

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES [210 PA. CODE CH. 67]

Amendment to Guidelines for the Photographing, Recording and Broadcasting of Commonwealth Court Proceedings by the Pennsylvania Cable Network (PCN)

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

#### CHAPTER 67. COMMONWEALTH COURT

#### Subchapter B. GUIDELINES FOR THE PHOTOGRAPHING, RECORDING AND BROADCASTING OF COMMONWEALTH COURT PROCEEDINGS

§ 67.101. Guidelines for the Photographing, Recording and Broadcasting of Commonwealth Court Proceedings by the Pennsylvania Cable Network (PCN).

\* \* \* \* \*

(c) *Equipment and Personnel.*

(1) Only two television cameras, with one operator per camera, and one small robotic camera, will be permitted in the courtroom. The Executive Administrator, or designee, shall identify the location in the courtroom for the camera equipment and operators.

\* \* \* \* \*

[Pa.B. Doc. No. 06-2147. Filed for public inspection November 3, 2006, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [231 PA. CODE CH. 1910]

Order Amending Rule 1910.16-6; No. 464 Civil Procedural Rules; Doc. No. 5

#### Order

*Per Curiam:*

And Now, this 17th day of October, 2006, Rule 1910.16-6 of the Pennsylvania Rules of Civil Procedure is amended as follows.

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

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. **Allocation of Additional Expenses.**

**Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.**

(a) *Child care expenses.* Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their net incomes and added to his and her basic support obligation. When a parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the full unsubsidized cost of the child care, not just the amount actually paid by the parent receiving the subsidy. However, if allocation of the unsubsidized amount would result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 may be warranted.

\* \* \* \* \*

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the children shall be allocated between the parties in proportion to their respective net incomes. Notwithstanding the prior sentence, there shall be no apportionment of unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The court may direct that the obligor's share be added to his or her basic support obligation, or paid directly to the obligee or to the health care provider.

\* \* \* \* \*

(3) Annual expenses pursuant to this subdivision (c), shall be calculated on a calendar year basis. In the year in which the initial support order is entered, the \$250 threshold shall be pro-rated. **Documentation of unreimbursed medical expenses that either party seeks to have allocated between the parties shall be provided to the other party not later than March 31 of the year following the calendar year in which the final bill was received by the party seeking allocation. Allocation of unreimbursed medical expenses for which documentation is not timely provided shall be within the discretion of the court.**

\* \* \* \* \*

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony pendente lite and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total

support award. **If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony pendente lite or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation.** For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

\* \* \* \* \*

#### Explanatory Comment—2006

**A new introductory sentence in Rule 1910.16-6 clarifies that additional expenses contemplated in the rule may be allocated between the parties even if the parties' respective incomes do not warrant an award of basic support. Thus, even if application of the formula at Rule 1910.16-4 results in a basic support obligation of zero, the court may enter a support order allocating between the parties any or all of the additional expenses addressed in this rule.**

**The amendment to subdivision (e) recognizes that the obligor may be occupying the marital residence and that, in particular circumstances, justice and fairness may warrant an adjustment in his or her support obligation.**

[Pa.B. Doc. No. 06-2148. Filed for public inspection November 3, 2006, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

Rules of the Court of Common Pleas; No. 1 of 2006; Rules Docket

### Order of Court

*And Now*, to-wit, this 17th day of October, 2006, by vote of the Board of Judges on October 4, 2006, it is hereby *Ordered* and *Decreed* that all existing Allegheny County Civil and Family Court Rules are rescinded and the following Civil and Family Court Rules are adopted.

This *Order* is promulgated in accordance with Pa.R.C.P. No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. This Order shall be filed with the Prothonotary of Allegheny County in the Rules Docket, and copies submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil and Family Court Procedural Rules Committee.

JOSEPH M. JAMES,  
*President Judge*

### ALLEGHENY COUNTY CIVIL AND FAMILY COURT RULES

#### Local Rule 1 Structure of the Court of Common Pleas of Allegheny County.

(1) The Court of Common Pleas of Allegheny County consists of the following divisions:

(a) Civil Division: which includes General Docket ("GD"), Arbitration ("AR"), Landlord-Tenant ("LT") and Property Assessments ("BV").

(b) Family Division, which includes the Adult and Juvenile Court sections;

(c) Orphans' Court Division; and

(d) Criminal Division.

(2) Each Division of the Court is managed by an Administrative Judge, who is appointed by the Supreme Court of Pennsylvania.

(3) The Office of the Clerk of the Court of Common Pleas (as defined at 42 Pa.C.S. § 2701 *et seq.*) includes three county officials:

(a) Prothonotary, who serves the Civil Division (which is divided into sections for General Docket and Arbitration matters) and the Family Division;

(b) Register of Wills, who is also the Clerk of Court of the Orphans' Court Division; and

(c) Clerk of Court of the Criminal Division.

#### Local Rule 2 Notice by Publication.

(1) In all actions where notice is required to be given by advertisement in a newspaper, proof of publication shall be made by the affidavit of the owner, publisher or the designated agent thereof and filed of record before the entering of any final order, decree or judgment.

(2) The *Pittsburgh Legal Journal* is designated as the newspaper of this Court for the publication of legal notices. All notices which are required to be advertised in a newspaper shall also be advertised in the *Pittsburgh Legal Journal*.

#### Local Rule 3 Money Deposited in Court.

(1) Any officer or person distributing money in proceedings in this Court shall have the docket in the proper office receipted, or shall have received an acknowledged receipt and release for such sums paid.

(2) Except as hereinafter provided, all money deposited with the Prothonotary shall be deposited by the Prothonotary in an institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. All deposits with the Prothonotary in excess of Five Thousand Dollars (\$5,000.00) shall be deposited by the Prothonotary in interest-bearing accounts, or may be invested in United States Government obligations or United States Government guaranteed obligations.

(3) All interest accrued on deposits, other than deposits of costs, made for a period of three (3) months or more in excess of Five Thousand Dollars (\$5,000.00) shall be paid to the party or parties ultimately determined to be entitled to the fund.

(4) All accrued interest not distributed pursuant to subdivision (3) of this local rule shall be paid to the county treasurer.

(5) The Prothonotary shall charge for the benefit of the county a commission equal to one-half of one percent (0.5%) on all deposits of less than One Thousand Dollars (\$1,000.00) and one-fourth of one percent (0.25%) on all deposits and interest accrued on deposits of One Thousand Dollars (\$1,000.00) or more.

(6) The Prothonotary shall maintain a record of all moneys deposited, and paid out, setting forth the names of the parties from whom the money was received and to

whom the money was paid, and the commissions charged pursuant to subdivision (5) of this rule.

**Local Rule 76 Definitions.**

“**Board of Judges**” shall mean all members of the Court, excluding Senior Judges.

“**Court**” shall mean all divisions of the Court of Common Pleas of Allegheny County.

“**Local Rule**” shall mean any rule regulating practice or procedure promulgated by the Court of Common Pleas of Allegheny County pursuant to Section 323 of the Judicial Code (42 Pa.C.S. § 323).

**Local Rule 105 Bonds.**

(1) **Bonds—Property.**

All bonds, bail and security except those of approved surety companies, shall have endorsed or attached an affidavit showing the value of the property given as surety, and the liens upon it. The affidavit shall state whether the same property has been used as security for any other purpose and, if so, all details. The person liable for the debt shall not be qualified to act as surety for himself or herself.

(2) **Bonds—Corporate Surety.**

No corporation may act as sole surety or guarantor on bonds or undertakings in this Court unless it has been approved by the Orphans’ Court Division of this Court.

(3) **Bonds—Prohibited Sureties.**

No attorney, Sheriff, Prothonotary, their deputies or Court personnel shall be admitted as surety in any action.

**Local Rule 198 Actions Between Family Members.**

(1) All cases between spouses, former spouses, or persons living as spouses shall be filed in the Family Division. Cases between other family members shall be filed in the Civil Division.

(2) The Administrative Judge of the Division in which a case is filed has the authority, in consultation with the other Administrative Judge, to transfer a case to the other Division.

**Local Rule 200 Representation by an Attorney.**

(1) Individuals may represent themselves or be represented by an attorney.

(2) Except as otherwise provided by subdivision (3), a corporation, partnership and unincorporated association must be represented by an attorney.

(3) A corporation, partnership or unincorporated association may be represented by an officer or by a partner in the following actions:

(a) a civil action brought in or appealed to this Court in which the relief sought is monetary damages which do not exceed the jurisdictional limit for an action before a Magisterial District Judge.

(b) an appeal from a judgment entered in a Magisterial District Judge Court in an action for the recovery of the possession of real property.

**Note:** A corporation must be represented by an attorney regardless of the amount in controversy if the lawsuit involves a dispute between shareholders or officers of the same corporation.

**Note:** See the opinion of Strassburger, J. in *Hammond Press, Inc. v. Verzinskie*, AR02-000702 (C.P. Allegheny 5/6/03).

**Local Rule 205.4 Electronic Filing and Service of Legal Papers in Allegheny County.**

(1) Except as otherwise provided by subsection (2) of this rule, parties may file legal papers, including original process, with the Prothonotary by means of electronic filing in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. Parties may also file with the Prothonotary by means of electronic filing the following matters:

Allegheny County Bar Association  
 Fee Dispute Judgment  
 Annual Audit  
 Appeal from Compulsory Arbitration Board  
 Assurance of Voluntary Compliance  
 Bond of Tax Collector  
 Cemetery Report  
 Commercial Broker Lien  
 Commonwealth Tax Lien  
 Condominium Lien  
 Declaration of Covenant Lien  
 Environmental Resources Lien  
 Federal Judgment Lien  
 Foreign Execution  
 Foreign Judgment  
 Foreign Judgment/Execution  
 Foreign State Tax Lien  
 Health Department Judgment  
 Housing Court Judgment  
 Judgment Roll  
 Liens/Scire Facias  
 Magisterial District Judge Transcript  
 Mechanics’ Lien  
 Municipal Lien  
 No Lien Agreement  
 Oath of Office  
 Orphans’ Court Judgment  
 Pennsylvania Agency Judgment  
 Pension Benefit Lien  
 PHEAA Judgment  
 Planned Community Lien  
 Scire Facias sur Municipal Lien  
 Scire Facias sur Tax Lien  
 Tax Collector Report  
 Unemployment Compensation Lien  
 Workers’ Compensation Judgment

**Note:** A “legal paper” within the meaning of the first sentence of subsection (1) means a pleading or other paper filed in any civil action or proceeding at law or in equity.

**Note:** For electronic filing of legal papers relating to any action governed by Pa.R.C.P. 1901–1940.9, Family Law and Domestic Relations Matters, see Local Rule 1930.1.

(2) The following legal papers may not be filed with the Prothonotary by means of electronic filing:

(a) A notice of appeal or other legal paper, the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

**Note:** The legal papers described in subsection (2)(a) cannot be filed through electronic filing. See Pa.R.C.P. 205.4(a)(2).

(b) In General Docket cases, (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.

**Note:** The matters described in subsection (2)(b) are excluded from electronic filing because at this time it is not feasible to alter the existing procedure under which these matters are presented to the Chief Motions Clerk or Calendar Control for scheduling prior to filing in the Office of the Prothonotary.

(c) In compulsory arbitration cases, (i) preliminary objections, (ii) petitions, or (iii) motions.

**Note:** The matters described in subsection (2)(c) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of the filing.

(d) The following matters:

Amicable Ejectments  
Confession of Judgments  
Exemplification of Records  
Petition for Name Change

**Note:** At this time, it is not feasible for the Prothonotary to receive through electronic filing the matters described in subsection (2)(d).

(3) The filing party shall maintain the original hard copy of any legal paper that is electronically filed.

(4) The Prothonotary shall provide electronic access at all times. The time and date of the filing and receipt shall be that registered by the Prothonotary's computer system.

(5) The web site address of the Prothonotary is as follows: [prothonotary.county.allegheny.pa.us](http://prothonotary.county.allegheny.pa.us) (no www. and no .com).

(6) Access to the web site shall be available to an attorney by use of the attorney's Supreme Court identification number issued by the Court Administrator of Pennsylvania. Access is also available to any other user by the user selecting any numbers or letters that the user wishes to use as an identification number.

(7) The Prothonotary shall maintain an electronic and a hard copy file for the legal papers described in the first sentence of section (1). The Prothonotary is not required to maintain a hard copy file for the legal papers described in the second sentence of section (1).

(8) The procedures for payment of the fees and costs of the Prothonotary shall be set forth on the Prothonotary's website.

(9) The Prothonotary shall provide a filing status message to the filing party setting forth the date of and time of acceptance of the filing or the fact that the filing has not been accepted. A legal paper is not considered filed if the Prothonotary responds to the filing by notifying the filing party that the filing party has not (i) maintained sufficient funds to pay the fees and costs described in subsection (8) or (ii) authorized payment by credit or debit card of these fees and costs.

**Note:** A filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the Prothonotary. See Pa.R.C.P. 205.4(e)(2). One of the risks is that the Prothonotary either correctly or incorrectly determines that the filing party has not met its obligation for payment of the necessary fees and costs.

**Local Rule 212.1 Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.**

(1) Pa.R.C.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury

and non-jury, to be tried in the Civil Division, with the exception of appeals from Compulsory Arbitration.

**(2) Definitions.**

In these rules, the following words shall have the following meanings:

(a) **"pre-trial conference"**—a conference scheduled by the Court in accordance with Pa.R.C.P. 212.3 in which, in addition to matters set forth in Pa.R.C.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this local rule; and

(ii) attempt an amicable settlement of the case.

(b) **"Conciliating Judge"**—the Judge assigned to conduct the pre-trial conference.

**(3) Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.**

Notices required by Pa.R.C.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecepte to Place the Case at Issue (see FORM 214, Local Rule 214(1)(b)).

**Note:** As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: [prothonotary.county.allegheny.pa.us](http://prothonotary.county.allegheny.pa.us) (www. and no .com). Additionally, published trial lists are also available on the Civil Division's website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

**Local Rule 212.2 Pre-Trial Statement.**

Each party shall file and serve upon all other parties a written pre-trial statement in conformity with the requirements of Pa.R.C.P. 212.2.

**Note:** The deadline for each party to file and serve its pre-trial statement is published with the trial list in the *Pittsburgh Legal Journal*. Generally, Plaintiffs are required to fulfill the requirements of Pa.R.C.P. 212.2 forty-five (45) days prior to the commencement of the trial term in which the case is listed, and all other parties are required to fulfill the requirements of Pa.R.C.P. 212.2 thirty (30) days prior to the commencement of the trial term in which the case is listed.

**Local Rule 212.3 Conduct of Pre-Trial Conference.**

(1) The conduct of the pre-trial conference shall be in conformity with Pa.R.C.P. 212.3.

(2) Notice of the time, date and Conciliating Judge for the pre-trial conference shall be provided by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel who submitted notice of their address to the Calendar Control section of the Civil Division at the time the case was placed at issue.

**Note:** The dates and times of pre-trial conciliations are also available on the Civil Division's website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

(3) Any application for rescheduling a pre-trial conference shall be addressed to the Conciliating Judge before whom the pre-trial conference is scheduled.

**Note:** See Local Rule 214(5)(f) regarding petitions to continue the trial of cases on the General Docket.

(4) Unless excused by the Conciliating Judge, each party with a financial interest and each non-party with a financial interest (such as insurers) shall be present with

full authority to settle the case. However, parties without a financial interest need not attend.

(5) The Judge presiding at the pre-trial conference may impose such sanctions as are deemed appropriate against counsel and/or the party(ies) for failure to comply with this rule.

**Note:** Pre-trial conferences and other pre-trial procedures in cases assigned for trial to a particular Judge may be conducted according to the procedures directed by that Judge.

**Local Rule 213 Petitions for Consolidation. Survival Actions.**

(1) Petitions for Consolidation shall bear the captions of each case as to which consolidation is requested, including all issue numbers.

(2) At the time of presentation of a petition for consolidation of cases, counsel shall bring sufficient copies of the petition, so that there will be one copy of the petition for the Court file of every case as to which consolidation is requested.

(3) Transfer and consolidation of survival actions and related wrongful death actions are governed by Pa.R.C.P. 213.

**Note:** As to settlement of survival actions, see Local Rule 2206 and Orphans' Court Local Rule 12.16F.

**Local Rule 214 Issue Docket, Trial Lists and Trials.**

**(1) Issue Docket—General Docket (“GD”) Cases.**

(a) After the expiration of sixty (60) days from the date of service of the original complaint upon each defendant, and after all of the pleadings in a case are closed, any of the parties may file a praecipe to place the case at issue, thereby signifying that the case is ready to be listed for trial. The Praecipe to Place the Case at Issue shall be in the same form as FORM 214 (see subsection (b) below). Cases placed at issue receive consecutive numbers (“issue numbers”) which are used to track the placement of cases on a trial list. After an issue number is assigned to a case, it shall be included on the caption and cover sheet of all subsequent filings. The Prothonotary shall keep an issue docket of cases placed at issue. The Calendar Control Office of the Court of Common Pleas shall create the civil trial lists from those cases which have been placed at issue.

**Note:** The Court has provided a mandatory form of Praecipe to Place Case at Issue, FORM 214 (see subsection (b) below), which requires that counsel provide the Court with certain information regarding the case, to facilitate the orderly assembly of trial lists.

**Note:** See Local Rule 4003.5(7)(a) regarding priority on trial lists for professional liability and product liability cases which meet certain criteria. The form to be used to obtain priority placement on trial lists for such cases is found at FORM 4003.5D at Local Rule 4003.5(10)(d). This form is filed, at the appropriate time, in addition to the Praecipe To Place Case At Issue.

(b)

**FORM 214 Form of Praecipe to Place Case at Issue**

**[ CASE CAPTION, INCLUDING DOCKET NUMBER ]**

**PRAECIPE TO PLACE CASE AT ISSUE**

The undersigned party hereby certifies the accuracy of the following information to the Court, and requests that

the Prothonotary assign an issue number to this case, list this case on the issue docket, and place it in order on the next available trial list:

1. At least sixty days have passed since the service of the original complaint on all defendants.

2. All pleadings have been filed.

3. All preliminary motions and objections have been disposed of.

4. There are \_\_\_\_ plaintiffs and \_\_\_\_ defendants remaining in the case. Plaintiffs remaining in the case, and their counsel, are: [list the parties and their counsel]. Defendants who have actually been served and who remain in the case, and their counsel, are: [list the parties and their counsel].

5. According to documents filed in the case, the following parties are not presently represented by counsel and should be provided with notice of earliest trial date pursuant to Local Rule 212.1(3) at the following addresses: [list unrepresented parties and their mailing addresses].

Alternative 5. According to documents filed in the case, there are no unrepresented parties in this case at this time.

6. According to documents filed in the case, the following parties are presently represented only by out-of-county counsel. Such counsel should be provided with notice of earliest trial date pursuant to Local Rule 212.1(3): [list party, their out-of-county counsel, and counsel's mailing address].

