

THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. VIII]

Proposed Revision of the Comment to Pa.R.E. 804(b)(2)

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comment to Pa.R.E. 804(b)(2). This Comment Revision is being proposed to alert the bench and bar to a change in the law of hearsay as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, _____ U. S. _____, 124 S.Ct. 1354 _____ L.Ed.2d _____ (2004).

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Report.

The text of the proposed Comment changes precedes the Report. Additions are bold, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns
Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than August 31, 2004.

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE ARTICLE VIII. HEARSAY

Rule 804. Hearsay Exceptions; Declarant Unavailable.

* * * * *

(b) *Hearsay Exceptions.* The following statements, as hereinafter defined, are not excluded by the hearsay rule if the declarant is unavailable as a witness:

* * * * *

(2) *Statement Under Belief of Impending Death.* A statement made by a declarant while believing that the declarant's death was imminent, concerning the cause or circumstances of what the declarant believed to be impending death.

Comment

* * * * *

The rationale for this exception [to] from the hearsay rule was set forth in *Commonwealth v. Smith*, 454 Pa. 515, 314 A.2d 224, 225 (Pa. 1973):

* * * * *

The common law [has] traditionally, but illogically, excepted a dying declaration [to] from the hearsay rule in a criminal prosecution for homicide, but not in a criminal prosecution for another crime, or in a civil case. Prior Pennsylvania case law followed the common law. See *Commonwealth v. Antonini*, 69 A.2d 436 (Pa. Super. 1949).

Reasoned analysis [dictates] dictated a change. If a dying declaration is trustworthy enough to be introduced against a defendant charged with murder, it [should be] is trustworthy enough to be introduced against a defendant charged with attempted murder, robbery, or rape. It [should] is also [be] trustworthy enough to be introduced against a party in a civil case.

In *Crawford v. Washington*, _____ U. S. _____ (2004), the Supreme Court interpreted the Confrontation Clause in the Sixth Amendment of the United States Constitution to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule. However, in footnote 6, the Supreme Court said that there may be an exception, sui generis, for those dying declarations that are testimonial.

* * * * *

REPORT

Proposed Revision of the Comment Pa.R.E. 804(b)(2) Comment Changes

The Introductory Comment to Article VIII, Hearsay calls attention to the role of the Sixth Amendment to the United States Constitution in determining the admissibility of hearsay evidence against a defendant in a criminal case.

The proposed revision of Comment to Pa.R.E. 804(b)(2) comes about as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, _____ U. S. _____, 124 S.Ct. 1354 _____ L.Ed.2d _____ (2004) interpreting the confrontation clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant. One possible exception would be a dying declaration (Pa.R.E. 804(b)(2)). The proposed change cites *Crawford v. Washington* as confirming this exception.

Heretofore this issue was governed by the earlier United States Supreme Court in *Ohio v. Roberts*, 446 U. S. 56 (1980), now overruled by the *Crawford* opinion.

[Pa.B. Doc. No. 04-1389. Filed for public inspection July 30, 2004, 9:00 a.m.]

ARTICLE VIII. HEARSAY
[225 PA. CODE ART. VIII]

Proposed Revision of the Introductory Comment
to Article VIII, Hearsay

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Introductory Comment to Article VIII, Hearsay. This Comment Revision is being proposed to alert the bench and bar to a change in the law of hearsay as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, ___ U.S. ___, 124 S.Ct. 1354 ___ L.Ed.2d ___ (2004).

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Report.

The text of the proposed Comment changes precedes the Report. Additions are bold, and deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel:

Richard L. Kearns
Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than August 31, 2004.

By the Committee on Rules of Evidence

CHARLES B. GIBBONS,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Introductory Comment

The Federal Rules of Evidence list 24 exceptions [to] from the hearsay rule in which the availability of the declarant is immaterial, five exceptions in which the declarant must be unavailable, and four exceptions [to] from the definition of hearsay (which are, in reality, exceptions [to] from the hearsay rule), for a total of 33.

