

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rules 239 and 239.8 Governing  
Local Rules; No. 408 Civil Procedural Rules;  
Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 30th day of June, 2004, Pennsylvania Rules of Civil Procedure 239 and 239.8 are amended to read as follows.

Whereas prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 239. Local Rules.

\* \* \* \* \*

(b)(1) Local rules shall not be inconsistent with any general rule of the Supreme Court or any Act of Assembly.

\* \* \* \* \*

(2) [Local] Except as otherwise provided by Rule 239.8, local rules which implement general rules shall be given numbers that are keyed to the numbers of the general rules to which the local rules correspond.

(c) [To] Except as otherwise provided by Rule 239.8, to be effective and enforceable:

\* \* \* \* \*

(3) Two certified copies of the local rule and a computer diskette containing the text of the local rule shall be distributed by the court promulgating the rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

**Official Note:** The diskette must (1) be formatted in one of the following formats: MS-DOS, ASCII, Microsoft Word, or WordPerfect, (2) contain the local rule text as reflected in the "hard copy" version of the rule, and (3) be labeled with court's name and address and computer file name. See 1 Pa. Code § 13.11(b).

\* \* \* \* \*

[ (7) Any local rules promulgated pursuant to Pennsylvania Rules of Civil Procedure Nos. 239.1 through 239.7 must be numbered in accordance

with the requirements of those rules and published on the web site of the Administrative Office of the Pennsylvania Courts. ]

(d) [A] Except as otherwise provided by Rule 239.8, a local rule shall become effective not less than thirty days after the date of publication of the rule in the *Pennsylvania Bulletin*.

\* \* \* \* \*

Rule 239.8. Local Rules. **Promulgation. Publication.**  
Effective Date.

(a) Local rules required by Rules 239.2, 239.3, 239.5, 239.6 and 239.7 shall be promulgated not later than nine months following the date of the Order of the Supreme Court promulgating this rule.

**Official Note:** \* \* \*

Local requirements under Rules 239.1 through 239.7 are not effective and enforceable unless local rules are published on the web site of the Administrative Office of Pennsylvania Courts. See [ Rule 239(c)(7) ] subdivision (c) of this rule.

(b) The court promulgating a local rule or an amendment to a local rule pursuant to Rules 239.1 through 239.7 shall transmit a copy to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the AOPC web site.

**Official Note:** The preferable method of transmission to the Civil Procedural Rules Committee is by attachment to e-mail addressed to [civil.rules@pacourts.us](mailto:civil.rules@pacourts.us).

The Committee may, of necessity arising from judicial automation, direct the court promulgating a local rule or amendment to transmit it to the AOPC or take other action to effect publication on the AOPC web site.

(c) To be effective and enforceable, a local rule or an amendment to a local rule promulgated pursuant to Rules 239.1 through 239.7 shall be

(1) numbered in accordance with the requirements of those rules,

(2) published on the web site of the Administrative Office of Pennsylvania Courts, and

**Official Note:** The Administrative Office of Pennsylvania Courts (AOPC) maintains a web page at <http://ujportal.pacourts.us/> containing the texts of local rules promulgated pursuant to Rules 239.1 through 239.7.

(3) kept continuously available for public inspection and copying in the office of the prothonotary or clerk of the court promulgating the rule or amendment. Upon request and payment of reasonable costs of reproduction and mailing, the prothonotary or clerk shall furnish to any person a copy of any local rule.

**Official Note:** It is contemplated under subdivision (c)(3) that a separate consolidated set of local rules shall be maintained in the prothonotary or clerk's office. The set of local rules may be in book or electronic form.

**(d) A local rule or amendment promulgated pursuant to Rules 239.1 through 239.7 shall become effective upon publication on the web site of the Administrative Office of Pennsylvania Courts.**

[Pa.B. Doc. No. 04-1269. Filed for public inspection July 16, 2004, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CARBON COUNTY

**Amendment of New Local Rule of Civil Procedure  
205.2(b) Filing Legal Papers with the Prothonotary;  
04-1727**

#### Administrative Order No. 19-2004

*And Now*, this 28th day of June, 2004, in order to correct an error on the instruction sheet to the Civil Cover Sheet that is required to precede all new actions, it is hereby

*Ordered and Decreed* that, effective July 26, 2004, Carbon County *Amends* Local Civil Rule of Procedure CARB.R.C.P. 205.2(b) accordingly.

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](http://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 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.

