

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 3000 AND 3300]

Proposed Rules Governing Attachment of Wages, Salary and Commissions under Section 8127(a)(3.1) of the Judicial Code; Proposed Recommendation No. 190

The Civil Procedural Rules Committee proposes that the Rules of Civil Procedure be amended by adding new Rule 3301 et seq. governing the attachment of wages, salary, and commissions to satisfy a money judgment arising from a residential lease pursuant to Section 8127(a)(3.1) of the Judicial Code. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent not later than March 12, 2004 to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055
or E-Mail to
civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3101. Definitions[;]. Garnishee. **Scope.**

* * * * *

(c) The rules of this chapter shall not apply to the attachment of wages, salary or commissions to satisfy a money judgment arising from a residential lease pursuant to Section 8127(a)(3.1) of the Judicial Code.

Official Note: For the attachment of wages under Section 8127(a)(3.1) of the Judicial Code, see Rule 3301 et seq.

Rule 3140. Notice by Garnishee.

* * * * *

Official Note: Registered mail includes certified mail. See Definition Rule 76.

Attachment of wages, salary, and commissions to satisfy a money judgment arising from a residential

lease pursuant to Section 8127(a)(3.1) of the Judicial Code is governed by Rule 3301 et seq.

CHAPTER 3300. ATTACHMENT OF WAGES, SALARY AND COMMISSIONS

Rule 3301. Scope. Definitions.

(a) The rules of this chapter govern an attachment of wages to satisfy a judgment pursuant to Section 8127(a)(3.1) of the Judicial Code.

Official Note: Section 8127(a)(3.1) of the Judicial Code provides for the attachment of wages for amounts awarded to a judgment creditor-landlord arising out of a residential lease upon which the court has rendered judgment which is final.

See subdivision (b) for the definition of "judgment."

Rule 3101 et seq. governing the enforcement of money judgments is not applicable to the attachment of wages under this chapter.

(b) As used in this chapter,

"defendant" means a judgment debtor-tenant,

"garnishee" means the employer of the defendant,

"judgment" means a judgment for amounts awarded to a plaintiff arising out of a residential lease or for physical damage to a leased residential property, entered in

(1) any civil action brought in the court of common pleas,

(2) any civil action brought before a district justice pursuant to Pa.R.C.P.D.J. 301 et seq., or

(3) any action for the recovery of possession of real property brought before a district justice pursuant to Pa.R.C.P.D.J. 501 et seq. in which the defendant appeared or filed papers or in which the complaint was served by handing a copy to the defendant.

"plaintiff" means a judgment creditor-landlord, and

"wages" includes salary and commissions.

Rule 3302. Commencement. Notice.

(a) Execution to attach wages shall be commenced by the plaintiff by filing a praecipe with the prothonotary of any county in which judgment has been entered. The praecipe shall be filed within five years of the entry of the judgment. The praecipe shall be in the form prescribed by Rule 3311.

(b) Upon the filing of the praecipe, the prothonotary shall issue a Notice of Intent to Attach Wages in the form prescribed by Rule 3312(a). The prothonotary shall attach to the notice a copy of the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(c) The Notice of Intent to Attach Wages shall be served upon the defendant in the manner provided by Rule 400 et seq. for service of original process in a civil action.

Rule 3303. Exemption from Attachment. Procedure.

(a) A defendant claiming an exemption from attachment based upon the federal poverty income guidelines shall file the claim for exemption with the prothonotary within thirty days of service of the Notice of Intent to Attach Wages.

(b)(1) If the defendant files a claim for exemption of wages from attachment either within thirty days as required by subdivision (a) of this rule or prior to the issuance of the writ of attachment, the prothonotary shall not issue the writ of attachment and shall promptly send a copy of the claim to the plaintiff. The notice of exemption shall be in the form prescribed by Rule 3312(c).

(2) If the defendant files a claim for exemption after the writ of attachment has been issued, the attachment of the defendant's wages shall continue unless the defendant obtains a court order staying or vacating the attachment.