Alternative 6. According to documents filed in the case, there are no parties in this case who are represented only by out-of-county counsel.

7. I estimate that the following number of days will be required for the trial of this case, including the time required for jury selection, closing arguments and charge:

- No more than 1 trial day
- 2 to 3 trial days
- 4 to 6 trial days
- 7 to 10 trial days
- 11 to 15 trial days
- More than 15 trial days

8. A jury trial has/has not [circle one] been requested in this case.

9. If this is a civil action that raises only claims for equitable relief, see Local Rule 1001 and FORM 1001 at Local Rule 1001(3).

Respectfully submitted,

Dated: \_\_\_\_ By: \_\_\_\_\_  
[Identification of *pro se* party or counsel]

[Address and telephone number of *pro se* party or counsel]

**(2) Exceptions to Issue Docket.**

The following types of cases need not be placed at issue or otherwise certified ready for trial:

(a) cases pending on the Compulsory Arbitration docket (AR) and (LT);

(b) appeals from Compulsory Arbitration;

(c) cases originally filed in the general docket (GD) and transferred to Compulsory Arbitration; and

(d) cases in which a new trial has been granted by either the court of original or appellate jurisdiction.

**Note:** In cases in which a new trial has been granted, prompt written notice of the granting of such relief should be given by plaintiff to the Calendar Control Office of the Civil Division.

(3) **Removal From The Issue Docket.**

Cases which have been stricken from the issue docket shall receive new issue numbers after full compliance with this local rule and the filing of a subsequent Praecepto to Place Case at Issue.

(4) **Trial Terms.**

Civil Division trial terms are generally scheduled for five or six week periods commencing each January, March, May, September and November.

(5) **Trial Lists. Call of The List. Date of Trial.**

(a) **Initial Publication of Trial Lists.** The trial dates for each term and the cases scheduled to be tried during that term are published approximately one hundred and twenty (120) days prior to the beginning of each of the trial terms in the *Pittsburgh Legal Journal*. It shall be the responsibility of in-county counsel to monitor the *Pittsburgh Legal Journal* for the initial listing of a case on a trial list. Publication of trial lists in the *Pittsburgh Legal Journal* is the only form of notice given to in-county counsel of the listing of a case for trial. Unrepresented parties and out-of-county counsel who submit notice of their address to the Calendar Control Office of the Civil Division (see Local Rule 212.1(3)) are mailed a notice of earliest trial date.

**Note:** As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: [prothonotary.county.allegheny.pa.us](http://prothonotary.county.allegheny.pa.us) (no www. and no .com). Additionally, published trial lists are also available on the Civil Division's website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

(b) **Pre-trial Discovery Deadlines.** Deadlines for the completion of discovery are published with the trial list in the *Pittsburgh Legal Journal*. Any party initiating discovery must do so within such time as to permit the responding party the full time allowed for response by the Pennsylvania Rules of Civil Procedure, so that the response may be served on or before the date set for completion of discovery.

**Note:** Generally, discovery is required to be completed sixty (60) days prior to the commencement of the trial term in which the case is listed for trial.

(c) **Call of the List.** Each day during the trial term at 9:00 a.m., the Calendar Control Judge calls the daily trial list. Counsel for each party in each case listed for the first time on that date shall appear at said time, personally or through a representative, and shall advise the Court, when the case is called:

- whether counsel for each party is ready for trial (each party, in turn, advises the court);
- the expected time required to try the case; and/or
- of any settlements which have occurred.

Counsel shall be prepared to commence trial on and after the date of the Call of the List. Counsel shall be prepared to engage in conciliation immediately after the Call of the List, or at such other time as the Court may thereafter direct. Cases not commenced on the date listed will be called again the following day and each day

thereafter, until the case is commenced, removed from the list by motion or settlement, or the trial term ends. Cases not commenced during the trial term are placed on a future trial list.

(d) **Daily Publication of Updated Trial List.** During each trial term, daily trial lists, updated to reflect settlements, continuances, cases called for trial, or other dispositions of cases, are published daily in the *Pittsburgh Legal Journal*. It is the responsibility of all parties to monitor the status of their cases on the updated trial list. Written notice of updates will not be sent.

**Note:** Updated trial lists are also available on the Civil Division website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

(e) **Date of Trial.** The dates for which cases are listed for trial are intended to serve as close estimates as to when each case will be reached for trial.

(f) **Trial Policy.**

(i) When the list of cases is first published, trial counsel must ascertain the readiness of their cases as to bills, reports, etc. and the availability of witnesses, doctors, experts, etc. involved in the case.

(ii) When it is ascertained that any person necessary for the trial of the case may not be available during the trial term, the deposition of that person for use at trial must be taken forthwith.

(iii) Requests for continuances or adjustments of the trial date should be made as soon as possible after the initial publication of the trial list. Last-minute requests for continuances ordinarily will not be granted to accommodate counsel, clients or witnesses for business trips, vacations or any absence during trial terms or for failure to comply with any of the trial policy rules.

(iv) Counsel, as listed for the case, must be available and ready to try the case at the time it is called.

(v) If listed counsel are not available, absent compelling reasons, substitute counsel must be available.

(vi) A law firm not having sufficient trial counsel may be required to obtain substitute trial counsel.

(vii) If listed counsel is not available and no substitute counsel is provided, the case will proceed without counsel.

(viii) When called to select a jury, unless excused by the Court, counsel must appear within fifteen (15) minutes; if not present when so called, a clerk will select the jury and the case will be ordered to trial notwithstanding the absence of counsel.

(ix) The trial policy rules will be applied regardless of the directions or desires of clients.

**Note:** As to motions relating to cases appearing on a published trial list, see Local Rule 208.3(a)(3) regarding the Calendar Control Judge. As to pre-trial statements, see Local Rule 212.2.

(6) **Exception to Trial Lists.** Cases which have been assigned to an individual judge do not appear on a trial list; rather, such cases proceed to trial as ordered by the individual assigned judge. Local Rule 220.1 Voir Dire.

**Local Rule 220.1 Voir Dire**

In all civil actions to be tried before a jury, the following questions (except those which all parties shall agree in advance to strike as inappropriate for the type of case involved) shall be propounded by an Assignment Room Clerk, in the presence of all counsel, to the members of the panel:

(a) TO BE ADDRESSED TO THE GROUP:

1) The attorneys in this lawsuit and their law firms are

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF      LAW FIRM

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT      LAW FIRM

Have you had any social, business or professional contact with any of these attorneys or their law firms?

2) The parties in this lawsuit are \_\_\_\_\_ vs. \_\_\_\_\_ .

Do any of you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in \_\_\_\_\_ [name of company(ies)]?

3) This lawsuit concerns \_\_\_\_\_ .

(description which clues the jury panel to the type of case—products liability, medical, fall down, construction, contract, etc.—along with a time period or date and a place if applicable).

Does anyone know anything about this case?

4) Have you or any members of your family ever worked for, been served by, treated by or had any professional or social association with the following:

(Name all party professionals and experts)

(b) TO BE ASKED INDIVIDUALLY

We will begin interrogation. Juror #1, will you please step forward.

5) State your name please.

6) Are you known by any other name?

7) What area are you from?

8) What is the date and place of your birth?

9) What occupations and employers have you had during your adult life? (If unemployed or retired, what was your previous occupation?)

10) What is the extent of your formal education? If college—do you have a degree/in what field?

11) Are you single, married, divorced, separated or widowed?

a) (If married) What is your spouse's name?

b) What occupations and employers has your spouse had?

12) Do you have children? If so,

a) How many and what are their ages?

b) (If any child over 18) What occupation(s) and employers have your children had?

13) Does anyone else live with you at your home? If so,

a) What are their names?

b) What occupation(s) and employers has such person had? (If any one of them is unemployed or retired, what was their prior occupation?)

14) Do you have brothers and sisters? If so, what occupations and employers have they had?

15) Have you or any member of your family ever been involved as a party or a witness in a lawsuit or court action? If so,

a) Who was involved?

b) What was the nature of the lawsuit?

c) Were you or your family member the plaintiff or defendant?

d) What was the outcome?

16) Have you ever been a defendant or a witness in a criminal case?

a) How so?

b) What was the outcome of the case?

17) Do either you, any member of your immediate family or anyone with whom you reside have a business relationship, friendship or association with any person who is a law enforcement officer, a judge, a lawyer or a person who works or is affiliated with the Court system?

a) If so, please explain.

b) Will that influence your judgment in this case so that you may not be able to be fair and impartial?

18) Have either you, your spouse or your parents, children, brothers or sisters ever worked in the insurance industry or have any of you owned stock in an insurance company?

a) If so, please explain.

b) Will that influence your judgment in this case so that you may not be able to be fair and impartial?

19) Are you a licensed driver of a motor vehicle?

20) Do you have any physical or mental condition that might affect your ability to serve as a juror? If so, please explain.

21) Based on anything you may have heard or read, do you have a belief or opinion about civil damage lawsuit?

a) If so, what is that opinion or belief?

b) Will that influence your judgment in this case so that you may not be able to be fair and impartial?

22) This case involves a claim for money damages and is the type commonly called a \_\_\_\_\_ (products liability; medical malpractice; auto accident; breach of contract; etc.) lawsuit.

a) Do you have an opinion or a belief for or against this type of case, the people who file this type of case, or the persons who are sued in this type of case?

b) If so, what is that opinion or belief?

c) Will that influence your judgment in this case so that you may not be able to be fair and impartial?

23) Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?

(c) Parties may submit up to three (3) proposed additional voir dire questions. If all parties agree to the questions, they shall be submitted to the Calendar Control Judge for approval or disapproval. If all parties cannot agree, then proposed voir dire questions shall be submitted to all other parties three (3) days prior to submitting them to the Calendar Control Judge for approval or disapproval.

**Local Rule 227.1 Post-Trial Motions. Filing of Appeals. Request for Transcript, Certification and Waiver Forms.****(1) Post-Trial Motions.**

(a) Post-Trial Motions shall be filed in the Office of the Prothonotary and a copy shall be delivered to the Trial Judge. Argument shall be scheduled by the Trial Judge without praecipe.

(b) On all Motions for Post-Trial Relief, only those portions of the testimony relating to the questions raised need be transcribed. If counsel cannot agree on the evidence to be transcribed, the matter may be submitted to the Trial Judge. The reporter shall arrange the transcript so that omitted portions may be inserted in the event this becomes necessary. A moving party desiring to rely wholly or in part on a transcript of the testimony or on the charge of the Court shall file in the Office of the Prothonotary a certificate from the court reporter, stating that the testimony relied upon or the charge has been ordered and is being transcribed. Such certificate shall be filed within a period of ten days from the filing of the Motion for Post-Trial Relief. Upon failure to file such certificate within the time prescribed, it shall be conclusively presumed a transcript of said testimony is not necessary and is waived.

(c) Unless accompanied by an affidavit stating the names of all witnesses expected to testify, and the substance of the testimony they are expected to offer, no Motion for a New Trial will be entertained on the grounds of after-discovered evidence.

(d) Upon the filing of any Motion for Post-Trial Relief, the Court may, on its own motion or on the motion of any interested party, hold a post-trial hearing and/or conciliation.

**Note:** See Pa.R.C.P. 106 regarding computation of time and Local Rule 252 regarding video records.

**(2) Appeals.**

When filing documents necessary to effectuate an appeal of a Civil Division matter in accordance with the Pennsylvania Rules of Appellate Procedure and specifically Pa.R.A.P. 905 and 906, filings with this Court are made in the appropriate office of the Clerk of Court of Common Pleas as follows:

- If appeal is being taken from a matter which is pending in the Civil Division, including General Docket ("GD") or Arbitration ("AR"), documents are filed with the Prothonotary;
- If appeal is being taken from a matter which is pending in the Family Division, documents are filed with the Prothonotary; and
- If appeal is being taken from a matter which is pending in the Orphan's Court Division, documents are filed with the Register of Wills.

**(a) Filing and Request for Transcript, Certification and Waiver Form.**

(i) At the time of filing a Notice of Appeal in the Court of Common Pleas, and pursuant to Pa.R.A.P. 906, whether or not a transcript or waiver has already been filed, the appellant shall attach to all copies of the Notice of Appeal a copy of the completed and acknowledged Request for Transcript, Certification and Waiver, FORM 227.1A (see subsection (d)(i) below) (which is available at the office of the Manager of Court Reporters).

(ii) The Request for Transcript, Certification and Waiver must be completed by the party placing the order, signed by a Judge, if required by Pa.R.A.P. 1922(b), and delivered to the Manager of the Court Reporters to place an order for a transcript for any purpose.

(iii) FORM 227.1A also shall be prepared and filed to demonstrate waiver of a transcript or portion thereof in connection with an appeal.

(iv) The Manager of Court Reporters shall insert the date the Request form is received and shall acknowledge said receipt by signature.

(v) A copy of the form, as acknowledged by the Manager of Court Reporters, shall be satisfactory proof of a transcript order or waiver.

(vi) When a transcript is ordered, the Manager of Court Reporters shall obtain the signature of the court reporter and distribute copies of the Request form to the designated persons.

**(b) Notice of Proof of Filing or Delivery of the Transcript.**

(i) The Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) (see subsection (d)(ii) below) shall be filed with the Prothonotary, a copy faxed to the judge's chambers, and distributed to the designated persons by the Manager of the Court Reporters.

(ii) If a requisite transcript or portion thereof has already been filed with the Prothonotary, a photocopy of the Request for Transcript, Certification and Waiver (FORM 227.1A) and the Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) may be attached to the Notice of Appeal.

(c) Transcripts of testimony may not be photocopied.

(d) Forms

(i)

**FORM 227.1A Request for Transcript, Certification and Waiver**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

\_\_\_\_\_ Civil Division  
\_\_\_\_\_ Case No.: \_\_\_\_\_

**Request for Transcript, Certification and Waiver**

Plaintiff Nature of Proceeding: \_\_\_\_\_  
v. Date: \_\_\_\_\_  
\_\_\_\_\_ Court Reporter: \_\_\_\_\_  
\_\_\_\_\_ Judge: \_\_\_\_\_

*Order Waive*

_____	Complete Proceeding	___	___
_____ Defendant	Defendant	___	___
	Plaintiff's Case	___	___
	Defendant's Case	___	___
	Charge	___	___
Requested by: _____	Closing Argument	___	___
	Other	___	___

\_\_\_\_\_  
\_\_\_\_\_



Telephone: \_\_\_\_\_

Signature of Judge if  
less than entire  
transcript is ordered  
Pa.R.A.P. 1922(b)

Copies: Judge/Prothonotary/Manager of Court Reporters/  
Attorney/Other

DEPOSIT RECEIVED \_\_\_\_\_

CASH \_\_\_\_\_ CHECK # \_\_\_\_\_ AMOUNT \_\_\_\_\_

(ii)

**FORM 227.1B Notice of Proof of Filing or Delivery  
of the Transcript**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY  
COUNTY, PENNSYLVANIA

\_\_\_\_\_ Civil Division

\_\_\_\_\_ Case No.: \_\_\_\_\_

\_\_\_\_\_

**NOTICE OF PROOF OF FILING OR DELIVERY OF  
THE TRANSCRIPT**

Proceeding: \_\_\_\_\_ Complete Case \_\_\_\_\_

Plaintiff's Case \_\_\_\_\_

Date: \_\_\_\_\_ Defendant's Case \_\_\_\_\_

Charge \_\_\_\_\_

Judge: \_\_\_\_\_ Closing Argument \_\_\_\_\_

Other \_\_\_\_\_

I hereby certify that I have filed and/or delivered the  
above-described transcript with/to the following:

Date \_\_\_\_\_ Signature \_\_\_\_\_

Prothonotary \_\_\_\_\_

Attorney \_\_\_\_\_

Court Reporter

If no objections are made to the text of the transcript  
within five (5) days after such notice, the transcript will  
become part of the record.

Copies: Judge/Prothonotary/Manager of Court Re-  
porters/Attorney/Other

**Note:** See Local Rule 252 regarding video records.

**Local Rule 234.1 Subpoena.**

(1) The copy of any subpoena (the original of which  
issued from this Court) left with a witness who has been  
subpoenaed shall have endorsed on said copy the caption,  
the number and term of the case, and the name, office  
address and telephone number of the attorney causing  
the subpoena to be issued and served.

(2) The original subpoena shall be filed in the Protho-  
notary's office with return of service.

(3) Subpoenas requiring production of hospital records  
shall not be deemed to apply to x-rays or other data not  
strictly a part of a hospital record unless they are  
specifically requested in the subpoena.

**Local Rule 237.1 Entry of Default Judgment, Military Service.**

In all cases in which a party to an action has appeared  
but subsequently defaults, before any decree or judgment  
shall be entered, the opposing party shall file an affidavit  
stating that the defaulting party is not in the military

service of the United States, or if the information is not  
available, the affidavit shall state what efforts have been  
made to obtain the facts.

**Note:** This local rule is mandated by the  
"Servicemembers Civil Relief Act," Title 50 App. U.S.C.  
Section 501 *et seq.*

**Local Rule 239 Local Rules.**

**(1) Adoption of Local Rules.**

(a) In the absence of special circumstances, the Admin-  
istrative Judge of the Civil Division shall notify the  
Allegheny County Bar Association Court Rules Committee  
of any proposed local rule change, to solicit comments and  
input regarding the proposed local rule change.

(b) No local rule shall be adopted, amended or repealed  
except by a majority vote of the members of the Court  
present at a regular or special meeting of the Board of  
Judges. Action on proposed local rule changes may be  
taken by the Board of Judges only if the members of the  
Board of Judges have received at least seventy-two hours'  
notice of the proposed rule change.

(c) Every local rule shall be promulgated in accordance  
with these procedures.

**(2) Construction of Local Rules.**

All rules of construction adopted by the Supreme Court  
of Pennsylvania shall apply to local rules adopted by the  
Court of Common Pleas of Allegheny County, Pennsylva-  
nia. Without limiting the generality of the foregoing,  
definitions contained in Pa.R.C.P. 76 shall apply to all  
local rules heretofore and hereafter adopted which govern  
procedure in the Civil Division and in the Family Divi-  
sion.

**(3) Citation to Local Rules.**

These Rules may be known as the "Allegheny County  
Local Rules." Citations to these rules shall be: "Allegheny  
County Local Rule \_\_\_\_\_."

**Local Rule 240 In Forma Pauperis.**

(1) A party seeking in forma pauperis status shall  
apply to the Court for such status. The application shall  
include as an attachment the party's affidavit demon-  
strating inability to pay the costs of litigation.

**Note:** See affidavit form in Pa.R.C.P. 240. Application  
forms for pro se litigants are available in the office of the  
Prothonotary.

**Note:** For presentation to the Court, see Local Rule  
208.3(a)(4).

**Note:** For indigent divorce cases, see Local Rule  
1920.62.

(2) Counsel employed by or affiliated with Neighbor-  
hood Legal Services are authorized to file a praecipe for  
in forma pauperis status.