#### Form A

Court of Common Pleas of Carbon County		For Prothonotary Use only (Docket Number)
Civil Cover Sheet		
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 ____ \$25,000 or less ____ More than \$25,000	C. COMMENCEMENT OF ACTION ____ 1. Complaint ____ 2. Writ of Summons ____ 3. Notice of Appeal ____ 4. Petition Action	D. CASE PROCESS ____ 5. Arbitration ____ 6. Jury ____ 7. Non Jury ____ 8. Class Action
E. TRACK ASSIGNMENT REQUESTED (CHECK ONE) COURT HAS FINAL APPROVAL FOR ALL TRACK ASSIGNMENTS		
____ FAST    ____ STANDARD    ____ 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	001	Assault/Battery	037	Motor. Veh. Accdt. < \$25,000
X	Assessment Appeal	#	Miscellaneous	018	Class Action	005	M V Prop Damage
A	Civil Action	F	Mortgage Foreclosure	015	Consumer Credit	009	Negotiable Instrument
C	Custody	S	Municipal Appeal	019	Contract— Construction	032	Partition
1	Declaratory Judgment	7	Name Change	011	Contract—Sale of Goods	002	Premises Liability
D	Divorce	Q	Quiet Title	012	Contract—Other	003	Personal Injury
B	DJ Appeal	R	Replevin	025	Defamation	027	Product Liability
W	Ejectment	!	Tax Sale	035	Discrimination	006	Property Damage (non-veh)

<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>
N	Eminent Dom./Dec. of Tak.	V	Zoning Appeal	030	Employment/ Wrongful Disc.	010	Recov. Overpaymt.
2	Eminent Domain/Pet. Viewers Equity			016	Fraud	013	Rent/Lease/Ejectment
E	Equity			040	Indirect Criminal Contempt	039	Right to Know
L	License Appeal			008	Insurance—Declar. Judgment	024	Stockholder Suit
				034	Malicious Prosecution	014	Title to Real Property
				022	Malpractice—PROF.	004	Torts to Land
				033	Mechanic's Lien	023	Toxic Tort—Pers. Injury
				042	Medical Malpractice	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)

Form B

CARBON COUNTY COURT OF COMMON PLEAS  
CIVIL DIVISION  
MOTION COVER SHEET

\_\_\_\_\_ NO. \_\_\_\_\_  
vs.

FILING OF: \_\_\_\_\_  
Movant ( ) Respondent ( )

<input type="checkbox"/> Assigned Judge <input type="checkbox"/> Court Action Taken <input type="checkbox"/> Returned to Attorney for Deficiencies <input type="checkbox"/> Action Deferred by Court <p style="text-align: center;"><i>For Court Use Only</i></p>
---

- 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.

[Pa.B. Doc. No. 04-1270. Filed for public inspection July 16, 2004, 9:00 a.m.]

**CHESTER COUNTY**

**Adoption of Local Rule of Criminal Procedure 114; No. 896 M04**

**Order**

And Now, this 24th day of June, 2004, the Court approves and adopts Chester County Local Rule of Criminal Procedure 114 effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.Crim.P. 105(D). The new Rule 114 shall read as follows:

**Rule 114. Service of Orders and Court Notices.**

Pursuant to Pa.R.Crim.P. 114(B)(2), orders and court notices may be served by the Clerk of Courts' Office, the Court Administrator's Office, or the Court.

In conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy shall be filed with the Criminal Procedural Rules Committee; and one (1) copy shall be filed with the Clerk of Courts. One (1) copy shall also be sent to the Chester County Bar Association; one (1) copy shall be sent to the Law Library of Chester County, and one (1) copy shall be sent to each Judge of this Court.

By the Court

HOWARD F. RILEY, Jr.,  
*President Judge*

[Pa.B. Doc. No. 04-1271. Filed for public inspection July 16, 2004, 9:00 a.m.]

**DELAWARE COUNTY**

**Adoption of Local Criminal Rule 114(B) Orders and Court Notices**

**Order**

And Now, to wit, this 25th day of June 2004, it is hereby Ordered that Delaware County Local Criminal Rule 114(B) is Adopted and shall read as follows:

(B) Pursuant to Pa. R.Crim.P. 114(B), the Delaware County Court is designated to serve Court Notices which are communications ordinarily issued by a Judge concerning calendaring or scheduling, including proceedings requiring the Defendant's presence. All such communications shall be designated as a Notice and a copy shall be forwarded to the Clerk of Court identifying the manner of service.

By the Court

KENNETH A. CLOUSE,  
*President Judge*

[Pa.B. Doc. No. 04-1272. Filed for public inspection July 16, 2004, 9:00 a.m.]

**FAYETTE COUNTY**

**Local Rules 201.1, 205.2, 206.1, 206.4, 208.2, 208.3, 1028, 1034, 1035.2, 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 1028(c), 1034(a), 1035.2(a); No. 1413 of 2004 GD**

**Order**

And Now, this 29th day of June, 2004, pursuant to Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rules 205.2, 206.1, 206.4, 208.2, 208.3, 1028, 1034 and 1035.2 are hereby rescinded; Local Rule 201.1 is hereby amended; and new Local Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 1028(c), 1034(a), 1035.2(a) are hereby adopted, 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

**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)(1)(iii) 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).

**FCR 205.2(a) Filing Legal Papers with the Prothonotary**

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(a) Petition, Definition, Content and Form**

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(c) Rule to Show Cause**

(1) 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.

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

(A) 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.

(B) 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.

