

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

#### Proposed Amendment to Rule 341

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 341. The amendment is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

Proposed new material is bold.

All communications in reference to the proposed amendment should be sent no later than June 29, 2005 to:

Dean R. Phillips, Chief Counsel  
Rebecca M. Darr, Deputy Counsel  
Appellate Court Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or Fax to  
717-795-2116

or E-Mail to  
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court Procedural Rules Committee*

HONORABLE JOSEPH A. HUDOCK,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### FINAL ORDERS

#### Rule 341. Final Orders; Generally.

\* \* \* \* \*

(c) *Determination of Finality.* When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim or when multiple parties are involved, the trial court or other governmental unit may enter a final order as to one or more but fewer than all of the claims and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims and parties shall not constitute a final order. In addition, the following conditions shall apply:

(1) The trial court or other governmental unit is required to act on an application for a determination of finality under subdivision (c) within 30 days of entry of the order. During the time an application for a determination of finality is pending, the action is stayed.

\* \* \* \* \*

#### Explanatory Comment—2005

**In a declaratory judgment action, an order based on a pre-trial motion or petition affirmatively or negatively declaring the rights and duties of the parties is considered a “final order,” as defined by statute, under subdivision (b)(2) of Rule 342. *Nationwide Mut. Ins. Co. v. Wickett*, 563 Pa. 595, 763 A.2d 813 (2000); 42 Pa.C.S. § 7532. An order in a declaratory judgment action sustaining a demurrer, and dismissing some, but not all, defendants is an example of such an order. This type of order does not meet subdivision (b)(1)’s requirement of “finality” that an order must dismiss all claims and all parties. It is nevertheless considered to be a “final order,” because the legislature has defined it as such, by statute, in the Declaratory Judgment Act. It is important to note, however, that following a trial in a declaratory judgment action, an aggrieved party must file post-trial motions as required by Pa.R.C.P. No. 227.1, in order to preserve issues for appeal. *Motorists Mutual v. Pinkerton*, 574 Pa. 333, 830 A.2d 958 (2003); *Chalkey v. Roush*, 569 Pa. 462, 805 A.2d 491 (2002).**

[Pa.B. Doc. No. 05-827. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 100]

#### Amendment of Rule 76 to Provide for Computer Generated Signatures; Proposed Recommendation No. 202

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 76 governing definitions be amended as set forth herein. 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 June 1, 2005 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 100. RULES OF CONSTRUCTION**

**Rule 76. Definitions.**

The following words and phrases when used in [ any rule promulgated by the Supreme Court under the authority of Article V, Section 10(c) of the Constitution of 1968, or of any Act of Assembly, ] the Rules of Civil Procedure shall have the following meanings, respectively, unless the context clearly indicates otherwise or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

\* \* \* \* \*

“signature,” includes

(1) mark when the individual cannot write, the individual’s name being written near it, and witnessed by another who writes his or her own name,

(2) when used in reference to documents generated by a court of the Unified Judicial System, a handwritten signature, a copy of a handwritten signature, a computer generated signature or a signature created, transmitted, received, or stored by electronic means, by the signer or by someone with the signer’s authorization unless otherwise provided in these rules.

\* \* \* \* \*

**Explanatory Comment**

The Administrative Office of Pennsylvania Courts is implementing a statewide system of automated court management. That system generates documents which may contain computer generated signatures. Rule 76 presently defines the term “signature” to include “a mark when the individual cannot write” and gives no guidance with respect to computer generated signatures.

It is proposed that Rule 76 be amended to facilitate the filing of documents generated by the courts of the Unified Judicial System by authorizing the signature on such documents to be an original signature, a copy of a signature, a computer generated signature or an electronic signature. The proposed rule incorporates the definition of signature in Rule of Criminal Procedure 103.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-828. Filed for public inspection April 29, 2005, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CH. 3000]**

**Amendment of Rule 3135 Governing the Sheriff’s Deed to Real Property; Proposed Recommendation No. 203**

The Civil Procedural Rules Committee is proposing the amendment of Rule of Civil Procedure 3135 governing the

issuance of the sheriff’s deed to real property. 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 June 1, 2005 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 3132. Setting aside sale.**

\* \* \* \* \*

**Official Note:** For the time for delivery of the sheriff’s deed to real property, see Rule 3135(a).

Adopted March 30, 1960, effective November 1, 1960.

**Rule 3135. Sheriff’s deed to real property. Correction of deed.**

(a) When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of [ ten ] thirty days after [ the filing of the schedule of distribution ] the execution sale, shall execute and acknowledge before the prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registry if required. Confirmation of the sale by the court shall not be required.

\* \* \* \* \*

**Explanatory Comment**

The proposed amendment to Rule 3135 governing the sheriff’s deed to real property eliminates a gap in the execution rules and dissociates the execution and delivery of the sheriff’s deed from the filing of the schedule of distribution.

Rule 3135(a) currently provides in part that “the sheriff, at the expiration of ten days after the filing of the schedule of distribution, shall execute and acknowledge before the prothonotary a deed to the property sold.” This rule does not take into consideration the second sentence of Rule 3136(a) which provides that a schedule of distribution need not be filed where the property is sold to the plaintiff for costs only. Rule 3135(a) provides no guidance to the sheriff in this instance. The proposed amendment eliminates the gap by providing a definite time period for execution and delivery of the sheriff’s deed applicable to all execution sales, including a sale to the plaintiff for costs only.

Where no petition to set aside the sale is filed, the proposed amendment measures the time for execution and delivery of the sheriff's deed from the date of the sheriff's sale rather than the date of the filing of the schedule of distribution. The revised rule provides that the delivery of the deed is not dependent on the filing of the schedule of distribution and makes applicable to all execution sales a uniform time period for execution and delivery of the sheriff's deed.

Under the current system, there can be a significant and unpredictable delay in the delivery of the sheriff's deed to the purchaser. The amended rule provides both certainty and promptness with respect to the execution and delivery of the sheriff's deed. Parties will have a definite time period in which to file a petition to set aside a sale of real property, i.e., thirty days from the date of the sale. The prompt delivery of the sheriff's deed to the purchaser will facilitate the change in ownership of the property and enable the purchaser to enjoy the benefits and responsibilities with respect to that ownership.

Rule 3132 governing the setting aside of the sale remains unchanged. However, a note has been added cross-referring to revised Rule 3135(a) which ties the time for the delivery of the deed to the date of the execution sale.

*By the Civil Procedural Rules Committee*  
R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-829. Filed for public inspection April 29, 2005, 9:00 a.m.]

**PART I. GENERAL**

**[231 PA. CODE CH. 1300]**

**Amendment of Rule 1311.1 Governing Appeals from Awards in Compulsory Arbitration; Proposed Recommendation No. 204**

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1311.1 governing the admission of documentary evidence upon an appeal from the award of arbitrators in compulsory arbitration be amended as set forth herein. 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 June 1, 2005 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 1300. COMPULSORY ARBITRATION**

**Subchapter A. RULES**

**Rule 1311.1 Procedure on Appeal. Admission of Documentary Evidence.**

(a)(1) [The ] Except as otherwise provided by subdivision (a)(2), plaintiff may stipulate to [ \$15,000.00 ] \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The stipulation shall be filed and served upon every other party at least thirty days from the date the appeal is first listed for trial.

(2)(i) A court may provide by local rule that a plaintiff may stipulate to \$15,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators

(ii) The local rule shall be designated Local Rule 1311.1 and shall be promulgated, published and effective as provided by Rule 239.8(b) through (d).

*Official Note:* A local rule promulgated under subdivision (a)(2) must be published on the UJS Web Portal of the Administrative Office of Pennsylvania Courts.

\* \* \* \* \*

(e) The stipulation required by subdivision (a)(1) shall be substantially in the following form:

**(Caption)**

**Stipulation to Limitation of Monetary Recovery Pursuant to Rule 1311.1**

To: \_\_\_\_\_ :  
(Name of Party/Parties)

\_\_\_\_\_, plaintiff, stipulates to (\$15,000.00) (\$25,000.00) as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

\_\_\_\_\_  
(Name of Plaintiff)

\_\_\_\_\_  
(Attorney for Plaintiff)

\_\_\_\_\_  
(Date)

*Official Note:* The plaintiff must set forth maximum recoverable damages of \$25,000.00 or of \$15,000.00 if the court has limited the application of the rule by local rule pursuant to subdivision (a)(2).

The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

\* \* \* \* \*

**Explanatory Comment**

Rule 1311.1 governing the admission of documentary evidence upon the trial de novo of an appeal from the award of arbitrators in compulsory arbitration became

effective September 1, 2003. The response of the bench and bar has been overwhelmingly favorable.

The rule as promulgated applies to appeals in which the plaintiff stipulates to \$15,000.00 as the maximum amount of recoverable damages in the appeal. In light of the favorable reception to the rule, it is proposed that the maximum amount of recoverable damages be increased to \$25,000.00.

The rule also provides that a local court may continue the present maximum amount of recoverable damages at \$15,000.00. However, a court choosing to maintain the present limit must promulgate a local rule numbered Local Rule 1311.1 so stating and publish it on the UJS Web Portal according to the procedures set forth in Rule 239.8.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 05-830. Filed for public inspection April 29, 2005, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Standard Interrogatories in Compulsory Arbitration Cases; Motor Vehicle Liability and Premises Liability Cases; Trial Division Administrative Doc. No. 2005-02

##### Order

*And Now*, this 8th day of April, 2005, upon consideration of the stated purposes of the Compulsory Arbitration Program, which is designed to enable the Court and the litigants to equitably, fairly, and expeditiously dispose of certain types of cases, see 42 Pa.C.S. § 7361, Pa.R.C.P. 1301 et seq., and Phila.Civ.R. \*1301 et seq., and upon review and consideration of Pa.R. C.P. 4005, which authorizes the Court to adopt, and limit, the number of standard interrogatories as justice may require, it is hereby *Ordered, Adjudged, and Decreed* that as to Motor Vehicle Liability and Premises Liability cases assigned to the Compulsory Arbitration Program:

1) The following "Standard" Interrogatories are adopted by the Court:

a) Plaintiff's Interrogatories Addressed to Defendant—Motor Vehicle Liability, Exhibit "A"

b) Defendant's Interrogatories Addressed to Plaintiff—Motor Vehicle Liability, Exhibit "B"

c) Plaintiff's Interrogatories Addressed to Defendant—Premises Liability, Exhibit "C"

d) Defendant's Interrogatories Addressed to Plaintiff—Premises Liability, Exhibit "D."

2) The following Requests for Production of Documents are adopted by the Court:

a) Plaintiff's Request for Production of Documents, Exhibit "E" and

b) Defendant's Request for Production of Documents, Exhibit "F."

3) Objections. The Court will not entertain objections to the standard interrogatories or document requests. Parties who serve objections may be subject to appropriate sanctions, including imposition of counsel fees.

4) Service of Standard Interrogatories and Requests for Production of Documents.

