

THE COURTS

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Public Access Policy for Official Case Records of the Magisterial District Courts of the Fifth Judi- cial District; Magisterial District Court Doc. No. 21 of 2010

Administrative Order

And Now, this 12th day of October, 2010, pursuant to the *Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts*, this Administrative Order shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

It is *Ordered* that official paper case records of the Magisterial District Courts are public records and shall be made available to the public for inspection and photocopying under the following conditions:

1. Neither a written request nor fee is required for access to and/or photocopying of a minimal number of official case records; however, actual postage may be assessed.

2. The yearly fee schedule for requests for access to and/or photocopying of voluminous or complex records at all magisterial district courts, except Pittsburgh Municipal Court, shall be:

(a) Individual staff member preparation, copying and/or re-filing, for;

(i) 2010—\$18.34 per hour (prorated by fifteen minute intervals).

(ii) 2011—\$18.89 per hour (prorated by fifteen minute intervals).

(iii) 2012—\$19.46 per hour (prorated by fifteen minute intervals).

(b) After due consideration of staff resource limitations, the impact upon the orderly conduct of court business and the responsibility to maintain the security and control of official case records at a magisterial district court, the court may determine that a constable is needed to facilitate access to official case records at a rate of \$13.00 per hour, rounded off to the nearest whole dollar.

(c) After due consideration of staff resource limitations, the impact upon the orderly conduct of court business and the responsibility to maintain the security and control of official case records at a magisterial district court, where the court has determined that a constable is needed to facilitate access to official case records files, and photocopying is required, an additional constable may be designated by the court to make photocopies, at a rate of \$13.00 per hour, rounded off to the nearest whole dollar.

3. The yearly fee schedule for requests for access to and/or photocopying of voluminous or complex records at Pittsburgh Municipal Court, shall be:

(a) Individual staff preparation, copying and/or re-filing, for;

(i) 2010—\$15.20 per hour (prorated at fifteen minute intervals).

(ii) 2011—\$15.66 per hour (prorated at fifteen minute intervals).

(iii) 2012—\$16.13 per hour (prorated at fifteen minute intervals).

4. Postage at actual cost.

5. Photocopying at \$0.25 per page.

6. Pre-payment of fees may be required at the discretion of the court.

7. Applicable fees may be waived if the court determines the requestor is indigent or for other good cause.

8. Fees paid for services are non-refundable.

By the Court

DONNA JO MCDANIEL,
President Judge

[Pa.B. Doc. No. 10-2186. Filed for public inspection November 19, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

In the Matter of the Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2010- 4823

Order Pursuant to Pa.R.C.P. 239

October 29th, 2010, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Civil Division, are amended, rescinded or adopted as indicated this date, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule of Civil Procedure 205.1(a) is adopted and Rule 205.1.2 is rescinded.

Local Rules of Civil Procedure 211 and 212.7 are amended and shall now read as follows.

It Is Further Ordered that The District Court Administrator shall

1. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. File seven (7) certified copies of the local rule changes with the Administrative Office of Pennsylvania Courts.

3. File one (1) certified copy of the local rule changes with the Civil Procedural Rules Committee.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton

County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

6. Arrange to have the local rule changes published on the Franklin County Bar Association web site at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

Local Rule 205.1(a). Filing Legal Papers. Presentation to the Court.

A legal paper requiring the signature of, or action by a Judge may be filed, delivered or mailed to the Prothonotary as in Pa.R.C.P. 205.1. When such paper is received by the Prothonotary it shall be marked filed and then delivered to the Court Administrator for distribution to the appropriate Judge's Law Clerk for judicial consideration.

Local Rule 211. Oral Arguments.

39-211.1 Except as otherwise provided by the Court, arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the argument shall be held on as scheduled by the Court; and in the Fulton County Branch, arguments shall be held on days as established by the annual Court calendar or as scheduled by the Court.