(ii) 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.

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

(B) 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.

(iii) 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(c) Motions—Statement of Applicable Authority**

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 re-

quested. Said citation shall be placed on the Certificate of Presentation, which form appears in FCR 208.3(a)(1)(vii).

**FCR 208.2(d) Uncontested Motion Certificate**

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

**FCR 208.2(e) Discovery Motion Certificate**

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(a) Motions Court Procedure**

(1) 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.

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

(ii) All motions shall be accompanied by a Certificate of Presentation as set forth in FCR 208.3(a)(1)(vii).

(iii) 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.

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

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

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

(vii) 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 1028(c) Preliminary Objections**

(1) 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(a) Judgment on the Pleadings**

(1) 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.

(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(a) Summary Judgment**

(1) 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. 04-1273. Filed for public inspection July 16, 2004, 9:00 a.m.]

### **FOREST AND WARREN COUNTIES**

#### **Adoption of Amendments to Local Rules of Civil Procedure Pertaining to Attorneys, Filing Papers with the Prothonotary, Petitions, Motions, Briefs, Oral Arguments, Collection of Costs, Withdrawal of Appearance, Preliminary Objections, Motions for Judgment on the Pleadings and Motions for Summary Judgment; Misc. No. 33 of 2004**

##### **Order**

*And Now*, this 29th day of June, 2004, *It Is Ordered* that the annexed Local Rules of Civil Procedure for the 37th Judicial District composed of Forest and Warren Counties pertaining to attorneys, filing papers with the Prothonotary, petitions, motions, briefs, oral arguments, collection of costs, withdrawal of appearance, preliminary objections, motions for judgment on the pleadings and motions for summary judgment be, and the same hereby are, promulgated herewith, to become effective on the 30th day following publication of these rules in the *Pennsylvania Bulletin*.

The Court Administrator of the 37th Judicial District of directed to:

1. File seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Civil Procedural Rules Committee.
4. File one (1) copy with the Prothonotaries of the Court of the 37th Judicial District.
5. Forward one (1) copy for publication in the *Warren Times Observer* and one (1) copy for publication in the *Forest Press*.

*By the Court*

PAUL H. MILLIN,  
*President Judge*

#### **Rule L200. Attorneys.**

1. No attorney, judge, or any elected official having decisional power and whose duties are related to the judicial process of the District shall be accepted as surety in any suit, action, prosecution or proceeding pending within the District, provided, that this rule shall not prohibit any such person from being accepted as principal or surety in any action or proceeding in which such person is personally involved as a party.

2. The signing of a pleading by an attorney shall constitute that attorney's entry of appearance irrespective if the signature is made on behalf of a professional

corporation, partnership or similar entity. Appearances by attorneys or parties not signing pleadings shall be made by written praecipe filed with the Prothonotary of the respective Court in the District.

**Rule L205.2. Filing Legal Papers with the Prothonotary.**

**Rule L205.2(a). Format.**

All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law or in equity and in other matters designated under the Rules of Civil Procedure shall be prepared for flat filing.

No paper or other document may be filed in the Prothonotary's Office on any paper other than paper approximately 8 1/2 x 11 inches in size. Any paper or other document filed in any office shall be sufficient as to format and other physical characteristics if it substantially complies with the following requirements:

- (a) It shall be on white paper of good quality with typed or printed matter 6 1/2 x 9 1/2 inches.
- (b) The cover sheet shall contain a 3-inch space from the top of the paper for all court stampings, filing notices, etc.
- (c) Exhibits introduced in judicial proceedings and wills are exempt from this rule.
- (d) Multi-page filings shall be stapled in the upper left-hand corner only. No tape, headers or backers shall be used.

**Rule L205.2(b). Cover Sheet.**

Every pleading and legal paper, of two or more pages, shall have a cover sheet in substantially the form of Exhibit L205.2.

**Rule L205.2(c). Pro Se Filings.**

The Prothonotary shall forward a copy of all documents filed by individuals who are represented by counsel of record to that attorney.

Filings that are not in compliance with the law, rule of court or the appropriate fee schedule shall be duly noted and forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

The notice shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF FOREST/WARREN COUNTY THAT IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE FOLLOWING AGENCIES TO OBTAIN LEGAL HELP:

PA Lawyer Referral Services	Northwestern Legal
PA Bar Association	Services
100 South Street	Warren, PA 16365
Harrisburg, PA 17108	Phone (800) 665-6957
Phone (800) 692-7375	

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING

INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**Rule L205.2(d). Verification.**

Motions or petitions containing allegations of matters not of record in the case must be verified in accordance with Pennsylvania Rule of Civil Procedure 1024.