The Pennsylvania Rules of Evidence, while following the federal numbering system as far as possible, recognize fewer exceptions, and arrange them more logically. Article VIII of the Pennsylvania Rules of Evidence lists 16 exceptions [to] from the hearsay rule in which the availability of the declarant is immaterial, five exceptions in which the declarant must be unavailable, and three exceptions in which the testimony of the declarant is necessary, for a total of 24.

Defendant's Constitutional Right of Confrontation
in Criminal Cases

The hearsay rule is applicable both in civil and criminal cases. In a criminal case, however, hearsay that is offered against a defendant under an exception [to] from the hearsay rule may sometimes be excluded because its admission would violate the defendant's right "to be confronted with the witnesses against him" under the Sixth Amendment [to] of the United States Constitution, or "to be confronted with the witnesses against him" under Article I, § 9 of the Pennsylvania Constitution.

* * * * *

In *Crawford v. Washington*, ___ U.S. ___ (2004), the Supreme Court, overruling its prior opinion in *Ohio v. Roberts*, 446 U.S. 56 (1980), interpreted the Confrontation Clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant, regardless of its exception from the hearsay rule, except, perhaps, if the hearsay qualifies as a dying declaration (Pa.R.E. 804(b)(2)).

In short, when hearsay is offered against a defendant in a criminal case, the defendant may interpose three separate objections: (1) admission of the evidence would violate the hearsay rule, (2) admission of the evidence would violate defendant's right to confront the witnesses against him under the Sixth Amendment [to] of the United States Constitution, and (3) admission of the evidence would violate defendant's right [of confrontation] "to be confronted with the witnesses against him" under Article I, § 9 of the Pennsylvania Constitution.

REPORT

Proposed Revision of the Introductory Comment
Article VIII, Hearsay
Comment Changes

The Introductory Comment to Article VIII, Hearsay calls attention to the role of the Sixth Amendment to the United States Constitution in determining the admissibility of hearsay evidence against a defendant in a criminal case.

The proposed change comes about as a result of the decision of the United States Supreme Court in *Crawford v. Washington*, ___ U.S. ___, 124 S.Ct. 1354 ___ L.Ed.2d ___ (2004) interpreting the confrontation clause to prohibit the introduction of "testimonial" hearsay from an unavailable witness against a defendant in a criminal case unless the defendant had an opportunity to confront and cross-examine the declarant. One possible exception would be a dying declaration (Pa.R.E. 804(b)(2)).

Heretofore this issue was governed by the earlier United States Supreme Court in *Ohio v. Roberts*, 446 U.S. 56 (1980), now overruled by the *Crawford* opinion.

[Pa.B. Doc. No. 04-1390. Filed for public inspection July 30, 2004, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 400]

Proposal to Rename Chapter 400 and Proposed New Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for District Jus- tices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania rename Chapter 400 and adopt a new Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to provide for the assignment of civil judgments. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
Fax 717-795-2175

or e-mail to: minorrules@pacourts.us

no later than Monday, August 23, 2004.

By the *Minor Court Rules Committee*

THOMAS E. MARTIN, Jr.,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 400. [EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY] ENFORCEMENT OF JUDGMENTS RENDERED BY DISTRICT JUSTICES FOR THE PAYMENT OF MONEY

Rule 401.1. Assignment of Judgment; Parties.

If the judgment has been assigned, upon request of the real party in interest the district justice shall:

(1) Cause a docket entry to be made indicating the assignment and the name of the original plaintiff and the name of the real party in interest.

(2) Issue an amended notice of judgment indicating the assignment and the name of the original plaintiff and the name of the real party in interest.

Official Note: The real party in interest (assignee) must produce an acknowledgement of assignment of judgment, properly executed by the original plaintiff

(assignor), before the district justice notes the assignment on the docket or issues an amended notice of judgment.