(3) The Prothonotary shall accept for filing by a party,  
a praecipe as provided by Pa.R.C.P. 240, or an application  
under this rule, without charge to the party.

**Local Rule 249 Special Assignments Among Judges.  
Complex Case Judge. Asbestos Judge. Class Ac-  
tion Judge. Elections Judge. Real Estate Tax  
Appeals Judge. Zoning.**

**(1) Complex Case Judge.**

(a) Applications for designation of cases as complex,  
other than class actions and asbestos cases, shall be  
presented to the Complex Case Judge.

(b) A case may be considered complex when the case cannot be tried within ten days, when there are complex questions of law and fact or when the orderly administration of justice requires that the case be assigned to a single judge.

(c) Asbestos cases shall always be assigned to the Asbestos Judge and may not be designated as complex. If a complex case is also a class action, in the absence of an order from the Administrative Judge to the contrary, it shall be assigned to the Class Action Judge.

**(2) Asbestos Judge.**

Actions for personal injury or property damage caused by asbestos, upon filing shall be assigned to the Asbestos Judge, prior to the case being assigned to a general trial list.

**(3) Class Action Judge.**

Class action cases, upon filing, shall be assigned to the Class Action Judge in accordance with Pa.R.C.P. 1701 *et seq.*

**(4) Elections Judge.**

Except with respect to matters of an emergency nature arising on an election day, actions relating to elections, upon filing, shall be assigned to the Elections Judge.

**Note:** See Local Rule 501 regarding Election Day Judges.

**(5) Real Estate Tax Appeals Judge.**

Real estate tax assessment appeals and real estate tax exemption appeals shall be assigned to the Real Estate Tax Appeals Judge.

**(6) Zoning.**

Zoning appeals shall be assigned to the Zoning Appeals Judge.

**(7) Assignment of Certain Actions Seeking Equitable Relief to Individual Judge.**

The placing of a case at issue involving only claims for equitable relief, Quiet Title, Quo Warranto and Mandamus results in assignment to an individual judge.

**(8) Discretionary Assignment of Cases to An Individual Judge.**

At the discretion of the Administrative Judge or the Calendar Control Judge, in the interests of efficiency and justice, the Court may assign cases to individual judges for any purpose, including pre-trial proceedings and trial.

**Local Rule 252 Rule Authorizing and Providing for the Use of Video Records.**

**(1) Use by Court.**

(a) **Authorization:** The Judges of the Court of Common Pleas shall be authorized to use a Video Recording System to provide for the preservation of the official proceedings.

(b) **Responsibilities:** Any Judge using a Video Recording System shall designate operational and functional responsibilities of the system to members of that Judge's staff. Policies and procedures for using the system shall be developed and adopted by the Court and shall provide for the integrity of the video record.

(c) **Parties:** Parties taking part in proceedings where a Video Recording System is being used shall adhere to the policies and procedures authorized in section (1)(b) of this local rule and adopted by the Court.

**(2) Video Records.**

(a) **Scope:** The provisions of this local rule shall apply to any proceedings presided over by a Court of Common Pleas Judge in which the official record is the video of the proceedings. The official video shall be produced, retained and distributed pursuant to the following sections:

(i) **Video Recordings:** Two video recordings shall be made of each Court proceedings unless otherwise directed by the Court. The records shall be made simultaneously, and the videos resulting from the records shall serve as the official record of the Court proceedings. These tapes shall be labeled and hereinafter referred to as the "A" and "B" recordings.

(ii) **Custody of Videos:** Both the "A" and "B" recordings shall be deemed the property of the Court and shall be retained in accordance with adopted storage guidelines. The "A" recording shall be filed with the Prothonotary of the Court of Common Pleas and maintained as the official record. The "B" recording shall be retained by Court staff designated with such responsibility and shall be used in the production of transcripts as set forth in "Transcription of the Video Record" section below.

(iii) **Identification:** For identification purposes, personnel assigned video responsibilities within the courtroom shall designate on each of the two video recordings the Judicial District, Judge's name, the case file number and caption, the date of the recording, a number that uniquely identifies the recording and either the letter "A" if the video is recorded from the first video recording deck or the letter "B" if recorded from the second video deck.

In the event several short matters related to different cases are recorded on one video, Court personnel may modify this requirement according to procedures developed in consultation with the Prothonotary. A label designed and printed by the Administrative Office of the Allegheny County Courts for use with videos shall be used for tape identification purposes.

The tape recorded in the "A" recording deck shall be the tape on file with the Prothonotary. The tape recorded in the "B" recording deck shall be maintained by the Court.

(iv) **Additional Original Recordings:** Two additional videos, designated "C" and "D," shall be made at the time the official recordings of all evidentiary proceedings are made, labeled as copies and certified by the operator to be true and complete copies of the official record. These tapes shall be available for purchase by parties to the case. Requesting parties shall be charged a fee to be established by Court policy for each tape purchased, except in cases where the requesting party has been declared indigent. All payments for certified copies of video records must be made prior to obtaining the videos.

If the "C" and "D" tapes have not been requested within thirty days of the recorded proceeding, the tapes shall be erased by the Court and subsequently used to make original "A" and "B" video records. In the event such occurs, parties may still obtain a reproduction of the original. Court personnel will reproduce the requested material using the "A" or "B" copies.

(v) **Official Log:** Court personnel assigned video responsibility in the courtroom shall keep a written trial log or assure the video system produces an automatic trial log for all proceedings where the video is the official record. A manual trial log form shall be developed and authorized by the Court. One copy of the log shall be retained by the Court and one copy shall accompany the

video filed with the Prothonotary. A copy of the trial log shall also be provided with each duplicated video made for requesting parties.

(vi) **Certification:** As soon as practicable after the close of each day's Court proceedings, the Court shall certify that each "A" and "B" recording is the official record of the Court proceedings. Original recordings labeled "C" and "D" shall also be certified as true copies of the original record, or portions thereof.

(b) **Transcription of the Video Record:** The following provisions govern the production and use of typewritten transcripts made from videos of Court proceedings:

(i) **Tape Reference:** All transcripts produced from a video shall include, at the top or bottom of each typewritten page, a tape reference which includes a tape identification number, date, and hour, minute and second corresponding to the beginning or end of each page. For example, TAPE NO. 001; 1/2/94; 10:15:45.

(ii) **Requests for Transcripts:** Parties requesting transcripts of proceedings where video recording is the official record shall complete a Transcript Request Form as developed and authorized by the Court and forward it to the Court's designee. Upon receipt of the transcript request, an estimated cost of transcription shall be determined and provided to the requesting party. All costs must be paid prior to the transcription of the record.

(iii) **Authorized Transcription Services:** The Court shall establish an authorized transcription agency to provide the official transcripts of video proceedings, and upon completion of same, shall certify the transcript as a true and correct copy of the video record. Agencies must have and maintain the necessary equipment consistent with the Court's video system to produce transcripts upon demand. Parties choosing to produce the transcript without using the Court's authorized agency will not have the transcript certified.

**Note:** Local Rule 252 is intended to prescribe the general practice for requesting and securing the transcripts from the Video Record. The designated transcription service must have and maintain the proper transcription equipment compatible with the Court's system to produce daily, expedited, ordinary and hourly copies upon demand.

### (3) **Post-Trial Relief. Transcript of Testimony.**

Parties filing Post-Trial Motions shall complete a Transcript Request Form setting forth the relevant portions of the record. If no portion is indicated, transcription of the record shall be deemed unnecessary to the disposition of the record.

### (4) **Transcription of the Record on Appeal.**

(a) **Record on Appeal:** Transcripts of proceedings in which the Video Recording System is used as the official record shall be filed and served in the same manner as other transcripts as required by the Pennsylvania Rules of Appellate Procedure relating to the provisions of the record.

(b) **Transcripts:** All transcripts required to be part of the record on appeal where a video recording is the official record shall be provided pursuant to Local Rule 252(2)(b).

### **Local Rule 253 Taxation of Costs.**

#### (1) **Costs After Judgment.**

Costs shall be taxed by the Prothonotary. Objections shall be presented to the Motions Judge or, if the case was tried, to the Trial Judge.

#### (2) **Costs After Settlement.**

In Civil Division cases, absent an agreement to the contrary at the time of a settlement requiring the payment of monetary damages, the paying party or parties shall reimburse the recipient the record costs incurred by that party. Where there are multiple payors, the reimbursement of record costs shall be prorated.

### **Local Rule 301 Formal Requirements.**

Any request for issuance of a writ of habeas corpus shall be in writing by petition and in accordance with the following:

(1) The caption shall contain the name of the Commonwealth at the relation of the petitioner in whose behalf the relief is requested, and name as respondent the person who exercises the alleged unlawful restraint, as well as the capacity in which such restraint is asserted, if any.

(2) The petition shall contain allegations of fact and shall be signed and verified by petitioner. If petitioner is unable to sign and verify the petition, the reason shall be set forth.

(3) When the person restrained is an incapacitated person or a minor, the petition shall be brought on behalf of the person restrained by that person's next friend, parent or guardian.

(4) Where the restraint arises out of arrest and incarceration, for any summary or criminal offense, a notice of presentation and a copy of the petition for habeas corpus shall be given forthwith to the District Attorney of Allegheny County.

(5) A proposed preliminary order shall be attached to the petition.

(6) Petitions alleging restraint by law enforcement authorities shall be filed in the Criminal Division; petitions alleging restraint pursuant to an order of Court shall be filed in the Division of Court which issued the order; other petitions shall be filed in the appropriate division of the court.

### **Local Rule 302 Contents of Petition.**

The petition for the issuance of the writ of habeas corpus shall contain allegations of fact as follows:

(1) The basis for the jurisdiction and venue of the Court shall be set forth, as well as the place of confinement or restraint. If the place of confinement or restraint is unknown, this shall be alleged.

(2) Facts must be alleged that show precisely the alleged illegal restraint and the identity of the person in whose custody the person is restrained.

(3) (a) Any prior or pending legal proceeding pertaining to the restraint shall be referred to specifically. Any basis or authority for the restraint shall be specifically set forth. If the basis or authority for the restraint is unknown, this shall be alleged.

(b) When the restraint is a result of a commitment by an issuing authority, a statement of the proceedings before the issuing authority shall be attached.

(4) The facts upon which the right to relief is based must be alleged and a succinct statement of the reasons why the restraint is unlawful shall be set forth without extended argument.

### **Local Rule 303 Procedure.**

The procedure for issuance of a writ of habeas corpus shall be as follows:

(1) The petition shall be presented with an appropriate order. The order signed at the time application for relief is made may deny the requested relief, set a hearing date, grant a rule or grant any other appropriate relief.

(2) When the Court directs the release of a relator upon any conditions of bail pending hearing on the petition, the order shall contain the amount and type of bail and the office in which bail shall be posted.

(3) Upon the direction of the Court that a writ be issued, the order shall be filed with the Prothonotary, and a proper writ of habeas corpus shall be procured from the Prothonotary and served on the respondent as the Court may direct.

**Note:** It is expected that where the petitioner proceeds upon petition and rule that the order of Court granting the rule shall also provide a direction of notice to the appropriate parties.

#### **Local Rule 440 Certificate of Service.**

(1) Copies of all legal papers other than original process that are required to be served on each party to the action pursuant to Pa.R.C.P. 440, shall include a Certificate of Service, which sets forth the date and manner of service.

(2) The Certificate of Service shall set forth the name of an attorney of record for each of the parties that is represented by counsel and the address at which service was made.

**Note:** The mere statement "Service upon all counsel of record" is not acceptable.

(3) If any parties are not represented by counsel, the Certificate of Service shall identify the party as being unrepresented by using a "pro se" designation and shall set forth the address at which service was made.

(4) The address listed in the Certificate of Service may be an e-mail address or telephone number used for a facsimile transmission where service was made in this fashion provided that such service is authorized under the Pennsylvania Rules of Civil Procedure.

#### **Local Rule 501 Election Day Overseers and Judges.**

(1) **Election Overseers.** Applications for the appointment of election overseers shall be presented to the Court at least three days before any primary or election, and reasonable notice shall be given of the proposed appointment to other political parties.

(2) **Judges on Election Days.** In advance of each election day, the President Judge shall enter an administrative order designating which judges of the Court shall be available in the Assignment Room throughout the day to handle matters of an emergency nature relating to the election.

**Note:** See Local Rule 249(4) regarding Elections Judge for non-emergency matters relating to elections.

#### **Local Rule 502 Appeals From Decisions of the Board of Property Assessment Appeals and Review.**

(1) Tax assessment appeals from decisions of the Board of Property Assessment Appeals and Review shall be governed by Local Rule 503.

(2) Tax exemption appeals from decisions of the Board of Property Assessment Appeals and Review shall be governed by Local Rule 504.

**Note:** Under the former Local Rule 502, there was some confusion regarding whether Local Rule 502 applied

both to tax assessment appeals and to tax exemption appeals from the Board of Property Assessment Appeals and Review. New Local Rules 503 and 504 have been adopted to address the different procedures that apply to tax assessment and tax exemption appeals. New Local Rule 502 incorporates Local Rules 503 and 504 and sets forth the procedures that apply when both a tax assessment appeal and a tax exemption appeal will be or have been filed with respect to the same subject property.

(3) When the Board of Property Assessment Appeals and Review has decided both the tax exempt status and the assessed value of the subject property, a party or parties may appeal both of these decisions to the Court of Common Pleas by filing two separate appeals. The tax assessment appeal shall refer to the separately filed tax exemption appeal and shall be governed by Local Rule 503. The tax exemption appeal shall refer to the separately filed tax assessment appeal and shall be governed by Local Rule 504. The tax assessment appeal shall be stayed until such time as the Court has entered a final order with respect to the tax exemption appeal.

#### **Local Rule 503 Appeals From Real Estate Tax Assessment.**

The following provisions shall govern all tax assessment appeals from decisions of the Board of Property Assessment Appeals and Review:

**Note:** Under the former Local Rule 502, there was some confusion regarding whether Local Rule 502 applied both to tax assessment appeals and to tax exemption appeals from the Board of Property Assessment Appeals and Review. New Local Rule 503 applies only to tax assessment appeals. For procedure governing tax exemption appeals, see Local Rule 504.

##### **(1) Parties.**

(a) The following parties must be listed in the caption of the appeal:

- (i) owner(s) of the real estate and/or taxable property;
  - (ii) the municipality in which the property is located;
  - (iii) the school district in which the property is located;
- and
- (iv) the County of Allegheny.

(b) Any entity other than those set forth in subsection (1)(a) of this local rule must file a Petition to Intervene with the Real Estate Tax Appeals Judge in accordance with the Pennsylvania Rules of Civil Procedure to become a party.

##### **(2) Caption.**

(a) The party filing the appeal shall be designated as the appellant. All other parties shall be designated as appellees or interested parties.

(b) The caption and cover sheet shall clearly state whether the appeal involves commercial or residential property.

##### **(3) Time For and Content of Appeals.**

(a) An appeal from the decision of the Board of Property Assessment Appeals and Review must be verified pursuant to Pa.R.C.P. 206.3 and filed with the Prothonotary within thirty days of the date of mailing of the notice by the Board.

(b) An appeal shall be in substantially similar form as set forth in Petition for Assessment Appeal (FORM 503(3)) (see subsection (19)(a) below) and shall contain the following:

- (i) names of the parties;
  - (ii) identification of the property by address, deed book volume and page, lot and block number and whether the property is residential or commercial;
  - (iii) a concise statement of the reasons for the appeal; and
  - (iv) a copy of the decision of the Board of Property Assessment Appeals and Review.
- (c) No Order of Court is required to file a timely appeal.

**(4) Notice.**

Appellant shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of Property Assessment Appeals and Review, within seven (7) days for the filing of the appeal and shall file proof of service thereof.

**(5) Filing of Appeals.**

The filing of an appeal by any party shall act as an appeal by all parties.

**(6) Withdrawal of Appeals.**

No appeal may be withdrawn without the consent of all other parties or leave of court. Any party who fails to appear at the conciliation without prior notice to the Board of Viewers shall be deemed to have consented to the withdrawal of the appeal.

**(7) Motions.**

All motions in real estate tax assessment appeals shall be presented to the Real Estate Tax Appeals Judge.

**(8) Board of Viewers.**

All tax assessment appeals from decisions of the Board of Property Assessment Appeals and Review shall be assigned to a Board of Viewers appointed by the Administrative Judge of the Civil Division pursuant to 72 P. S. § 5020-518.1.

**(9) Discovery.**

(a) In all cases involving non-residential property, the taxing bodies may serve a copy of Tax Assessment Appeal Discovery Requests, (FORM 503(9)) (see subsection (19)(b) below) hereto, on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests within forty-five (45) days after receipt thereof.

(b) No party may seek additional discovery through Interrogatories, Request for Production of Documents or otherwise until discovery has been sought through the Tax Assessment Appeal Discovery Requests. Parties seeking additional discovery or any discovery in cases involving residential property must petition the Real Estate Tax Appeal Judge for discovery, who may refer the petition to the Administrative Chair of the Board of Viewers for recommendation.

(c) Any discovery disputes, including without limitation any Motion(s) for Protective Order or Motion(s) to Compel, shall be presented upon proper notice to the Real Estate Tax Appeal Judge.

(d) Discovery shall conclude sixty-five (65) days prior to the date scheduled for conciliation.

**(10) Conciliation.**

(a) All appeals shall be conciliated before a hearing by a panel of the Board of Viewers assigned thereto.

(b) At the time of conciliation, all parties or their counsel shall be present with full authority to effectuate a settlement of the appeal.

**Note:** Parties and counsel are advised to pay particular attention to the notice of conciliation. In appropriate cases, the conciliation and hearing may be scheduled on the same day. In such instances, the parties must appear at the conciliation ready to move directly into a hearing if the conciliation does not result in settlement.

(c) If any party fails to comply with the provisions of this local rule, the Board of Viewers may include in their report a recommendation for the imposition of appropriate sanctions, including but not limited to, attorneys' fees and costs against the party or parties failing to comply.

**(11) Pre-Trial Statement in Non-Residential Tax Assessment Appeal.**

(a) Sixty (60) days prior to the date scheduled for conciliation of a non-residential tax assessment appeal, the appellant shall distribute to all counsel of record, or if counsel have not entered an appearance on the party(ies), and to the panel of the Board of Viewers assigned to the case a pre-trial statement. The pre-trial statement shall incorporate the following information or documents:

(i) a description of the user of the real estate and the nature of the real estate;

(ii) a list of all persons who will give testimony in the trial of this appeal;

(iii) a list of all exhibits which the party intends to use at trial;

(iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

**Note:** Former Local Rule 502 required only the owner of non-residential property to file a conciliation statement. Local Rule 503 has been redrafted to require, in an appeal of non-residential property, both the taxpayer and the taxing bodies to file pre-trial statements. In conjunction with the change from a "conciliation" statement to a "pre-trial" statement, new Local Rule 503 shifts the focus of the parties' anticipated evidence at trial and eliminates the need to list information that will not be part of the party's case at trial. Local Rule 503 also requires parties to include in the pre-trial statement any expert reports and/or appraisals. By its terms, section (11) does not apply to residential tax assessment appeals.