39-211.2 In the Franklin County Branch, causes for argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose, on or before the Thursday which is six (6) weeks preceding the day for argument. Any party may list a cause by filing a Praeipie directing the Prothonotary to list the cause for argument. In the Fulton County Branch, causes for argument may be listed in the Prothonotary's office in a docket to be provided for that purpose upon Praeipie of a party filed at least six (6) weeks before the argument is to be scheduled before the assigned judge. The party entering a cause for argument shall forthwith, by ordinary mail, notify all other parties that the cause has been listed for argument; and shall file proof of service of such notice. Failure to give such notice shall be grounds for striking the cause from the list upon Motion.

39-211.3 The parties may agree in writing to add a cause to the argument list at any time so long as service of briefs may be made in accordance with the time requirements of Rule 39-211.7. The Court may order a cause listed for argument at the next scheduled argument court or on such other day as it may direct and, in that event, it may set the time for service of briefs.

39-211.4 When the ascertainment of facts is necessary for the proper disposition of a cause listed for argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

39-211.5 The person seeking the order applied for shall argue first, and may also argue in rebuttal, if permitted by the Court, but such rebuttal shall be limited to answering arguments advanced by the opposing party. In causes where there is more than one responding party, the order of argument by the responding parties shall be as directed by the Court.

39-211.6 Each party shall furnish to every other party a typewritten brief in the form set forth in Local Rule 210, Form and content of Briefs.

39-211.7 When a case is listed for argument, the moving party shall file and serve a copy of his brief upon all other parties in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the responding party not later than the thirty-fifth (35th) day preceding the day scheduled for argument. The responding party shall, in return, serve a copy of his brief upon the moving party in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the moving party not later than the twenty-eighth (28th) day preceding the day scheduled for argument. At the time each party serves his brief, he shall furnish two copies thereof to the assigned judge.

39-211.8 Unless the time for filing and serving briefs is extended by the Court for cause shown, where briefs have not been timely filed and served as required by Rule 39-211.7, the Court may upon its own motion or upon request of a party:

- (1) Deny the relief requested where the moving party has failed to comply;
- (2) Grant the requested relief where the responding party has failed to comply;
- (3) Permit oral argument, but only by the complying party;
- (4) Grant such other relief or impose such other sanctions as it shall deem proper.

39-211.9 With the approval of the Court, oral argument may be dispensed with by agreement of the parties and the matter shall be submitted to the Court on briefs filed.

39-211.10 Cases shall be continued or stricken from the argument list only pursuant to order of Court. A party may request such an order of Court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties as required by Local Rule 39-206.1.

Local Rule 39-212.7. Scheduling Conference and Case Management.

(a) This Rule shall be applicable to all civil actions other than family law matters governed by Pa.R.C.P. 1901 through 1940.9, credit card collection cases, cases for and appeals from compulsory arbitration, administrative agency appeals, appeals from labor arbitration, landlord-

tenant appeals, appeals from boards of view, mortgage foreclosures and cases in which judgment has been entered.

(b) In all cases to which this rule is applicable, the plaintiff shall, not later than sixty (60) days after service of the complaint upon defendant(s), file and transmit to the assigned judge a proposed order of court in substantially the following form:

Order of Court

(Date), the Complaint filed in this case having been served upon the Defendant(s),

IT IS HEREBY ORDERED that the Plaintiff shall initiate discussion among all parties who shall make a good faith effort to agree upon a proposed Joint Case Management Order which shall be submitted to the assigned judge not later than _____. In the event that the parties cannot agree upon a proposed Joint Case Management Order, they shall submit separate proposed Case Management Orders to the assigned judge in chambers not later than the foregoing date. After the foregoing date, the assigned judge may enter a Case Management Order or may schedule a Case Management Conference.

IT IS FURTHER ORDERED that in considering joint or separate proposed Case Management Orders, counsel and the parties shall be guided by the Court's guidelines set forth in the Note to Local Rule 212.7 and be prepared to support any requested deviation from such guidelines.

IT IS FURTHER ORDERED that the parties shall begin engaging in discovery pending the entry of a Case Management Order if they have not already done so; and that the Plaintiff promptly serve copies of this order upon all other parties.