At any time after the filing of an Answer to the Complaint, a party may request any other party to answer standard interrogatories and/or respond to standard document request by serving on all other parties a Notice to Answer or Respond To Standard Written Discovery, substantially in the form attached hereto as Exhibit "G." Answers and responses shall be provided to all parties within thirty days of the service of the Notice, but shall not be filed with the Court or Prothonotary unless relevant to a motion or other pretrial proceeding, ordered by the court or required by statute. Once the Notice is served on any party, all other parties, including the parties serving the Notice, shall answer the standard interrogatories applicable to them within thirty days of the service of the original Notice. Only the standard interrogatories and document requests approved herein shall be served and answered by the parties, except as provided in paragraph (6) hereunder.

5) A copy of the standard interrogatories or document requests need not be attached to the Notice served on attorneys, but must be provided to unrepresented parties. Copies of the above documents may be obtained on the court's website, at <http://courts.phila.gov>.

6) Additional Written Discovery

(a) General Rule. No additional interrogatories or document requests will be permitted as to Motor Vehicle and Premises Liability cases filed in the Compulsory Arbitration Program unless the answering or responding party agrees, or as further provided hereunder.

(b) Limited Supplementation. Any party may serve up to five (5) additional interrogatories or document requests that are specifically tailored to the case and are not duplicative of the standard interrogatories or document requests. Each subpart shall be considered a separate interrogatory or request for purposes of this limitation.

(c) Arbitrational Appeals. Any party may serve up to ten (10) additional interrogatories, within thirty days of the filing of an appeal from an Arbitration Award. Each subpart shall be considered a separate interrogatory for purposes of this limitation.

(d) Leave of Court. Upon receipt of answers to standard interrogatories or responses to standard document requests, any party may file an appropriate discovery motion under Phila. Civ.R. \*208.3, seeking leave of court to serve additional interrogatories or document requests. The moving party must allege and show good cause why the additional standard interrogatories or document requests are reasonably necessary to prepare its case for trial.

7) Dead Man's Rule. In the event that any party wishes to invoke the Dead Man's Rule, that party shall notify the opposing party, in writing, of its intention to invoke said Rule, within twenty (20) days of the time the Notice to Answer or Respond to Standard Written Discovery was served. In such a case, the party who is invoking the Dead Man's Rule shall have no obligation to answer the standard interrogatories or produce the documents requested, until otherwise ordered by the Court.

8) Effective Date. This Administrative Order will become effective on June 6, 2005.

This Administrative Order is promulgated in accordance with the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1, Pa.R.C.P. 4005 and Pa.R.Civ.P. 239. As required by Pa.R.Civ.P. 239, the original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District at: <http://courts.phila.gov>.

By the Court

JAMES J. FITZGERALD, III,  
*Administrative Judge*

EXHIBIT "A"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
:  
:  
: Compulsory Arbitration  
: Program  
vs. :  
:  
: \_\_\_\_\_ Term, 20  
:  
DEFENDANT'S NAME : No. \_\_\_\_\_

PLAINTIFF'S INTERROGATORIES DIRECTED TO  
DEFENDANT(S)

Motor Vehicle Liability Cases

Plaintiff(s) hereby make demand that the Defendant(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Defendant(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not

known to Defendant(s), their counsel, or other representatives at the time of service of the Answers. If another motor vehicle was not involved in the alleged accident, then interpret any questions to include a non-motor vehicle (i.e. pedestrian, bicycle, etc.).

1. State:

(a) If an individual: Full name (maiden name, if applicable), alias(es), date of birth, marital status (name of spouse) at the time the cause of action arose and currently, residence and business addresses at time of cause of action and currently and Social Security Number.

(b) If a corporation: registered corporation name, principal place of business and registered address for service of process at the time the cause of action arose and currently.

(c) If a partnership: registered partnership name, principal place of business and registered address for service of process at the time the cause of action arose and currently as well as the identities and residence addresses of each partner at the time the cause of action arose and currently.

2. If you (and/or your operator) were/are employed, state:

(a) By whom, at the time the cause of action arose and currently;

(b) Your title or position and accompanying duties and responsibilities at the time the cause of action arose and currently;

(c) The length of your employment as of the time the cause of action arose and currently.

3. If at the time of the alleged accident, you (or your operator) possessed a valid license to operate a motor vehicle, state:

(a) The Commonwealth or State issuing it;

(b) The issuance date and expiration date;

(c) The operator's number of such license;

(d) The nature of any restriction(s) on said license.

4. Identify:

(a) Your applicable motor vehicle insurance carrier at the time the cause of action arose;

(b) Your applicable liability insurance benefits coverage limits;

(c) Your applicable umbrella and/or excess liability insurance benefits coverage limits at the time the cause of action arose.

5. If you (or your operator) ever had a driver's license suspended or revoked, state:

(a) When, where and by whom it was suspended or revoked;

(b) The reason(s) for such suspension or revocation;

(c) The period of such suspension or revocation;

(d) Whether such suspension or revocation was lifted and if so, when.

6. If you (or your operator) have had a claim made against you for the negligent operation of a motor vehicle within the last five (5) years, state:

(a) Your applicable motor vehicle liability insurance benefits carrier at the time that cause of action arose;

(b) The Commonwealth or State, County, Court, Term and Number of any lawsuits arising from that cause of action.

7. State the purpose of the motor vehicle trip you (or your operator) were on at the time of the alleged accident.

8. State whether or not you (or your operator) were familiar with the scene of the alleged accident and how often you traveled through same.

9. If the Defendant's motor vehicle involved in the alleged accident was damaged in any manner, describe in detail.

10. If you (or your operator) consumed any alcoholic beverage(s), medications (prescription and/or over-the-counter) or any illicit drugs, during the forty-eight (48) hours immediately preceding the alleged accident, state:

(a) The nature, amount and type of item(s) consumed;

(b) The period of time over which the item(s) was/were consumed;

(c) The names and addresses of any and all persons who have any knowledge as to the consumption of the aforementioned items (i.e. witnesses, physicians, etc.)

11. If at the time of the alleged accident, you (or your operator) suffered from any deformity, disease, ailment, disability or abnormality, or were under a physician's care for any condition, then describe.

12. Identify your (and/or your operator's) family (or "primary care") physician and their professional address at the time the cause of action arose and currently.

13. Describe the lighting conditions, weather conditions and the condition of the road(s) surface(s) existing at the time and place of the alleged accident.

14. If there were any traffic control devices in the area of the alleged accident at that time, state:

(a) The type of control(s) (i.e. stop sign, traffic light, policeman, etc.);

(b) Your distance from the site of the collision when you first observed the control;

(c) Whether or not the traffic control was functioning properly;

(d) To which street or byway the signal was controlling or designed to control.

15. Describe the streets or other byways involved in the alleged accident, as follows:

(a) In terms of traffic lanes (i.e. parking, travel, turn-only lanes), the width of the streets or other byways;

(b) Type of road surface (i.e. concrete, black top, dirt, gravel, etc.);

(c) Roadway surface condition(s) (i.e. dry, wet, muddy, etc.);

(d) Any defects in the roadway which you believe contributed to the happening of the alleged accident.

16. State in detail the manner in which the alleged accident occurred, specifying the speed, position, direction and location of each motor vehicle involved, just before, at the time of, and immediately after the alleged accident.

17. State:

(a) In which lane the respective motor vehicles were traveling before the alleged accident occurred and in which lane the alleged accident occurred;

(b) When you first observed the other motor vehicle (or pedestrian, bicycle, etc.) involved in the alleged accident, stating the distance at that moment from the ultimate point of contact and the respective speeds of the motor vehicles at that time;

(c) The speed of your vehicle;

(1) At 100 feet from the point of contact;

(2) At 50 feet from the point of contact;

(3) At the point of contact.

(d) Whether your (or your operator's) view was clear or what obstruction, if any, existed at the time of the alleged accident;

(e) What you (or your operator) did in an attempt to avoid the alleged accident;

(f) The exact point of contact of the motor vehicles, in terms of distance from the various curb lines or other significant landmarks and their final resting positions;

(g) Whether the responding and/or investigating police officers cited any of the drivers involved in the alleged accident for a violation(s) of any statute, law, ordinance or regulation and if so, describe.

18. If there was any physical evidence of the alleged accident at the scene, describe what it was and where it was located in relation to the curb lines or other significant landmarks.

19. If after the alleged accident, there were any skid marks or yaw marks remaining on the roadway, describe their dimensions (length and width) and identify the motor vehicle which created the markings.

20. If a Police investigation was conducted, state the control number, the incident number and/or the report number, thereof.

21. If you (or your operator) appeared before any Traffic Court, Municipal Court or District Court, state the date and location and whether testimony was offered.

22. Do you admit that you (or your operator) were negligent in the operation and/or control and/or entrustment of a motor vehicle at the time of the alleged accident?

23. If you contend that Plaintiff was guilty of comparative/contributory negligence, then fully and specifically describe upon what conduct, acts or omissions of Plaintiff you base your contention.

24. If you and/or other occupants of your motor vehicle sustained any injuries in the alleged accident, state the nature of those injuries and identify any and all healthcare professionals you/they consulted and/or treated with.

25. If you have made any claim for benefits under the Pennsylvania Motor Vehicle Financial Responsibility Law, or any similarly applicable State Statute or Act, state:

(a) The name of the insurance company to whom the claim was submitted;

(b) The applicable claim number;

(c) The name of the individual at the company who supervised your claim;

(d) The total amount of healthcare professionals charges (i.e. medical bills) claimed;

(e) The total amount of wage-loss claimed;

(f) The total amount of any other economic losses and/or damages claimed (i.e. property damage);

(g) The total amount of healthcare professionals charges, wage loss and/or other economic losses and/or damages actually paid pursuant to such law, Statute or Act.

26. If you made any claim, or you contemplate making any claim, for damages and/or losses sustained as a direct result of the alleged accident, state the damages and/or losses claimed, the insurance carrier to whom such claim was made and the Commonwealth or State, County, Court, Term and Number of any lawsuit filed in this regard. If the matter was amicably resolved (i.e. settled), identify with whom and for what amount of compensation.

27. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

28. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists) for opinion(s), either oral or written, whom you *do not intend* to have testify at trial on your behalf, please state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter of the expert witness' oral or written report;

(g) The location of and/or whom has the care, custody, possession and/or control of the expert witness' oral or written report, made to anyone other than yourself (i.e. an insurance company) providing an identity and address.

29. If you, your attorney or any representative of yours, conducted any sound, photographic, motion picture film, personal sight or any other type of surveillance of the Plaintiff(s), state:

(a) By whom (name and address of company and individual);

(b) The date(s) of such surveillance;

(c) The time(s) of such surveillance;

(d) The location(s) of such surveillance;

(e) The method by which such surveillance was made;

(f) A summary of what such surveillance reveals.

30. State the name, home and business addresses of the following:

(a) Those who actually witnessed the alleged accident;

(b) Those who were present at or near the scene at the time of the alleged accident;

(c) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident and/or the nature of the injuries sustained in the alleged accident.

31. At the time of the alleged accident or immediately thereafter, did you (or your operator) have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence. If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it/they occurred.