(b) Twenty (20) days prior to the date scheduled for conciliation of a non-residential tax assessment appeal, the appellee(s) shall distribute to all counsel of record, or if counsel have not entered an appearance on the party(ies), and to the panel of the Board of Viewers assigned to the case a pre-trial statement. The pre-trial statement shall incorporate the following information or documents:

(i) a description of the use of the real estate and the nature of the real estate;

(ii) a list of all persons who will give testimony in the trial of this appeal;

(iii) a list of all exhibits which the party intends to use at trial;

(iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

(c) All interested parties whose interests are aligned with the appellant shall distribute their Pre-Trial Statement in accordance with subsection (11)(a) of this local rule. All interested parties whose interests are aligned with the appellee(s) shall distribute their Pre-Trial Statement in accordance with subsection (11)(b) of this local rule.

(d) The failure to comply with subsections (11)(a), (11)(b) and (11)(c) of this local rule shall result in appropriate relief, which may include the exclusion or limitation at trial of testimony or evidence which was not provided in the pre-trial statement or a recommendation for the imposition of attorneys' fees and costs against the party or parties failing to comply.

#### (12) Hearing.

(a) The Board of Viewers shall schedule a hearing and shall provide notice of the hearing to all parties and/or counsel of record.

**Note:** Parties and counsel are advised to pay particular attention to the notice of hearing. In appropriate cases, the conciliation and hearing may be scheduled on the same day. In such instances, the parties must appear at the conciliation ready to move directly into a hearing if the conciliation does not result in settlement.

(b) The hearing shall be recorded by a court reporter.

(c) The Board of Viewers, at its discretion, may continue the hearing.

#### (13) Report.

Following the hearing, the Board of Viewers shall file its written Report and Recommendation with the Court. The Court, after review, may accept the Report by filing an Interim Order, or reject the Report and remand for further proceedings.

#### (14) Objections.

If the Court accepts the Board of Viewers' Report and Recommendation, the parties may file objections to the Report and Recommendation within ten (10) days of receipt of the Court's Interim Order. Objections must be accompanied by a certification of counsel that the trial transcript, or necessary portions thereof, have been ordered from the court reporter. Copies of the objections and certification shall be served on all counsel of record or if counsel have not entered their appearance on the party(ies), the Board of Viewers and the Court.

#### (15) Briefs on Objections.

Within twenty (20) days of the date on which the transcript is filed of record, the moving party shall file a Brief in Support of Objections and shall serve a copy on all counsel of record or if counsel have not entered their appearance on the party(ies) and the court. The Brief in Support of Objections shall refer to transcript page numbers where possible. The moving party's failure to file a Brief in Support of Objections shall constitute a waiver of all issues which could have been raised therein.

#### (16) Opposing Briefs.

Within twenty (20) days after the moving party has filed its Brief in Support of Objections, responding parties shall file their Briefs in Opposition to Objections and serve a copy on all counsel of record or if counsel have not entered their appearance on the party(ies), and the Court.

#### (17) Oral Argument.

After the date set for Briefs in Opposition to Objections has passed, the moving party shall notify the Court that

the matter is ripe for argument by filing a Notice That Matter is Ripe for Oral Argument (FORM 503(17)) (see subsection (19)(c) (below)). The moving party shall serve a copy of this Notice on all counsel of record or if counsel have not entered their appearance on the party(ies). Upon the filing of this Notice, the Court shall schedule oral argument.

#### (18) Final Order.

In the event that none of the parties file Objections as described above, the Report and Recommendation shall become the final Order of Court.

#### (19) Forms

(a)

#### FORM 503(3) Petition for Assessment Appeal

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

(Name), CIVIL DIVISION

Appellant, No. BV \_\_\_\_\_

v.

(Name or Names), COMMERCIAL/  
RESIDENTIAL (choose  
one)

Appellees. REAL ESTATE INVOLVED

INTERESTED PARTIES (if applicable):

(Names)

#### PETITION FOR ASSESSMENT APPEAL FROM ADJUDICATION OF THE BOARD OF PROPERTY ASSESSMENT APPEALS AND REVIEW

AND NOW, comes (name) and files the within Petition for Assessment Appeal from Adjudication of the Board of Property Assessment Appeals and Review, and in support thereof states as follows:

1. Appellant is the owner of commercial/residential real estate and/or taxable property known as (name of business and address) (the "Property"). The Property is recorded at (deed book volume and page) and has been assigned lot and block number (fill in).

2. The County of Allegheny, the (town) and the (school district) are the taxing bodies interested in the taxable status of the Property.

3.—6. (see below)

or

1. Appellant is a political subdivision of the Commonwealth of Pennsylvania and is a taxing body having a cognizable interest in the taxable status of the property which is the subject of this appeal. (Other taxing bodies) also have a cognizable interest in the taxable status of the property which is the subject of this appeal.

2. (Name) is the owner of the commercial/residential real estate and/or taxable property which is the subject of this appeal (the "Property"). The Property is located at (address). The Property is recorded at (deed book volume and page) and has been assigned lot and block number (fill in).

3. The Board of Property Assessment Appeals and Review of Allegheny County (the "Board") is authorized to assess and value real property for the purpose of taxation and to hear appeals from these assessments by aggrieved parties.

4. The Board made an assessment of the Property. (Name) appealed from this assessment to the Board asking that the assessment be reduced/raised.

5. Following a hearing, the Board disposed of the appeal by not changing/reducing/raising the assessment. A copy of the Board's adjudication notice is attached hereto and incorporated herein as Exhibit A.

6. Appellant is aggrieved by the Board's adjudication. Specially, Appellant avers, on information and belief, that the assessment is unfair, unreasonable and excessive/too low. Appellant further avers as follows (list all that apply):

a. The assessment is not equal or uniform with other properties similarly located in the County of Allegheny.

b. The ratio between the market value and the assessment value of the Property is substantially higher than numerous other similar properties located in the County of Allegheny.

c. There is a complete lack of uniformity in the assessment of real estate within the County of Allegheny which makes the Property assessment unjust, unreasonable and discriminatory.

d. (Any other now known reason.)

e. Other such reasons as will be developed at the time of hearing.

WHEREFORE, Appellant requests this Honorable Court to increase/decrease the assessment to such amount as may be right and proper.

Date: \_\_\_\_\_ (Signature)

(b)

**FORM 503(9) Tax Assessment Appeal Discovery Requests**

**[ CASE CAPTION, INCLUDING DOCKET NUMBER ]**

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 503(9), all applicable responses to these Requests must be furnished within forty-five days after the receipt of these Requests.

**REQUESTS FOR DOCUMENTS**

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.

2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.

3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.

4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.

5. Any and all leases, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.

6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.

7. Any and all soil tests or mineral evaluations, permit requests, permits, requests relative to zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.

8. Any and all federal and state Income Tax Returns and audited financial statements with respect to the subject property within the last three years.

9. Any and all corporate or partnership prospectus or private placement memorandum that contain any reference to the value of the subject property within the last three years.

10. Any and all insurance policies and/or binders covering the subject property, its building contents, buildings or any business located thereon from the last three years.

11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.

12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvements and the completion date(s).

13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

**INTERROGATORIES**

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date: \_\_\_\_\_ (Signature)

(c)

**FORM 503(17) Notice That Matter Is Ripe for Oral Argument**

**[ CASE CAPTION, INCLUDING DOCKET NUMBER ]**

**NOTICE THAT MATTER IS RIPE FOR ORAL ARGUMENT**

AND NOW, comes (name) and notifies this Honorable Court pursuant to Local Rule 503(17) that this matter is ripe for oral argument and requests that this Honorable Court schedule oral argument at its convenience.

Date: \_\_\_\_\_ (Signature)

**Local Rule 504 Appeals From Real Estate Tax Exemption.**

The following provisions shall govern tax exemption appeals from decisions of the Board of Property Assessment Appeals and Review:

**Note:** Under the former Local Rule 502, there was some confusion regarding whether Local Rule 502 applied both to tax assessment appeals and to tax exemption appeals from the Board of Property Assessment Appeals and Review. Local Rule 504 has been added to specifically address procedures governing tax exemption appeals. For procedure governing tax assessment appeals, see Local Rule 503.

**(1) Parties.**

(a) The following parties must be listed in the caption of the appeal:

- (i) owner(s) of the real estate and/or taxable property;
- (ii) the municipality in which the property is located;
- (iii) the school district in which the property is located; and
- (iv) the County of Allegheny.

(b) Any entity other than those set forth in subsection (1)(a) of this local rule must file a Petition to Intervene with the Real Estate Tax Appeal Judge in accordance with the Pennsylvania Rules of Civil Procedure to become a party.

**(2) Caption.**

(a) The party filing the appeal shall be designated as the appellant. All other parties shall be designated as appellees or interested parties.

(b) The caption and cover sheet shall clearly state that it is a tax exemption appeal.

**(3) Time For and Content of Appeals.**

(a) An appeal from the decision of the Board of Property Assessment Appeals and Review must be verified pursuant to Pa.R.C.P. 206.3 and filed as a General Docket case with the Prothonotary within thirty (30) days of the date of mailing of the notice by the Board.

(b) An appeal shall contain the following:

- (i) names of the parties;
- (ii) identification of the property by address, deed book volume and page, and lot and block numbers;
- (iii) a concise statement of the reasons for the appeal; and
- (iv) a copy of the decision of the Board of Property Assessment Appeals and Review.

(c) No Order of Court is required to file a timely appeal.

**(4) Notice.**

Appellant shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of Property Assessment Appeals and Review, within seven days of the filing of the appeal and shall file proof of service thereof.

**(5) Filing of Appeals.**

The filing of an appeal by any party shall act as an appeal by all parties.

**(6) Withdrawal of Appeals.**

No appeal may be withdrawn without the consent of all other parties or leave of court.

(7) In all other respects, tax exemption appeals from decisions of the Board of Property Assessment Appeals and Review shall be governed by the Pennsylvania Rules of Civil Procedure and the Allegheny County Local Rules governing civil actions assigned to an individual judge.

**Local Rule 505 Change of Name of a Natural Person.**

(1) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701—705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of

name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

**Note:** See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

(3) Requirements for Filing a Petition.

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing on Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the Prothonotary:

(i) Petition and one (1) extra copy. If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may describe why under paragraph 6, reason for name change.

(ii) A completed fingerprint card (if applicable—children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" x 11" envelope addressed to:

PA State Police  
Central Repository  
1800 Elmerton Avenue  
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

Prothonotary of Allegheny County  
First Floor City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

**Note:** A current listing of the fees charged by the Prothonotary can be found on the Prothonotary's web site: [prothonotary.county.allegheny.pa.us](http://prothonotary.county.allegheny.pa.us) (no www and no com).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take the Petition in the Prothonotary's file to the Chief Motions Clerk.

**Note:** The Chief Motions Clerk will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County ([www.alleghenycourts.us](http://www.alleghenycourts.us)) for the name and Courtroom of the judge who is sitting as the Motions Judge.



(d) The Motions Judge shall schedule the time and date for a hearing.

(e) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelopes affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

(ii) to any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General  
Commonwealth of Pennsylvania  
1600 Strawberry Square  
Harrisburg, PA 17120

(f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(3) FORMS:

(a)

**FORM 505A Petition for a Name Change**

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

In Re the Petition of: DOCKET No. GD \_\_\_\_\_

\_\_\_\_\_ (Print Your Current Name)

For a Name Change to: \_\_\_\_\_  
\_\_\_\_\_ (Print Your New Name)

**VERIFIED PETITION FOR A NAME CHANGE**

And now comes Petitioner(s), \_\_\_\_\_

by \_\_\_\_\_

this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is \_\_\_\_\_

Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for \_\_\_\_\_ year(s) immediately prior to filing this Petition. Petitioner(s)

was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_, and Country of \_\_\_\_\_.

2. Petitioner's(s') present name is \_\_\_\_\_.

3. Petitioner(s)  is not married or  is married to \_\_\_\_\_.

4. Petitioner(s) is the  Father and/or  Mother of the following minor children:  None

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
(Sign Your Current Name)

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

City, State, Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

**[ New Page ] VERIFICATION**

I, ( \_\_\_\_\_ ), verify that the statements made (Print Your Current Name) in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: \_\_\_\_\_  
(Sign Your Current Name)

(b) (i)

**FORM 505B(i) Order Scheduling Hearing on Name Change**

(used if Petition is brought by a person(s) of full legal age)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of \_\_\_\_\_ CIVIL DIVISION  
GD No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner(s).

**ORDER SCHEDULING HEARING ON NAME CHANGE**

AND NOW, this \_\_\_\_ day of \_\_\_\_, 20 \_\_, upon hearing of the within motion of \_\_\_\_\_ Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the \_\_\_\_ day of \_\_\_\_, 20 \_\_ at \_\_\_\_ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years. It is further Ordered, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,  
\_\_\_\_\_, J.

(b) (ii)

**FORM 505B(ii) Order Scheduling Hearing on Name Change**

(used if Petition is brought on behalf of a Minor(s))

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of \_\_\_\_\_ CIVIL DIVISION  
GD No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner(s).

**ORDER SCHEDULING HEARING ON NAME CHANGE**

AND NOW, this \_\_\_\_ day of \_\_\_\_, 20 \_\_, upon hearing of the within motion of \_\_\_\_\_, Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the \_\_\_\_ day of \_\_\_\_, 20 \_\_ at \_\_\_\_ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,  
\_\_\_\_\_, J.

(c)

**FORM 505C Decree for Change of Name**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of \_\_\_\_\_ CIVIL DIVISION  
GD No. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Petitioner(s).

**DECREE FOR CHANGE OF NAME**

AND NOW, this \_\_\_\_ day of \_\_\_\_, 20 \_\_, upon hearing on the within Petition and upon motion of \_\_\_\_\_, Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

BY THE COURT,  
\_\_\_\_\_, J.

(d)

**FORM 505D Case Transfer Order**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition for Change of Name  
GD No. \_\_\_\_\_

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

(a) minor(s)  
Petitioner(s): \_\_\_\_\_

**CASE TRANSFER ORDER**

AND NOW, the \_\_\_\_ day of \_\_\_\_, 20 \_\_, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is

\_\_\_\_\_  
\_\_\_\_\_ who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The Prothonotary shall conduct a search of its records to determine if the family involved in this con-

tested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file and transferred to the Family Division. If there is no existing Family Division docket number, the Prothonotary shall assign a Family Division docket number and open a case file. In either event, the above-referenced General Division docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Name	Address	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Name of the father of the minor child(ren) \_\_\_\_\_

Address and telephone number of the father \_\_\_\_\_

Date of Birth of the father \_\_\_\_\_

C. Name of the mother of the minor child(ren) \_\_\_\_\_

Address and telephone number of the mother \_\_\_\_\_

Date of Birth of the mother \_\_\_\_\_

D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce.) \_\_\_\_\_

BY THE COURT,  
\_\_\_\_\_, J.

**Local Rule 600 Eminent Domain. Scope.**

The rules of this chapter shall be construed consistent with the provisions of the Eminent Domain Code, 26 P. S. § 1-101 *et seq.*, and shall apply to all eminent domain and assessment of benefits proceedings, including but not limited to:

- (1) All preliminary objections to a declaration of taking, including the objection that there was an earlier de facto taking;
- (2) Petitions for the appointment of viewers on claims for compensation where no declaration of taking property has been filed;
- (3) Preliminary objections to a petition for the appointment of viewers;

(4) Petitions for the appointment of viewers to ascertain just compensation, including special damages;

(5) Petitions for the appointment of viewers to assess benefits or to assess benefits and ascertain just compensation where statutes permit municipalities to assess the properties benefited for the costs, damages and expenses of public improvements; and

(6) Appeals from Board of Viewers' awards of damages or assessments of benefits whether or not objections other than or in addition to the amount of the award are raised by the appeal.

**Local Rule 601 Definitions.**

(1) Appeal—an action contesting the decision, report or recommendation of the Viewers, which is filed with the Prothonotary and a courtesy copy delivered to the Board of Viewers.

(2) Applicable trial term—the first term assigned by the Court of Common Pleas during which the trial is scheduled to be conducted.

(3) Board of Viewers—the administrative body designated by the Court of Common Pleas to hear eminent domain and assessment of benefits proceedings.

(4) Hearing—the mechanism by which the Viewers shall hear testimony and receive evidence.

(5) Hearing date—the first date scheduled by the Viewers for a hearing, without regard to any request for a continuance, unless otherwise ordered by the Viewers.

(6) Trial—the mechanism by which the Court of Common Pleas shall hear testimony and receive evidence in an appeal.

(7) View—the date and time scheduled for the parties and the Viewers to inspect the subject property.

(8) Viewers—the panel of the Board of Viewers which shall preside at the View and Hearing and shall issue the decision, report or recommendation of the Board of Viewers.

(9) Viewers' Plans—the plan or any supplemental plan required under Section 1-509 of the Eminent Domain Code.

**Local Rule 602 Administrator.**

(1) The Administrative Judge shall appoint one (1) of the members of the Board of Viewers to serve as Administrator for a term of two (2) years. The Administrator may be reappointed.

(2) The Administrator shall be primarily responsible to the Court for the efficient and prompt administration and disposition of the matters before the Board of Viewers. The Administrator shall keep records and submit such data to the Court as may be required.

**Local Rule 603 Preliminary Objections.**

Preliminary objections to a declaration of taking or to a petition for the appointment of viewers shall not be subject to any other local rules and shall be governed by the following procedures:

- (1) No brief shall be required upon the filing of the preliminary objections.
- (2) The filing of preliminary objections shall stay all other proceedings as to only the parcel or parcels that are the subject of the preliminary objections.
- (3) Preliminary objections shall be filed with the Prothonotary upon which the Prothonotary shall stamp the date and time on which the preliminary objections were

filed. The party filing the preliminary objections immediately shall take the stamped preliminary objections and the Prothonotary's file to the Administrative Judge.

(4) Upon receiving the stamped preliminary objections and the Prothonotary's file for the captioned matter, the Administrative Judge shall either hear the preliminary objections or designate another judge to hear the preliminary objections.

(5) The judge assigned to hear the preliminary objections shall schedule a status conference, which shall take place as soon as practicable after the date stamped on the preliminary objections. At the status conference, the judge shall determine whether the parties shall submit evidence in support of or in opposition to the preliminary objections by deposition, by hearing, or by a combination thereof, and shall schedule a date and time for the submission of all evidence and for the submission of briefs. The judge may consider such other issues as are raised by the parties.