(c) A plaintiff who wishes to challenge the claim of exemption shall file a motion requesting the court to direct the prothonotary to issue a writ for the attachment of wages. The motion shall set forth facts which establish that the plaintiff is entitled to attach wages pursuant to Section 8127(a)(3.1) of the Judicial Code. If the motion on its face sets forth such facts, the court shall set a hearing date or set forth another procedure provided by Rule 208.4 as may be appropriate.

Rule 3304. Writ for the Attachment of Wages. Issuance. Service.

(a) The prothonotary shall issue a writ for the attachment of wages upon

(1) praecipe of the plaintiff where the defendant has not timely filed a claim for exemption of wages from attachment, or

(2) order of the court entered upon motion pursuant to Rule 3303.

(b) The prothonotary shall mail the writ to the garnishee by ordinary mail.

(c) The writ of attachment of wages shall be substantially in the form provided by Rule 3313.

Official Note: Section 8127(c)(1) of the Judicial Code provides that the employer shall send the attached wages to the prothonotary of the court of common pleas within 15 days from the close of the last pay period in each month. Upon receipt of the attached wages, the prothonotary of the court of common pleas shall record and send said wages to the judgment creditor-landlord.

FORMS

Rule 3311. Praecipe For Notice of Intent to Attach Wages. Form.

The Praecipe For Notice of Intent to Attach Wages shall be substantially in the following form:

Caption

Praecipe For Notice of Intent to Attach Wages

To the Prothonotary:

Issue a Notice of Intent to Attach Wages in the above matter

- (1) against _____, defendant,
- (2) against _____, employer of the defendant.

Date: _____

 Attorney for Judgment Creditor-Landlord
 or Judgment Creditor-Landlord
 if unrepresented

 Address

 Telephone number

Certification by Judgment Creditor-Landlord

I certify that

1. The plaintiff judgment creditor is _____
 Name

 Address

2. The defendant judgment debtor is _____
 Name

 Address

3. The employer garnishee is _____
 Name

 Address

4. The judgment arises out of a residential lease for the premises at _____ (address).

5. (a) The amount of the judgment is \$ _____.

(b) A security deposit in the amount of \$ _____ is being held by the judgment creditor-landlord. This security deposit

_____ has been applied

_____ has not been applied

to payment of rent due on the same premises for which the judgment for attachment has been entered.

(c) The amount of \$ _____ has been paid toward satisfaction of the judgment. (Do not include the security deposit.)

6. This praecipe is filed within five years of the entry of the judgment upon which execution is sought.

7. The judgment was entered (check one):

_____ in a civil action in the court of common pleas.

_____ in a civil action (Pa.R.C.P.D.J. 301 et seq.) brought before a district justice and transferred to the court of common pleas.

_____ an action to recover possession of real property (Pa.R.C.P.D.J. 501 et seq.) brought before a district justice and transferred to the court of common pleas.

8.(a) if the judgment was entered in a civil action before a district justice, a copy of the complaint filed with the district justice is attached to this Notice, showing that the action arose from a residential lease.

(b) If the judgment was entered in an action for the recovery of possession of real property before a district justice, copies of the appropriate district justice records are attached showing that the defendant appeared or filed papers in the action or that the complaint was served by handing a copy to the defendant.

I certify that the statements made in this Certification are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

 Judgment Creditor-Landlord

Rule 3312. Notice of Intent to Attach Wages. Claim for Exemption. Notice of Claim for Exemption. Forms.

(a) The notice of attachment of wages required by Rule 3302(b) shall be substantially in the following form:

(CAPTION)

NOTICE OF INTENT TO ATTACH WAGES,
SALARY OR COMMISSIONS

A judgment has been entered against you in court for nonpayment of rent for, or damage to, residential property that you rented. The judgment creditor-landlord has begun proceedings to attach 10% of your net wages, salary or commissions for each pay period until the judgment is satisfied.