**Rule L205.2(e). Certificate of Service.**

All legal papers, except original filings, shall contain a Certificate of Service. Upon request by the moving party this requirement may be waived by the Court at the Court's discretion for good cause shown. The Certificate of Service shall be substantially in the following form:

(CAPTION)  
CERTIFICATE OF SERVICE

This is to certify that in this case, previously assigned to Judge [insert the name of the Judge to whom the case was previously assigned], complete copies of this filing, including attachments, have been served upon the following persons, by the following means, and on the date(s) stated:

Name and Address:	Means of Service:	Date of Service:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attorney's Name  
Address  
I.D. Number  
Telephone Number

IN THE COURT OF COMMON PLEAS OF THE 37TH  
JUDICIAL DISTRICT OF PENNSYLVANIA  
\_\_\_\_\_ COUNTY BRANCH  
CIVIL

\_\_\_\_\_,  
Plaintiff  
vs. No. A. D. \_\_\_\_\_

\_\_\_\_\_,  
Defendant

Type of Document: \_\_\_\_\_

(Filed on Behalf of) \_\_\_\_\_

(Plaintiff/Defendant) \_\_\_\_\_

Counsel of Record for this Party: \_\_\_\_\_

(Name of Attorney Primarily Responsible) \_\_\_\_\_

Supreme Court I.D. No. \_\_\_\_\_

(Firm name, if any) \_\_\_\_\_

\_\_\_\_\_  
 (Address)

\_\_\_\_\_  
 (Phone)

\_\_\_\_\_  
 (Fax number)

Exhibit L205.2

**Rule L206.1. Petition.**

**Rule L206.1(a). Definition.**

“Petition,” as used in these rules, shall mean:

- (1) an application to open a default judgment or a judgment of non pros,
- (2) a petition for civil contempt, except in a support or custody action, and
- (3) petition for relief from a judgment by confession.

**Rule L206.1(b). Content.**

All petitions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the petition, the reasons therefore, and the relief requested. A proposed order shall be included. For all petitions, the notice, the certificate of service, and the information for the court administrator shall be attached as the last page to the petition.

When the petition requests a hearing it shall contain: (a) an estimate of the total amount of time the hearing will take and (b) the name of the judge who heard any prior matter in the case.

The petitioner shall notify the respondent on the face sheet of the petition of the following:

NOTICE

A petition has been filed against you in Court. If you wish to defend against the claims set forth in the petition, you must take action as specified in the rule returnable and file in writing with the court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the court without further notice for the relief requested by the petitioner. You may lose rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

PA Lawyer Referral Services	Northwestern Legal
PA Bar Association	Services
100 South Street	Warren, PA 16365
Harrisburg, PA 17108	Phone (800) 665-6597
Phone (800) 692-7375	

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**Rule L206.2. Answer to Petition or Rule to Show Cause.**

Each respondent shall file an answer to a petition or rule to show cause within the time prescribed by the Court or if not stated within twenty (20) days after the petition or rule is served on such respondent. Respondent shall at once serve a copy of the pleading on each adverse party or their counsel in the manner prescribed by Pa. R.C.P. No. 440. Answers shall conform to the requirements for answers to complaints in civil actions under the applicable Rules of Civil Procedure, and the manner and effect of failure to answer, admissions and/or denials shall be governed by the provisions of Pa. R.C.P. No. 206.7

**Rule L206.4(c). Procedure for the Issuance of a Rule to Show Cause.**

A petition seeking the issuance of a rule to show cause shall be filed in the Prothonotary's Office. A proposed order, in the form prescribed by Pa. R.C.P. 206.6(c), shall be attached to the petition. After filing, the Prothonotary's Office shall transmit the petition to the Court Administrator for consideration by the Court.

Upon the filing of a petition, a rule to show cause shall be issued as a matter of course pursuant to Pa. R.C.P. 206.6, unless otherwise required by statute or other Pennsylvania Rule of Civil Procedure.

A request for a stay of execution pending disposition of a petition to open a default judgment is governed by motion procedure, not petition procedure. See Rule L208.3(a).

**Rule L208.2 Motion.**

**Rule L208.2(a) Content.**

All motions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the motion, the reasons therefore, and the relief requested. A proposed order shall be included. For all motions the notice, the certificate of service, and the information for the court administrator shall be attached as the last page to the motion.

When the motion requests a hearing it shall contain: (a) an estimate of the total amount of time the hearing will take and (b) the name of the judge who heard any prior matter in the case. See also Rule L205.2(e) regarding Certificate of Service.

**Rule L208.2(b) Verification.**

See Rule L205.2(d).

**Rule L208.2(c) Statement of Authority.**

All motions shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

**Rule L208.2(d) Certification of Uncontested Motions.**

If the moving party intends to present the motion as uncontested, the motion shall include a written consent by opposing counsel and any unrepresented parties or the motion shall include a certification that the moving party has been in contact with opposing counsel and any unrepresented parties and that opposing counsel and any unrepresented parties do not contest the motion.

**Rule L208.2(e) Certification of Discovery Motions.**

Motions relating to discovery shall include a certification by counsel for the moving party that counsel has conferred or attempted to confer with opposing counsel and any unrepresented parties having an interest in the motion in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

**Rule L208.3(a) Motion Procedure.**

A. All Motions shall be filed with the Prothonotary's Office and shall include a proposed scheduling order. Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

B. The Court, in its discretion, may hear any argument by telephone or videoconference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the Court provides otherwise.