(6) Unless mutually extended by the parties or otherwise ordered by the presiding judge for good cause shown, all discovery relating to the preliminary objections, including all depositions, must be completed no later than sixty (60) days after the date stamped on the preliminary objections.

(7) Pursuant to Section 1-406 of the Eminent Domain Code, the parties must present in one pleading, and the Court shall consider, all preliminary objections at one time.

(8) A party, either by filed consent of all parties or by leave of court for good cause shown, may amend that party's preliminary objections.

(9) After the submission of evidence, the presiding judge shall promptly decide all preliminary objections.

(10) The parties shall not file post-trial motions. The order of court ruling upon the preliminary objections is the final order from which an appeal may be taken.

**Note:** This rule recognizes Pa.R.A.P. 311(e), which provides for an appeal as of right following a court order ruling upon preliminary objections in eminent domain cases.

**Local Rule 604 Petitions for the Appointment of Viewers. Notices of Special Damages. Claims Before Board of Viewers.**

(1) Each petition for the appointment of viewers, whether filed by a condemnee or by the condemnor and whether including one or more than one property, shall be assigned a new docket number.

(2) Where a declaration of taking has been filed, a petition for the appointment of viewers shall include in the caption as a "Sur No." a reference to the docket number at which the declaration of taking was filed, as follows:

No. \_\_\_\_\_ 20 \_\_\_\_  
 Sur No. \_\_\_\_\_ 20 \_\_\_\_

(3) A petition for the appointment of viewers shall include all information required to be set forth by Section 1-502 of the Eminent Domain Code.

(4) A condemnee who desires to claim special damages shall set forth the type of special damages sought either in the petition for appointment of viewers or in a written notice to be served upon all other parties and the Board of Viewers at least forty days before the hearing date.

(a) If any petitioner is seeking the determination of any damages or benefits payable under Article VIA of the Eminent Code, the petition for appointment of viewers must clearly set forth which of those damages or benefits are to be litigated before the Viewers. If the petitioner fails to comply with the terms of this paragraph, any damages or benefits payable under Article VIA of the Eminent Domain Code shall not be litigated before the Viewers.

(b) Documents in support of or in opposition to damages or benefits payable under Article VIA of the Eminent Domain Code which properly have been designated under subsection (1) of this local rule as issues to be litigated before the Viewers shall be admitted into evidence at the Viewers' Hearing without the necessity of calling a witness to authenticate the document or to testify about the document's contents, provided that at least twenty (20) days' notice of the intention to offer such documents was given to every other party accompanied by a copy of each document to be offered.

(5) Before presentation of a petition for the appointment of viewers to the Administrative Judge, or such other Judge as the Administrative Judge may designate, the petitioner shall file a copy of the petition with the Chief Clerk of the Board of Viewers. The Chief Clerk shall thereupon designate the particular members of the Board of Viewers to serve in the case by completing Appointment of Viewers (FORM 604) (see subsection (8) below).

(6) A copy of any petition filed by a condemnee shall be sent promptly by registered or certified mail, return receipt requested, postage prepaid to the adverse party or parties as required by Section 1-502(f) of the Eminent Domain Code and to all other condemnees known to the condemnee filing the petition to have an interest in the property.

(7) A copy of any petition filed by a condemnor shall be sent promptly by registered or certified mail, return receipt requested, postage prepaid to all condemnees known to the condemnor to have an interest in the property.

(8)

**FORM 604 Appointment of Views**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN THE MATTER OF: CIVIL DIVISION  
 CONDEMNATION OF No. GD \_\_\_\_\_

\_\_\_\_\_  
 Plaintiff,  
 vs.

\_\_\_\_\_  
 Defendant.

**ORDER OF COURT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, the within Petition having been presented in open court in consideration thereof, it is ORDERED THAT

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

are appointed as Viewers as provided by law to view the property and to ascertain such damages as they may find

to have been caused to Plaintiff's property by reason of the condemnation and taking by Defendant as set forth in the within Petition.

\_\_\_\_\_, J.

BOARD OF VIEWERS

\_\_\_\_\_  
Administrative Chair

Date of View \_\_\_\_\_

Date and Time of Exceptions Hearing \_\_\_\_\_

**Local Rule 605 Viewers' Plans.**

(1) The condemnor, in cases where a declaration of taking has been filed, or the municipality (including a municipal authority), in cases of municipal improvement assessment proceedings, shall furnish Viewers' Plans to the Viewers and to the condemnees or to the abutting property owners within thirty (30) days after being served with the petition for the appointment of viewers or within thirty (30) days of filing the petition if the condemnor or municipality is the petitioner or within thirty (30) days following receipt of a written request from a condemnee or an abutting owner.

(2) If no declaration of taking has been filed, the condemnor shall furnish Viewers' Plans to the Viewers and to the condemnees within sixty (60) days of an adjudication that there has been a taking or that the condemnor is liable for consequential damages in cases where the condemnor contests its liability or within sixty (60) days of service upon it of a petition for the appointment of viewers where it does not file preliminary objections to the petition.

(3) If the condemnor or the municipality fails to furnish Viewers' Plans within the time specified, the Administrative Judge or such other Judge as the Administrative Judge may designate, upon petition of the condemnee or abutting owner, may permit the condemnee or abutting owner to have Viewers' Plans made and order that the cost thereof be charged to the condemnor or municipality. In such a case, the Viewers shall determine and award reasonable amounts for professional engineering services and related costs.

(4) Viewers' Plans shall indicate the entire property involved, the improvements thereon, the extent and nature of the condemnation and such other physical data, including grades, as any may be necessary for the proper determination of just compensation.

(5) Plans of municipal improvements shall indicate the location and names of owners of affected properties. Each property shall be identified by a Viewers' number beginning with "V-1" and running consecutively. Street improvement plans shall also show the cuts and fills resulting from change of grade in the center line as well as at the property lines on each side of stations fifty feet apart. Sewer improvement plans shall show frontal and depth dimensions of affected property, and where the whole of any property cannot be served by the sewer, the drainage line shall be shown on the plan.

(6) If, in the opinion of the Viewers, the plans are insufficient, the Viewers may require revisions or the submission of supplemental plans. If the condemnor or the municipality fails to furnish adequate Viewers' Plans within the time specified by the Viewers, the provisions of subdivision (3) of this Rule may be invoked.

**Local Rule 606 Notices of View. Directions to Viewers and Access to Property.**

(1) The Viewers shall schedule a view and shall give notice of the view as required by Section 1-504, 1-505 and 1-506 of the Eminent Domain Code.

(2) At least three (3) days before the scheduled View of the property involved, the petitioner shall provide the Viewers and all parties with written directions to the property.

(3) At the time of the View, the persons in possession of the property shall provide access to the interior of all buildings on the property.

**Local Rule 607 Notices of Additional Condemnees and Mortgagees.**

Within twenty (20) days after service of a petition for the appointment of viewers, each condemnee shall furnish to the Viewers and to the condemnor a notice containing the information required by Sections 1-502(a)(4) and 1-506(a) of the Eminent Domain Code regarding the names, addresses and type of interest of all mortgagees and all other known condemnees who have an interest in the property and have not been identified in the petition.

**Note:** "All other known condemnees" may include, but is not limited to, tenants or other occupants of the property as of the date of condemnation. Family members of the owner generally need not be listed. "Type of interest" may include, but is not limited to, such things as whether an occupancy was under an oral or written lease, whether the lease contains clause(s) intended to terminate the leasehold in the event of condemnation, and whether there is an easement or right of way.

**Local Rule 608 Discovery Prior to Hearing Before Board of Viewers.**

(1) All discovery disputes shall be presented upon proper notice to the Administrative Judge, or to such other Judge as the Administrative Judge may designate to preside over the case.

(2) Discovery shall close ten (10) days prior to the Hearing unless otherwise mutually agreed by the parties or ordered by the Court.

**Local Rule 609 Hearings and Continuances. Notice.**

(1) The Viewers shall schedule a Hearing and shall give notice of the Hearing date as required by Sections 1-504, 1-505 and 1-506 of the Eminent Domain Code.

(2) If a party who has been given reasonable notice of a scheduled hearing does not appear at the hearing, the Viewers may proceed to hear the case ex parte.

(3) Scheduled hearings shall not be continued except by order of the Viewers.

**Local Rule 610 Findings of Fact and Conclusions of Law.**

(1) A party may request the Viewers to specifically include in their report specific findings of fact. A party must orally make this request known to the Viewers and to opposing parties no later than the conclusion of the Hearing and shall file and serve written proposed findings of fact within ten days of the conclusion of the Hearing.

(2) The Viewers shall include in their report a written adoption or rejection of any requests for specific findings of fact made in accordance with subsection (1) of this Rule.

**Local Rule 611 Settlements.**

If a case is settled by the parties, notice of the settlement shall be given to the Viewers.

**Local Rule 612 Exceptions Before Viewers in Municipal Improvement Assessment Proceedings.**

In municipal improvement assessment proceedings, exceptions to the schedule of proposed awards and assessments shall be filed in writing with the Chief Clerk of the Board of Viewers within ten (10) days following the exhibition of the schedule. Exceptions shall be heard on the date set forth in the schedule and shall be decided by the Viewers.

**Local Rule 613 Appeals to Court of Common Pleas.**

(1) A party may appeal the Viewers' report to the Court of Common Pleas.

(2) An appeal shall set forth the information required by Section 1-516 of the Eminent Domain Code.

(3) No answer need be filed to an appeal.

(4) Appeals shall automatically be placed at issue upon filing.

(5) Appeals, except in municipal improvement assessment proceedings, shall be filed at the same docket number as the hearing before the Viewers and shall include in the caption as a "Sur No." a reference to the docket number at which the declaration of taking, if any, was filed in the manner set forth in Local Rule 604(2).

(6) Appeals in municipal improvement assessment proceedings shall be assigned new docket numbers. Reference to the docket number of the Viewers' Hearing shall be set forth in a separately numbered paragraph of such appeals.

(7) The caption of an appeal shall identify the condemnee or the property owner as plaintiff and the condemnor or municipality as defendant.

(8) The appealing party shall serve a copy of the appeal on all other parties and upon the Board of Viewers within five (5) days after filing. The appellant shall file proof of service of a copy of the appeal upon all parties.

(9) An appeal raising objections other than or in addition to the amount of damages shall state in the caption under the designation of the docket number the following phrase in capital letters: INVOLVES OBJECTIONS OTHER THAN OR IN ADDITION TO AMOUNT OF AWARD.

(10) A party filing an appeal raising an objection other than or in addition to the amount of damages, shall obtain at the time of filing from the Administrative Judge's Clerk, or the Clerk of any such Judge as the Administrative Judge may designate a date for argument of the legal questions raised by the appeal. The legal argument shall be heard by the Administrative Judge or such other Judge as the Administrative Judge may designate. The appealing party shall promptly serve notice of the date obtained upon all other parties.

**Local Rule 614 Discovery On Appeal to Court of Common Pleas.**

(1) Discovery after an appeal is taken to the Court of Common Pleas shall be governed by the Pa.R.C.P. 4001 et seq. relating to discovery.

(2) Discovery shall close twenty (20) days prior to the first day of the applicable trial term unless otherwise mutually agreed by the parties or ordered by the Court.

**Local Rule 615 Pre-Trial Statements On Appeal Before Court of Common Pleas.**

(1) Thirty (30) days prior to first day of the applicable trial term, the condemnor(s) and condemnee(s) shall serve the opposing party or parties with a pre-trial statement, which contains the following:

(a) A list of the names and addresses of all persons who may be called as witnesses, classifying them as liability or damage witnesses. Witnesses may be described by title or representative capacity.

(b) A list of all exhibits which the party intends to use at trial.

(c) The written report of any expert (on value or otherwise) who may be offered as a witness at trial.

**Note:** Expert reports may include, without limitation, appraisals, machinery, environmental and engineering reports.

(2) The exhibits listed pursuant to subsection (1) of this local rule, or copies thereof, shall be made available to the opposing party or parties.

(3) In the event of non-compliance with subdivisions (1) or (2), the trial judge may, in his or her discretion, grant appropriate relief, which may include:

(a) the preclusion or limitation of the testimony of

(i) any witness whose identity is not disclosed in the Pre-Trial Statement, or

(ii) any expert witness whose opinion have not been set forth in the report submitted with the Pre-Trial Statement or otherwise summarized in the Pre-Trial Statement as provided by subsection (1)(c) of this local rule, and

(b) the preclusion of exhibits not listed in the Pre-Trial Statement and made available.

**Local Rule 616 Special Rules for Sewer Cases.**

In all cases involving the construction, installation or renovation of sewers, the following additional procedures shall be followed. These local rules shall be read in par materia with the Eminent Domain Code and the Second Class Counties Code. To the extent this local rule conflicts with any portion of Local Rules 600—615, this local rule shall govern; to the extent this local rule does not conflict with any portion of Local Rules 600—615, then they shall also apply.

**(1) Declaration of Taking.**

The condemnor shall file a declaration of taking, which lists the affected property(ies) by name and address of owner and by Lot and Block number.

**(2) Petition for Appointment of Viewers.**

After a declaration of taking has been filed, the condemnor or any condemnee may file a Petition for Appointment of Viewers (FORM 616) (see subsection (13) below). Attached to any Petition filed on behalf of the condemnor shall be:

(a) a copy of the Viewers' Plan on which each property shall be identified by a viewers' number beginning with "V-1," running consecutively and corresponding to the owners' name and Lot and Block number;

(b) street improvement plans, which shall show the cuts and fills resulting from any change of grade in the center line as well as the property lines on each side of stations fifty feet apart;

(c) sewer improvement plans, which shall show frontal and depth dimensions of affected property, and where the

whole of any property cannot be served by the sewer, the sewer improvement plan shall show the drainage line; and

(d) if benefits are to be determined, a certified copy of all hard and soft construction costs.

**(3) Presentation of Petition for Appointment of Viewers to Board of Viewers.**

Proposed Scheduling Order. Before presenting a Petition for Appointment of Viewers (FORM 616) (see subsection (13) below) to the Administrative Judge, or such other judge as the Administrative Judge may designate, the petitioner shall file a copy of the petition with the Chief Clerk of the Board of Viewers. At the time of filing, the Chief Clerk of the Board of Viewers shall complete a proposed scheduling order which the petitioner must present to the Administrative Judge, or such other judge as the Administrative Judge may designate along with the petition for appointment of viewers. The Petition and shall state:

(a) the names of the Viewers to be appointed;

(b) the date and time of the View;

(c) the date after which the Viewers' initial report should be available in the office of the clerk of the municipality in which the property or properties are located;

(d) the last date upon which the affected parties may file written exceptions to the Viewers' initial report; and

(e) the date and time of the Exceptions Hearing.

**Note:** The Proposed Scheduling Order Form will be available from the Chief Clerk of the Board of Viewers.

**(4) Presentation of Petition for Appointment of Viewers to Court.**

After obtaining the proposed scheduling order from the Chief Clerk of the Board of Viewers, the petitioner shall present the petition for appointment of viewers, along with the proposed scheduling order, to the Administrative Judge, or such other Judge as the Administrative Judge may designate. After the Administrative Judge or such other Judge as the Administrative Judge may designate has approved the appointment of Viewers and has entered the scheduling order, the petitioner must:

(a) If the petitioner is the condemnee, the petitioner must serve a copy of the petition for appointment of viewers and the scheduling order on the condemnor by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service.

(b) If the petitioner is the condemnor, the petitioner must serve a copy of the Petition for Appointment of Viewers and the scheduling order on all condemnees affected by the petition by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service. In addition, the condemnor shall advertise the scheduling order in a publication of general circulation, and shall file a copy of the scheduling order in the office of the clerk of the municipality where the property(ies) is located.

**(5) Condemnor's Obligations When Petition for Appointment of Viewers is Filed by Condemnee.**

Within ten (10) days after receiving a copy of the scheduling order entered after presentation of a Petition for Appointment of Viewers filed on behalf of a condemnee, the condemnor shall file with the Viewers a copy of those documents which Local Rule 616(b) requires the condemnor to attach to a Petition for Appointment of

Viewers filed on behalf of a condemnor and shall serve a copy on all affected parties or their counsel of record.

**(6) Certification of Notice—Petition for Appointment of Viewers and Scheduling Order.**

At least ten (10) days before the date of the View, the petitioner shall certify in writing to the Viewers that the petition and scheduling order have been served, advertised, and/or posted in accordance with subsection (4) of this Rule.

**(7) Viewers' Initial Report.**

Within twenty (20) days after the View, the Viewers shall deliberate and determine benefits and/or damages on each V-numbered parcel set forth in the petition for appointment of viewers and shall submit an initial report containing an itemized award of benefits and/or damages. Attached to the Viewers' initial report shall be a notice, which shall contain the following:

(a) a brief and concise statement listing the Lot and Block numbers affected and informing the parties that the Viewers have issued an initial report which contains an itemized award of benefits and/or damages;

(b) a statement informing the affected parties of their right to file exceptions to the initial report;

(c) a statement informing the affected parties that they will not be heard at the scheduled exceptions hearing unless they have timely filed written exceptions; and

(d) an announcement that the full text of the initial report shall be made available by the condemnor in the office of the clerk of the municipality where the property or properties are located.

**Note:** All parties will have received by way of the scheduling order notice of the latest date on which the Viewers' initial report will issued. See Local Rule 616(3) and (4). Accordingly, all parties are responsible for making sure that they obtain a copy of the Viewers' initial report prior to the date on which written objections to that report must be filed.

**(8) Service of Viewers' Initial Report.**

The Viewers shall mail a copy of their initial report (with the notice attached) to the condemnor or its counsel of record. The condemnor shall immediately post a copy of the initial report in the office of the clerk of the municipality where the property or properties are located. Within ten (10) days of the date of the Viewers' initial report, the condemnor shall serve all affected condemnees with a copy of the Viewers' initial report and the attached notice by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service.

**(9) Certification of Notice—Viewers' Initial Report.**

At least ten (10) days before the date of the exceptions hearing, the condemnor shall certify in writing to the Viewers that the initial report and attached notice have been served and posted in accordance with subsection (8) of this local rule.

**(10) Exceptions Hearing.**

An exceptions hearing shall be held on the date and time set forth in the scheduling order. Only those condemnees who have timely submitted their written objections to the Viewers' initial report shall be heard by the Viewers at the exceptions hearing. The Viewers shall consider the exceptions of the condemnees and make any adjustments the Viewers deem necessary to their initial award of damages and/or benefits.

**(11) Viewers' Final Report.**

Within twenty (20) days after the exceptions hearing, the Viewers shall serve a copy of their final report on all parties. Attached to the report shall be a notice advising the parties of their right to appeal the Viewers' decision to the Court of Common Pleas. Within five (5) days of the date of the Viewers' final report, the condemnor shall post the Viewers' final report with the notice attached in the office of the clerk of the municipality where the property or properties are located. Within five (5) days of the date of the Viewers' final report, the condemnor also shall make arrangements to advertise in the next available issue of a publication of general circulation a notice in the following form:

The Board of Viewers has issued its final report, which contains an itemized award of benefits and/or damages for the following Lot and Block numbers: [list]. The full text of the report may be obtained at the [municipality office and address]. Your rights as a property owner may be affected by this report.