When an assignment is entered on the docket pursuant to this rule, the real party in interest becomes the plaintiff as defined in Rule 401, and the original plaintiff shall have no further rights with respect to the judgment.

If the judgment has been entered in the court of common pleas the district justice may not take any action pursuant to this rule. See Rule 402D (4).

REPORT

Proposal to Rename Chapter 400 and Proposed New Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

Enforcement of Judgments; Assignment of Judgments; Parties

I. Background

The Minor Court Rules Committee (hereinafter the Committee) considered issues relating to the assignment of civil judgments after the Committee learned that some district justices are receiving notices that judgments have been assigned along with requests for the issuance of amended notices of judgment. The Committee learned that in some areas of the Commonwealth it is becoming common for "judgment enforcement" businesses to purchase civil judgments from plaintiffs who are having difficulty enforcing the judgments. Then, so as to avail themselves of enforcement procedures in an effort to collect the judgments, these businesses request that the district justice note the assignment on the docket and issue an amended notice of judgment showing the assignee as the real party in interest.

The Committee determined that, although the assignment of common pleas level judgments is not an uncommon practice, it is much less common at the district justice level. In addition, there is no procedural mechanism for a district justice to note the assignment of a judgment on the docket or to issue an amended notice of judgment reflecting the assignment and the name of the real party in interest. The Committee noted that the practice of assigning judgments is recognized in the Rules of Civil Procedure. Specifically, Rule 3026 (Parties) provides in part that "[i]f the judgment has been assigned or transferred, the caption shall contain the name of the original judgment plaintiff and the name of the real party in interest." Pa.R.C.P. No. 3026(b).

The Committee believes it would be helpful to district justices and parties if the rules of civil procedure for district justices would provide some guidance regarding assignments. Therefore, the Committee proposes a new Rule 401.1 to address assignments.

II. Proposed Rule Changes

As noted above, to address the assignment of civil judgments at the district justice level the Committee proposes a new Rule 401.1 entitled "Assignment of Judgment; Parties." The proposed new rule would be placed in Chapter 400 so as to be included with other rules relating to execution and enforcement of money judgments. The rule would provide for a docket entry to indicate that a judgment has been assigned, as well as for the issuance of an amended notice of judgment reflecting the name of the original plaintiff (assignor) and the real party in interest (assignee).

The proposed Official Note to the rule would make clear that the assignee must produce an acknowledgement of

assignment of judgment, properly executed by the assignor, before the district justice notes the assignment on the docket or issues an amended notice of judgment. To ensure that the district justice receives accurate and complete information regarding the assignment, the Committee anticipates that the Administrative Office of Pennsylvania Courts would develop an acknowledgement form to be produced by the district justice computer system (DJS).¹ In addition, the Official Note would make clear that if the judgment has been entered in the court of common pleas prior to the assignment, the district justice may not take any action.²

In addition to the proposed new rule, the Committee also proposes that the title of Chapter 400 be changed to "ENFORCEMENT OF JUDGMENTS RENDERED BY DISTRICT JUSTICES FOR THE PAYMENT OF MONEY" to more accurately describe the rules in the chapter.

[Pa.B. Doc. No. 04-1391. Filed for public inspection July 30, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BEAVER COUNTY

Local Rules of Civil Procedure; No. 10130 of 2001

Order

Local Rules L205.2(a) and (b), L206.1(a), L206.4(c), L208.2(e), L208.3(b), L210, L1028(c), L1034(a) and L1035.2(a) are adopted pursuant to Pa. R.C.P. Nos. 239.1, 239.2, 239.3, 239.4, 239.5, 239.6 and 239.7, effective thirty (30) days after publication in the *Pennsylvania Bulletin*. All local rules inconsistent with the foregoing local rules are suspended as of the effective date of the foregoing rules.

In accordance with Pa. R.C.P. No. 239, the Court Administrator of Beaver County shall transmit certified copies of this order and the foregoing Local Rules as follows:

¹ See Pa.R.C.P.D.J. No. 212 (Design of Forms).