32. State the name and address of the person answering these Interrogatories and their relationship with the Defendant.

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Plaintiff(s)  
 Identification No.:  
 Address  
 Telephone No.:  
 Fax No.:  
 e-mail:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
 Signature

EXHIBIT "B"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 IN THE COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division

:

: Compulsory Arbitration  
 : Program

vs.

:

: \_\_\_\_\_ Term, 20

:

DEFENDANT'S NAME : No. \_\_\_\_\_

DEFENDANT'S INTERROGATORIES ADDRESSED TO  
 PLAINTIFF(S)

Motor Vehicle Liability Cases

Defendant(s) hereby make demand that the Plaintiff(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in

Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Plaintiff(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Plaintiff(s), their counsel, or other representatives at the time of service of the answers. If another motor vehicle was not involved in the alleged accident, then interpret any questions to include a non-motor vehicle (i.e. pedestrian, bicycle, etc.).

1. State:

(a) Your full name (maiden name, if applicable), alias(es), date of birth, marital status (name of spouse) at the time the cause of action and currently, residence and business addresses at the time the cause of action arose and currently and Social Security Number.

(b) Identify all other persons residing at your address at the time of the alleged accident;

(c) Identify all persons, by name and address, who had motor vehicles registered to the address you resided at, at the time of the alleged accident.

2. Identify, by name and address, at the time of the alleged accident and currently, the driver and owner of your motor vehicle involved in the alleged accident, and state:

(a) The date of issuance and each Commonwealth or State in which the driver has been licensed to operate a motor vehicle;

(b) Any and all restrictions on any of the aforementioned driver's license(s). If corrective lenses were required, state whether or not you (or they) were wearing them at the time of the alleged accident;

(c) Whether any such license(s) have ever been suspended or revoked, and, if so, when, where, by whom and the reason(s) therefore;

(d) The nature, extent and duration of any physical and/or mental defects you suffered from at the time of and prior to the alleged accident.

3. Identify all Commonwealths or States in which you were the registered owner of a motor vehicle on the date of the alleged accident. Identify the financial responsibility upon such motor vehicles, as defined by 75 Pa.C.S. Section 1702.

4. State in detail the manner in which the alleged accident occurred, specifying the speed, position, direction

and location of each motor vehicle involved, just before, at the time of, and immediately after the alleged accident.

5. Describe the lighting conditions, weather conditions and the condition of the road(s) surface(s) existing at the time and place of the alleged accident.

6. Describe the streets or other byways involved in the alleged accident, as follows:

(a) In terms of traffic lanes (i.e. parking, travel, turn-only lanes), the width of the streets or other byways;

(b) Type of road surface (i.e. concrete, black top, dirt, gravel, etc.);

(c) Roadway surface condition(s) (i.e. dry, wet, muddy, etc.);

(d) Any defects in the roadway which you believe contributed to the happening of the alleged accident.

7. State:

(a) In which lane the respective motor vehicles were traveling before the alleged accident and in which lane the alleged accident occurred;

(b) When you first observed the other motor vehicle involved in the alleged accident, stating the distance at that moment from the ultimate point of contact and the respective speeds of the motor vehicles at that time;

(c) The speed of your vehicle;

(1) At 100 feet from the point of contact;

(2) At 50 feet from the point of contact;

(3) At the point of contact.

(d) Whether your (or your operator's) view was clear, or what obstruction, if any, existed at the time of the alleged accident;

(e) What you (or your operator) did in an attempt to avoid the alleged accident;

(f) The exact point of contact of the motor vehicles, in terms of distance from the various curb lines or other significant landmarks and their final resting positions;

(g) Whether the responding and/or investigating police officers cited any of the drivers involved in the alleged accident for a violation(s) of any statute, law, ordinance or regulation and if so, describe.

8. Describe any and all damage to the motor vehicle in which you were an occupant or driver as a direct result of the alleged accident.

9. Identify the person and/or company who repaired and/or evaluated your motor vehicle to prepare a repair estimate.

10. If the motor vehicle you were the owner and/or driver or occupant of has been sold since the time of the accident, state the date of the sale, identify by name and address the person who purchased the motor vehicle and the sale price of the motor vehicle.

11. State your address of departure and intended destination during your route of travel at the time of the alleged accident.

12. State the name, home and business address of the following:

(a) Those who actually witnessed the alleged accident;

(b) Those who were present at or near the scene at the time of the alleged accident;



(c) Those who have any knowledge or information as to any facts pertaining to the circumstances and manner of the happening of the alleged accident or the nature of the injuries sustained in the alleged accident.

13. List by company name, claim address and policy number(s) all policies of motor vehicle and/or health/medical insurance (including HMOs and health and welfare funds) providing coverage to you on the date of the accident for any portion of your injuries/damages which you contend are related to the accident. Provide copies of the "declaration sheets" of all such policies in your possession, custody and/or control. With respect to any motor vehicle policy issued in the Commonwealth of Pennsylvania, indicate your Tort Option selection (i.e. "Full Tort" or "Limited Tort").

14. State all economic as well as non-economic damages and/or losses you believe you sustained as a direct result of the alleged accident. Describe in detail all injuries you sustained, including their nature, extent and duration.

15. State:

(a) The identity, by name and address, of each hospital or university medical center where you were examined and/or treated and whether you were admitted;

(b) The identity of any person(s) who examined, evaluated or treated you, noting their name, address and specialty;

(c) The identity, by name and address of any diagnostic test center that provided services and what test were performed;

(d) The date(s) of all examination(s), evaluation(s), treatment(s) and/or confinement(s) by healthcare professionals and their corresponding charges.

(e) Identify any healthcare professional(s) you are currently consulting and/or treating with for any of the injuries and/or damages you sustained as a direct result of the alleged accident and what symptoms you still allegedly suffer from.

16. If you contend that the alleged accident aggravated a pre-existing condition(s), state:

(a) The nature and extent of such pre-existing condition;

(b) The date upon which you believe you recovered from symptomatology of the pre-existing condition(s), prior to the accident date;

(c) The name and address of the healthcare professional(s) who treated you for the pre-existing condition(s); and

(d) The date of and circumstances causing you to incur the pre-existing condition(s).

17. If you have fully recovered from the injuries you allege to have sustained in the present accident, state the approximate date you recovered. If you have not fully recovered from your injuries, then describe any pain, ailment, complaint, injury or disability that you allege you still suffer from as a direct result of the alleged accident.

18. State whether you sustained any injuries or suffered from any disease, deformity, or impairment, prior to or subsequent to the accident herein, which in any way affected those parts of your body claimed to have been injured as a direct result of the instant accident. If so, state:

(a) The nature and extent of any such injury, disease, deformity or impairment;

(b) The date of the occurrence or diagnosis of such injury, disease, deformity or impairment;

(c) The names and address(es) of the healthcare professional(s) you have consulted with and/or treated with and the corresponding dates thereof, for such injury, disease, deformity or impairment.

19. If you are currently employed, were employed at the time of the alleged accident and/or employed for five (5) years before the accident date, state as to each time period:

(a) By whom;

(b) Your stated title or position and accompanying duties and responsibilities;

(c) The length of your employment;

(d) Number of hours worked per week and/or number of days worked per week;

(e) Hourly wage and/or salary as well as supplemental wages (i.e. bonuses, overtime, etc.).

20. State the dates you have been absent from work since the date of the alleged accident for reasons relating to the injuries, damages and/or losses you sustained in the accident. If you have returned to your employment, state the date you returned and whether there had been any change in your stated title or position, accompanying duties and/or responsibilities and/or your wage, salary or supplemental wages and identify by name and address the employment you returned to.

21. Describe in detail any future lost wage claim and/or impairment of earning capacity and/or power you believe you will have as a direct result of the alleged accident and the basis thereof.

22. If you have ever been involved in any prior litigation as a party or witness, describe the nature of the lawsuit, the Commonwealth or State, County, court term and number of the lawsuit, as well as the outcome of the lawsuit, if you were a party thereto.

23. If you allege that the Defendant(s) violated any Statute, law, ordinance or regulation which contributed to the happening of the alleged accident, cite the Title and Section of said law and describe the basis for such allegation.

24. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

25. State whether you have been convicted of any crime(s) in the past ten (10) years, and if so, state the nature of such conviction.

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Plaintiff(s)  
 Identification No.:  
 Address  
 Telephone No.:  
 Fax No.:  
 e-mail:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
 Signature

EXHIBIT "C"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 IN THE COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
 :  
 : Compulsory Arbitration  
 : Program  
 vs. :  
 : \_\_\_\_\_ Term, 20  
 :  
 DEFENDANT'S NAME : No. \_\_\_\_\_

PLAINTIFF'S INTERROGATORIES TO DEFENDANTS  
PREMISES LIABILITY CASES

Plaintiff(s) hereby make demand that the Defendant(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Defendant(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not

known to Defendant(s), their counsel, or other representatives at the time of service of the Answers.

1. Identify, by name, title, residence and business address(es) (if employed by defendant, so state, as well as in what capacity) the following individuals:

(a) All persons known to defendant (or known to any person acting on behalf of the defendant) who actually witnessed all or any part of the accident:

(b) All persons known to defendant (or known to any person acting on behalf of the defendant) who were present at or near the scene at the time of the accident;

(c) All persons who last examined or inspected the place where the accident occurred, prior to the accident;

(d) All persons who first examined or inspected the place where the accident occurred, subsequent to the accident;

(e) As to Statements obtained by or on behalf of defendant, or any other Statements known or believed by defendant to have been obtained from any of the persons identified in (a), (b), (c), and/or (d) above, identify all persons providing such Statements; whether the said Statements were written or oral, and identify all persons in possession, custody and/or control of such Statements

2. Except as set forth in 1 above, identify, by name, title, residence and business address(es) and their employers, all persons, including potential expert witnesses (and their field of expertise), from whom defendant or anyone acting on defendant's behalf has obtained any information as to how the accident happened, the cause of the accident or alleged resulting injuries.

3. Did defendant, or anyone acting on behalf of the defendant, receive any reports or complaints from any source during the six (6) months prior to the accident, concerning the conditions of the place where the accident occurred? If so, state:

- (a) When:
- (b) From whom received:
- (c) The nature of each such report or complaint:
- (d) Any action(s) taken by defendant in response thereto:
- (e) The name, address and job title of the person(s) who has custody, possession and/or control of such reports or complaints.

4. Were any repairs or changes made to the place where the accident occurred (or instrumentality involved in the accident) after the accident occurred? If so, state when they were made, the kind of repairs or changes made, and identify who made such repairs or changes, as well as whose decision it was to initiate the repairs or changes.

5. Set forth the names and addresses of all persons, other than the plaintiff, who have made a claim against the defendant(s) for injuries or damages allegedly occurring in substantially the same area or manner, during the two (2) year period preceding this accident. If lawsuits have been filed concerning any of those claims, state the Commonwealth or State, County, court term and number.

6. (a) At the time of the accident, were the premises where the accident occurred possessed, controlled and/or maintained by the defendant(s)? If not, identify who did possess, control and/or maintain them.

(b) Identify, including name, title, residence and business address(es) the person(s) who last maintained and/or cleaned the premises (or instrumentality) where the accident occurred.