**(12) Appeals to Court of Common Pleas.**

Appeals to the Court of Common Pleas shall be governed by the Eminent Domain Code, the Second Class Counties Code and Local Rules 613, 614, and 615.

**(13) FORM 616 Appointment of Viewers—Sewer Cases**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN THE MATTER OF: CIVIL DIVISION  
CONDEMNATION OF No. GD \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,  
vs.  
\_\_\_\_\_  
Defendant.

**ORDER OF COURT**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, the within Petition having been presented in open court in consideration thereof, it is ORDERED THAT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

are appointed as Viewers as provided by law to view the property and to ascertain such damages as they may find to have been caused to Plaintiff's property by reason of the condemnation and taking by Defendant as set forth in the within Petition.

\_\_\_\_\_, J.

**BOARD OF VIEWERS**

Administrative Chair

Date of View \_\_\_\_\_  
Date Initial Report Available \_\_\_\_\_  
Last Date for Filing Exceptions \_\_\_\_\_  
Date and Time of Exceptions Hearing \_\_\_\_\_

**Local Rule 1001 Civil Actions Raising Claims for Relief Heretofore Asserted in an Action in Equity.**

(1) A civil action that raises only claims for relief heretofore asserted in equity shall be assigned to an individual judge when the case has been placed at issue pursuant to Local Rule 214.

**Note:** A request for assignment to an individual judge may be made to Calendar Control using FORM 1001 (see subsection (3) below).

(2) A civil action that raises claims for relief heretofore asserted in an action in equity and claims for relief heretofore asserted in the action of assumpsit and/or the action in trespass will not be assigned to an individual judge prior to trial without a court order entered pursuant to a motion or by the court sua sponte.

**Note:** A motion for the assignment of a case to an individual judge shall be presented to the Special Motions Judge if the case is not on a published trial list and to the Calendar Control Judge if the case is on a published trial list.

(3)

**FORM 1001 Request for Assignment of Equity Claims to an Individual Judge**

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

(CAPTION) (CASE NUMBER)

TO: Calendar Control Clerk  
734 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

REQUEST FOR ASSIGNMENT OF EQUITY CLAIMS  
TO AN INDIVIDUAL JUDGE

This is a nonjury case that raises only claims for relief heretofore asserted in equity. A copy of this request has already been furnished to all other parties.

DATED: \_\_\_\_\_

**Local Rule 1007 Conformity to Civil Action at Law. Description of Real Estate.**

When an action is commenced by a praecipe for a writ of summons under Pa.R.C.P. 1007(l), the praecipe shall not constitute lis pendens as to any real estate not identified or described in the praecipe.

**Note:** In accordance with Local Rule 205.2(b)(2)(c)(vii), a description of the real estate involved must also be included on the cover sheet.

**Local Rule 1018.1 Notice to Defend Form.**

(1) The agency to be named in the notice to defend accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

(2) The agency to be named in the notices required by Pa.R.C.P. 237.1, 237.4, 237.5, 430, 1910.25, 1910.27, 1915.12, 1915.15, 1915.16, 1920.71, 1920.73, 3146 and 3252 shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555



**Local Rule 1038 Trial Without Jury.**

(1) One or more judges, as required, will be assigned to hear non-jury cases during the period scheduled for jury trials.

(2) Parties who elect to have their case tried without a jury after a demand for jury trial has been filed shall enter into and file the following written stipulation:

“The undersigned parties in the above captioned case at law hereby agree that it shall be tried by a Judge without a jury in accordance with Pa.R.C.P. 1038.”

**Local Rule 1042.26(b) Medical Professional Liability Actions. Expert Reports.**

In this jurisdiction, unless there is a case-specific Order to the contrary or a published trial list with contrary deadlines, the provisions of Pa.R.C.P. 1042.26 through 1042.38 apply to medical professional liability actions.

**Note:** If deadlines set forth in a published trial list appear to contradict deadlines otherwise calculated in these rules, the earlier deadline will prevail.

**Note:** See Local Rule 4003.5 as to expert reports in professional and product liability actions.

**Local Rule 1301 Scope.**

(1) The following civil actions shall first be submitted to and heard by a Board of Arbitrators:

(a) Civil actions, proceedings and appeals or issues therein where the demand is for \$25,000 or less (exclusive of interest and costs);

(b) Replevin without bond and replevin with bond once bond has been set by the Court;

(c) Appeals from final judgments of Magisterial District Judges; and

(d) Matters transferred to Compulsory Arbitration by the Court even though the original demand may have exceeded \$25,000.

(2) The following civil actions are not subject to Compulsory Arbitration as set forth, above:

(a) Actions seeking only an accounting;

**Note:** In an action seeking both money damages and an accounting, a Board of Arbitrators may award money damages but may not order an accounting.

(b) Actions seeking only equitable relief; and

**Note:** In an action seeking both money damages and equitable relief, a Board of Arbitrators may award money damages but may not order equitable relief.

(c) Actions in which the Commonwealth is a party defendant or an employee of the Commonwealth is a party defendant under the provisions of 42 Pa.C.S., Chapter 85B (relating to actions against Commonwealth parties).

(3) A Board of Arbitrators may not enter an award in favor of any party in excess of \$25,000 (exclusive of interest and costs).

**Note:** While a Board of Arbitrators may hear a lawsuit in which any party claims an amount in excess of \$25,000, the award of the Board of Arbitrators to any party may not exceed \$25,000 (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitrators may award up to the amount agreed upon in excess of \$25,000 if all parties also agree that the arbitration award is final and cannot be appealed to Court.

(4) If a party files a counterclaim or a cross-claim seeking an award in excess of \$25,000 (exclusive of interest and costs), any party may file a petition to transfer the entire case to the General Docket. At the discretion of a judge, such a counterclaim or cross-claim may be severed and transferred to the General Docket.

**Local Rule 1301.1 Discovery in Compulsory Arbitration Proceedings (Except Small Claims).**

(1) For any personal injury claim filed in Compulsory Arbitration, the plaintiff may serve arbitration discovery requests (see FORM 1301.1A) (see subsection (8)(a) below) either together with the copy of the Complaint served on the defendant or thereafter.

(2) The defendant shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(3) For any personal injury claim filed in Compulsory Arbitration, any defendant may serve arbitration discovery requests (see FORM 1301.1B) (see subsection (8)(b) below) either together with a copy of the Answer served on the plaintiff or thereafter.

(4) The plaintiff shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(5) (a) A party may not seek additional discovery through interrogatories or requests for production of documents until that party has sought discovery through the arbitration discovery requests described herein.

(b) A party may not include any additional interrogatories or requests for production of documents in the arbitration discovery requests provided for in this local rule.

(6) This local rule applies to additional defendants.

(7) The local rule does not apply to claims that do not exceed the sum of \$3,000.00 (exclusive of interest and costs) wherein the parties' right to discovery for Small Claims shall be governed by Local Rule 1320.

**Note:** While this local rule does not bar additional discovery in arbitration proceedings, it is anticipated that depositions, additional interrogatories or additional requests for the production of documents will be unreasonably burdensome in most arbitration proceedings involving personal injury claims.

**Note:** This local rule does not affect the right to discovery provided by Pa.R.C.P. 4001—4020 for Compulsory Arbitration cases which are appealed pursuant to Pa.R.C.P. 1308—1311.

(8) (a)

**FORM 1301.1A Plaintiff's Arbitration Discovery Requests for Personal Injury Claims**

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

\_\_\_\_\_) AR \_\_\_\_\_  
Plaintiff )  
)  
vs. )  
)  
\_\_\_\_\_) )  
Defendant )

PLAINTIFF'S ARBITRATION DISCOVERY REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to \_\_\_\_\_

Within thirty (30) days of service of these discovery requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF DEFENDANT(s)

1. Set forth you full name and address. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

INSURANCE

2. (a) Is there any insurance agreement that may provide coverage to you for this incident?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If so, list the name of each company and the amount of protection that may be available.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES

3. List the names, present addresses, and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witness, including any plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, attached any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial or that may otherwise pertain to this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If you answered yes, attach each of these writings.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(c).

MEDICAL DOCUMENTS

5. (a) Do you have any medical documents relating to the plaintiff?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, attach each of these documents.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant verifies that the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsifications to authorities.

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

Defendant

(b)

**FORM 1301.1B Defendant's Arbitration Discovery Requests for Personal Injury Claims**

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

\_\_\_\_\_) AR \_\_\_\_\_  
Plaintiff )  
)  
vs. )  
)  
\_\_\_\_\_) )  
Defendant )

**DEFENDANT'S ARBITRATION DISCOVERY REQUESTS FOR PERSONAL INJURY CLAIMS**

These discovery requests are directed to \_\_\_\_\_

Within thirty (30) days of service of these discovery requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF PLAINTIFF(S)

1. Set forth you full name and address, age, employer and type of employment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WITNESSES

2. List the names, present addresses, and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

\_\_\_\_\_  
\_\_\_\_\_

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including any defendant?

Yes \_\_\_\_ No \_\_\_\_

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have \_\_\_\_ have not \_\_\_\_ fully complied with request 3(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial?

Yes \_\_\_\_ No \_\_\_\_

(d) If you answered yes, attach each of these documents.

I have \_\_\_\_ have not \_\_\_\_ fully complied with request 3(c).

MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes \_\_\_\_ No \_\_\_\_

(b) If you answered yes, list the name of the hospitals, the names and addresses of the attending physicians, and the dates of the hospitalizations.

\_\_\_\_\_  
\_\_\_\_\_

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes \_\_\_\_ No \_\_\_\_

(d) If you answered yes, list the names and addresses of each chiropractor and the dates of treatment.

\_\_\_\_\_  
\_\_\_\_\_

(e) Have you received any other medical treatment for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes \_\_\_\_ No \_\_\_\_

(f) If you answered yes, list the name and address of each physician or other treatment provider and the dates of the treatment.

\_\_\_\_\_  
\_\_\_\_\_

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in 4(b), 4(d), and 4(f) or authorizations for these records.

I have \_\_\_\_ have not \_\_\_\_ fully complied with request 4(g).

OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five years prior to the incident to the present date. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five years prior to the incident to the present date?

Yes \_\_\_\_ No \_\_\_\_

(c) If you answered yes, attach a separate sheet which lists the name of the hospital, the date of each treatment, the reason for the treatment, and the length of the hospitalization.

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of you claim in this lawsuit within the period from five years prior to the incident to the present date?

Yes \_\_\_\_ No \_\_\_\_

(e) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the chiropractor's name and address.

(f) Within the period of from five years prior to the incident to the present date, have you received any other medical treatment for injuries that are not part of your claim in this lawsuit?

Yes \_\_\_\_ No \_\_\_\_

(g) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the name and address of the treatment provider.

I have \_\_\_\_ have not \_\_\_\_ fully complied with request 5(b), 5(c), and 5(f).

WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?

Yes \_\_\_\_ No \_\_\_\_

(b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

7. If a claim is being made for lost income, state the name and address of your employer at the time of the incident, the name and address of your immediate supervisor at the time of the incident, your rate of pay, the dates of work loss due to the injuries from this accident and the total amount of your work loss claim.

REQUESTS 8 AND 9 APPLY ONLY TO PERSONAL INJURY CLAIMS ARISING OUT OF A MOTOR VEHICLE ACCIDENT.

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workmen's Compensation or any program, group contract, or other arrangement for payment of benefits as defined by 75 P. S. § 1719(b)?

(b) If you answered yes, set forth the type and amount of these benefits.

**INSURANCE INFORMATION**

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in 75 P. S. § 1705(a) and (b)?

\_\_\_\_\_ Limited Tort Option (no claim made for non-monetary damages)  
 Limited Tort Option (claim is made for non-monetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P. S. § 1705(d)(I)–(3) applies)

\_\_\_\_\_ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option.") Describe each vehicle (make, model, and year) in your household.

(c) (Applicable only if you checked "Full Tort Option.") Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 9(c).

Plaintiff verifies that the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of Pa. C. S. § 4904 relating to unsworn falsifications to authorities.

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

**Local Rule 1302 List of Arbitrators. Appointments to Board. Oath.**

(1) Subject to approval by the Special Motions Judge or the Calendar Control Judge of the Civil Division of the Court, lawyers who are actively engaged in the practice of law in Allegheny County shall be appointed to serve as arbitrators.

(2) Only lawyers who are "active" on the rolls of The Disciplinary Board of the Supreme Court of Pennsylvania are to be treated as lawyers "actively engaged in the practice of law" for purposes of subsection (1).

(3) An Arbitration Clerk shall appoint to each Board of Arbitrators three (3) lawyers summoned from the list of approved lawyers, according to the directions of the Special Motions Judge of the Civil Division.

**Local Rule 1303 Arbitration Hearing. Notice.**

(1) The Prothonotary shall affix the date, time and place of hearing before a Board of Arbitrators by placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties.

(2) Every Complaint (except for Small Claims - see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the

cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

(4)

**FORM 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing**

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

\_\_\_\_\_ ARBITRATION DOCKET

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

Plaintiff,

vs. HEARING DATE \_\_\_\_\_

\_\_\_\_\_ Defendant.

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

LAWYER REFERRAL SERVICE,  
 The Allegheny County Bar Association  
 11th Floor Koppers Building, 436 Seventh Avenue  
 Pittsburgh, Pennsylvania 15219  
 Telephone: (412) 261-5555

**HEARING NOTICE**

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on \_\_\_\_\_, \_\_\_\_\_ at 9:00 A.M. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

### DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.**

**If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.**

### Local Rule 1303(a)(2) Failure to Appear for Hearing.

(1) If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree, be transferred immediately to a Judge of the Court of Common Pleas for an *ex parte* hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial *de novo* on appeal.

**Note:** This local rule results in the loss of the right to a trial *de novo* on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1.

(2) A non-jury verdict entered at a hearing held pursuant to Local Rule 1303(a)(2)(1) shall not exceed \$25,000 (exclusive of interest and costs) to any party.

### Local Rule 1306 Award. Delay Damages.

Any party seeking damages under Pa.R.C.P. 238 (relating to award of damages for delay in an action for bodily injury, death or property damage) shall submit a photocopy of any written offer of settlement made by a party against whom damages are demanded or set forth in writing the fact that no written offer has been made and shall seal the photocopy of the written offer or the written statement that no offer has been made in an envelope bearing the caption and number of the case being arbitrated and shall deliver the same to the arbitrators and opposing counsel at the conclusion of the hearing. The arbitrators shall not open said envelope until they have reached their basic award. The envelope and the writing contained therein shall be filed with the papers in the case.

### Local Rule 1308 Appeal. Arbitrators' Compensation. Notice.

(1) In addition to satisfying the requirements of Pa.R.C.P. 1308(a), a party appealing an award shall also pay to the Prothonotary any fee required for filing the appeal.

(2) A member of a Board of Arbitration who has signed an award or filed a minority report in each of the cases heard before that Board shall receive compensation of

\$150 per diem after the filing of that member's reports/awards. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Special Motions Judge of the Civil Division, on petition of the members of the Board and for cause shown, may allow additional compensation.

### Local Rule 1320 Small Claims Procedure.

The following procedure shall govern Small Claims, which include appeals from Magisterial District Judges where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs), and civil actions where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs).

(1) The Complaint may be simplified to contain only the names and addresses of the parties, a statement indicating concisely the nature and amount of the claim, the signature of the plaintiff or the plaintiff's attorney (Pa.R.C.P. 1023), an endorsement (Pa.R.C.P. 1025), a Notice of Hearing Date and three copies of a Notice of Intention to Appear as set forth in subparagraph (3) hereof.

(2) Every Complaint filed in Compulsory Arbitration as a Small Claim, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend, and Notice of Duty to Appear at Arbitration Hearing (FORM 1320A) (see subsection (9)(a) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) The filed Notice of Intention to Appear shall be a sufficient answer to the Complaint (FORM 1320B) (see subsection (9)(b) below).

(4) A counterclaim which qualifies as a "Small Claim" as defined herein may be set forth in either the filed Notice of Intention to Appear or a separate pleading, by a statement indicating concisely the nature and amount of same. The counterclaim filed as a separate pleading shall be in substantially the same form as the Complaint, without the Notice of Hearing or Notice of Intention to Appear.

(5) No reply to a counterclaim shall be required. If one is filed, it may be limited to a general denial.

(6) The provisions of Local Rules 212.1, 212.2 and 212.3 shall not apply to actions involving only Small Claims as defined herein.

(7) Except as otherwise provided by order of the Special Motions Judge upon good cause shown, in Small Claims proceedings, there shall be no discovery by deposition upon oral examination or upon written interrogatories under Pa.R.C.P. 4005 and 4007 or requests for admissions under Pa.R.C.P. 4014.

(8) The Prothonotary, on praecipe of the plaintiff accompanied by a certificate as required by Pa.R.C.P. 237.1(a)(2), shall enter judgment against the defendant for failure to file either a responsive pleading or a copy of the Notice of Intention to Appear within twenty (20) days from service thereof, with damages to be assessed in the manner provided by the rules.

(9) (a)

**FORM 1320A Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing**

IN THE COURT OF COMMON PLEASE OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION

\_\_\_\_\_ ARBITRATION DOCKET  
\_\_\_\_\_ NO. \_\_\_\_\_  
Plaintiff,  
vs. HEARING DATE \_\_\_\_\_  
\_\_\_\_\_ Defendant.

**NOTICE TO DEFEND**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached "Notice of Intention To Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Prothonotary's Office, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

\_\_\_\_\_

\_\_\_ within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost money or property or other rights important to you.

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

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

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association  
11th Floor Koppers Building, 436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
Telephone: (412) 261-5555

**HEARING NOTICE**

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on \_\_\_\_\_, \_\_\_\_\_ **[Insert date and year]** at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

**DUTY TO APPEAR AT ARBITRATION HEARING**

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.**

**If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.**

(b)

**FORM 1320B Notice of Intention to Appear  
NOTICE OF INTENTION TO APPEAR**

(Three copies required)

To the Plaintiff or the Case Caption \_\_\_\_\_  
Plaintiff's Attorney Hearing Date \_\_\_\_\_

I intend to appear at the hearing scheduled for the above date and defend against the claim made against me.

I do not owe this claim for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I have mailed a copy of this Notice to the Plaintiff or the Plaintiff's attorney.