C. The official Court Reporter does not attend arguments unless directed by the Court.

D. The moving party in all post-trial or post-hearing motions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

E. Emergency motions shall be governed by the above procedure, except that after filing, the moving party shall notify the Prothonotary and Court Administrator of the emergency situation and may request that the Court immediately consider the motion. If the moving party is requesting a waiver of the certificate of service requirement, the party shall make every effort to notify opposing parties of the substance of the motion and the time of filing and presentation to the Court. See L205.2(e) regarding Certificate of Service.

F. Motions for continuance must be made in writing or of record in open court unless excused by the Court for cause. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons, which were not previously known or reasonably ascertainable. The motion shall state whether or not the proceedings previously have been continued and, if so, the number of prior continuances with identification of the party upon whose motion each continuance was granted.

Absent extraordinary circumstances, a request for continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

G. A motion requesting a stay of execution pending disposition of a petition to open a default judgment shall be considered in the same manner as other motions or emergency motions, if applicable.

**Rule L208.3(b) Response to Motion.**

No response is required to any motion unless required by Pa.R.C.P. or unless required by the Court in the scheduling order. See L210 for briefing requirements.

**Rule L210. Briefs.**

Briefs shall be in the form specified by Pa.R.C.P. 210.

Any party desiring to file a brief shall do so upon the following schedule: (1) The moving party shall file a brief ten days in advance of argument court and (2) The responding party shall file a brief three days in advance of argument court.

Briefs shall be filed with the Prothonotary with a copy to the Court Administrator and a copy shall be served on all parties of record. See L205.2(e) regarding Certificate of Service.

Briefs, which refer to deposition testimony, affidavits, answers to interrogatories, etc. shall have appended to the brief a copy of that portion of the testimony referenced in the brief.

**Rule L211. Oral Arguments.**

Oral arguments shall be limited to a maximum of ten (10) minutes for each party unless extended by the Court.

Rebuttal and surrebuttal argument shall be permitted only by leave of Court.

The Court Administrator shall schedule oral arguments. The argument list shall close 20 days before argument court.

**Rule L300. Prothonotary. Collection of Costs.**

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. For the purpose of this rule costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

**Rule L1012. Withdrawal of Appearance.**

Requests to withdraw appearance, which require court approval, shall comply Pa. R.C.P. 1012 and with L208.3(a), except that said motions, when not contested by the opposing party, need not be scheduled for argument but may be presented in chambers.

**Rule L1028(c). Preliminary Objections.**

All preliminary objections shall be filed with the Prothonotary and shall include a proposed scheduling order. Preliminary objections should not be filed with the Court Administrator. Courtesy copies for the court are not required. Preliminary objections should not be filed in duplicate or by facsimile transmission. The court will take no action until the preliminary objections have been filed of record. No response is required to any preliminary objection unless required by Pa.R.C.P. or unless required by the Court in the scheduling order.

Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the preliminary objections or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections.

The court, in its discretion, may hear any argument by telephone or videoconference hookup, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

The official court reporter does not attend argument unless directed by the court.

**Rule L1034(a). Motion for Judgment on the Pleadings.**

A motion for judgment on the pleadings and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for judgment on the pleadings should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for judgment on the pleadings should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within twenty (20) days after service of the motion, unless the time for filing the response is modified by court order.

Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

The court, in its discretion, may hear any argument by telephone or videoconference hookup, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

The official court reporter does not attend argument unless directed by the court.

**Rule L1035.2(a). Motion for Summary Judgment.**

A motion for summary judgment and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for summary judgment should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for summary judgment should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within thirty (30) days after service of the motion, unless the time for filing the response is modified by court order.

Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

The court, in its discretion, may hear any argument by telephone or videoconference hookup, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

The official court reporter does not attend argument unless directed by the court.

[Pa.B. Doc. No. 04-1274. Filed for public inspection July 16, 2004, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Local Rule of Criminal Procedure; Rule 114\*. Service of Orders and Court Notices; No. MS 016 Apr. 04**

**Order**

*And Now*, this 28th day of June, 2004, the Court approves and adopts the following Montgomery County Local Rule of Criminal Procedure, Rule 114\*. Service of Orders and Court Notices. This Rule shall become effective July 1, 2004.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.Crim.P. 105, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

*By the Court*

S. GERALD CORSO,  
*President Judge*

**Rule 114\*. Service of Orders and Court Notices.**

Orders and court notices may be served by the Clerk of Courts Office, the Court Administrator's Office or the Court.

[Pa.B. Doc. No. 04-1275. Filed for public inspection July 16, 2004, 9:00 a.m.]