The following exception will prevent your wages from being attached:

Poverty Guidelines—Your wages may not be attached if your net income is below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services or if the amount of the attachment would cause your net income to fall below the poverty income guidelines. A copy of the guidelines is attached to this notice.

If this exemption is applicable to you, you must return the claim for exemption of wages which is attached to the prothonotary within 30 days of the date of service of this notice upon you. The date of service of this notice is _____. If you return the form claiming this exemption within 30 days, your wages will not be attached without subsequent court proceedings.

There may be other legal grounds for opposing the wage attachment that you may be able to raise by filing a motion with the court. For example, your wages may not be attached if you are an abused person or victim as set forth in Section 8127(f) of the Judicial Code when the attachment is to satisfy a judgment for physical damages to the leased premises.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

(Name)

(Address)

(Telephone Number)

(b) The claim for exemption from wage attachment shall be substantially in the following form:

(CAPTION)

CLAIM FOR EXEMPTION FROM WAGE ATTACHMENT
Notice

This Claim for Exemption must be filed with the Prothonotary of the Court within 30 days of service upon you of the Notice of Intent to Attach Wages.

To the Prothonotary:

I, the above named defendant, claim exemption of my wages, salary or commissions from attachment on the following ground:

_____ My net income is below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services.

OR

_____ The amount of wages to be attached would place my net income below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services.

I have _____ dependents.
(Number)

My net income is \$ _____ .

(Net income is your total wages less (1) any support payments made to the court, (2) federal, state and local income taxes, (2) F.I.C.A. payments and nonvoluntary retirement payments. (4) union dues and (5) health insurance premiums.)

I certify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Defendant

This claim shall be delivered or mailed to
Office of the Prothonotary
Court of Common Pleas

Address

Telephone Number

(c) The notice of claim of exemption required by Rule 1303(b) shall be substantially in the following form:

(CAPTION)

NOTICE OF CLAIM OF EXEMPTION
OF WAGES FROM ATTACHMENT

To the above named plaintiff:

The defendant in the above captioned matter has filed a claim for exemption from attachment of his or her wages, salary or commissions. A copy of the claim is attached. If you wish to challenge the claim for exemption, you should file with the court a motion setting forth facts which show that the defendant's net income is not below the Federal Department of Health and Human Services poverty income guidelines or that the attachment will not cause the defendant's net income to fall below those poverty income guidelines.

Date: _____
Prothonotary

Rule 3313. Writ of Attachment of Wages. Form.

The writ of attachment of wages shall be substantially in the following form:

Caption

Writ of Attachment of Wages, Salary or Commissions

Commonwealth of Pennsylvania :
County of _____ :

To _____
Employer of Defendant _____
Name

You have been identified as the employer of the above named defendant.

You are directed to withhold the wages, salary and commissions of the defendant in your possession to satisfy the judgment against the defendant.

You are notified that

- 1. an attachment of wages, salary and commissions has been issued;
2. you are ordered to withhold from the wages, salary and commissions of the defendant an amount per pay period which does not exceed ten (10) percent of the defendant's net wages, salary and commissions;

Net wages are all wages paid less only the following items: (1) any support payments made to the court, (2) Federal, State and local income taxes, (3) F.I.C.A. payments and nonvoluntary retirement payments. (4) Union dues and (5) Health insurance premiums.

- 3. the total amount attached is \$ _____ and the withholding must continue until the amount of the attachment is satisfied;
4. the attached wages shall be sent to the prothonotary of the court of common pleas within 15 days from the close of the last pay period in each month. The check must
a. contain the name of the employee whose wages are being withheld,
b. be made payable to the Prothonotary, and
c. be sent to

Prothonotary
Court of Common Pleas
Wage Attachment Remittance

Address

Telephone Number

- 5. you are entitled to deduct each pay period from the money collected from the defendant employee the costs incurred from the extra bookkeeping necessary to record the transaction, not exceeding \$5.00 of the amount of money so collected.
6. by law, you may not take any adverse action against the defendant because his or her wages, salary or commissions have been attached.
7. you shall send the following notice to the prothonotary if the defendant has never been or is no longer an employee:

I have received a Writ of Attachment in the following case:

_____ v. _____, No. _____ of _____.
Plaintiff Defendant Year

The following person, _____, has never been
Name
(____) or is no longer an employee (____).

