

# THE COURTS

## Title 25—LOCAL COURT RULES

### MCKEAN COUNTY

**Adoption of Civil Procedure; No. 158 December of  
1904**

#### Amended Order of Court

*And Now* this 20th day of September, 2007, it is ordered and decreed as follows:

1. McKean County Local Rules of Civil Procedure 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a) are hereby adopted and are effective upon publication on the UJS Portal (<http://ujportal.pacourts.us>);

2. The District Court Administrator of the 48th Judicial District of Pennsylvania is hereby Ordered to:

a. Transmit a copy to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal;

b. File two certified copies and a computer diskette containing this Order and the previously referenced Local Rules of Civil Procedure with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

d. Provide one copy of this Order and the previously referenced Local Rules of Civil Procedure to each member of the McKean County Bar Association; and

e. Keep continuously available for public inspection copies of this Order and the above referenced Local Rules of Civil Procedure.

*By the Court:*

JOHN M. CLELAND,  
*President Judge*

#### **RULE L205.2(a) Binding and Attachment**

(1) All papers filed with the Prothonotary shall be top bound and prepared for flat filing.

(2) Attachments to any paper filed with the Prothonotary shall be clearly legible. Copies shall faithfully represent the original in every respect.

#### **RULE L205.2(b) Cover Sheet**

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

COURT OF COMMON PLEAS OF MCKEAN COUNTY  
PENNSYLVANIA

CIVIL ACTION-(LAW) (EQUITY)

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

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

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

\_\_\_\_\_  
Plaintiff  
VS.

Filed on Behalf of:

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

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

\_\_\_\_\_  
(Name of Attorney)

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

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

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

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

Dated: \_\_\_\_\_ Counsel of Record for Adverse  
Party:  
\_\_\_\_\_

#### **RULE L206.1(a) Petition Practice**

(a) As used in these rules, "petition shall mean only an application to open a default judgment or a judgment of non pros."

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

(a) The issuance of a rule to show cause shall be discretionary with the court and shall be in accordance with Pa.R.C.P. 206.5.

(b) The petition seeking the issuance of a rule shall be supported with an appropriate statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the petition; or, in a routine petition that does not raise complex legal or factual issues, in the body of the petition itself.

(c) Attached to the petition shall be a proposed order in the form prescribed in Pa.R.C.P. 206.5(d). The court in its discretion may delete paragraphs (4) and (5) of the form order (regarding discovery and argument) and provide instead that the matter will proceed before the court on an evidentiary hearing to resolve disputed issues of fact. The court may also enter an order to require the filing of briefs or to authorize discovery to proceed other than by deposition.

(d) Any request for stay of execution pending disposition of a petition to open judgment shall be filed by separate motion.

(e) The petition and any motion seeking a stay of execution shall be scheduled for argument and/or hearing by the Court Administrator and it is not necessary for the moving party to request hearing and/or argument.

#### **RULE L208.2(c) Statement of Authority**

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

**RULE L208.2(d) Uncontested Motions**

A motion that is represented to be uncontested shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties and that the requested relief is uncontested.

**RULE L208.2(e) Discovery Motions**

A motion relating to discovery shall contain a certification by counsel for the moving party that counsel has conferred, or attempted to confer, with all interested parties in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

**RULE L208.3(a) Motion Procedure: Scheduling and Argument****(a)(1) Filing and Scheduling:**

(i) All motions shall be filed with the Prothonotary in the form prescribed in Rule L205.2.

(ii) Motions should not be filed with the Court Administrator. Courtesy copies for the court are not required. Motions should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(iii) The court will take no action until a motion has been filed of record, except in unusual circumstances.

(iv) All motions, including emergency motions, shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(a)(2) Telephone or video conferences: The court, in its discretion, may hear any argument by telephone or video conference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(a)(3) The Official Court Reporter does not attend arguments unless directed by the court, or unless counsel has made a timely request.

(a)(4) Transcripts: The moving party in all post-trial or post-hearing motions or petitions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

(b) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

**RULE L210 Form of Briefs**

Briefs shall be typewritten and double spaced (except for quotation) on paper approximately 8-1/2 inches by 11 inches in size, shall be bound at the top, not at the side, and shall contain:

- (a) A history of the case.
- (b) A statement of the question or questions involved.
- (c) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
- (d) An argument with citation of the authority relied upon.
- (e) A conclusion.

**RULE L1028(c) Preliminary Objections**

(a) Filing: All preliminary objections shall be filed with the Prothonotary in the form prescribed in Rule L205.2. Preliminary objections should not be filed with the Court Administrator. Courtesy copies for the court are not required. Preliminary objections should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(b) The court will take no action until the preliminary objections have been filed of record, except in unusual circumstances.

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

(d) Scheduling: Preliminary objections shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(e) Reply brief: The opposing party shall file an answer or reply brief to the preliminary objections within 20 days after service of the motion unless the time for filing the response is modified by court order.

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

(g) The Official Court Reporter does not attend arguments unless directed by the court, or upon timely request of counsel.

**RULE L1034(a) Motion for Judgment on the Pleadings**

(a) Filing: A motion for judgment on the pleadings shall be filed with the Prothonotary in the form prescribed in Rule L205.2. It should not be filed with the Court Administrator. Courtesy copies for the court are not required. It should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(b) The court will take no action until the motion has been filed of record, except in unusual circumstances.

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

(d) Scheduling: It shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(e) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

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

(g) The Official Court Reporter does not attend arguments unless directed by the court, or upon timely request of counsel.

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

(a) Filing: A motion for judgment on the pleadings shall be filed with the Prothonotary in the form prescribed in Rule L205.2. It should not be filed with the Court Administrator. Courtesy copies for the court are not required. It should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(b) The court will take no action until the motion has been filed of record, except in unusual circumstances.

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

(d) Scheduling: It shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(e) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

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

(g) The Official Court Reporter does not attend arguments unless directed by the court, or upon timely request of counsel.

(h) Transcripts: If the argument relates to the testimony presented, the moving party shall arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

[Pa.B. Doc. No. 07-1861. Filed for public inspection October 12, 2007, 9:00 a.m.]