**NORTHUMBERLAND COUNTY**

**Adoption of Local Rules 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 210, 1028(c), 1034(a), 1035.2(a) and 208.3(b); Misc. Doc.**

**Amended Order**

*And Now*, this 30th day of June, 2004, it is hereby *Ordered and Directed* that this Court's Order dated June 22, 2004, is amended as follows:

And Now, this 22nd day of June, 2004, the Court hereby adopts the following Northumberland County Local Rules of Civil Procedure, to be effective July 26, 2004.

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. SACA VAGE,  
President Judge

[Pa.B. Doc. No. 04-1276. Filed for public inspection July 16, 2004, 9:00 a.m.]

SCHUYLKILL COUNTY  
Amended Civil Rules of Procedure

**Order of Court**

And Now, this 1st day of July, 2004, at 2:45 p.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 seven (7) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules 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(a) Filing Legal Papers.**

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.

**Rule 205.2(b) Filing Legal Papers. Praecepto to Transmit.**

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(a) Petitions.

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

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

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 Praecipe 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(c) Motion. Form.**

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.

**Rule 208.2(d) Uncontested Motions.**

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)

**Rule 208.2(e) Motion. Discovery-Related Issues.**

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(a) Motion Procedure.**

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).

**Rule 208.3(b) Motion Procedure. Response Required.**

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(a) Motion for Judgment on the Pleadings.**

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(a) Motion for Summary Judgment.**

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."

[Pa.B. Doc. No. 04-1277. Filed for public inspection July 16, 2004, 9:00 a.m.]

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**WASHINGTON COUNTY**  
**Local Civil Rules; No. 2004-1**

**Order**

*And Now*, this 28th day of June, 2004; *It Is Hereby Ordered* that the following Washington Local Civil Rules be rescinded, renumbered, and adopted as follows.

These changes shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

DAVID L. GILMORE,  
*President Judge*

**Washington County Local Rule 1028(c)**

All Preliminary Objections shall be filed in the Washington County Prothonotary's Office and promptly served upon all other counsel and unrepresented parties. If no Amended Complaint is filed within twenty (20) days, the objecting party shall thereafter present a Scheduling Motion to the assigned judge for the case, to schedule argument on the objections pursuant to Local Rule 208.3(a), with advance notice of said Motion to all parties. The Scheduling Order shall be filed with the Prothonotary by the objecting party and promptly served on all other counsel and unrepresented parties. A copy shall also be furnished to the Court Administrator. In unassigned cases, the objecting party should present the Scheduling Motion to the General Civil Motions Judge of the Term pursuant to Local Rule 208.3(a).

Where Preliminary Objections contain grounds raising issues of fact, said objections shall be endorsed with a Notice to Plead and the Court will schedule disposition of said objections with due consideration for the time required by the parties to obtain evidence required for consideration of said objections. All evidence that the parties wish the Court to consider shall be filed with the party's Brief.

The objecting party shall file a Brief with the Prothonotary no later than ten (10) business days prior to the Argument date. The Respondent's Brief must be filed with the Prothonotary no later than five (5) business days prior to the Argument date. A party filing a Brief shall promptly serve a copy on all other counsel and unrepresented parties.

In the event that either or both parties wish to submit the matter on briefs without oral Argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, Briefs shall still be filed with the Prothonotary on the days required by this Rule, unless an extension is obtained through leave of Court.

If a party's Brief is not timely filed, the Court may, in its discretion:

- (i) Disregard the untimely brief;
- (ii) Refuse oral argument by the offending party;
- (iii) Consider the issues raised by the offending party to be waived;
- (iv) Order Argument to be continued;
- (v) Enter such other Order as the interests of justice may require.

**Washington County Local Rule 1034(a)**

All Motions for Judgment on the Pleadings shall be filed in the Washington County Prothonotary's Office and promptly served upon all other counsel and unrepresented parties. The moving party shall promptly thereafter present a Scheduling Motion to the assigned judge for the case to schedule Argument on the Motion pursuant to Local Rule 208.3(a) with advance Notice of said Motion to all counsel and unrepresented parties. The Scheduling Order shall be filed with the Prothonotary by the moving party and promptly served on all other counsel and unrepresented parties. A copy of the Scheduling Order shall be provided to the Court Administrator. In unassigned cases, the Scheduling Motion should be presented to the General Civil Motions Judge of the Term pursuant to Local Rule 208.3(a).

The moving party shall file a Brief with the Prothonotary no later than ten (10) business days prior to the Argument date. The Respondent's Brief must be filed

with the Prothonotary no later than five (5) business days prior to the Argument date. A party filing a Brief shall file the original with the Prothonotary, and shall promptly serve a copy on all other counsel and unrepresented parties.

In the event that either or both parties wish to submit the matter on Briefs without oral Argument, they shall communicate that wish to the Court, in writing, prior to the Argument day. However, Briefs shall still be filed with the Prothonotary on the days required by this Rule, unless an extension is obtained through leave of Court.