Date: _____
Employer

Prothonotary
Seal of the Court
By _____
Deputy

Explanatory Comment

The Civil Procedural Rules Committee is proposing to recommend a new chapter of rules, Rule 3301 et seq., to govern the attachment of wages, salary and commissions pursuant to Section 8127(a)(3.1) of the Judicial Code in actions or proceedings for "amounts awarded to a judgment creditor-landlord arising out of a residential lease." Rule 3101 et seq. governing the enforcement of judgments for the payment of money will not apply to a wage attachment under this provision of the Judicial Code.

Pursuant to the definition of the term "judgment" in proposed Rule 3301(b), wages may be attached to satisfy a judgment for rent or physical damage to a leased premises entered in a "civil action" whether in a court of common pleas or before a district justice. However, if the money judgment sought to be enforced is entered in an action for recovery of possession of real property before a district justice pursuant to Pa.R.C.P.D.J. 501 et seq., a writ of attachment of wages may issue only if the defendant appeared or filed papers in the action or if the complaint was handed to the defendant (judgment debtor-tenant).

Section 8127 of the Judicial Code imposes certain requirements upon the attachment of wages.

Security Deposit.—

Section 8127(a)(3.1) provides for the deduction from the attachment of a security deposit under circumstances set forth in the Code. Rule 1311 prescribes a form of Praecipe for Notice of Intent to Attach Wages which requires the plaintiff (judgment creditor-landlord) to execute a Certification as to the status of the security deposit.

Exemptions from Attachment.—

1. Poverty Guidelines. Section 8127(a)(3.1) requires that the "sum attached shall be no more than 10% of the net wages per pay period of the judgment debtor-tenant or a sum not to place the debtor's net income below the poverty income guidelines as provided annually by the Federal Office of Management and Budget, whichever is less." First, the employer-garnishee will determine the ten percent limit of the net wages to be attached. Second, since the defendant (judgment creditor-tenant) is the only person who has knowledge whether the attachment will bring his or her net income below the poverty level, the rules require the defendant to assert this objection to the attachment by filing a claim for exemption which is attached to the Notice of Intent to Attach Wages served upon the defendant. Third, Rule 3302(b) requires the prothonotary to attach to the Notice a copy of the most recent federal poverty income guidelines of the Federal Department of Health and Human Services.

2. Other Exemptions. The Notice of Intent to Attach Wages advises the defendant that there may be other exemptions available, giving the example of an abused

person or victim/witness, and that these exemptions are to be claimed by filing a motion with the court.

Withholding of Wages.—

Section 8127(c) sets forth duties of the employer-garnishee with respect to the withholding of wages. The form of the writ of attachment set forth in Rule 3313 advises the employer of these statutory duties.

Prohibition against Discharge.—

Section 8127(e) provides that the “employer shall not take any adverse action against any individual solely because his wages, salaries or commissions have been attached.” The form of the writ of attachment advises the employer of this obligation as well.

The proposed rules require the intervention of the court in two circumstances. First, if the defendant files a claim for exemption on the ground that his or her income is below the federal poverty income guideline or that the attachment will bring his or her income below the federal poverty income guideline, the plaintiff may dispute the claim by filing a motion requesting the court to direct the prothonotary to issue a writ of attachment of wages. The motion must set forth facts which establish that the plaintiff is entitled to attach wages pursuant to Section 8127(a)(3.1) of the Judicial Code. Second, the defendant may file a motion to stay or vacate the attachment on other grounds of exemption from attachment, including the ground of being an abused person or victim-witness.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 04-136. Filed for public inspection January 23, 2004, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 200, 300 AND 500]

Proposal to Amend Rule 209 and Rescind Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 209 and rescind Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices to simplify and consolidate the rules relating to continuances. 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, February 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 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 209. [Grounds for continuances generally] Continuances.