7. Are the premises where the accident occurred owned or leased by the defendant(s). If leased, state:

(a) From whom said premises are leased:

(b) Dates of said lease:

8. State any violations of City Ordinances or Codes for which defendant or anyone acting on defendant's behalf were cited regarding the alleged accident as well as the dates of said violations.

9. Were there any signs, barriers or anything else at or near the scene of the alleged accident (or instrumentality) warning of the conditions existing thereon? If so, state:

(a) When said warnings were placed at the scene and by whom:

(b) Describe exactly what the warning was and the exact dimensions of said warning:

(c) The exact location of said warning.

10. State whether or not the defendant(s) (or anyone acting on behalf of the defendant(s)) are in the possession, custody and/or control of or know of the existence of any photographs, sketches, reproductions, charts, maps or diagrams of the scene of the accident, and if so, state:

(a) The date(s) they were taken or made:

(b) The name, title, residence and business address of the person(s) taking them and in the possession, custody and/or control of them:

(c) The subject or object of the particular site or view of each of them.

11. Is defendant's name correct as it appears in the complaint? If not, provide the correct name for purposes of litigation.

12. State the weather conditions on the day of and the day before the accident and whether you allege that the weather conditions contributed to the happening of Plaintiff's accident.

13. Identify, by name, title, residence and business address(es), the persons supplying the answers to these Interrogatories and whether they do so from personal knowledge. Otherwise, state the sources from which the information was obtained.

14. Was/were defendant(s) insured by any carrier for liability and/or excess (i.e. "umbrella") benefits applicable to Plaintiff's accident? If so, identify by name and address the insurance carrier and the exact name of the insured and the amount of applicable liability insurance benefits. If self-insured, for all or any monetary part of a liability claim, so state (including the limits).

15. Was any videotaping performed on the day of this accident at the location where the accident occurred? If so, was there any type of log, record, compilation or other documentation of the videotaping performed; identify by name, title, residence and business address, the person who is charged with the care, custody, possession and/or control of the recording(s).

16. If you contend that plaintiff was guilty of comparative/contributory negligence, then fully and specifically describe upon what conduct, acts or omissions of plaintiff you base your contention. If you contend that

any other party, person and/or entity is responsible for the plaintiff's injuries, damages and/or losses, then fully and specifically describe upon what conduct, acts or omissions of such party, person and/or entity you base your contention.

17. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds for each opinion the expert is expected to testify.

18. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists) for opinion(s), either oral or written, whom you *do not intend* to have testify at trial on your behalf, please state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter of the expert witness' oral or written report;

(g) The location of and/or whom has the care, custody, possession and/or control of the expert witness' oral or written report made to anyone other than yourself (i.e. an insurance company) providing an identity and address.

19. If you, your attorney or any representative of yours, conducted any sound, photographic, motion picture film, personal sight or any other type of surveillance of the Plaintiff(s), state:

(a) By whom (name and address of company and individual);

(b) The date(s) of such surveillance;

(c) The time(s) of such surveillance;

(d) The location(s) of such surveillance;

(e) The method by which such surveillance was made;

(f) A summary of what such surveillance reveals.

20. At the time of the alleged accident or immediately thereafter, did you (or your agent(s), servant(s), worker(s) and/or employee(s)) have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence. If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it occurred.

21. Identify any healthcare professionals' records you are in the possession, custody and/or control of.

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Plaintiff(s)  
 Identification No.:  
 Address  
 Telephone No.:  
 Fax No.:  
 e-mail address:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
 Signature

EXHIBIT "D"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 IN THE COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
 :  
 : Compulsory Arbitration  
 : Program  
 vs. :  
 : \_\_\_\_\_ Term, 20  
 :  
 DEFENDANT'S NAME : No. \_\_\_\_\_

DEFENDANT'S INTERROGATORIES ADDRESSED TO  
 PLAINTIFF  
 Premises Liability Cases

Defendant(s) hereby make demand that the Plaintiff(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Plaintiff(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to you as a party to this action; your answers shall be based upon information known to you or in the possession, custody or control of you, your attorney or other representative acting on your behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by you in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Plaintiff(s), their counsel, or other representatives at the time of service of the answers.

1. State:
  - (a) Your full name (maiden name, if applicable), alias(es), date of birth, marital status (name of spouse) at the time of the cause of action and currently, residence and business addresses at the time the cause of action arose and currently and Social Security Number.
  2. Describe in detail how the accident/incident giving rise to this lawsuit occurred, including but not limited to the date, time, location, weather conditions and lighting conditions of the area where the accident/incident occurred.
  3. State the names and addresses of all persons whom you or anyone acting on your behalf, know or believe:
    - (a) Actually witnessed the accident/incident;
    - (b) Were present at the scene of the accident/incident, immediately after its occurrence;
    - (c) Were within sight or hearing of the accident/incident;
    - (d) Witnessed any of the events leading up to the accident/incident, subsequent to the accident/incident, or of the subsequent investigation; and
    - (e) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident or the nature of the injuries sustained in the alleged accident.
  4. Describe in detail all injuries sustained by you as a result of the alleged accident/incident, including but not limited to the nature, extent and duration of such injuries.
  5. State:
    - (a) The identity, by name and address, of each hospital or university medical center where you were examined and/or treated and whether you were admitted;
    - (b) The identity of any person(s) who examined, evaluated or treated you, noting their name, address and specialty;
    - (c) The identity, by name and address, of any diagnostic test center that provided services and what tests were performed;
    - (d) The date(s) of all examination(s), evaluation(s), treatment(s) and/or confinement(s) by healthcare professionals and their corresponding charges.
    - (e) Identify any healthcare professional(s) you are currently consulting and/or treating with for any of the injuries and/or damages you sustained as a direct result of the alleged accident and what symptoms you still allegedly suffer from.
  6. If you contend that the alleged accident aggravated a pre-existing condition(s), state:
    - (a) The nature and extent of such pre-existing condition;
    - (b) The date upon which you believe you recovered from symptomatology of the pre-existing condition(s), prior to the accident date;
    - (c) The name and address of the healthcare professional(s) who treated you for the pre-existing condition(s); and
    - (d) The date of and circumstances causing you to incur the pre-existing condition(s).
  7. If you have fully recovered from the injuries you allege to have sustained in the present accident, state the approximate date you recovered. If you have not fully

recovered from your injuries, then describe any pain, ailment, complaint, injury or disability that you allege you still suffer from as a direct result of the alleged accident.

8. State whether you sustained any injuries or suffered from any disease, deformity, or impairment, prior to or subsequent to the accident herein, which in any way affected those parts of your body claimed to have been injured as a direct result of the instant accident. If so, state:

(a) The nature and extent of any such injury, disease, deformity or impairment;

(b) The date of the occurrence or diagnosis of such injury, disease, deformity or impairment;

(c) The names and address(es) of the healthcare professional(s) you have consulted and/or treated with and the corresponding dates thereof, for such injury, disease, deformity or impairment.

9. If you are currently employed, were employed at the time of the alleged accident and/or employed for five (5) years before the accident date, state as to each time period:

(a) By whom;

(b) Your stated title or position and accompanying duties and responsibilities;

(c) The length of your employment;

(d) Number of hours worked per week and/or number of days worked per week;

(e) Hourly wage and/or salary, as well as supplemental wages (i.e. bonuses, overtime, etc.).

10. State the dates you have been absent from work since the date of the alleged accident for reasons relating to the injuries, damages and/or losses you sustained in the accident. If you have returned to your employment, state the date you returned and whether there had been any change in your stated title or position, accompanying duties and responsibilities and your wage, salary or supplemental wages and identify by name and address the employment you returned to.

11. Describe in detail any future lost wage claim and/or impairment of earning capacity and/or power you believe you will have as a direct result of the alleged accident and the basis thereof.

12. State all economic as well as non-economic damages and/or losses you believe you sustained as a direct result of the alleged accident. Describe in detail all injuries you sustained, including their nature, extent and duration.

13. State whether you had any conversation with the defendant(s) or a representative of the defendant(s). If so, state, in detail, the subject matter of the conversation and the dates thereof.

14. If you have obtained any Statement(s) from the defendant(s) or defendant's representative(s) or from any other person relating to the subject accident/incident, state the date of such Statement(s), by whom it was taken and the context of such Statement(s).

15. If you allege that the Defendant(s) violated any Statute, law, ordinance or regulation which contributed to the happening of the alleged accident, cite the Title and Section of said law and describe the basis for such allegation.

16. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (i.e. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (i.e. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

17. State whether you have been convicted of any crime(s) in the past ten (10) years, and if so, state the nature of such conviction.

18. State the name and address of the photographer and/or videographer who took any photos or videos relating to the alleged accident/incident, if any, and the date that they were taken.

19. If you have ever been involved in any prior litigation as a party or witness, describe the nature of the lawsuit, the Commonwealth or State, County, court term and number of the lawsuit, as well as the outcome of the lawsuit, if you were a party thereto.

\_\_\_\_\_  
Name of Attorney  
Attorney for Plaintiff(s)  
Identification No.:  
Address  
Telephone No.:  
Fax No.:  
e-mail:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
Signature

EXHIBIT "E"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
:  
: Compulsory Arbitration  
: Program  
vs. :  
: \_\_\_\_\_ Term, 20  
:  
DEFENDANT'S NAME : No. \_\_\_\_\_

**PLAINTIFF(S) REQUEST FOR PRODUCTION  
OF DOCUMENTS DIRECTED TO DEFENDANT(S)**

You are requested to produce, in accordance with Pennsylvania Rule of Civil Procedure 4009, the originals or clear, readable copies of the below listed documents and/or items. These documents and/or items will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced, videotapes and audiotapes shall be viewed and/or heard and a copy made. The below listed documents and/or items are to be produced at Plaintiff's counsel's office on or before thirty (30) days from the date of service herein. Such request is continuing up to and at the time of trial.

**DEFINITIONS**

A. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents and employees.

B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

C. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

D. "Persons" means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

E. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

F. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

G. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

H. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

I. The period of time encompassed by these requests shall be from the date of the alleged accident to the date

of answering, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

J. For purposes of the Rule, a statement includes:

(1) A written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

**REQUESTS**

1. The entire claims and investigation file or files including but not limited to daily activity sheets, diary sheets, and status sheets of any insurance adjuster and/or risk employee/manager, internal memoranda regarding this claim created, sent and/or received by any insurance adjuster or other adjuster, risk employee/manager and/or by the Defendant(s) or an agent/employee of the Defendant(s), communications to and from all insurance carriers, parties, Defendant(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Defendant(s), excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from counsel.

2. All statements and communications of any and all witnesses including any and all statements of Plaintiff(s) and Defendant(s), including taped recordings, whether transcribed or not, as well as all written statements.

3. Any and all documents and communications containing the name, home and business address and qualifications of all persons who have been retained or specially employed by Defendant(s) in *anticipation* of litigation or *preparation* for trial and who are *not* expected to be called as witnesses at trial or as to whom no such decision has yet been made, and attach any documents or communications received from said person(s). If there are no documents or communications, then the name of said person(s) as well as their home and business addresses should be provided.

