

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Adoption of Rule 1042.6 and Amendment of Rules 1042.1—1042.9; Governing Professional Liability Actions; No. 493 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 16th day of June, 2008, the Pennsylvania Rules of Civil Procedure are amended as follows:

(1) Rule 1042.1, Rule 1042.2, and Rule 1042.3 are amended to read as follows.

(2) Rule 1042.6 is renumbered as Rule 1042.7 and amended to read as follows. Rule 1042.7 is renumbered as Rule 1042.8; Rule 1042.8 is renumbered as 1042.9.

(3) New Rule 1042.6 is promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately. The new and amended rules shall apply to all pending actions in which a judgment of non pros for failure to file a certificate of merit has not been entered by the effective date.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Rule 1042.1. Professional Liability Actions. Scope. Definition.

(a) The rules of this chapter govern a civil action in which a professional liability claim is asserted **by or on behalf of a patient or client of the licensed professional** against

(1) a licensed professional, **and/or**

(2) a **partnership, unincorporated association, corporation or similar entity where the entity is responsible for a licensed professional who deviated from an acceptable professional standard, and**

(b) **A professional liability claim asserted against a licensed professional includes a claim for lack of informed consent.**

[(b)] (c) * * *

Rule 1042.2. Complaint.

* * * * *

Official Note: [The filing of preliminary objections raising failure of a pleading to conform to rule of court is the procedure for bringing before the court the issue whether the complaint is asserting a professional liability claim.] The filing of preliminary objections pursuant to Rule 1042.2(b) is not a prerequisite to the filing of a notice of intent to enter a judgment of non pros on a professional liability claim pursuant to Rule 1042.6.

Rule 1042.3. Certificate of Merit.

* * * * *

Official Note: The requirements of subdivision (a) apply to a claim for lack of informed consent.

(1) * * *

(2) * * *

(3) * * *

(b)(1) * * *

(c)(1) A defendant who files a counterclaim asserting a claim for professional responsibility shall file a certificate of merit as required by this rule.

(2) A defendant or an additional defendant who has joined a licensed professional as an additional defendant **or asserted a cross-claim against a licensed professional** need not file a certificate of merit unless the joinder **or cross-claim** is based on acts of negligence that are unrelated to the acts of negligence that are the basis for the claim against the joining **or cross-claiming** party.

(d) The court, upon good cause shown, shall extend the time for filing a certificate of merit for a period not to exceed sixty days. A motion to extend the time for filing a certificate of merit must be filed [**on or before the filing date that the plaintiff seeks to extend.**] **by the thirtieth day after the filing of a notice of intention to enter judgment of non pros on a professional liability claim under Rule 1042.6(a) or on or before the expiration of the extended time where a court has granted a motion to extend the time to file a certificate of merit, whichever is greater.** The filing of a motion to extend tolls the time period within which a certificate of merit must be filed until the court rules upon the motion.

* * * * *

Rule 1042.6. Notice of Intent to Enter Judgment of Non Pros for Failure to File Certificate of Merit. Motion to Determine Necessity to File Certificate. Form of Notice (NEW).

(a) Except as provided by subdivision (b), a defendant seeking to enter a judgment of non pros under Rule 1042.7(a) shall file a written notice of intention to file the praecipe and serve it on the party's attorney of record or on the party if unrepresented, no sooner than the thirty-first day after the filing of the complaint.

(b) A judgment of non pros may be entered as provided by Rule 1042.7(a) without notice if

(1) the court has granted a motion to extend the time to file the certificate and the plaintiff has failed to file it within the extended time, or

(2) the court has denied the motion to extend the time.

(c) Upon the filing of a notice under subdivision (a) of this rule, a plaintiff may file a motion seeking a determination by the court as to the necessity of filing a certificate of merit. The filing of the motion tolls the time period within which a certificate of merit must be filed until the court rules upon the motion. If it is determined that a certificate of merit is required, the plaintiff must file the certificate within twenty days of entry of the court order on the docket or the original time period, whichever is later.

Official Note: The motion may be filed at any time prior to the entry of a judgment of non pros.

Once the judgment of non pros is entered, a party cannot raise the claim that the filing of a certificate of merit was not required.

(d) The notice required by subdivision (a) of this rule shall be substantially in the following form:

(CAPTION)

NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS ON PROFESSIONAL LIABILITY CLAIM

To: (Identify Party)

Pursuant to Pennsylvania Rule of Civil Procedure 1042.7, I intend to enter a judgment of non pros against you after thirty (30) days of the date of the filing of this notice if a certificate of merit is not filed as required by Rule 1042.3.