A. Continuances may be granted for cause or by agreement.

B. Continuances shall be to a specific time and date. The district justice shall note continuances on the docket and shall promptly give or mail to the parties written notice of continuances.

C. Except for good cause shown,

(1) not more than one continuance shall be granted to each party, and

(2) the aggregate of all continuances shall not extend the date of the hearing

(a) beyond 90 days from the date of filing the plaintiff’s complaint in proceedings commenced pursuant to Rule 303, or

(b) beyond 30 days from the date of filing the plaintiff’s complaint in proceedings commenced pursuant to Rule 502.

D. In all proceedings governed by these rules the [The] following shall constitute cause for granting a continuance [under these rules]:

(1) [The] the scheduling of [counsel] a party’s attorney of record to appear at any proceeding under the Pennsylvania Rules of Disciplinary Enforcement, whether[:]

(a) as counsel for a respondent-attorney before a hearing committee, special master, the Disciplinary Board, or the Supreme Court;

* * * * *

(2) [The] the scheduling of [counsel] a party’s attorney of record to appear at any proceeding involving the discipline of a justice, judge, or district justice under Section 18 of Article V of the Constitution of Pennsylvania, whether[:]

(a) as counsel for a justice, judge, or district justice before the special tribunal provided for in 42 Pa.C.S. §

727, the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board; or

(b) as a member of the Court of Judicial Discipline, the Judicial Conduct Board, or any hearing committee or other arm of the Judicial Conduct Board.

Official Note: [This rule sets forth certain grounds for the granting of a continuance under the various provisions of these rules relating to continuances, including Rule 320 and Rule 511.] This rule was amended in 2004 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in [this rule] subdivision D, of course, are not intended to be the only grounds on which a continuance will be granted.

CHAPTER 300. CIVIL ACTION

Rule 320. [Continuances] (Rescinded).

[Continuances of not more than thirty (30) days may be granted for cause or by agreement. Continuances shall be for a specific time and date and shall be noted on the original complaint form. A Notice of Continuance form stating the time and date of hearing shall be mailed to all parties. Not more than two continuances shall be granted to either party. See Rule 209.]

Official Note: [A limitation was placed upon the number of continuances to insure the expeditious handling of actions before district justices and to prevent a clogging of their dockets.] See Rule 209 governing continuances.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 511. [Continuances] (Rescinded).

[Continuances may be granted for cause or by agreement. Continuances shall be to a specific time and date and shall be noted on the original complaint form. Continuances shall not be granted to extend the date of the hearing beyond thirty (30) days from the date the plaintiff's complaint is filed or, if the defendant files a cross-complaint, beyond twenty (20) days from the date that complaint is filed, whichever is the longer period from the filing of the plaintiff's complaint. The district justice shall promptly give written notice of a continuance to the parties on a Notice of Continuance form, but if a party has an attorney of record named in the complaint form, the notice, unless given at the hearing in the presence of the party, shall be given to the attorney instead of to the party. See Rule 209.]

Official Note: [The limitations in this rule are intended to insure expedition in the processing of these4 cases.] See Rule 209 governing continuances.

REPORT

Proposal to Amend Rule 209 and Rescind Rules 320 and 511 of the Rules of Conduct, Office Standards and Civil Procedure for District Justices

Continuances

I. Background and Discussion

In an ongoing effort to simplify and consolidate certain Rules of Conduct, Office Standards, and Civil Procedure for District Justices, the Minor Court Rules Committee (hereinafter the Committee) undertook a review of the rules relating to continuances. The Committee noted that there are currently three separate rules relating to continuances: Rule 209 (relating to grounds for continuances generally), Rule 320 (relating to continuances in civil actions), and Rule 511 (relating to continuances in possessory actions). The Committee was concerned about unnecessary duplication and confusion resulting from having three continuance rules. In addition, some members of the Committee expressed concern about the restrictions on the length of continuances, particularly in Rule 511, being unnecessarily complicated.