Date: \_\_\_\_\_ Sign here: \_\_\_\_\_  
Address: \_\_\_\_\_

**Local Rule 1331 Consumer Credit Transaction.**

The agency to be named in any notice required by Pa.R.C.P. 1328(b) and 1329(3)(2) shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**Local Rule 1915.15(a)(1) Form of Complaint. Caption. Order.**

i. The agency to be named in the order of court accompanying the complaint shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**Local Rule 1915.16(c) Form of Order and Notice, Joinder, Intervention.**

i. The agency to be named in the order of court and notice under this rule shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**Local Rule 2039 Compromise, Settlement, Discontinuance and Distribution.****(1) Contents of Petition.**

A petition under Pa.R.C.P. 2039 shall be verified by the guardian of the minor, and shall contain a statement of the nature of the evidence relied upon to show liability, the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

(a) A statement of counsel's professional opinion regarding the desirability of the settlement and reasons therefor, including a discussion with specific references to the factual circumstances as to both the liability and damages aspects of the case; a description of the services rendered; a description and the amount of reimbursable expenses requested; and the amount of fees requested, which, except in extraordinary circumstances, shall not exceed 33-1/3% of the present value of a structured settlement or 33-1/3% of the gross recovery of any other settlement.

**Note:** If settlement proceeds are to be split between a minor and another party(ies) to the litigation, the injuries to this other party(ies) must also be described.

(b) A statement by the attending physician as to the injuries sustained by the minor, treatment administered and the prognosis.

(c) In property damage claims, a statement by the party who made the repairs or appraised the loss.

**(2) Deposit of Funds by Order of Court.**

(a) All petitions under Pa.R.C.P. 2039, where the proceeds of settlement are to be deposited in a savings account or in a certificate of deposit, shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ \_\_\_\_\_ shall be deposited only in the name of \_\_\_\_\_, a minor, by attorney \_\_\_\_\_,

\_\_\_\_\_ , counsel of record, in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF COURT."

(b) Proof of deposit is to be filed with the Clerk of the Orphans' Court within thirty (30) days by attorney \_\_\_\_\_, counsel of record.

**(3) Presentation of Petition.**

All petitions under Pa.R.C.P. 2039 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division who will then deliver the petition to the Calendar Control Judge for signature.

**(4) Annuity Contracts.**

(a) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

(b) A copy of this local rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.

(c) Proof of purchase of any annuity contract is to be filed with the Clerk of the Orphans' Court within thirty (30) days by attorney \_\_\_\_\_, counsel of record.

**Note:** For approval of a settlement of a minor's claim where no action has been instituted, see Orphans' Court Local Rule 12.16G.

**Local Rule 2064 Compromise, Settlement, Discontinuance and Distribution.****(1) Contents of Petition.**

A petition under Pa.R.C.P. 2064 shall be verified by the guardian or guardian ad litem of the incapacitated person, and shall contain a statement of the nature of the evidence relied upon to show liability, the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

(a) A statement of counsel's professional opinion regarding the desirability of the settlement and reasons therefor, including a discussion with specific references to the factual circumstances as to both the liability and damages aspects of the case; a description of the services rendered; a description and the amount of reimbursable expenses requested; and the amount of fees requested, which, except in extraordinary circumstances, shall not exceed 33-1/3% of the present value of a structured settlement or 33-1/3% of the gross recovery of any other settlement.

(b) A statement by the attending physician as to the injuries sustained by the incapacitated person, treatment administered and the prognosis.

(c) In property damage claims, a statement by the party who made the repairs or appraised the loss.

**(2) Deposit of Funds by Order of Court.**

(a) All petitions under Pa.R.C.P. 2064 shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ \_\_\_\_\_ shall be paid to \_\_\_\_\_, the guardian of the estate. [If the guardian of the estate is an individual, include the following sentence.] A surety bond shall be posted in the same net amount as stated above.

(b) Proof of surety bond is to be filed with the Clerk of the Orphans' Court within thirty (30) days by \_\_\_\_\_, guardian of the estate.

**Note:** If no guardian has been appointed, see Pa.R.C.P. 2064.

**(3) Presentation of Petition.**

All petitions under Pa.R.C.P. 2064 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter presented to the Calendar Control Judge.

**(4) Annuity Contracts.**

(a) Where the terms of settlement of an incapacitated person's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

(b) A copy of this local rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.

**Note:** For approval of a settlement of an incapacitated person's claim where no action has been instituted, see analogous procedures at Orphans' Court Local Rule 12.16G.

**Local Rule 2205 Service of Notice to Persons Entitled to Damages.**

Service under this rule shall be made by personal service by any competent adult as provided in Pa.R.C.P. 402 or by registered mail pursuant to Pa.R.C.P. 403.

**Local Rule 2206 Settlement, Compromise, Discontinuance and Judgment.**

Petitions of any party in interest pursuant to Pa.R.C.P. 2206, where a civil action has been instituted and where no minor and no incapacitated person has an interest, shall be presented to the Calendar Control Judge. Where a minor or incapacitated person has an interest, petitions shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter to the Calendar Control Judge for signature. See Local Rule 2039 where a minor has an interest and Local Rule 2064 where an incapacitated person has an interest.

**Note:** See 20 Pa.C.S. § 3323. The contents of a petition under this local rule are analogous to those required by Orphans' Court Local Rule 12.16F. As to settlement of survival actions where no action has been instituted, see Orphans' Court Local Rule 12.16F.

**Local Rule 2232 Service of Notice to Persons Required to Be Joined.**

Service under this rule shall be made by personal service by any competent adult as provided in Pa.R.C.P. 402 or by registered mail pursuant to Pa.R.C.P. 403.

**Local Rule 3121 Stay of Execution. Setting Aside Execution.****(1) Notice.**

Notice shall be given to the party executing the judgment when application will be made for a stay of execution.

**(2) Delivery of Copy of Order Staying Execution to Sheriff.**

Orders staying execution, certified to be true and correct by the Prothonotary, an attorney or a party litigant, shall be provided to the Sheriff.

**Note:** When a writ of execution is stayed after the Sheriff has served or has attempted to serve the writ, poundage will be calculated based on the face amount of the writ unless the plaintiff files an affidavit within three business days the actual amount paid or to be paid to the plaintiff in cash or in kind as consideration for staying the writ or satisfying the judgment. If an affidavit is filed, the Sheriff's poundage will be calculated based on the consideration set forth in the affidavit.

**Local Rule 3129.2 Notice of Sale. Real Property.****(1) Conditions of Sale in Notice.**

The following procedures and conditions of sale shall govern every Sheriff's sale of real estate, and shall be set forth in any published notice:

(a) If the successful bidder at the sale is the plaintiff in the writ of execution upon which the real estate is being sold, the successful bidder shall pay the full amount of the purchase money to the Sheriff on or before the first Monday of the following month, unless the time is extended by the Court. Upon the failure of the successful bidder to so pay the purchase money, the Sheriff shall return the writ "real estate unsold," stating in the return that the sale was held pursuant to the writ, that the plaintiff was the successful bidder at the sale, and that the plaintiff failed to pay the bid and complete the sale. The plaintiff shall thereupon forfeit all moneys advanced on the writ, which moneys shall be applied by the Sheriff first to costs on the writ and then to liens in order of their priority.

(b) If the successful bidder at the sale is not the plaintiff in the writ of execution upon which the real estate is being sold, and:

(i) If the sale is held on the first Monday of the month, and an adjourned Sheriff's sale is held within six days thereafter, the successful bidder may pay either the full amount bid at the time of the sale or ten percent (10%) of the bid in cash (but not less than seventy-five dollars (\$75.00)), and thereafter pay the balance before the time of the adjourned sale. If the successful bidder fails to pay the balance before the time of the adjourned sale, the Sheriff shall resell the real estate at the adjourned sale, and the payment made at the original sale shall be applied by the Sheriff to any deficiency in the price at which the real estate is resold; or

(ii) If the sale is held on any day other than the first Monday of the month, the successful bidder shall pay the full amount bid at the time of sale, and upon failure of the successful bidder to do so, the Sheriff shall thereupon at that time resell the real estate.

**(2) Filings With the Sheriff Prior to Sale:**

All writs and copies of orders certified from the record by the Prothonotary directing judicial sales of real estate must be filed with the Sheriff in accordance with the policies of the Sheriff's office.

**Note:** As a matter of information, counsel should know that the Sheriff's office requires that the following be filed in the Sheriff's office prior to the sale:

(a) The following must be filed with the Sheriff, along with the writs and copies of orders, not less than twenty-five days before the date of sale:

- (1) Original writ of execution
- (2) One copy of writ of execution for each defendant\*
- (3) A stamped envelope addressed to each defendant\*
- (4) One self-addressed stamped envelope
- (5) Affidavit of Compliance with Act 91 of 1983 or Affidavit of Inapplicability of Act 91 of 1983, as appropriate
- (6) Affidavit of last known mailing address of the Defendant
- (7) Affidavit Pursuant to Pa.R.Civ.P. 3129.1 (list of interested persons and entities)



- (8) Notice of Sheriff's Sale
- (9) Long description of the property (deed description)
- (10) Three copies of Sheriff Form 56 (short description of property for newspaper advertising)
- (11) One short description in all CAPITAL LETTERS (for preparation of handbill), which must contain the signature, address and telephone number of the person presenting the writ or order.
- (12) Sheriff's Form 14 (Directions to post property with handbill. Include property street address, borough, municipality and ward.)
- (13) If Defendant(s) are to be served—a Notice of Sheriff's Sale for each Defendant and "Instructions to Sheriff" form for each Defendant, noting Defendant's name and address.

\* Not required for mortgage foreclosure or tax sale.

(b) A copy of the return of service filed in accordance with Pa.R.Civ.P. 3129.2(c)(2) must be filed with the Sheriff not less than five days prior to the sale. The return of service must have the original returned mailing cards attached, if applicable.

(c) A deposit of money for costs and expenses is required.

**Note:** Sheriff's Forms and sample notices can be obtained from the Sheriff's office, 436 Grant Street, First Floor, Pittsburgh, PA 15219.

**(3) Dates of Sales of Real Property.**

Judicial sales of real estate shall be held on the second Monday of September and the first Monday of all other months. When any of the above dates falls on a legal holiday, the Judicial sales of real estate shall be held on the Tuesday following.

**(4) Notice to Internal Revenue Service.**

In any case where notice is required to be given to the Internal Revenue Service, in accordance with the provisions of the Federal Tax Lien Act of 1966, 26 U.S.C. § 7425(b) and (c), a copy of such notice, certified by counsel to be a correct copy and indicating the date of service upon or delivery to the Internal Revenue Service, shall be filed with the Prothonotary prior to the date fixed for the sale.

**Local Rule 3139 Notice of Sheriff's Return.**

Postcard notice of the filing of the Sheriff's return shall be given by the Sheriff to the judgment debtor at the judgment debtor's last known address.

**Local Rule 3146 Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories.**

(1) The hearing to assess the amount of the judgment shall be scheduled before the Motions Judge. Written notice to the garnishee in the form provided by Pa.R.C.P. 3146(a)(2) shall be served in accordance with Pa.R.C.P. 440 at least twenty days prior to the scheduled hearing. The Plaintiff shall serve the garnishee with a copy to the Defendant. Service shall be evidenced by a certificate of service.

(2) The agency to be named in the notice provided by Pa.R.C.P. 3146 shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**Local Rule 3190 Judgment. Execution.**

**(1) Tax Sales.**

Before objection to the adequacy of the price offered for real estate pursuant to Section 14 of Act of July 5, 1947, P. L. 1258, 53 P. S. § 26114, is filed, the objector shall deposit a certified or cashier's check with the solicitor for petitioner for ten (10) percent of the original offer, or a minimum of one hundred dollars (\$100.00), subject to forfeiture to all interested taxing authorities in the event the original offer is not raised in said amount in open Court.

The objection filed in the office of the Prothonotary shall have endorsed thereon acceptance of service and receipt for deposit by counsel for petitioner. After bidding in open Court and acceptance of successful bid by the Court, deposits shall be returned to unsuccessful bidders, provided the accepted bid exceeds by ten percent, or a minimum of one hundred dollars (\$100.00), the price offered.

**(2) Delinquent Tax Liens.**

(a) All orders to strike off and amend delinquent tax liens shall set forth:

- (i) original description and change of description;
- (ii) original ownership and change of ownership;
- (iii) location by political subdivision and lot and block number, if any;
- (iv) amount of taxes to be stricken in dollars and cents; and
- (v) disposition of costs of the proceedings.

(b) Counsel shall serve certified copies of all such orders of Court on the Controller's Office and the County Law Department.

(c) Counsel shall also serve certified copies of orders of Court changing ownership or description of property on the Register of Deeds Office.

**Local Rule 3206 and 3207 Statement of Objection ("Goods Claim").**

(See Magisterial District Justice Local Rule 420.)

**Local Rule 3252 Writ of Execution. Money Judgments.**

The agency to be named in the notice on writs of executions issued pursuant to Pa.R.C.P. 3252(a) shall be:

Lawyer Referral Service  
Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**Local Rule 4002.1 Filing Discovery Material. Requests for Expert Reports in Professional Negligence and Product Liability Actions.**

All requests for production of expert reports made in professional negligence and product liability actions in

accordance with Local Rule 4003.5 shall be filed with the Prothonotary. Expert reports furnished pursuant to Local Rule 4003.5 are discovery material that shall not be filed, except as provided by Pa.R.C.P. 4002.1.

**Note:** See also Local Rule 4003.5, relating to expert reports in professional negligence and product liability actions.

**Local Rule 4003.5 Requests For Expert Reports in Professional Liability and Product Liability Actions.**

**(1) Scope of the Rule.**

(a) This local rule applies to any professional negligence case or any product liability case which has been placed at issue.

(b) A professional negligence case includes any case with Code 006 (Trespass-Assault and Battery) in which it is claimed that the defendant provided medical treatment without obtaining an informed consent; any case with Code 007 (Trespass-Medical/Hospital Negligence); and any case with Code 009 (Trespass-Other) in which the defendant is an accountant, architect, attorney, engineer, hospital, physician or other professional person in which the gist of the case is that professional services failed to meet the accepted standards of the profession.

(c) A product liability case is any action, whether based on tort or contract theories, claiming damages caused by a defective product, including any case with Code 004 (Trespass-Products Liability).

**Note:** This local rule creates additional requirements for the pre-trial production of expert reports for cases within the scope of this rule. The parties must also meet the requirements of the Pennsylvania Rules of Civil Procedure governing discovery and the Allegheny County Local Rules for the pre-trial production of expert reports.

**(2) Production of Plaintiff's Expert Reports.**

(a) In any professional negligence or product liability case which has been placed at issue, any defendant against whom a claim of professional negligence or product liability has been made may serve on any plaintiff making that claim a Defendant's Request to Plaintiff for Production of Expert Reports (FORM 4003.5A) (see subsection (10)(a) below). The request shall specify the plaintiff to whom it is directed and the party making the request. The request may not be made earlier than one hundred eighty (180) days after the defendant filed its original answer to the plaintiff's complaint.

**Note:** An additional defendant may serve a Defendant's Request to Plaintiff for Production of Expert Reports on a plaintiff pursuant to section (2)(a) of this rule if the plaintiff is actively pursuing a claim against the additional defendant.

(b) Any plaintiff to whom a request for production of expert reports has been directed pursuant to subsection (2)(a) of this rule shall within one hundred eighty (180) days after service of the request furnish to the requesting party expert reports summarizing the expert testimony that will be offered by that plaintiff to support the claims of professional negligence or product liability made by that plaintiff against the requesting party.

**(3) Production of Defendant's and Additional Defendant's Expert Reports.**

(a) Any plaintiff who has furnished any defendant or additional defendant expert reports summarizing the expert testimony that will be offered by that plaintiff to support that plaintiff's claims of professional negligence

or product liability made against that defendant or additional defendant may serve on that defendant or additional defendant a Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports (FORM 4003.5B) (see subsection (10)(b) below). The request shall specify the party to whom it is directed and the party shall specify the party to whom it is directed and the party making the request. The request may not be made earlier than one hundred eighty (180) days after the complaint was served on the party to whom the request is directed.

**Note:** Subsection (3)(a) of this rule applies to a plaintiff who has furnished expert reports to a defendant or additional defendant with or without a request for production of expert reports. Under subsection (3)(a) of this rule, the plaintiff must file a Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports in order to compel a defendant to submit expert reports.

(b) Any party to whom a request for production of expert reports has been directed pursuant to subsection (3)(a) of this local rule shall within sixty (60) days after service of the request furnish to the requesting party expert reports summarizing the expert testimony that will be offered by that party to support the defenses to the requesting party's claims.

(c) If the defendant or additional defendant to whom a Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports has been directed has raised claims against other parties pursuant to Pa.R.C.P. 2251 *et seq.* (Joinder of Additional Defendants), the expert reports shall also summarize the expert testimony that will be offered by that party in support of these claims against other parties.

(d) The defendant or additional defendant who has furnished expert reports summarizing the expert testimony offered by that party in support of claims against other parties pursuant to subsection (3)(c) of this local rule may serve a Defendant's or Additional Defendant's Request to Other Defendant or Additional Defendant for Production of Expert Reports (FORM 4003.5C) (see subsection ((10)(c) below). The request shall specify the party to whom it is directed and the party making the request. The request may not be made earlier than one hundred eighty (180) days after the complaint was served on the party to whom the request is directed.

(e) (i) Any party to whom a request for production of expert reports has been directed pursuant to subsection (e)(d) of this local rule shall within sixty (60) days after service of the request furnish to the requesting party expert reports summarizing the expert testimony that will be offered by that party supporting the defenses to the claims and any claims raised against the requesting party and any other parties joined pursuant to Pa.R.C.P. 2251 *et seq.*

(ii) If any defendant or additional defendant or any employee or other agent of any defendant or additional defendant is a professional person, this person shall furnish an expert report summarizing his or her testimony only if he or she intends to offer any expert testimony that is inconsistent with or beyond the fair scope of any testimony given in any deposition of this defendant. If this person was not deposed, this person must file an expert report if he or she intends to offer any expert testimony.

**(4) Contents of the Expert Reports. Responses to Requests for Production.**

An expert report required by this rule shall encompass all issues in the liability phase of the case for which expert testimony will be offered at trial, including issues of professional negligence, product defect, and causation of harm. The report shall be signed by the expert and shall fully comply with the requirements of Pa.R.C.P. 4003.5 (Discovery of Expert Testimony. Trial Preparation Material).

**(5) Compelling Production of Report.**

A party who has not received expert reports required to be produced under this local rule may file a motion to compel the production of a report and for sanctions pursuant to Pa.R.C.P. 4019. In ruling on a motion to compel, the Court shall give consideration to the complexity of the case, the diligence of the parties in making and responding to discovery requests, and other relevant factors. A party who has proceeded with reasonable diligence shall be given a reasonable time in which to complete necessary discovery and to file an expert report.

**Note:** A party cannot justify the non production of an expert report required by this local rule simply by stating that discovery has not been completed or that the party failing to provide the report has not yet identified the experts whom he or she intends to call at trial. However, a party who has acted diligently should not be required to file expert reports if discovery of significant information has not been completed because of difficulties obtaining discovery from other parties or third persons or because of the complexity of the case.