I am serving this notice on behalf of (Name of party)

The judgment of non pros will be entered as to the following claims:

(State if a judgment is to be entered as to all claims. Otherwise, identify claims set forth in the complaint as to which a judgment of non pros will be entered.)

(Attorney)

(Address)

(Telephone Number)

Rule [1042.6.] 1042.7. Entry of Judgment of Non Pros for Failure to File Certification. Form of Praecept.

(a) The prothonotary, on praecipe of the defendant, shall enter a judgment of non pros against the plaintiff for failure to file a certificate of merit within the required time provided that

(1) there is no pending motion for determination that the filing of a certificate is not required or no pending timely filed motion seeking to extend the time to file the certificate[.],

(2) no certificate of merit has been filed,

(3) except as provided by Rule 1042.6(b), the defendant has attached to the praecipe a certificate of service of the notice of intention to enter the judgment of non pros, and

(4) except as provided by Rule 1042.6(b), the praecipe is filed no less than thirty days after the date of the filing of the notice of intention to enter the judgment of non pros.

Official Note: The prothonotary may not enter judgment if the certificate of merit has been filed prior to the filing of the praecipe.

Rule 237.1 does not apply to a judgment of non pros entered under this rule.

See Rule 208.2(a)(4) for the content of the certificate of service.

(b) The praecipe for the entry of a judgment of non pros shall be substantially in the following form:

(Caption)

Praecipe for Entry of Judgment of Non Pros Pursuant to Rule [1042.6] 1042.7

To the Prothonotary:

[Enter judgment of non pros against Plaintiff in the Professional liability claim against Defendant in the above captioned matter.]

Enter judgment of non pros in the above-captioned matter against Identify Party as to

(1) all claims against Identify Party .

OR

(2) only the following claims against Identify Party :

Identify Claims

[I, the undersigned, certify that the plaintiff named above has asserted a professional liability claim against the defendant named above who is a licensed professional, that no certificate of merit has been filed within the time required by Pa.R.C.P. 1042.3 and that there is no motion to extend the time for filing the certificate pending before the court.]

Date: [Defendant or] Attorney for [Defendant]

(Identify Party)

Official Note: Where applicable, a certificate of service of the notice of intention to enter judgment of non pros shall be attached to the praecipe.

Rule [1042.7.] 1042.8. Sanctions.

* * *

Rule [1042.8.] 1042.9. Certificate of Merit. Form.

* * *

Explanatory Comment

Current Rules 1042.6, 1042.7 and 1042.8 have been renumbered as Rules 1042.7, 1042.8 and 1042.9, respectively, and new Rule 1042.6 has been promulgated to govern notice of intent to enter a judgment of non pros for failure to file a certificate of merit.

The highlights of the amendments are as follows:

1. Present Rule 1042.1 governing the scope of the rules has been amended in two respects. First, subdivision (a) was revised to make clear that Rule 1042.1 et seq. (1) applies to claims by or on behalf of patients or clients against licensed professionals and (2) includes professional liability actions against a partnership, an unincorporated association, a corporation or a similar entity where the entity "is responsible for a licensed professional who deviated from an acceptable professional standard."

Second, new subdivision (b) was added to Rule 1042.1 to make clear that a professional liability action against a health care provider includes a claim for lack of informed consent.

2. Present Rule 1042.2(b) provides that "[a] defendant may raise by preliminary objections the failure of the complaint to comply with subdivision (a) of this rule." The note to present Rule 1042.2(b) has been amended because new Rule 1042.6(c) permits a plaintiff to file a motion seeking a determination by the court as to the necessity of filing a certificate of merit.

3. New Rules 1042.6 and 1042.7 address concerns that the present rules (1) permit the entry of a judgment of non pros where a plaintiff may believe that the rules governing certificates of merit do not apply and (2) provide for the entry of a judgment of non pros where there has been no notice of intent to enter such a judgment.

Several revisions to these rules remedy this situation. First, new Rule 1042.6(a) requires a defendant to give a thirty-day notice of intention to file a praecipe for a judgment of non pros for failure to file a certificate of merit. Subdivision (d) provides a form of notice. The new rule retains the basic sixty-day period for the filing of a certificate of merit under present practice since the notice may be filed no earlier than the thirty-first day after the filing of the complaint and the judgment may not be filed earlier than thirty days after the filing of the notice. Subdivision (b) sets forth exceptions to the notice requirement where the court (1) has granted an extension of time to file a certificate of merit and the plaintiff has failed to do so or (2) has denied a motion to extend the time for filing a certificate.