4. The name, home and business address of the insurance carrier investigators employed by the Defendant(s) or its insurance carrier to investigate this claim, treatment of the Plaintiff(s), witnesses, or any other aspect of the incidents that form the basis of Plaintiff(s) Complaint. Also, attach any documents, records or communications of or prepared by the investigator acquired as a result of their investigation(s), including but not limited to telephone calls, correspondence, facsimiles, e-mail, billing, inspections or observations, interviews, statements and/or findings.

5. The name, home and business address, background and qualifications of any and all persons in the employ of Defendant(s), who in *anticipation* and/or *preparation* of litigation, is expected to be called to trial.

6. Any and all documents and communications containing the name and home and business addresses of all individuals contacted as *potential* witnesses.

7. Reports, communications, and/or documents prepared by any and all experts who *will* testify at trial.

8. Reports, manuals, textbooks, policy sheets or other documents, or communications which any said expert, potential expert, witness or potential witness has con-

sulted or reviewed as a *result* or in *preparation* of this litigation or *will* consult or review.

9. Resumes and qualifications of any and all experts who *will* testify at trial.

10. Copies of any and all photographs, diagrams, drawings, charts, models, movie films or video-tapes which relate, refer or pertain to Plaintiff(s), any other party to this action, the incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

11. Any and all documents and communications substantiating any defense to Plaintiff's cause of action.

12. Copies of any and all reports and records prepared by any physician, hospital or healthcare provider who has examined Plaintiff(s) *excluding* those actually provided by counsel for Plaintiff.

13. Central indexing information on Plaintiff(s), and any and all Defendant(s) or employees of the Defendant(s) for this alleged accident, alleged prior accident(s), and alleged subsequent accident(s).

14. Verification of the policy limits for liability benefits, medical payments and any "umbrella" or excess benefits, including a copy of the policy, including applicable policy declarations page.

15. Copies of internal memoranda, inter-office memos, facsimiles, e-mail or other documents or communications regarding this claim, made by the Defendant(s) and/or any agent and/or employee of Defendant(s), or their insurance carrier(s).

16. Any and all reports, communications and/or documents prepared by Defendant(s) or their employee(s)/agent(s) containing the facts, circumstances and causes of this alleged accident.

17. The name and address of the manager of Defendant's claim office located at the place where Plaintiff(s) medical bills and reports were submitted to.

18. Any and all documents of any nature whatsoever which refer in any way to the incident described in Plaintiff(s) Complaint and/or the facts or circumstances leading up to and following said incident.

19. All property damage estimates rendered for any object belonging to the Plaintiff(s) and/or Defendant(s) which was involved in this alleged accident.

20. Any and all press releases concerning this alleged accident or any incident relating to this lawsuit.

21. Any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which you plan to question a witness at a deposition or trial.

22. Any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to Plaintiff(s), any other party to this action, the incident, incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

23. All documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Plaintiff(s) contributed to the happenings of the alleged occurrence or to the alleged injuries or losses suffered allegedly as a result of this accident.

24. Any and all documents of any nature whatsoever referred to in Defendant's(s) Answers to Plaintiff's(s) Interrogatories.

This request is deemed to be continuing insofar as if any of the above is secured *subsequent* to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to Plaintiff's counsel within thirty (30) days of receipt of same.

\_\_\_\_\_  
 Name of Attorney  
 Attorney for Plaintiff(s)  
 Identification No.:  
 Address  
 Telephone No.:  
 Fax No.:  
 e-mail address:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
 Signature

EXHIBIT "F"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 IN THE COURT OF COMMON PLEAS OF  
 PHILADELPHIA COUNTY

PLAINTIFF'S NAME : Civil Trial Division  
 :  
 : Compulsory Arbitration  
 : Program  
 vs. :  
 : \_\_\_\_\_ Term, 20  
 :  
 DEFENDANT'S NAME : No. \_\_\_\_\_

DEFENDANT(S) REQUEST FOR PRODUCTION  
 OF DOCUMENTS DIRECTED TO PLAINTIFF(S)

You are requested to produce, in accordance with Pennsylvania Rule of Civil Procedure 4009, the originals or clear, readable copies of the below listed documents and/or items. These documents and/or items will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced, videotapes and audiotapes shall be viewed and/or heard and a copy made. The below listed documents and/or items are to be produced at Defendant's counsel's office on or before thirty (30) days from the date of service herein. Such request is continuing up to and at the time of trial.

DEFINITIONS

A. "You" or "your" refers to Plaintiff(s) herein and to all other persons acting or purporting to act on behalf of Plaintiff(s), including agents and employees.

B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

C. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts,

contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

D. "Persons" means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

E. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

F. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

G. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

H. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

I. The period of time encompassed by these requests shall be from the date of the alleged accident to the date of answering, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

J. For purposes of the Rule, a statement includes:

(1) A written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

#### REQUESTS

1. The entire claims and investigation file or files including but not limited to communications to and from all insurance carriers, parties, Plaintiff(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Plaintiff(s), excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or respecting strategy or tactics and privileged communications from counsel.

2. All statements and communications of any and all witnesses including any and all statements of Plaintiff(s) and Defendant(s), including taped recordings, whether transcribed or not, as well as all written statements.

3. Any and all documents and communications containing the name, home and business address and qualifications of all persons who have been retained or specially employed by Plaintiff(s) in *anticipation* of litigation or *preparation* for trial and who are *not* expected to be called as witnesses at trial or as to whom no such decision has

yet been made, and attach any documents or communications received from said person(s). If there are no documents or communications, then the name of said person(s) as well as their home and business addresses should be provided.

4. Any and all documents and communications which support Plaintiff's claim(s) for wage loss and impairment of earning capacity and/or power.

5. The name, home and business address, background and qualifications of any and all persons in the employ of Plaintiff(s), who in *anticipation* and/or *preparation* of litigation, is expected to be called to trial.

6. Any and all documents and communications containing the name and home and business addresses of all individuals contacted as *potential* witnesses.

7. Reports, communications, and/or documents prepared by any and all experts who *will* testify at trial.

8. Reports, manuals, textbooks, policy sheets or other documents, or communications which any said expert, potential expert, witness or potential witness has consulted or reviewed as a *result* or in *preparation* of this litigation or *will* consult or review.

9. Resumes and qualifications of any and all experts who *will* testify at trial.

10. Copies of any and all photographs, diagrams, drawings, charts, models, movie films or video-tapes which relate, refer or pertain to Defendant(s), any other party to this action, the incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

11. Any and all documents and communications substantiating any claim to Plaintiff's cause of action.

12. Copies of any and all bills, reports, notes and records prepared by any physician, hospital or healthcare provider who has examined, evaluated and/or treated Plaintiff(s) for injuries allegedly sustained as a direct result of the instant matter.

13. Copies of any and all bills, reports, notes and records prepared by any physician, hospital or healthcare provider who has examined, evaluated and/or treated Plaintiff(s) for injuries, diseases, deformities or impairments sustained by Plaintiff(s) or suffered from by Plaintiff(s) prior to and/or subsequent to the accident herein.

14. Verification of the policy limits for first party benefits (i.e. PIP or medical payment coverage or wage loss coverage, etc.), including a copy of the policy, including applicable policy declarations page, sign-down forms and Tort Option selection forms.

15. Any and all documents of any nature whatsoever which refer in any way to the incident described in Plaintiff(s) Complaint and/or the facts or circumstances leading up to and following said incident.

16. All property damage estimates rendered for any object belonging to the Plaintiff(s) and/or Defendant(s) which was involved in this alleged accident.

17. Any and all press releases concerning this alleged accident or any incident relating to this lawsuit.

18. Any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which you plan to question a witness at a deposition or trial.



19. Any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to Plaintiff(s), any other party to this action, the incident, incident site and/or any instrumentality involved in the incident described in Plaintiff(s) Complaint.

20. All documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Defendant(s) contributed to the happenings of the alleged occurrence or to the alleged injuries or losses suffered allegedly as a result of this accident.

21. Any and all documents of any nature whatsoever referred to in Plaintiff(s)'s Answers to Defendant(s)'s Interrogatories.

This request is deemed to be continuing insofar as if any of the above is secured subsequent to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to Defendant's counsel within thirty (30) days of receipt of same.

Name of Attorney
Attorney for Plaintiff(s)
Identification No.:
Address
Telephone No.:
Fax No.:
e-mail address:

I \_\_\_\_\_, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

EXHIBIT "G"

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA
CIVIL TRIAL DIVISION

: Compulsory Arbitration Program
:
:
: TERM, 20
: NO.

Notice to Answer or Respond To Standard
Written Discovery

To:

Pursuant to Trial Division Administrative Docket No. 2005-02, you must answer the Standard Interrogatories checked below and produce the documents requested in the Request for Production of Documents, if checked below, within thirty (30) days:

- Plaintiff's Interrogatories Addressed to Defendant— Motor Vehicle Liability;
Defendant's Interrogatories Addressed to Plaintiff— Motor Vehicle Liability;
Plaintiff's Interrogatories Addressed to Defendant— Premises Liability;
Defendant's Interrogatories Addressed to Plaintiff— Premises Liability;
Plaintiff's Request for Production of Documents
Defendant's Request for Production of Documents

I acknowledge that I (if I am representing myself) or my client (if this Notice is signed by an attorney) will answer Standard Interrogatories and Requests for Production of Documents within thirty (30) days, as required by Trial Division Administrative Order 2005-02.

A COPY OF THE STANDARD INTERROGATORIES OR REQUESTS FOR PRODUCTION OF DOCUMENTS NEED NOT BE PROVIDED TO ATTORNEYS.

COPIES OF THE ABOVE DOCUMENTS MAY BE OBTAINED ON THE COURT'S WEBSITE, AT http://courts.phila.gov.

Date: \_\_\_\_\_

Name of Party, or Attorney if Represented

Plaintiff Defendant Other:

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

E-Mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

[Pa.B. Doc. No. 05-831. Filed for public inspection April 29, 2005, 9:00 a.m.]

Title 255—LOCAL RULES

CLEARFIELD COUNTY

Local Rules of Civil Procedure; 05-08-MD

Order

Now, this 13th day of April, 2005, Clearfield County Rules of Civil Procedure are hereby revised, reorganized, and/or renumbered as follows:

1. The following Clearfield County Rules of Civil Procedure are hereby rescinded: 206, 207, 210, 211, 233, and 251 (all of which were Adopted April 13, 1987, effective June 15, 1987, amended November 9, 1994, effective June 1, 1995), and 208.3(b) (adopted December 16, 2004, effective February 7, 2005).

2. The following Clearfield County Rules of Civil Procedure are hereby reorganized and renumbered as follows:

Note: The text of the rules are unchanged unless as provided herein.