If a party's Brief is not timely filed, the Court may, in its discretion:

- (i) Disregard the untimely Brief;
- (ii) Refuse oral argument by the offending party;
- (iii) Consider the issues raised by the offending party to be waived;
- (iv) Order Argument to be continued;
- (v) Enter such other Order as the interests of justice may require.

#### **Washington County Local Rule 1035.2(a)**

The procedures for the disposition of a Motion for Summary Judgment are identical to the procedures for the disposition of a Motion for Judgment on the Pleadings described in Local Rule 1034(a) except that a Response in Opposition to the Motion for Summary Judgment shall be filed as provided in Pa.R.C.P. § 1035.3.

#### **Washington County Local Rule 208.2(c)**

All motions shall include a brief statement of the applicable authority, which shall be included on the Certification page. (With regard to the Certification page referenced in Local Rules 208.2(c), (d) and (e), the Statement of Authority, Status of Motion as contested or uncontested, and the reference to conferring with counsel in discovery matters should all be incorporated on one page, labeled Certification of Counsel, which should also incorporate certification of mailing.)

#### **Washington County Local Rule 208.2(d)**

All motions shall include a Certification, signed by counsel for the moving party, stating whether or not said motion is contested or uncontested. (With regard to the Certification page referenced in Local Rules 208.2(c), (d) and (e), the Statement of Authority, Status of Motion as contested or uncontested, and the reference to conferring with counsel in discovery matters should all be incorporated on one page, labeled Certification of Counsel, which should also incorporate certification of mailing.)

#### **Washington County Local Rule 208.2(e)**

All motions relating to discovery shall include a Certification signed by counsel for the moving party, certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the discovery matter without court action. (With regard to the Certification page referenced in Local Rules 208.2(c), (d) and (e), the Statement of Authority, Status of Motion as contested or uncontested, and the reference to conferring with counsel in discovery matters should all be incorporated on one page, labeled Certification of Counsel, which should also incorporate certification of mailing.)

#### **Washington County Local Rule 210**

The Brief of the moving party shall contain a statement of the history of the case, a statement of the issues

involved, a statement of the argument, and a short conclusion stating the precise relief sought.

The Brief of the responding party need only contain the argument, but the responding party may add a counter-history of the case.

#### **Washington County Local Rule 206.4(c)**

##### **Procedures For The Disposition Of Petitions**

The procedure specified in Pa.R.C.P. 206.5 is hereby adopted to govern petition practice in the Court of Common Pleas of Washington County, and accordingly, the issuance of a Rule to Show Cause upon the filing and presentation of a Petition, shall be discretionary with the Court. However, in the event that a Rule to Show Cause is issued, the procedure is then governed by Pa.R.C.P. 206.7.

The petitioning party shall give Notice to all other parties of the intention to request the Court to issue the Rule, pursuant to Local Rule 208.3(a). The Petition shall be filed in the Washington County Prothonotary's Office and promptly served upon all other parties.

Upon execution of the Order issuing the Rule, the original Order shall be filed with the Prothonotary's Office. Notice of Entry of the Order shall be provided to all parties and their counsel, if known, by the Petitioner.

A Request for Stay of Proceedings Pending Disposition of the Petition, shall be included in the text of the Petition, to be considered and processed in accordance with the above procedures. If the need for emergency relief is necessary, the request shall be presented to the general civil motions judge, with Notice to opposing counsel, if known, and unrepresented parties of the date and time of presentation.

If Briefs are required, the Brief of the petitioning party shall be filed with the Prothonotary and served on all other parties at least ten (10) days prior to the Argument date. The Brief of the party opposing the Petition shall be filed at least five (5) days prior to the Argument and served on all other parties.

#### **Washington County Local Rule 208.3(a)**

##### **Procedures for the Disposition of Motions**

##### **1. Scope**

(i) As used in this Rule, "motion" means any application to the Court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. § 208.1.

(ii) This Court has not promulgated a Local Rule, numbered Local Rule 208.3(b), because this Court has not imposed requirements for the filing of a response or a brief with respect to any motions.

(iii) This Local Rule does not govern motions filed in asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. § 1041.1 and 1041.2), class actions, and any other cases which, by Court Order, have been assigned to a judge where the Order provides for this judge to consider any motions that the parties file.

##### **2. Presentation Of Motions In Assigned Cases**

(i) The trial judge assigned to a specific case will hear all motions relating to that case. All Pre-trial Motions shall be heard by the trial judge, which judge shall be available to hear these motions at times to be noted on the judge's individual calendar.

(ii) Before an uncontested motion is presented, the moving party shall furnish a copy of the Motion, together with any proposed Order, to every other party or counsel of record.

(iii) In contested matters, the moving party shall so furnish a copy of the Motion and any proposed Order to all other parties or counsel at least three (3) calendar days in advance of the presentation, together with Notice of when the presentation is to occur. The Motion shall be accompanied by a Certificate of the filing attorney, stating the time and manner of service on any party or counsel.

3. Presentation of Motions in Unassigned Cases

(i) A daily Civil Motions Judge is assigned by the President Judge on a rotating basis. This General Civil Motions Judge is also known as Judge of the Term.