Second, new Rule 1042.6(c) provides that once a notice of intention to seek a judgment of non pros has been filed, the plaintiff may file a motion to seek "a determination by the court that the filing of a certificate of merit is not required." As in the case of a motion to extend the time for filing a certificate under Rule 1042.3(d), the "filing of the motion tolls the time period within which a certificate of merit must be filed until the court rules upon the motion."

Third, present Rule 1042.6 was renumbered as Rule 1042.7 and revised. As revised, subdivision (a) of the rule has been expanded to set forth four conditions for the entry of a judgment of non pros. The form of praecipe to enter the judgment in subdivision (b) has been revised to conform to the new procedure.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 08-1185. Filed for public inspection June 27, 2008, 9:00 a.m.]

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Adoption of Rule 503; Rules Doc. No. 2008-2-PJ

Order of Court

And Now, to-wit, this 10th day of June, 2008, pursuant to action of the Board of Judges, the within new Local Rule 503 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court,

JOSEPH M. JAMES,
President Judge

Local Rule 503. Appeals From Real Estate Tax Assessment.

The following provisions shall govern all tax assessment appeals from the Disposition of Appeal from Real Estate Assessment 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) owners 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 petitioner. All other parties shall be designated as respondents 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 Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review must be filed with the Department of Court Records, Civil Division, within thirty (30) days of the date of mailing by the Board of the notice of its Disposition of Appeal from Real Estate Assessment.

(b) An appeal shall be in substantially similar form as set forth in Petition for Assessment Appeal (FORM 503(3)) (see subsection (20)(a) below) and shall contain the following:

- (i) the names of the parties;
- (ii) an identification of the property by address, lot and block number;
- (iii) whether the property is residential or commercial; and
- (iv) the name of the party that appealed to the Board of Property Assessment Appeals and Review.

Note: The Petitioner, in filing a Petition for Appeal from Disposition of the Board of Property Assessment Appeals and Review, is deemed to have raised all challenges to the assessment that the law permits.

(4) Notice. Service.

Petitioner 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 of the filing of the appeal, and shall file proof of service thereof.

(5) Action Required of Department of Court Records, Civil Division.

(a) Upon the docketing of any appeal from a Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review, the Department of Court Records, Civil Division, shall obtain the information contained in the Board of Property Assessment Appeals and Review's Disposition of Appeal from Real Estate Assessment.

(b) Upon obtaining the information contained in the Board of Property Assessment Appeals and Review's Disposition of Appeal from Real Estate Assessment, the Department of Court Records, Civil Division, shall place this information in the court file in hard copy form, and make it available on the Department's publicly accessible website in electronic form.

(6) Filing of Appeals.

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

(7) 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.

(8) Motions.

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

(9) Board of Viewers.

All tax assessment appeals from a Disposition of Appeal from Real Estate Assessment 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.

(10) Discovery.

(a) In all cases involving non-residential property, the taxing bodies may serve a copy of Tax Assessment Appeal Discovery Requests, (FORM 503(10)) (see subsection (20)(b) below) 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 seek-

ing 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.

(11) Conciliation.

(a) All appeals shall be conciliated prior to a hearing by the panel of the Board of Viewers assigned to hear the appeal.

(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.

(12) 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 petitioner 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, this subsection (12) 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 respondent(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 petitioner shall distribute their Pre-Trial Statement in accordance with subsection (12)(a) of this local rule. All interested parties whose interests are aligned with the respondent(s) shall distribute their Pre-Trial Statement in accordance with subsection (12)(b) of this local rule.

(d) The failure to comply with subsections (12)(a), (12)(b) and (12)(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.

(13) 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. The notice shall be sent by regular mail and shall state that if any party fails to appear at the hearing it will proceed without them or the appeal will be dismissed with prejudice.

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.

(14) Report.

Following the hearing, the Board of Viewers shall file its written Special Masters Report and Recommendation with the Department of Court Records, Civil Division. This Special Masters Report along with a Notice in substantially similar form as set forth in Notice (FORM 503(14)) (see subsection 20(c) below), shall be mailed to all counsel or parties if not represented by counsel.

(15) Objections. Trial Transcript.

(a) The parties may file objections to the Special Masters Report and Recommendation within ten (10) days of receipt of the Special Masters Report and Recommendation and Notice. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the court reporter and

paid for. Copies of the objections and certification shall be filed with the Department of Court Records, Civil Division, and served on all counsel of record or party(ies) if unrepresented, and the Board of Viewers.