² See Pa.R.C.P.D.J. No. 402D (4) ("[O]nce the judgment is entered in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the district justice.").

A. Seven (7) certified copies with the Administrative Office of Pennsylvania Courts;

B. Two (2) certified copies and a diskette containing the rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. One (1) certified copy to the Civil Procedural Rules Committee of the Pennsylvania Supreme Court;

D. One (1) copy in the office of the Prothonotary of Beaver County to be kept continuously available for public inspection and copying. In addition, one (1) copy shall be delivered to the Beaver County Law Library.

In addition, the Court Administrator of Beaver County shall cause the foregoing rules to be published on the website of the Administrative Office of Pennsylvania Courts and on the Beaver County website.

By the Court

ROBERT E. KUNSELMAN,
President Judge

Rule L 205.2(a)—Requirements for Pleadings and Other Legal Papers

All pleadings and other legal papers shall be printed in double space on white paper size 8 1/2 × 11 inches and secured by an appropriate metal or plastic fastener. The use of a gummed or taped substance is not permitted. Exhibits shall be tabbed and labeled.

L 205.2(b)—Cover Sheet

All pleadings and other legal papers shall be accompanied by a cover sheet which contains the information required by Pa. R.C.P. No. 1018. In addition, the cover sheet for a complaint shall designate the parties' addresses, the number of plaintiffs and defendants, the manner in which the action was commenced, the amount in controversy and the type of case. The cover sheet for other pleadings and other legal papers shall include the name, mailing address, telephone number and facsimile number, if any, of the party or the party's attorney, and, if represented by counsel, counsel's current Supreme Court identification number.

The cover sheets shall be in the forms hereinafter set forth.

FORM OF COVER SHEET FOR COMPLAINT

Court of Common Pleas of Beaver County
Civil Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME

Rule L 206.1(a)—Petition Definition

Where all persons affected by the request for relief have not consented thereto, the following applications for relief are included in the definition of "Petition" and shall be governed by Pa. R.C.P. No. 206.1 et seq.

1. An application for coordination of actions filed in different counties under Pa. R.C.P. No. 213.1.
2. An application to strike off a discontinuance.
3. An application to reinstate an action terminated by reason of inactivity which is presented pursuant to Pa. R.C.P. No. 230.2(d)(3).
4. Applications to transfer an action for convenience of parties and witnesses or to secure a fair and impartial trial.
5. Applications for sanctions under Pa. R.C.P. No. 1023.2 or 1042.7.
6. Applications to intervene.
7. Applications for attorney fees under 42 Pa.C.S.A. § 2503.

Rule L 206.4(c)—Procedures for Issuance of a Rule to Show Cause

(a) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa. R.C.P. No. 206.5.

(b) Whether or not the petition has been filed, it shall be presented to the court by counsel for the petitioner at the time prescribed for the receipt of motions by the court.

Note. The prescribed time to receive motions appears on the Beaver County Website: www.co.beaver.pa.us. Links are available to the court and then to motions court.

(c) The Petition must be accompanied by an order in the form set forth in Pa. R.C.P. No. 206.5(d). If appropriate to do so, the court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(d) After the court issues the rule, counsel for the Petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

(e) Any exhibits attached thereto must be tabbed and identified.

Rule L 208.2(e)—Discovery Motions

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

Rule L 208.3(b)—Procedure Governing Motions

(a) All motions, as defined in Pa. R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the court by counsel for movant at the time prescribed for the receipt of motions by the court.

Note. The prescribed time to receive motions appears on the Beaver County Website: www.co.beaver.pa.us. Links are available to the court and then to motions court.

Note. LR 206 B requires at least three business days notice of intention to present the motion and requires the manner of notice to be disclosed therein and a copy of the notice to be attached. Such notice is not required if all parties affected by the requested relief have consented thereto.

