pursuant to

Sch.R.C.P. 205.2(b) indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within twenty (20) days from the date of service of the original motion.

Rule 1035.2. Motion for Summary Judgment.

(a) A motion for summary judgment shall be accompanied by a praecipe to transmit pursuant to Sch.R.C.P. 205.2(b) indicating that the matter can be disposed of on the record and shall further be accompanied by the brief of the moving party. The answer and brief of any opposing party shall be filed within thirty (30) days after service of the original motion.

Effects of the Changes on Other SCH.R.C.P. Rules:

Rule 14 (B)(3) = Changes 206 to 208.3

Rule 14 (D)(2) = Changes 205.3 to 205.2(b); changes 206A to 208.1 et seq.; changes 205.3 to 205.2(b).

Rule 301(b) = Changes 205.3 to 205.2(b)

Rule 1513 = Changes 205.3 to 205.2(b)

Rule 1920.55 (h)(7) = Changes 205.3 to 205.2(b).

Rule 2039 (b) = Changes 205.3 to 205.2(b)

Rule 2959 = Changes 205.3 to 205.2(b); changes 205.3 to 205.2(b).

**** Also, changed Rule 212.1 (d) from "tow" to "two"; and Rule "1920.55" to "1920.55-2."

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