(b) If no trial transcript is filed within ninety (90) days of the date the Objections were filed, the Administrative Chair of the Board of Viewers shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within that time period, then a court order will be issued overruling the objections with prejudice. (FORMS 503(15A) and 503(15B)) (see subsections 20(d) and 20(e) below).

Note: If, through no inaction on the part of the objecting party the court reporter is unable to meet the deadline set for filing of the transcript in the letter from the Administrative Chair, the objecting party may ask for an extension of time from the Administrative Chair.

(16) Briefs on Objections.

(a) Within twenty (20) days of the date on which the transcript is filed of record, the objecting 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 Board of Viewers. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(b) If no brief is filed within twenty (20) days of the date the transcript is filed, the Administrative Chair of the Board of Viewers shall send the objecting party a letter, with copies to all counsel or parties not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice. (FORMS 503(16A) and 503(16B)) (see subsections (20)(f) and (20)(g) below).

Note: If a Brief in Support of Objections has been filed by a taxing body, other taxing bodies may rely on that brief, and in such event the Administrative Chair will not send a FORM 503(16A) letter to the other taxing bodies.

(17) Opposing Briefs.

(a) 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 on the party(ies) if unrepresented, and the Board of Viewers.

(b) If no Brief in Opposition is filed and served within twenty (20) days, the Administrative Chair of the Board of Viewers shall send the opposing party(ies) a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter. (FORM 503(17)) (see subsections (20)(h) below).

Note: If a Brief in Opposition has been filed by a taxing body, other taxing bodies may rely on that brief, and the Administrative Chair will not send a FORM 503(17) letter to the other taxing bodies.

(18) Decision.

After the filing date set for Briefs in Opposition to Objections has passed, the objecting party shall notify the Board of Viewers that the matter is ripe for decision by filing a Notice That Matter is Ripe for Decision (FORM 503(18)) (see subsection (20)(i)(below)). The objecting 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), and upon the Board of Viewers. Upon receipt of the Notice, the Administrative Chair of the Board of Viewers shall advise the Court, which shall schedule oral argument or decide the objections on the briefs without oral argument.

(19) **Final Order.**

In the event that none of the parties files Objections as described above, the Special Masters Report and Recommendation shall become the final Order of Court. The Administrative Judge of the Civil Division, or another judge assigned by the Administrative Judge, will enter an Order of Court to this effect.

(20) **Forms**

(a)

FORM 503(3) Petition for Assessment Appeal

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

(Name), CIVIL DIVISION
Petitioner, No. BV _____

v.

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

Respondents.

REAL ESTATE INVOLVED

INTERESTED PARTIES (if applicable):
(Names) Petition for Appeal from
Disposition of the Board of
Property Assessment
Appeals and Review

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

This Petition for Appeal from Disposition of the Board of Property Assessment Appeals and Review is filed pursuant to Local Rule 503(3) by (name):

1. The owner of this commercial/residential (choose one) real estate and/or taxable property is (name), and the address of this real estate is (address) (the "Property"). The Property has been assigned lot and block number (fill in).

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

3. The Office of Property Assessments made an assessment of the Property. (Name) appealed from this assessment to the Board of Property Assessment Appeals and Review (the "Board") asking that the assessment be reduced/raised (choose one). The Board is authorized pursuant to the Administrative Code of Allegheny County to hear all appeals from assessments made by the Office of Property Assessments.

4. Following a hearing, a Disposition of Appeal from Real Estate Assessment was mailed by the Board. The information contained in the Board's Disposition of Appeal from Real Estate Assessment shall be placed in the court records, both in paper and electronic form, by the Department of Court Records, Civil Division.

5. Petitioner is filing this appeal to the Common Pleas Court of Allegheny County.

WHEREFORE, Petitioner requests this Honorable Court to set the assessment to such amount as may be right and proper.

Date: _____
(Signature)

NOTE: Under Pennsylvania law the Court of Common Pleas of Allegheny County can increase or decrease the assessment, no matter who appealed.

(b)

FORM 503(10) 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(10), all applicable responses to these Requests must be furnished within forty-five (45) 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(14) NOTICE

NOTICE

Pursuant to the provisions of 72 P. S. § 5020-518.1(c) and Local Rule 503(9), attached is the Report of the Special Master.