Accordingly, the Committee proposes to consolidate all provisions relating to continuances in existing Rule 209,¹ and to rescind Rules 320 and 511.

II. Proposed Rule Changes

A. Rule 209

As indicated above, the Committee proposes that all provisions relating to continuances would be consolidated in Rule 209. Subdivision A of the amended Rule would retain the existing provisions from Rules 320 and 511 that continuances may be granted for cause or by agreement. Likewise, Subdivision B would retain the existing provisions that continuances must be to a time and date certain, and that the district justice must note continuances on the docket and notify the parties.

Subdivision C of the amended Rule would incorporate the limitations on continuances from Rules 320 and 511 with some changes. Specifically, the Rule would provide that generally not more than one continuance may be granted to each party. In addition, the aggregate of all continuances would be limited to extending the date of the hearing

- not more than 90 days from the filing of the plaintiff's complaint in civil actions, or
- not more than 30 days from the filing of the plaintiff's complaint in possessory actions.

The Committee believes that these time limitations are reasonable and would ensure that district justice cases proceed expeditiously, while allowing sufficient time for necessary continuances and taking into consideration the time frames for scheduling the original hearing date,² service,³ and the filing of cross-complaints.⁴ The introductory clause of Subdivision C would also provide that the limitations on continuances apply except for good cause shown, giving the district justice discretion to grant continuances outside the limitations when necessary.

¹ The placement of this Rule in Chapter 200 (Rules of Construction; General Provisions) makes it applicable to both civil actions (Chapter 300) and possessory actions (Chapter 500).

² See Rules 305 and 504.

³ See Rules 307 and 506.

⁴ See Rules 315 and 508.

Subdivision D of the amended Rule would incorporate, with only minor editorial changes, the existing provisions of Rule 209 relating to continuances because of scheduling conflicts with a party's attorney who must participate in attorney or judicial disciplinary proceedings.

B. Rules 320 and 511

In light of the Committee's proposed amendments to Rule 209, the Committee further proposes that Rule 320 (relating to continuances in civil actions) and Rule 511 (relating to continuances in possessory actions) be rescinded.

[Pa.B. Doc. No. 04-137. Filed for public inspection January 23, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Amended 2004 Court Calendar; No. 1 of 2003

Administrative Order

And Now, this 8th day of January, 2004, it is hereby Ordered that the Court Calendar of the Court of Common Pleas of Fayette County of the 14th Judicial District of Pennsylvania for the year 2004, be and the same is hereby established in accordance with the following schedule and made a part hereof.

It is further Ordered that the Prothonotary shall file seven (7) certified copies of this Order with the Administrative Office of Pennsylvania Courts, two (2) certified copies and diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one (1) certified copy with the *Fayette Legal Journal* for publication, and one (1) copy with the Fayette County Law Library.

By the Court

CONRAD B. CAPUZZI,
President Judge

Amended 2004 Fayette County Court Calendar

January

- 1—New Years Day (HOLIDAY)
- 2—Call of Civil List
- 5—Criminal Court Week
- 15—Arraignment Court
- 19—Martin Luther King, Jr. (HOLIDAY)
- 20—Civil Court Week
- 20—Orphans' Court Audits
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 27—Arbitration Day

February

- 2—Criminal Court Week
- 16—President's Day (HOLIDAY)
- 17—Orphans' Court Audits
- 19—Arraignment Court
- 23—Criminal Pre-trials
- 23—Call of the Criminal List
- 24—Arbitration Day

March

- 1—Criminal Court Week
- 15—Orphans' Court Audits
- 18—Arraignment Court
- 25—Criminal Pre-trials
- 25—Call of the Criminal List
- 30—Arbitration Day