**(6) Substitute/Additional/Supplemental Reports.**

Any expert report required by this local rule shall reflect the best information available to the party furnishing the report at the time it is furnished. Except as provided in subsection (7) of this local rule, a party may file substitute, additional and supplemental expert reports without leave of Court. These substitute, additional and supplemental reports may introduce new theories of liability or causation or new defenses. They may be prepared by other experts.

**(7) Listing Case for Trial.**

(a) A plaintiff who has furnished expert reports summarizing all expert testimony that will be offered by that plaintiff to support his or her claims of professional negligence or product liability may file a praecipe requesting that the case be placed on the next available trial list (FORM 4003.5D) (see subsection (10)(d) below). The plaintiff shall serve a notice of the filing of the praecipe on all other parties (FORM 4003.5E)(see subsection (10)(e) below). This praecipe may not be filed earlier than one hundred eighty (180) days after the plaintiff served a copy of the original complaint on each defendant who continues to be a party in the case.

**Note:** Subsection (7)(a) is intended to give priority to those professional negligence and product liability cases that the plaintiff is ready to try. The product liability and professional negligence cases for which the plaintiff has not filed a praecipe pursuant to subsection (7)(a) of this local rule shall be listed for trial by the Court after the cases listed pursuant to this subsection have received priority.

(b) After a plaintiff has filed a praecipe requesting that the case be placed on the next available trial list, the plaintiff's right to file additional/supplemental reports is subject to the provisions of subsection (7)(d) of this local rule.

(c) After a plaintiff has filed a praecipe requesting that the case be placed on the next available trial list, each other party in the case shall file within sixty (60) days expert reports summarizing all expert testimony that will be offered by that party to support the defenses to the plaintiff's claims and to support any claims and defenses involving other parties. After sixty (60) days, each other party's right to file additional/supplemental reports is subject to the provisions of subsection (7)(d) of this local rule.

(d) (i) A party may file a supplemental expert report which responds to an opposing expert report within sixty (60) days after the opposing expert report was filed.

(ii) Except as provided in subsection (7)(d)(i), a party may not file a supplemental expert report which introduces a new theory of liability of causation or a new defense without leave of Court for good cause shown.

(iii) Except as provided in subsection (7)(d)(i), a party may not subsequently file an expert report prepared by a new expert without leave of Court for good cause shown.

(iv) Except as provided for in subsection (7)(d)(v), any party may, without leave of Court, substitute another expert for the expert identified in expert reports produced under this local rule. Reasonable notice of the substitution shall be given to all other parties. The testimony of any substituted expert may not be inconsistent with or go beyond the fair scope of the testimony in the expert reports produced under this local rule.

(v) A party may not substitute another expert for a party, employee or agent of a party who has been identified as an expert witness.

(vi) The provisions of subsections (7)(d)(ii), (iii) and (v) of this local rule apply only after a plaintiff has filed a praecipe requesting that the case be placed on the next available trial list pursuant to subsection (7)(a) of this local rule.

**Note:** Subsection (7)(d) applies only to additional or supplemental expert reports covering issues in the liability phase of the case for which expert testimony will be offered at trial. Subsection (7)(d) applies to additional or supplemental expert reports that are included as part of a pre-trial statement filed pursuant to Local Rule 212.2.

**(8) Use of Reports/Summary Judgment.**

(a) Reports provided pursuant to this local rule, responses to requests for production of expert reports, and the failure to provide expert reports when required by Court order entered pursuant to section (5) of this local rule may be used in supporting or opposing motions for summary judgment.

(b) In the absence of a Court order issued prior to the date of the argument on a motion for summary judgment, it shall not be necessary to file affidavits executed by the reporting expert in connection with summary judgment motions.

**(9) Service and Filing Requirements.**

All requests for the production of expert reports shall be served by the requesting party on all other parties and copies of all expert reports furnished pursuant to this local rule shall be served by the responding party on all other parties. All requests for the production of expert reports shall be filed with the Court. Expert reports furnished pursuant to this local rule are discovery material that shall not be filed except as provided by Pa.R.C.P. 4002.1

(10) Forms:

(a)

**FORM 4003.5A Defendant's Request to Plaintiff for Production of Expert Reports**

[CAPTION]

DEFENDANT'S REQUEST TO PLAINTIFF FOR PRODUCTION OF EXPERT REPORTS

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

Pursuant to Local Rule 4003.5 you are requested within one hundred and eighty (180) days of service of this request to furnish me expert reports summarizing the expert testimony that you will offer to support the claims of professional negligence or product liability that you have made against me. You shall serve copies of all expert reports on all other parties.

DATED: \_\_\_\_\_  
ATTORNEY FOR DEFENDANT

(b)

**FORM 4003.5B Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports**

[CAPTION]

PLAINTIFF'S REQUEST TO DEFENDANT OR ADDITIONAL DEFENDANT FOR PRODUCTION OF EXPERT REPORTS

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

I have furnished you expert reports summarizing the expert testimony that I will offer to support the claims of professional negligence or product liability that I have made against you.

Pursuant to Local Rule 4003.5, you are requested within sixty (60) days of service of this request to furnish me expert reports summarizing the expert testimony that you will offer to support your defenses to the claims of professional negligence or product liability that I have raised against you.

If you have raised claims against other parties pursuant to Pa.R.C.P. 2251 *et seq.* (Joinder of Additional Defendants), your expert reports shall also summarize the expert testimony that you will offer in support of these claims against those other parties.

You shall serve copies of all expert reports on all other parties.

DATED: \_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

(c)

**FORM 4003.5C Defendant's or Additional Defendant's Request to Other Defendant or Additional Defendant for Production of Expert Reports**

DEFENDANT'S OR ADDITIONAL DEFENDANT'S REQUEST TO OTHER DEFENDANT OR ADDITIONAL DEFENDANT FOR PRODUCTION OF EXPERT REPORTS

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

I have furnished you expert reports summarizing the expert testimony that I will offer to support the claims that I have raised against you pursuant to Pa.R.C.P. 2251 *et seq.* (Joinder of Additional Parties).

Pursuant to Local Rule 4003.5, you are requested with sixty (60) days to furnish me expert reports summarizing the expert testimony that you will offer to support your defenses to my claims against you and to support any claims you have raised against me pursuant to Pa.R.C.P. 2251 *et seq.*

If you have raised claims against other parties pursuant to Pa.R.C.P. 2251 *et seq.*, your expert reports will also summarize the expert testimony that you will offer in support of your claims against these other parties.

You shall serve copies of all expert reports on all other parties.

DATED: \_\_\_\_\_  
ATTORNEY FOR DEFENDANT

(d)

**FORM 4003.5D Plaintiff's Praecipe Requesting that the Case be Placed on the Next Available Trial List**

[CAPTION]

PLAINTIFF'S PRAECIPE REQUESTING THAT THE CASE BE PLACED ON THE NEXT AVAILABLE TRIAL LIST

This is a professional negligence or product liability case. I have furnished to the other parties expert reports summarizing all expert testimony that plaintiff will offer to support his or her claims of professional negligence or product liability. Pursuant to Local Rule 4003.5(7)(a), I request that the court list this case for trial on the next available trial list.

If it is anticipated that this case will take more than ten days to try, I have sent a letter to the Complex Case Judge (with copies to all other counsel) stating that I have requested that this case be listed for trial on the next trial list pursuant to Local Rule 4003.5(7)(a), that this case cannot be tried within ten (10) days, and that a pretrial conference should be scheduled.

DATED: \_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

TO BE FILED IN ROOM 734 OF THE CITY COUNTY BUILDING

(e)

**FORM 4003.5E Plaintiff's Notice of Filing of Praecipe Requesting That the Case Be Placed on the Next Available Trial List**

CAPTION

PLAINTIFF'S NOTICE OF FILING OF PRAECIPE REQUESTING THAT THE CASE BE PLACED ON THE NEXT AVAILABLE TRIAL LIST

I have filed a praecipe pursuant to Local Rule 4003.5(7)(a) requesting that this product liability or professional negligence case be listed on the next available trial list.

Pursuant to Local Rule 4003.5(7)(a), each other party in the case is hereby given notice that they must within sixty (60) days furnish expert reports summarizing all expert testimony that will be offered by that party to support the defenses to the plaintiff's claims and to support any claims or defenses involving other parties.

After sixty (60) days, the right to file additional/supplemental reports is subject to the provisions of Local Rule 4003.5(7)(d).

DATED: \_\_\_\_\_  
 \_\_\_\_\_  
 ATTORNEY FOR PLAINTIFF

**Local Rule 4009.12 Authorizations.**

Upon a request for production of documents, plaintiff may either produce the requested records or, if the records are of a type created and maintained by a healthcare provider, furnish written authorization to copy the records of any healthcare provider by whom plaintiff was treated for injuries or disabilities complained of, or prior injuries or disabilities, where the same may be relevant. If a plaintiff provides the records themselves, they shall be produced along with a certification as to completeness or, if not complete, an explanation of what has been deleted or removed.

**Note:** This procedure is affected by the following opinions: *Greynolds v. McAllister*, 130 P. L.J. 414 (1982) (Wettick, J.); *Talarico v. Montefiore Hospital*, 138 P. L.J. 210 (1990) (Wettick, J.); *Bowser v. Ryder Truck Rental, Inc.*, 141 P. L.J. 316 (1993) (Wettick, J.).

**LOCAL RULES OF CONDUCT, OFFICE  
 STANDARDS AND CIVIL PROCEDURE FOR  
 MAGISTERIAL DISTRICT JUDGES**

**Local Magisterial District Judge Rule 409 Writ of Execution. Money Judgment Entered by District Justice.**

The agency to be named in the Notice Accompanying Order of Execution of judgments for the payment of money rendered by a Magisterial District Judge pursuant to Pa.R.C.P.M.D.J. 409(6) shall be:

Lawyer Referral Service  
 Allegheny County Bar Association  
 11th Floor Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telephone: (412) 261-5555

**Local Magisterial District Judge Rule 420 Statement of Objection ("Goods Claim").**

(1) At the same time a Statement of Objection is filed which will be heard by a Board of Arbitrators, and using envelopes provided by the Prothonotary with the Prothonotary's return address, every claimant filing a Statement of Objection shall address an envelope to every party at his or her address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any; or an address as listed in the Prothonotary's records.

(2) The Prothonotary shall select an arbitration hearing date within three to four weeks and inform the claimant of that date by stamping it on a copy of the Statement of Objection.

(3) Using the envelopes addressed by the claimant filing the Statement of Objection under subsection (1) of this local rule, the Prothonotary shall mail by first-class mail to every party a copy of the Statement of Objection which has been stamped with the date, time and place of the arbitration hearings.

(4) Such first-class mailings under subsection (3) of this local rule, when indicated on the record by the Prothonotary, shall operate as service and proof of service. Any returned mail shall be noted on the Court's docket.

**Local Magisterial District Judge Rule 1005 Service of Notice of Appeal and Other Papers.**

(1) At the same time an appeal is filed and using envelopes provided by the Prothonotary with the Prothonotary's return address, every appellant from a judgment entered by a Magisterial District Judge:

(a) shall address an envelope to every other party at that party's address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any;

(b) shall address an envelope to the Magisterial District Judge in whose office the judgment was rendered; and

(c) shall, if the appellant was a defendant in the action before the Magisterial District Judge, (i) self-address an envelope, to the address used by the appellant for the appeal, and (ii) in addition to the envelopes required by subsection (1)(a) of this local rule, address another envelope to every other defendant, if any, at that defendant's address as it appears in the records of the Magisterial District Judge, or that defendant's attorney of record, if any.

(2) Using the envelopes addressed by the appellant under subsection (1)(a) of this local rule, the Prothonotary shall mail by first-class mail:

(a) to every party other than appellant, (i) a copy of the notice of appeal, and (ii) if any other party was a plaintiff in the action before the Magisterial District Judge, a copy of the rule pursuant to Pa.R.C.P.M.D.J. 1004B, or, if any other party was a defendant in the action before the Magisterial District Judge, a copy of the complaint, with such service and any return being noted on the Court's docket;

(b) to the Magisterial District Judge, a copy of the notice of appeal, with such service and any return being noted on the Court's docket; and

(c) if appellant was a defendant in the action before the Magisterial District Judge, to appellant and any other defendant, a copy of any complaint filed pursuant to a rule to file a complaint, with such service and any return being noted on the Court's docket.

(3) Pursuant to Pa.R.C.P.M.D.J. 1005C, such first-class mailings by the Prothonotary pursuant to this Local Magisterial District Judge Rule shall operate as service and proof of service as required by Pa.R.C.P.M.D.J. 1005A and 1005B.

**Local Magisterial District Judge Rule 1008 Appeal as Supersedeas.**

In the event the Prothonotary terminates the supersedeas by virtue of the failure of the appellant to make the payments into Court when and as required, the Prothonotary, upon praecipe of the party on whose behalf the Magisterial District Judge entered the judgment for possession, shall issue a Certificate of Termination of the Supersedeas which will evidence the termination of the supersedeas when received by the Magisterial District Judge.

**Local Magisterial District Judge Rule 10011 Writ of Certiorari.**

(1) At the same time a praecipe for a writ of certiorari is filed and using envelopes provided by the Prothonotary with the Prothonotary's return address, every party filing a praecipe:

(a) shall address an envelope to every other party to his or her address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any;

(b) shall address an envelope to the Magisterial District Judge in whose office the judgment was rendered; and

(c) shall self-address an envelope.

(2) Using the envelopes addressed by the party filing the praecipe under subsection (1) of this local rule, the Prothonotary shall mail by first class mail:

(a) to every party other than the party filing the praecipe, a copy of the writ of certiorari, and

(b) to the Magisterial District Judge to whom it is directed, a copy of the writ of certiorari.

(3) Such first-class mailings under subsection (2) of this local rule, when indicated on the record by the Prothonotary, shall operate as service and proof of service as required by Pa.R.C.P.M.D.J. 1011B and 1011C. Any returned mail shall be noted on the Court's docket.

(4) Upon receipt of the record, the Prothonotary shall notify the filing party, using the self-addressed envelope, to file its specification of errors.

(5) The party filing the praecipe is responsible for scheduling an argument date with the Arbitration Office, 536 Courthouse, 436 Grant Street, and notifying the other parties of the argument date before the Special Motion's Judge.

[Pa.B. Doc. No. 06-2149. Filed for public inspection November 3, 2006, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BEAVER COUNTY

#### Local Rules of Civil Procedure; No. 10130 of 2001

##### Order

Local Rule LR 1301A is amended by adding thereto the following subsection:

4. Cases in which the amount in controversy exceeds \$25,000.00 but does not exceed \$50,000.00 may be submitted to arbitration under these rules where all parties have consented thereto in writing and such written consent is filed.

This *Order* shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator shall transmit copies of this Order as follows:

1. Seven certified copies to the Administrative Office of Pennsylvania Courts;

2. Two certified copies and a computer diskette containing the text hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

3. One certified copy to the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania;

4. One copy shall be kept continuously available by the Prothonotary of Beaver County for public inspection and copying;

5. One copy to the Law Library of Beaver County; and,

6. One copy with the *Legal Journal of Beaver County* for publication therein.

*By the Court*

ROBERT E. KUNSELMAN,  
*President Judge*

[Pa.B. Doc. No. 06-2150. Filed for public inspection November 3, 2006, 9:00 a.m.]

## SCHUYLKILL COUNTY

### Amended Civil Rules Procedure; S-2283-6

#### Order of Court

*And Now*, this 18th day of October, 2006, the Court hereby amends Schuylkill County Rules of Civil Procedure No. 1915.7 (b) and (b)(1). The rule is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

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

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of the Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in hard copy version.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

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

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

#### Rule 1915.7 Consent Order and Stipulation

(b) If the parties are able to reach an agreement after the conciliation conference, they may file a stipulation signed by the parties and counsel. The order shall be substantially in the form of the custody stipulation utilized pursuant to Sch.R.C.P. 1915.4. The Court may, in its discretion, enter an order without taking testimony.

(1) If an order for psychological and/or home evaluations has been entered, then the proposed order shall include a provision to vacate the order for psychological and/or home evaluations.

[Pa.B. Doc. No. 06-2151. Filed for public inspection November 3, 2006, 9:00 a.m.]

## SUSQUEHANNA COUNTY

New Rules of the Civil Division of the Court of  
Common Pleas; No. 1991-669 C.P.

## Order

Now to Wit, this 23rd day of October, 2006, *It Is Ordered and Decreed* that the amended rules of the Civil Division of the Court of Common Pleas of Susquehanna County, Rule 1303, and Civil Rule 1308, Arbitrators' Compensation, be and the same is hereby promulgated herewith to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that (1) certified copy shall be filed with the Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Prothonotary of the Court of Common Pleas of Susquehanna County.

By the Court

KENNETH W. SEAMANS,  
*President Judge*

CIVIL RULE 1303. *Hearing Notice.*

Cases subject to arbitration under Susquehanna County Local Rule 1301 shall be listed therefor on a praecipe of either counsel or by agreement or reference filed with the Prothonotary. Upon receipt thereof, the Prothonotary shall appoint a board of three (3) arbitrators from the list of available arbitrators in alphabetical order.

(a) The Prothonotary shall give notice of the appointment in writing sent by ordinary mail to each member of the board of arbitrators appointed in accordance with this section.

(b) The [ **chairman of the board of arbitrators** ] **District Court Administrator** shall promptly fix the date, time and place of hearing and shall **by court order**

give written notice thereof sent by ordinary mail to the parties or their attorneys of record not less than thirty (30) days prior to the hearing.

(c) All continuances shall be in the sound discretion of the [ **chairman of the board** ] **President Judge** and shall be made to a day and time certain not more than thirty (30) days from the date originally set. [ **by the chairman who shall give notices of the continued date and time to the parties or their attorneys of record at least five (5) days prior thereto by ordinary mail or telephone.** ]

CIVIL RULE 1308. *Arbitrators' Compensation.*

Subject to the limitation set forth in Pa.R.C.P., Rule 1308 (a)(2), each member of the board of arbitrators, who has signed the report of the board upon conclusion of the case or filed a minority report in conjunction therewith, shall receive his compensation for services, a fee and mileage in accordance with the following schedule:

[ **Chairman of the Board—\$100.00 if the case is settled, discontinued or withdrawn from arbitration—\$25.00; Associate Arbitrator—\$75.00** ]

**Each arbitration panel member shall receive \$150.00 per hour for the first hour of hearing and \$50.00 per hour thereafter.**

Any member of the board who maintains his principle office other than in the municipality in which the hearing is held shall receive mileage at the same rate paid by the County of Susquehanna. The Court may upon petition for cause shown allow additional compensation. All compensation and mileage payments shall be paid from County funds as in the case of all other County debts. Fees paid to the arbitrators shall not be taxed as costs nor follow the award as other costs.

[Pa.B. Doc. No. 06-2152. Filed for public inspection November 3, 2006, 9:00 a.m.]