Any party objecting to the Report shall file Objections at the Secondary Desk of the Department of Court Records, Civil Division, on the First Floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219, with ten (10) days of the receipt of this Notice. Objections must be accompanied by a certification of counsel or of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Reporter's Office (Room 415, County Office Building, 412-350-5414) and paid for by the objecting party. Copies of the Objections and certification shall be served on the Administrative Chair of the Board of Viewers (Room 811, City-County Building) and on all counsel of record or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the Special Master will be adopted as the final Order of Court.

DATED: _____ ADMINISTRATIVE CHAIR
BOARD OF VIEWERS

(d)

FORM 503(15A) Letter

Re: [case name and docket number]

Dear [Objecting Party],

It has been ninety (90) days since you filed your Objections to the Masters Report in the subject case and no trial transcript has been filed with the Department of Court Records, Civil Division. You must contact the court reporter and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 503(15).

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 503(15)(b) WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,
Administrative Chair, Board of Viewers

(e)

FORM 503(15B)

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20____, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated _____ was mailed by the Board of Viewers' Administrative Chair to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter; and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 503(15)(b) the objections in this case are overruled with prejudice.

BY THE COURT:

(f)

FORM 503(16A) Letter

Re: [case name and docket number]

Dear [Objecting Party],

It has been twenty (20) days since the transcript in the referenced case was filed with the Department of Court Records, Civil Division. Pursuant to Local Rule 503(16)(a), your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 503(16)(b) WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,
Administrative Chair, Board of Viewers

(g)

FORM 503(16B) Court Order

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20____, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated _____ was mailed by the Board of Viewers' Administrative Chair to the objecting party; this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief,

IT IS ORDERED THAT, pursuant to Local Rule 503(16)(b) the objections in this case are overruled with prejudice.

BY THE COURT
_____ J. _____

(h)

FORM 503(17) Letter

Re: [case name and docket number]

Dear [Opposing Party]:

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.

(i)

FORM 503(18) Notice That Matter Is Ripe for Decision

[CASE CAPTION, INCLUDING DOCKET NUMBER]

NOTICE THAT MATTER IS RIPE FOR DECISION

AND NOW, comes (name) and notifies this Honorable Court pursuant to Local Rule 503(18) that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections _____ has _____ has not (please check appropriate line) been filed.

Date: _____
(Signature)

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended June 5, 2008, effective _____, 2008.

[Pa.B. Doc. No. 08-1186. Filed for public inspection June 27, 2008, 9:00 a.m.]

ALLEGHENY COUNTY

Adoption of Rule 502.1; Rules Doc. No. 2008-1-PJ

Order of Court

And Now, to-wit, this 10th day of June, 2008, pursuant to action of the Board of Judges, the within new Local Rule 502.1 affecting the Civil Division of the Court of Common Pleas is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH M. JAMES,
President Judge

Local Rule 502.1. Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.

(1) If at any time during the course of an appeal filed pursuant to Local Rules 503 or 504 ownership of the property at issue is transferred, changed, or altered in any way, the property owner listed of record in the appeal is required to file notice of the transfer/change/alteration with the Department of Court Records, Civil Division (FORM 502.1) (see subsection (2) below). The Notice shall provide the following information:

(a) The name(s) and address(es) of the new owner(s) of the property;

(b) The type of transfer/change/alteration (e.g., property sold, joint tenant added); and

(c) The date of the transfer/change/alteration.

Note: An appeal to the Board of Viewers is an appeal to the Court of Common Pleas. See Local Rule 503(9). See Pa.R.C.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.C.P. 440 and Local Rule 440 for requirements of service of legal papers.

(2)

FORM 502.1 Change of Ownership. Change of Address.

NOTICE

Department of Court Records, Civil Division
First Floor, City County Building
414 Grant Street
Pittsburgh, PA 15219

Re: **[ORIGINAL CASE CAPTION AND DOCKET NUMBER]**

(1) The names(s) and address(es) of the new owner(s) of the property is (are): _____

(2) The ownership of the property that is the subject of the referenced assessment appeal has been changed, as follows (e.g., property sold, joint tenant added, etc.): _____

(3) The date of the transfer/change/alteration was: _____

Dated: _____ Signed: _____

Editor's Note: Adopted June 5, 2008, effective _____, 2008.

[Pa.B. Doc. No. 08-1187. Filed for public inspection June 27, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 12, 2008, Sherry L. Freebery is disbarred on consent from the practice of law in this Commonwealth, to be effective July 12, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1188. Filed for public inspection June 27, 2008, 9:00 a.m.]