Note. On occasion, counsel will have filed the motion by mail and then present a photo copy of the motion to the court. Such a practice is condemned. It is generally not necessary to file the motion in advance. However, if counsel has already filed the motion, counsel must secure it from the Prothonotary and present it to the court.

(b) Any exhibits attached thereto must be tabbed and identified.

(c) After the court enters the order, counsel for movant must deliver the original motion and order to the Prothonotary for filing, serve a copy upon all other parties or their counsel, deliver a copy of the order to the Court Administrator if the order schedules future court action and file proof of service.

Rule L 210—Form of Briefs

In addition to the requirements of Pa. R.C.P. No. 210, briefs shall comply with the following requirements:

A. Except for quotations, briefs shall be double spaced on white paper size 8 1/2 × 11 inches.

B. Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon. Opinions of the Appellate Courts of Pennsylvania shall be cited to the official reports of the *Pennsylvania Reporter* as well as to *Atlantic Reporter*;
6. a conclusion setting forth the requested relief sought.

(C) Any exhibits attached thereto must be tabbed and identified.

Note: In cases involving post-trial motions, motions for judgment on the pleading or for summary judgment, it may be appropriate for counsel to also supply the court with a compact disc which contains counsel's brief.

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

(A) Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by counsel for the objector.

(1) A Praeceptum for Argument form can be secured from the Prothonotary. The original must be filed with the Prothonotary and a copy must be delivered to the Court Administrator by counsel along with a copy of the preliminary objections.

(2) Upon receipt of a copy of the Praeceptum for Argument and the preliminary objection, the Court Administrator

shall place the case on a list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at www.co.beaver.pa.us with links to the court and then to the Law Library.

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

(a) Motions for Judgment on the Pleadings shall be placed on the argument list by the Court Administrator upon the filing of a Praecepte for Argument by counsel for the movant.

(1) A Praecepte for Argument form can be secured from the Prothonotary. The original Praecepte must be filed with the Prothonotary and a copy must be delivered by counsel to the Court Administrator, along with a copy of the Motion for Judgment on the Pleadings.

(2) Upon receipt of a copy of the Praecepte for Argument and the Motion for Judgment on the Pleadings, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at www.co.beaver.pa.us with links to the court and then to the Law Library.

Rule L 1035.2(a)—Disposition of Motions for Summary Judgment

(A) Motions for Summary Judgment shall be placed on the argument list by the Court Administrator upon the filing of a Praecepte for Argument by counsel for the movant.

(1) A Praecepte for Argument form can be secured from the Prothonotary. The original Praecepte must be filed with the Prothonotary and a copy must be delivered by counsel to the Court Administrator, along with a copy of the Motion for Summary Judgment.

(2) Upon receipt of a copy of the Praecepte for Argument and the Motion for Summary Judgment, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at www.co.beaver.pa.us with links to the court and then to the Law Library.

[Pa.B. Doc. No. 04-1392. Filed for public inspection July 30, 2004, 9:00 a.m.]

SNYDER COUNTY
Adoption of Local Rules; No. MC 22-2004

Order

And Now, this 9th day of July, 2004, it is hereby *Ordered*:

1. That this Court's Order of June 24, 2004, is vacated.
2. That existing Local Rule 17CV1023.1 is rescinded.
3. That the Court hereby adopts the following Local Rules marked as Appendix "A."
4. The provisions of Paragraphs 1 and 2 of this Order shall become effective upon publication on the website of the Administrative Office of Pennsylvania Courts, pursuant to Pa.R.C.P. No. 239.8(d).
5. That the Court Administrator of the 17th Judicial District is ordered and directed to do the following:
 - 5.1. File seven (7) certified copies of this Order and of the pertinent Local Rules with the Administrative Office of Pennsylvania Courts.
 - 5.2. File two (2) certified copies of this Order and the pertinent Local Rules with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
 - 5.3. File one (1) certified copy of this Order and the pertinent Local Rules with the Civil Procedural Rules Committee.
 - 5.4. Provide one (1) copy of this Order to each member of the Snyder County Bar Association and Union County Bar Association that maintains an active practice in Snyder and Union Counties.
 - 5.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rules.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