- [Rule 205.2(a)] Filing Legal Papers with the Prothonotary
Rule 205.2(a)
[Rule 205.4(a)] Filing Legal Papers with the Prothonotary
Rule 205.2(a)(6)
[Rule 205.4(b)] Filing Legal Papers with the Prothonotary
Rule 205.2(a)(7)
[Rule 206.1] Petition. Content. Form.
Rule 206.1(a)
[Rule 206.4] Procedure on Rule to Show Cause
Rule 206.4(c)(1)
[Rule 206.6] Procedure on Rule to Show Cause
Rule 206.4(c)(2), (3)
Rule 206.4(c)(4)

The procedure for a petitioner's request for a stay of execution pending disposition of a petition to open a default judgment shall be as follows:

(A) Petitioner shall submit a petition to stay execution in addition to the petition to open a default judgment which shall set forth the reasons for seeking the stay, which shall include a description of the real and personal property being affected by the judgment.

(B) The Court shall enter such order as it considers appropriate as to the petition for stay at the time it enters the rule for an answer on the petition to open the default judgment, unless the exigency of the circumstances require the Court to act immediately to preserve the status quo.

(C) The Court shall require the petitioner to file a bond in such amount as it deems necessary to protect the rights of the judgment holder during the proceedings of the petition to open the default judgment.

(D) The Court may hold a hearing or status conference to determine the merits of the petition requesting a stay at the request of either the petitioner or the holder of the judgment which is the subject of the petition to open.

(E) In those cases where the petitioner requests a stay of execution pending disposition of a petition to open a default judgment, the stay shall be determined under the requirements of Pa.R.C.P. 3121.

- Rule 206.4(c)(6) Procedure on Rule to Show Cause
- Rule 206.4(c)(7) Procedure on Rule to Show Cause
- Rule 206.6(g) Rule 206.4(c)(5) Procedure on Rule to Show Cause

The moving party shall serve the petition on the respondent or his attorney in accordance with Pa.R.C.P. 440, except where the petition is original process where service shall be made under Pa.R.C.P. 400—405. After service, the moving party shall file a certificate of service within five (5) days of the service of the petition and order showing how the petition was served, and if by mail, the address of the respondent or his attorney to which the petition was directed.

- [Rule 206.7(c)(a)(1)] Rule 206.4(c)(6) Procedure on Rule to Show Cause
- [Rule 206.7(c)(1)] Rule 206.4(c)(7) Procedure on Rule to Show Cause
- [Rule 208.2(a), (b)] Rule 208.3(a)(1) Motions
- [Rule 208.2(c)] Rule 208.2(c) Authority for Motions
- [Rule 208.2(d)] Rule 208.2(d) Certification as to Motions Generally
- [Rule 208.2(e)] Rule 208.2(e) Certification as to Motions Regarding Discovery
- [Rule 208.2(f),(g)] Rule 208.3(b)(1), (2), and (3) Procedure as to Deposition of Motion
- [Rule 208.4(a)] Rule 208.3(b)(4) Procedure as to Disposition of Motion
- [Rule 208.4(b)] Rule 208.3(b)(5) Procedure as to Disposition of Motion
- [Rule 208.4(c)] Rule 208.3(b)(6) Procedure as to Disposition of Motion

- [Rule 208.4(d)] Rule 208.3(b)(7) Procedure as to Disposition of Motion
- [Rule 208.4(e)] Rule 208.3(b)(8) Procedure as to Disposition of Motion

The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the Court order entering the rule along with a copy of the underlying motion, upon each attorney of record and pro se parties in the manner prescribed by Pa.R.C.P. 440, except where the motion is original process where service shall be made under Pa.R.C.P. 400—405. An affidavit of service shall be filed within five (5) days from the date of the service of the motion and the order setting the rule with the prothonotary.

- [Rule 210] Rule 210 Submissions and Form of Briefs
- [Rule 211] Rule 211 Briefing Schedule
- [Rule 1028] Rule 1028(c) Preliminary Objections
- [Rule 1034] Rule 1034(a) Motion for Judgment on the Pleadings
- [Rule 1035.2] Rule 1035.2(a) Motion for Summary Judgment

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

- 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 Clearfield County to be kept continuously available for public inspection and copying. In addition, one (1) copy shall be delivered to the Clearfield County Law Library.

In addition, the Court Administrator of Clearfield County shall cause

- A. Rule 211 to be published on the Clearfield County website.
- B. Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 208.3(b), 210, 1028(c), 1034(a), and 1035.2(a) to be published on the website of the Administrative Office of Pennsylvania Courts (<http://ujportal.pacourts.us>) and on the Clearfield County website.

The following local rules shall be effective as follows:

- A. Rule 211 shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.
- B. Rules 205.2(a), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 208.3(b), 210, 1028(c), 1034(a), and 1035.2(a) shall be effective upon publication on the website of the Administrative Office of Pennsylvania Courts (<http://ujportal.pacourts.us>).

*By the Court*

FREDRIC J. AMMERMAN,  
*President Judge*

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

(1) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be re-

fused for filing by the prothonotary based on a requirement of a local rule of civil procedure or judicial administration, including Local Rules 205.2(a) and 205.2(b). All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(2) No pleading, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8 1/2" x 11" in size.

(3) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed, or typewritten with lines not closer than typewriting double spacing (except quotations); contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address, telephone number and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to the initial pleading need only state the name of the first party on each side with an appropriate indication of the other parties.

(4) The use of bluebacks or other backing is not required.

(5) All papers and other documents shall be securely affixed at the top left corner.

(6) A proposed order shall accompany all petitions, motions or other requests for relief.

(7) No original documents shall be filed by electronic filing except by special leave of the Court.

(8) In the event the Court permits filing in accordance with subsection (a)(6), the party filing legal papers shall comply with Pa.R.C.P. 205.4.

**Local Rule 205.2(b)—Cover Sheet for Initial Pleadings, Petitions and Motions.**

COVER SHEET

All papers constituting the initial pleadings shall have a cover sheet in substantially the following form:

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

CIVIL ACTION—(LAW) (EQUITY)

No. \_\_\_\_\_

Type of Case: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

Type of Pleading: \_\_\_\_\_

Filed on Behalf of: \_\_\_\_\_

VS. \_\_\_\_\_  
(Plaintiff/Defendant)

\_\_\_\_\_  
Defendant

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

(Name of Attorney)

Supreme Court No.: \_\_\_\_\_

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

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

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

Dated: \_\_\_\_\_

**Local Rule 206.1(a)—Petition. Content. Form.**

(1) As used in this chapter, "petition" means:

(A) An application to open a default judgment or a judgment of non pros.

(B) A petition may also be used to bring before the Court any proper matter for which no other specific procedure is authorized or in which only a petition is prescribed as the authorized procedure for bringing such matter before the Court for disposition.

NOTE: A petition for relief from a judgment by confession is governed by Pa.R.C.P. Rule 2959. Motions are governed by Local Rule 208.1 et seq.

(2) A petition shall specify the relief sought and state the material facts which constitute the grounds therefor.

(3) A petition shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

(4) A petition shall be verified in accordance with Pa.R.C.P. 206.3.

(5) Except for emergency matters, no petition seeking ex parte action shall be considered by the Court unless the petition contains a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the petition. In the event a party is not represented, except in emergency matters, no petition seeking ex parte action shall be considered by the Court unless the petition contains a certification by counsel that prior notice of the contents of the petition and order and that counsel intends to present the petition and order to the Court for action has been given to the opposing party.

(6) All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary. Counsel's signature upon a petition shall constitute a certification that counsel has read the petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. Except where counsel has presented the petition to the Court to secure an order, the prothonotary shall deliver daily a petitions list with accompanying petitions to the Court Administrator to monitor and assign to a judge.

(7) All petitions shall have affixed to the front of the petition a proposed order in accordance with Local Rule 206.4(c)(2) or (3).

(8) All petitions and answers thereto, shall comply with these provisions.

(9) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the petition and/or deny any requested relief.

**Local Rule 206.4(c)—Procedure on Rule to Show Cause.**

(1) The procedure for issuing a rule to show cause shall be the procedure set forth in Pa.R.C.P. 206.6 and Local Rule 206.4(c).

(2) Upon filing of a petition, the prothonotary shall issue a rule to show cause where petitioner seeks only to direct respondent to file an answer. In such cases, the order shall only include sections c(1), (2), (3), and (6) as set forth in Pa.R.C.P. 206.6(c). The order for a rule to file an answer shall be as follows:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

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

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

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. 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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,

(3) The orders seeking relief from the Court other than the filing of an answer shall be as follows:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) \_\_\_\_\_  
\_\_\_\_\_

(any special relief requested);

(3) the respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;

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

(5) depositions shall be completed within \_\_\_\_\_ days of this date;

(6) an evidentiary hearing on disputed issues of material fact shall be held on \_\_\_\_\_ in Courtroom \_\_\_\_\_ of the Clearfield County Courthouse;

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

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE MATTERS SET FORTH IN THE FOLLOWING PETITION, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE AN ANSWER IN WRITING WITH THE PROTHONOTARY SETTING FORTH YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU AND SERVE A COPY ON THE ATTORNEY OR PERSON FILING THE PETITION. 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.

COURT ADMINISTRATOR  
Clearfield County Courthouse  
Second & Market Streets  
Clearfield, PA 16830  
(814) 765-2641, Ext. 50-51

BY THE COURT,

(4) The procedure for a petitioner's request for a stay of execution pending disposition of a petition to open a default judgment shall be as follows:

(A) Petitioner shall submit a petition to stay execution in addition to the petition to open a default judgment which shall set forth the reasons for seeking the stay, which shall include a description of the real and personal property being affected by the judgment.

(B) The Court shall enter such order as it considers appropriate as to the petition for stay at the time it enters the rule for an answer on the petition to open the default judgment, unless the exigency of the circumstances require the Court to act immediately to preserve the status quo.

(C) The Court shall require the petitioner to file a bond in such amount as it deems necessary to protect the rights of the judgment holder during the proceedings of the petition to open the default judgment.

(D) The Court may hold a hearing or status conference to determine the merits of the petition requesting a stay at the request of either the petitioner or the holder of the judgment which is the subject of the petition to open.

(E) In those cases where the petitioner requests a stay of execution pending disposition of a petition to open a default judgment, the stay shall be determined under the requirements of Pa.R.C.P. 3121.

(5) The moving party shall serve the petition on the respondent or his attorney in accordance with Pa.R.C.P. 440, except where the petition is original process where service shall be made under Pa.R.C.P. 400—405. After service, the moving party shall file a certificate of service within five (5) days of the service of the petition and order showing how the petition was served, and if by mail, the address of the respondent or his attorney to which the petition was directed.

(6) In the event no answer is filed within twenty (20) days of service of the petition, then the petitioner may praecipe the prothonotary, which praecipe shall contain a certification that no answer has been filed, and shall also include a proposed order. Upon receipt of the praecipe, the prothonotary shall forward the praecipe to the Court Administrator who shall deliver the praecipe together with certification and attached proposed order to the Court for the entry of the proposed order.

(7) The petitioner, in lieu of discovery, may request the Court to hold an evidentiary hearing as to the disputed issues of fact. In such instance the petition shall be decided on petition and answer and the testimony presented to the Court.