(ii) The General Civil Motions Judge shall assume the bench at 9:15 a.m. on each day that the Court is open for business.

(iii) The General Civil Motions Judge of the Term will act on all civil motions and petitions that are not related to cases assigned to a trial judge.

(iv) Before an uncontested motion is presented, the moving party shall furnish a copy of the Motion and any proposed Order to every other party or counsel of record.

(v) In all contested matters, the moving party shall serve upon the opposing party or opposing counsel a copy of the proposed Motion prior to presentation to the General Civil Motions Judge of the Term, and shall inform his opponent of the date and time at which the proposed Motion is to be presented, at least three (3) days prior to the date for presentation.

(vi) The Motion shall name each judge who has ruled upon any other issue in the same or related case and shall specify the issue. The Motion shall be accompanied by a Certificate of the filing attorney, stating the time and manner of service on any party or counsel.

(vii) At each daily session of Motions Court, presided over by the Judge of the Term, uncontested matters shall be heard by the Court before contested matters.

4. Emergency Motions

(i) In a situation where the emergency nature of the matter prevents three (3) days advance notice of a motion, a moving party shall provide the opposing party or counsel, if known, with as much notice as is reasonably possible under the circumstances.

5. Responses/Briefs

(i) There is no requirement for the filing of a response or the filing of Briefs prior to presentation of motions. However, the parties are encouraged to submit Briefs when it is anticipated that the Court will wish to consider Briefs before deciding an issue.

**Washington County Local Rules 200.8; 200.9—Argument Court; 200.10—Form and Contents of Brief**

Local Rules 200.8, 200.9 and 200.10, governing Argument Court proceedings, are rescinded.

**Washington County Local Rule 210—Washington County Civil Litigation Mediation Program**

Local Rule 210 is renumbered to Local Rule 810.

**Washington County Local Rule 211—Mini Jury Trials**

Local Rule 211 is renumbered to Local Rule 812.

**Washington County Local Rule 223.2—Jury Voir Dire—Civil Litigation**

Local Rule 223.2 is renumbered to Local Rule 220.1.

**Washington County Local Rule 212.4—Conciliation Conferences for Medical Malpractice Cases**

Local Rule 212.4 is rescinded.

**Washington County Local Rule 1303(a)**

Former Paragraph (a) to Local Rule 1303 is hereby amended, effective . . . , to read as follows:

(a)(i) After the pleadings have been closed for thirty (30) days, any party may initiate arbitration by filing with the Prothonotary a Praeceptum for Reference to a Board of Arbitration. The Praeceptum for Reference to a Board of Arbitration shall be substantially in the following form:

(Caption)

PRAECEPTUM FOR REFERENCE TO A BOARD OF ARBITRATION

To the Prothonotary:

Kindly refer this matter to a Board of Arbitration. I certify that at least ten (10) days notice of the filing of this Praeceptum has been given to all parties to this action.

Date: \_\_\_\_\_ By \_\_\_\_\_  
Attorney for \_\_\_\_\_

As noted, the moving party shall notify all other parties or their counsel of their intent to file such Praeceptum at least ten (10) days prior to the filing.

(ii) Upon filing of the Praeceptum, the Prothonotary shall furnish a copy to the Court Administrator for scheduling.

**Washington County Local Rule 1901**

Local Rule 1901 governing inactive cases is hereby amended and renumbered. Local rule 1901 is now designated L-230.2 and is as follows:

Before the second Monday in December of each year, the Court Administrator shall prepare a list of civil cases in which no paper has been filed or action taken for more than two years. The Court, by the President Judge, shall, on the second Monday of December of each year, issue a "Notice of Proposed Termination of Court Case" to all parties of record advising that, in the absence of a response or reply, the case will be stricken as stale. Copies of the aforementioned notice shall be sent by the Prothonotary by regular mail to each attorney of record, and, in the absence thereof to the litigants to the last address of record. The Prothonotary shall make an appropriate notation upon the docket of the mailing. Similarly, the Notice and Stale Case List shall be published once in the *Washington County Reports* during December.

On or before the second Monday of February of the following year, the parties must file a reply to the aforesaid Notice with a "Statement of Intention to Proceed" advising the Court that the case should not be terminated. With the exception of the cases in which a Statement of Intention to Proceed is filed, the cases remaining on the list will be terminated for want of prosecution, with prejudice. A copy of the Order shall then be filed at each number and term to which it is applicable.

[Pa.B. Doc. No. 04-1278. Filed for public inspection July 16, 2004, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that Philip L. Kantor having been suspended from the practice of law in the State of New Jersey for a period of three months, the Supreme Court of Pennsylvania issued an Order dated June 29, 2004 suspending Philip L. Kantor from the practice of law in this Commonwealth for a period of three months,

effective July 29, 2004. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 04-1279. Filed for public inspection July 16, 2004, 9:00 a.m.]

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