APPENDIX A

17CV205.2(a) Physical Requirements for Pleadings and Other Legal Papers; Cover Sheets

- (1) All pleadings and other legal papers shall be printed in double space on white paper that is 8 1/2 inches wide and 11 inches long, and shall be secured by appropriate metal or plastic fasteners. All exhibits shall be tabbed and labeled.
- (2) All pleadings and other legal papers to be filed shall be accompanied by a cover sheet which shall include:
 - (i) in the upper left-hand corner the name of the filing party, the name, address, and telephone number of the attorney representing the filing party, or if the party is not represented by counsel, the address and telephone number of the filing party;
 - (ii) the full caption of the litigation;
 - (iii) the title of the pleading or other legal paper; and the name and address of the attorney of record for any party, including the name of the attorney's firm, or a designation that a party without an attorney is pro se, and the pro se party's address.
- (3) The cover sheet shall be substantially in the following form:

(4) If a party wishes to have an evidentiary hearing or oral argument that party, at the time of the filing of their preliminary objections or their answer or responsive brief, shall submit a scheduling order substantially in the following form:

CAPTION

SCHEDULING ORDER

AND NOW, this ____ day of _____, 20____, the (objecting) (answering) party having requested (oral argument) (and) (evidentiary hearing) on the preliminary objection and any answer thereto, it is hereby ORDERED that (hearing) (and) (argument) shall be held on the ____ day of _____, 20____, ____ o'clock ____ .m. in the Courtroom of the _____ County Courthouse, _____, _____ County, Pennsylvania. _____ (_____) minutes have been allocated for the purposes of the said (hearing) (and) (argument).

In the event that a party against whom the preliminary objections has been filed fails to file timely an answer and/or responsive brief to the said preliminary objections this Order will be deemed to have been vacated without further Order of the Court and no hearing and/or argument shall be held on the date scheduled herein.

BY THE COURT:

(5) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(6) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Argument by the objecting and any answering parties shall be limited to a total of fifteen (15) minutes unless, at the time of the filing of the proposed preliminary objection or responsive brief, the party requesting argument certifies to the court that additional time is necessary. Any party requesting a hearing shall be responsible for completing the proposed order with a good faith estimate as to the amount of time that party believes will be necessary for a complete hearing and argument on the pending preliminary objections;

(7) Upon the entry of an order scheduling hearing and/or argument it shall be the responsibility of the party requesting hearing and/or argument to serve the order on all other parties.

17CV1034(a) Motions for Judgment on the Pleadings

(1) A motion for judgment on the pleadings filed pursuant to Pa.R.C.P. No. 1034 shall be accompanied by a brief. All briefs shall be filed in duplicate. Upon the filing of a motion for judgment on the pleadings and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) All parties opposing the said motion shall file a response and a brief in support of their response within twenty (20) days of the service of the motion. All briefs

shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the Court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Argument on the said Motion and any response thereto shall be limited to a total of fifteen (15) minutes, unless, at the time of the filing of the proposed scheduling order the party requesting argument certifies that additional time is necessary. If additional time is necessary the party submitting the proposed scheduling order shall make a good faith estimate as to the total amount of time needed for argument by all parties. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

17CV1035.2(a) Motions for Summary Judgment

(1) A party filing a motion for summary judgment, shall, at the time of the filing of the said motion, file a brief in support thereof. All briefs shall be filed in duplicate. Upon the filing of a motion for summary judgment and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) A party filing a response pursuant to Pa.R.C.P. No. 1035.3(a) shall file a brief in support of their response contemporaneously with the filing of that response. All briefs shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more

than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Oral argument shall be limited to a total of one-half (1/2) hour unless a party at the time of the filing of their proposed scheduling order certifies that additional time will be necessary. That party will be responsible for making a good faith estimate as to the total amount of time the parties will need for argument. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

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