**208.2(c)—Authority For Motions.**

All motions shall include a brief statement of the applicable statute, case, or procedural rule authorizing the grant of such relief.

**208.2(d)—Certification as to Motions Generally.**

All motions shall contain a certification by counsel for the moving party that concurrence in the motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the motion. Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the motion.

**208.2(e)—Certification As To Motions Regarding Discovery.**

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 matter without Court action.

**Local Rule 208.3(a)—Motions.**

1. All motions shall:

(A) be in writing and be filed in the office of the prothonotary;

(B) contain a caption setting forth the name of the Court, the number of the action, the name of the motion, and the name of the moving party;

(C) be divided into paragraphs numbered consecutively;

(D) set forth with particularity material facts constituting grounds on which they are based, precisely state the relief being sought, and include a proposed order;

(E) include a certificate of service which sets forth the manner of service including the name of an attorney of record for each party that is represented by counsel, the party whom the attorney represents, a pro se designation for each party that is unrepresented, and the address at which service was made; and

(F) be signed and endorsed, indicating the signing attorney of record has read the motion and that, to the best of his or her knowledge, information and belief, there are good grounds to support such motion and it is not interposed merely for delay;

(G) a motion need not be verified unless verification is required by general rule governing the particular motion or by order of Court.

**Local Rule 208.3(b)—Procedure As To Disposition Of Motion.**

(1) All motions shall include a proposed order in the form set forth in 208.3(b)(5).

(2) For cause shown, any moving party may request expedited disposition of any motion filed with the prothonotary. If expedited disposition is requested, a praecipe shall be filed with the motion explaining the grounds for requesting such expedited disposition. Upon receipt of a praecipe for expedited disposition, the Court Administrator shall promptly notify the moving party of the judicial assignment. It shall be the responsibility of the moving party to arrange a teleconference among the judge and all other counsel interested in the subject of the motion within three (3) business days of the time the motion is presented.

(3) The praecipe required by subparagraph (A)(2) shall be substantially in the following form:

(CAPTION)

PRAECIPE

TO THE COURT ADMINISTRATOR:

Expedited Disposition of attached motion is requested for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
ATTORNEY FOR (Plaintiff or Defendant)

FOR COURT ADMINISTRATOR ACTION ONLY

\_\_\_\_\_  
MOTION OR PETITION ASSIGNED TO JUDGE

\_\_\_\_\_  
COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT

(4) At the initial consideration of a motion, the Court may enter an order that:

(A) disposes of the motion, or

(B) sets forth the procedures the Court will use for deciding the motion which may include one or more of the following:

(i) the filing of initial or supplemental responses,

(ii) the filing of initial or supplemental briefs,

(iii) the filing of affidavits, depositions and the like,

(iv) the issuance of a rule to show cause pursuant to subdivision (b) of this rule,

(v) the holding of an evidentiary hearing, and

(vi) the entry of an order providing for any other procedure for developing the record.

(5) The order required by paragraph (1) shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing motion, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within \_\_\_\_\_ days of this date;

(3) the motion shall be decided under Pa.R.C.P. 206.7;

(4) depositions and all other discovery shall be completed within \_\_\_\_\_ day of this date;

(5) an evidentiary hearing on disputed issues of material fact shall be held on \_\_\_\_\_, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. \_\_\_\_\_;

(6) argument shall be held on \_\_\_\_\_, in Courtroom No. \_\_\_\_\_ of the Clearfield County Courthouse; and

(7) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT,

(6) The Court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the Court shall establish a briefing schedule in its initial order.

(7) The Court, in its discretion, may permit forms of discovery other than depositions.

(8) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the Court order entering the rule along with a copy of the underlying motion, upon each attorney of record and pro se parties in the manner prescribed by Pa.R.C.P. 440, except where the motion is original process where service shall be made under Pa.R.C.P. 400—405. An affidavit of service shall be filed within five (5) days from the date of the service of the motion and the order setting the rule with the prothonotary.

**Local Rule 210—Submission and Form of Briefs.**

(1) All briefs shall be lodged with the Court Administrator and a copy thereof served upon every other party.

Note: Briefs are not to be filed in the prothonotary's office or delivered directly to the Court.

(2) Briefs shall be typewritten or printed and double-spaced (except for quotations) on paper approximately 8-1/2 inches by 11 inches in size, and shall contain:

(A) A history of the case.

(B) A statement of the question or questions involved.

(C) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, and order, portions of the relevant testimony involved with a reference to the transcript and page where it may be found.

(D) An argument with citations of the authority relied upon divided into as many sections as there are questions involved.

(E) A conclusion.

(F) Opinions of Court or Agency involved.

(3) Briefs shall be submitted to the Court in accordance with a schedule set by the Court upon request of either party. The moving party shall deliver a copy of the brief to the adverse party and file a copy with the Court Administrator in accordance with the schedule. The respondent shall deliver the brief to the moving party and file a copy with the Court Administrator in accordance with the schedule. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

(4) All counsel appearing in any other proceeding scheduled for hearing before the Court shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these Local Rules or by Order of the Court.

(5) *Informal Letter Briefs.* Notwithstanding this Rule, the Court may in any case allow the parties to file an informal letter brief.

**Local Rule 211—Briefing Schedule.**

Either party may file a praecipe with the prothonotary to direct the Court Administrator to establish a briefing schedule for petitions, motions, and special motions; arguments for preliminary objections and motions for judgment on pleadings; assign a case to a judge for further action; and to set dates for special hearings and pretrial matters generally. Upon receipt of the praecipe, the Prothonotary shall transmit the praecipe to the Court Administrator. The Court Administrator, after consultation with the president judge or where a judge has acted in a case after consultation with that judge, shall assign the matter to a judge and establish such schedule or date. The Court Administrator shall give written notice to all attorneys or pro se parties of the actions taken under this rule.

**Local Rule 1028(c)—Preliminary Objections.**

(1) Preliminary objections shall be filed with the prothonotary. At the time of filing such pleading with the prothonotary, the moving party shall also file a praecipe, pursuant to Local Rule 211, requesting the Court Administrator to schedule an argument date for consideration of the preliminary objections.

(2) In the event there are factual disputes arising from the preliminary objections and answers thereto, the procedure to be followed shall be as set forth in Local Rule 208.3(b).

(3) Disposition of a motion for preliminary objections shall be made after oral argument.

(4) In the event the Court determines that briefs shall be filed following argument on the preliminary objections, then it shall enter an order establishing a briefing schedule.

(5) The judge to whom the preliminary objections have been assigned for disposition may in the exercise of

judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

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

(1) A motion for judgment on the pleadings shall be filed with the prothonotary. At the time of filing such motions with the prothonotary, the moving party shall also file a praecipe, pursuant to Local Rule 211, requesting the Court Administrator to assign the matter to a judge to schedule an argument date for consideration of the motion for judgment on the pleadings.

(2) Disposition of a motion for judgment on the pleadings shall be made after oral argument.

(3) In the event the Court determines that briefs shall be filed following argument on the motion for judgment on the pleadings, then it shall enter an order establishing a briefing schedule.

(4) The judge to whom the motion for judgment on the pleadings has been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

**Local 1035.2(a)—Motion for Summary Judgment.**

(1) A motion for summary judgment shall be filed with the prothonotary. At the time of filing such motions with the prothonotary, the moving party shall serve a copy of the motion on the other party or parties to the case who shall file a response and such affidavits or exhibits in accordance with Pa.R.C.P. 1035.3.

(2) Upon the filing of the response or in the event no response is filed within thirty (30) days of the service of the motion, either party may file a praecipe pursuant to Local Rule 211 requesting the Court Administrator to assign the matter to a judge to establish a briefing schedule and argument for consideration of the motion.

(3) Upon filing a motion for summary judgment, the moving party shall file a brief, pursuant to Local Rule 210, in accordance with the schedule established by the Court Administrator and shall serve a copy thereof upon all opposing counsel and any pro se party at their respective addresses of record. When filed, the brief shall be accompanied by a certificate indicating that such has been served upon the moving party.

(4) All parties who wish to contest a motion for summary judgment shall file a reply brief and a certificate such has been served on the moving party in accordance with the schedule established by the Court Administrator.

(5) Disposition of a motion for summary judgment shall be made after oral argument. The parties may agree to submit the matter on briefs only with appropriate notice to the Court Administrator of such agreement.

(6) The judge to whom a motion for summary judgment has been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

(7) Failure to comply with these provisions may be sufficient basis for the Court to deny the motion or deem such motion uncontested.

**Local Rule 1005—Appellate Procedure from District Justices.**

**Service of Notice of Appeal and Other Documents from Appeal from a District Justice Decision**

(1) The Prothonotary shall require that in regard to any appeal from a District Justice civil decision that the appellant provide with the Notice of Appeal a stamped envelope, pre-addressed to the appellee, at the appellee's address as listed on the Complaint form filed in the office of the District Justice or as otherwise appearing in the records from that office, or the attorney of record, if any, of the appellee, as well as a stamped envelope, pre-addressed, to the District Justice in whose office the judgment was rendered. Copies of the Notice of Appeal, and Rule to File a Complaint pursuant to Rule of District Justice Procedure 1004B, if applicable, shall thereupon be mailed by the Prothonotary by first class mail to the appellee and District Justice.

(2) The Prothonotary shall note such service and any return thereof on the Court's docket.

(3) The Prothonotary shall not be required to file a Notice of Appeal to a District Justice judgment or verdict without the appellant providing the above described stamped and addressed envelopes for service purposes.

(4) At the conclusion of any District Justice civil case, upon rendering of the decision, the District Justice shall provide a copy of this Rule to the party against whom the judgment or verdict is rendered, with the same either being made when applicable by personal service or through the mail along with the notice of entry of judgment or verdict.

(5) Upon the Court of Common Pleas disposing of the appeal from a District Justice decision, the Prothonotary shall in all cases utilize the Common Pleas notification request form, prepared by the Administrative Office of Pennsylvania Courts (being AOPC Form 729B-98 or any future revision of the same) in order to notify the District Justice of the result of the appeal. The Prothonotary shall also provide the District Justice a copy of the Court Order or document which is dispositive of the case.

[Pa.B. Doc. No. 05-832. Filed for public inspection April 29, 2005, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Collection Fee and Late Payment Penalty for 2005-2006 Assessment Year

Notice is hereby given that in accordance with Pennsylvania Rule of Disciplinary Enforcement 219(d)(2) and 219(h)(2), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2005-2006 Assessment Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$50.00 per returned item.

At the time the final notices are transmitted by certified mail to an attorney who fails to timely file an annual registration form and pay the fee, the late payment penalty will be \$100.00. After 30 days, the names of every

attorney who has failed to respond to the notice shall be certified to the Supreme Court, at which time the late payment penalty will be increased to \$200.00.

ELAINE M. BIXLER,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 05-833. Filed for public inspection April 29, 2005, 9:00 a.m.]

**List of Financial Institutions**

Notice is hereby given that pursuant to Rule 221(b), Pa.R.D.E., the following List of Financial Institutions have been approved by the Supreme Court of Pennsylvania for the maintenance of fiduciary accounts of attorneys. Each financial institution has agreed to comply with the requirements of Rule 221, Pa.R.D.E, which provides for trust account overdraft notification.