April

- 2—Call of the Civil List
- 5—Criminal Court Week
- 9—Good Friday (HOLIDAY)
- 15—Arraignment Court
- 19—Civil Court Week
- 19—Orphans' Court Audits
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 27—Primary Election Day
- 27—Arbitration Day

May

- 3—Criminal Court Week
- 17—Orphans' Court Audits
- 20—Arraignment Court
- 25—Arbitration Day
- 27—Criminal Pre-trials
- 27—Call of the Criminal List
- 31—Memorial Day (HOLIDAY)

June

- 7—Criminal Court Week
- 17—Arraignment Court
- 21—Orphans' Court Audits
- 24—Criminal Pre-trials
- 24—Call of the Criminal List
- 29—Arbitration Day

July

- 2—Call of Civil List
- 5—Independence Day Observance (HOLIDAY)
- 6—Criminal Court Week
- 15—Arraignment Court
- 19—Civil Court Week
- 19—Orphans' Court Audit
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 27—Arbitration Day

August

- 2—Criminal Court Week
- 16—Orphans' Court Audits
- 19—Arraignment Court
- 26—Criminal Pre-trials
- 26—Call of the Criminal List
- 31—Arbitration Day

September

- 6—Labor Day (HOLIDAY)
- 7—Criminal Court Week
- 16—Arraignment Court
- 20—Orphans' Court Audits
- 27—Criminal Pre-trials
- 27—Call of the Criminal List
- 28—Arbitration Day

October

- 1—Call of the Civil List
- 4—Criminal Court Week
- 11—Columbus Day Observance (HOLIDAY)
- 18—Civil Court Week
- 18—Orphans' Court Audits
- 21—Arraignment Court
- 25—Criminal Pre-trials
- 25—Call of the Criminal List
- 26—Arbitration Day

November

- 1—Criminal Court Week
- 2—Election Day
- 11—Veteran's Day (HOLIDAY)
- 15—Orphans' Court Audits
- 18—Arraignment Court
- 23—Criminal Pre-trials
- 23—Call of the Criminal List
- 25—Thanksgiving Day (HOLIDAY)
- 26—Day after Thanksgiving (HOLIDAY)
- 30—Arbitration Day

December

- 6—Criminal Court Week
- 16—Arraignment Court
- 20—Orphans' Court Audits
- 20—Criminal Pre-trials
- 20—Call of the Criminal List
- 24—Christmas Eve (HOLIDAY)
- 27—Christmas Observance (HOLIDAY)
- 28—Arbitration Day
- 31—New Year's Day Observance (Holiday)

[Pa.B. Doc. No. 04-138. Filed for public inspection January 23, 2004, 9:00 a.m.]

JEFFERSON COUNTY**Revision to Local Rule of Court L319—Termination of Inactive Civil Cases**

And Now, January 6, 2004, it is hereby Ordered as follows:

Local rule of Court, L319 is rescinded effective thirty (30) days after publication of this Order in the *Pennsylvania Bulletin*.

Adoption of New Local rules of Court

Local Rule of court L230.2 is hereby adopted as a new Local rule of Civil Procedure.

Pursuant to Pa.R.C.P. No. 230.2, on or before March 1st of each year the prothonotary shall list for General Call a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto. The prothonotary shall serve Notice on council of record, and on the parties if not represented, that the date of the General Call for termination of inactive cases will be the fourth Monday in May each year. All procedures to be followed as set forth in PA R.C.P. No. 230.2.

These new and rescinded Local Rules of court shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Certified copies of this Order with the new and rescinded Local Rules of court shall be distributed by the Court Administrator as required by pertinent state rules of court, together with a diskette containing the hard copy version where required.

By the Court

JOHN H. FORADORA,
President Judge

[Pa.B. Doc. No. 04-139. Filed for public inspection January 23, 2004, 9:00 a.m.]