ELAINE M. BIXLER,  
Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania

**List of Approved PA Financial Institutions**

**Bank Code A.**

- 374 Abington Savings Bank
- 2 Adams County National Bank
- 477 Advest, Inc.
- 572 Affinity Bank of Pennsylvania
- 302 Allegheny Valley Bank of Pittsburgh
- 548 Allegiance Bank of North America
- 579 Alliance Bank
- 375 Altoona First Savings Bank
- 376 Ambler Savings and Loan Association
- 532 American Bank of Lehigh Valley
- 502 American Eagle Savings Bank, PaSA
- 581 American Home Bank, N.A.
- 116 Ameriserv Financial
- 377 Apollo Trust Company

**Bank Code B.**

- 558 Bancorp Bank (The)
- 574 Bank of America, N.A.
- 155 Bank of Hanover & Trust Company
- 3 Bank of Lancaster County, N.A.
- 415 Bank of Landisburg (The)
- 519 Beaver Valley Federal Credit Union
- 501 BELCO Federal Credit Union
- 397 Beneficial Savings Bank
- 582 Berkshire Bank
- 391 Blue Ball National Bank
- 392 Brentwood Savings Bank
- 495 Brown Brothers Harriman & Co.
- 156 Bucks County Bank
- 161 Bryn Mawr Trust Company

**Bank Code C.**

- 576 CNB Community Bank
- 382 CSB Bank
- 540 C & G Savings Bank
- 480 Cambria County Federal Savings & Loan Assoc.

- 394 Charleroi Federal Savings Bank
- 578 Charter One Bank, N.A.
- 561 Citizens Bank of Pennsylvania
- 238 Citizens and Northern Bank
- 15 Citizens National Bank-Evans City
- 420 Citizens National Bank—Myersdale
- 177 Citizens National Bank of Southern PA
- 206 Citizens Savings Association
- 353 Citizens Trust Company
- 16 Clearfield Bank & Trust Co.
- 354 Coatesville Savings Bank
- 17 Columbia County Farmers National Bank
- 250 Commerce Bank, PA, NA
- 18 Commerce Bank/Harrisburg, NA
- 223 Commercial National Bank of Pennsylvania
- 310 Community Bank & Trust Company
- 21 Community Bank, National Association
- 204 Community Banks, National Association
- 533 Community First Bank, N.A.
- 430 Community National Bank of Northwestern PA
- 132 Community State Bank of Orbisonia
- 23 County National Bank
- 380 County Savings Association

**Bank Code D.**

- 339 Dime Bank (The)
- 239 DNB First, N.A.
- 27 Dollar Bank
- 423 Dwelling House Savings & Loan Association

**Bank Code E.**

- 357 Eagle National Bank
- 569 Earthstar Bank
- 424 East Penn Bank
- 358 East Prospect State Bank
- 340 East Stroudsburg Savings Association
- 500 Elderton State Bank
- 567 Embassy Bank
- 541 Enterprise Bank
- 28 Ephrata National Bank (The)
- 383 ESB Bank, F.S.B.
- 552 Eureka Bank

**Bank Code F.**

- 31 Farmers & Merchants Trust Company
- 205 Farmers National Bank of Emlenton
- 436 Farmers National Bank of Kittanning
- 34 Fidelity Deposit & Discount Bank
- 343 Fidelity Savings and Loan of Bucks County
- 311 Fidelity Bank
- 583 Fifth Third Bank
- 385 First American National Bank of PA
- 174 First Citizens National Bank
- 191 First Columbia Bank & Trust Co.
- 539 First Commonwealth Bank
- 585 First Commonwealth Federal Credit Union
- 551 First Cornerstone Bank
- 390 First Federal Bank
- 369 First Federal Savings & Loan Assoc. of Bucks County
- 504 First Federal Savings & Loan Assoc. of Greene County



388	First Federal Savings Bank	557	Investment Savings Bank
370	First Financial Bank	200	Iron and Glass Bank
318	First Heritage Bank	526	Iron Workers Savings Bank
525	First Heritage Federal Credit Union	366	Irwin Bank & Trust Company
228	First Keystone Bank		
371	First Liberty Bank & Trust	<b>Bank Code</b>	<b>J.</b>
263	First Merit, N.A.		
51	First National Bank & Trust Co. of Newtown (The)	70	Jersey Shore State Bank
416	First National Bank in Fleetwood (The)	127	Jim Thorpe National Bank
42	First National Bank of Berwick (The)	488	Jonestown Bank and Trust Company
138	First National Bank of Canton	72	Juniata Valley Bank (The)
421	First National Bank of Fredericksburg	<b>Bank Code</b>	<b>K.</b>
322	First National Bank of Greencastle		
418	First National Bank of Liverpool (The)	403	Keystone Nazareth Bank and Trust Company
43	First National Bank of Marysville	414	Kishacoquillas Valley National Bank (The)
44	First National Bank of McConnellsburg (The)	<b>Bank Code</b>	<b>L.</b>
46	First National Bank of Mercersburg (The)		
419	First National Bank of Mifflintown (The)	74	Lafayette Ambassador Bank
198	First National Bank of Minersville (The)	554	Landmark Community Bank
47	First National Bank of Newport (The)	76	Laurel Savings Bank
426	First National Bank of Palmerton (The)	187	Lebanon Valley Farmers Bank
48	First National Bank of Pennsylvania	182	Leesport Bank
427	First National Bank of Port Allegheny (The)	547	Legacy Bank
52	First National Bank of Chester County	78	Luzerne National Bank
175	First National Community Bank	<b>Bank Code</b>	<b>M.</b>
549	First National Community Bank—Midland		
170	First Penn Bank	361	M & T Bank
40	First Savings Bank of Perkasio	269	Madison Bank
349	First Star Savings Bank	386	Malvern Federal Savings Bank
158	First Summit Bank	510	Marion Center National Bank
54	First Susquehanna Bank & Trust	387	Marquette Savings Bank
408	First United National Bank	81	Mars National Bank (The)
151	Firsttrust Savings Bank	367	Mauch Chunk Trust Company
493	FNB Bank, N.A.	5	Mellon Bank, N.A.
291	Fox Chase Bank	555	Mercer County State Bank
241	Franklin Mint Federal Credit Union	192	Merchants National Bank of Bangor (The)
58	Fulton Bank	478	Merchants National Bank of Kittanning
59	Fulton County National Bank & Trust Company	294	Mid Penn Bank
<b>Bank Code</b>	<b>G.</b>	511	Mifflin County Savings Bank
		276	Mifflinburg Bank & Trust Company
499	Gratz National Bank (The)	457	Milton Savings Bank
498	Greenville Savings Bank	345	Minersville Safe Deposit Bank and Trust Company
<b>Bank Code</b>	<b>H.</b>	346	Morton Savings Bank
		484	Muncy Bank & Trust Company (The)
402	Halifax National Bank	<b>Bank Code</b>	<b>N.</b>
244	Hamlin Bank and Trust Company		
64	Harleysville National Bank and Trust Company	440	National Bank of Commerce
362	Harleysville Savings Bank	435	National Bank of North East
363	Hatboro Federal Savings	337	National City Bank of Pennsylvania
463	Haverford Trust Company	88	National Penn Bank
410	Herndon National Bank (The)	347	Neffs National Bank (The)
411	Hoblitzell National Bank	372	Nesquehoning Savings Bank
559	Home Savings & Loan Company	536	New Century Bank
68	Honesdale National Bank (The)	434	New Tripoli National Bank (The)
350	HSBC Bank of USA	545	Nittany Bank
143	Hudson United Bank	492	North Penn Savings & Loan Association
364	Huntingdon Valley Bank	373	Northside Bank
<b>Bank Code</b>	<b>I.</b>	439	Northumberland National Bank
		93	Northwest Savings Bank
365	Indiana First Savings Bank	546	Nova Savings Bank
575	Integrity Bank		

<b>Bank Code</b>	<b>0.</b>	465	St. Edmond's Savings and Loan Association
348	Old Forge Bank	518	Standard Bank PASB
323	Omega Bank, NA	542	Stonebridge Bank
489	OMEGA Federal Credit Union	517	Sun National Bank
94	Orrstown Bank	30	Susquehanna Bank PA
<b>Bank Code</b>	<b>P.</b>	282	Susquehanna Patriot Bank
		236	Swineford National Bank
267	Parkvale Bank	<b>Bank Code</b>	<b>T.</b>
584	Parkview Community Federal Credit Union	26	Third Federal Savings Bank
580	Penn Liberty Bank	467	Turbotville National Bank (The)
97	Penn Security Bank & Trust Company	<b>Bank Code</b>	<b>U.</b>
168	Pennstar Bank		
544	Pennsylvania Business Bank	113	Union Bank and Trust Company
445	Pennsylvania State Bank	481	Union Building and Loan Savings Bank
99	PeoplesBank, A Codorus Valley Company	483	Union National Bank of Mount Carmel (The)
154	Peoples Home Savings Bank	133	Union National Community Bank
447	Peoples National Bank of Susquehanna County	472	United Bank of Philadelphia
491	Peoples State Bank (The)	475	United Savings Bank
556	Philadelphia Federal Credit Union	570	Unitedtrust Bank
448	Phoenixville Federal Bank & Trust	232	Univest National Bank & Trust Company
79	PNC Bank, N.A.	<b>Bank Code</b>	<b>V.</b>
534	Pocono Community Bank		
528	Polonia Bank	136	Vartan National Bank
449	Port Richmond Savings	<b>Bank Code</b>	<b>W.</b>
454	Portage National Bank		
450	Premier Bank	123	WNB Bank
451	Progressive Home Federal	338	Wachovia
456	Prudential Savings Bank	119	Washington Federal Savings Bank
<b>Bank Code</b>	<b>Q.</b>	121	Wayne Bank
		553	Wesbanco Bank
107	Quakertown National Bank (The)	122	West Milton State Bank
560	Quaint Oak Savings Bank	494	West View Savings Bank
<b>Bank Code</b>	<b>R.</b>	473	Westmoreland Federal Savings
		476	William Penn Savings and Loan Association
452	Reliance Savings Bank	474	Willow Grove Bank
220	Republic First Bank	160	Wilmington Trust of PA
208	Royal Bank of America	272	Woodlands Bank
<b>Bank Code</b>	<b>S.</b>	573	Woori America Bank
		<b>Bank Code</b>	<b>X.</b>
153	S&T Bank		
464	Scottsdale Bank & Trust Company (The)	<b>Bank Code</b>	<b>Y.</b>
460	Second Federal Savings & Loan Assoc. of Philadelphia		
516	Sentry Federal Credit Union	571	Yardville National Bank
458	Sharon Savings Bank	577	York Traditions Bank
312	Sky Bank	<b>Bank Code</b>	<b>Z.</b>
462	Slovenian Savings & Loan Assoc. of Franklin—Conemaugh		
459	Smithfield State Bank		
486	Somerset Trust Company		
316	Sovereign Bank, FSB		

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