By the Court,

J.

(c) Not later than 14 days after the deadline for the completion of discovery pursuant to any Case Management Order, Plaintiff's counsel shall arrange with the chambers of the assigned judge for a telephone conference between the Court and counsel for all parties for the express purpose of (1) making a good faith estimate as to the number of trial days—excluding jury selection date—that will be required for trial; (2) securing trial dates; and (3) considering mediation as a settlement tool.

NOTE: The purpose of the Court in adopting this Rule providing for case management is to better assure the progress of cases through the judicial system without unreasonable delay by fixing deadlines for completion of the various stages of cases. Deadlines, for example, for completion of discovery, the filing of expert reports, and the filing of dispositive motions, will be set at the scheduling conference. Thereafter, a party seeking extension of a deadline will have the burden of establishing good cause for such extension.

The following are guidelines for various types of cases:

CASE EVENT	SIMPE CASE (e.g. admitted liability, minimal discovery)	STANDARD (e.g. motor vehicle, contracts, some equity)	COMPLEX (e.g. product liability, some equity, extensive discovery)	MEDICAL MALPRACTICE
Discovery Completion	5 months	9 months	12 months	12 months
Plaintiff Expert Reports	6 months	10 months	13 months	13 months
Defense Expert Reports	7 months	11 months	14 months	14 months
Dispositive Motions	8 months	12 months	15 months	15 months
Pretrial Conference	10 months	14 months	17 months	17 months

[Pa.B. Doc. No. 10-2187. Filed for public inspection November 19, 2010, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES

In the Matter of the Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2010-4824

Order Pursuant to Pa.R.C.P. 239.8

October 29th, 2010, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Civil Division, are amended, rescinded or adopted as indicated this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rule of Civil Procedure 205.2(a) is adopted.

Local Rules of Civil Procedure 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), and 208.3(b) are amended and shall now read as follows.

It Is Further Ordered that The District Court Administrator shall

1. Transmit a copy of this order and the foregoing rules to the Civil Procedural Rules Committee for transmittal to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

2. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Franklin County Bar Association web site at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

Local Rule 205.2(a). Assignment to Judge upon Filing of Complaint.

Upon the filing of a complaint, the Prothonotary shall assign the case to a specific judge and shall indicate the name of the particular judge assigned in the caption. The name of the judge to whom the case is assigned shall be noted in the caption of each service copy of the complaint.

(i) All pleadings and papers filed subsequent to the complaint shall have the name of the judge to whom the case is assigned noted in the caption.

(ii) Subsequent to the filing of a complaint, motions and petitions shall be directed to the assigned judge for disposition unless such judge is unavailable.

Local Rule 206.1(a). Purpose and Designation.

The procedure after issuance of rules to show cause shall be as set forth in Pa.R.C.P. 206.7. If argument is ordered by the Court, the case shall be listed, briefed and decided as set forth in the Court's order. All applications for which the procedure for the relief sought is not otherwise specifically addressed elsewhere in the rules and which require the assertion of facts not of record are hereby designated as petitions. A petition, generally speaking, is a request for relief ancillary to a given cause of action. Each petition shall be accompanied by a verification or affidavit verifying the facts stated in the petition. Every petition shall contain a certification noting whether it is contested or uncontested or, if the petitioning party is unable to so indicate, a description of the efforts which have been made to determine the position of the responding party. References to phone calls and emails shall include date and time.

Local Rule 206.4(c). Petition with Issuance of Rule to Show Cause.

(1) Rules to show cause shall be issued at the discretion of the Court pursuant to the procedure set forth in Pa.R.C.P. 206.5. The petition for the rule to show cause may be filed, delivered or mailed to the Prothonotary as set forth in Pa.R.C.P. 205.1. Upon receipt, the Prothonotary shall mark it filed and deliver it to the Court Administrator. In the alternative, a petition for a rule to show cause may be presented to the court at any open session, or to the assigned judge's law clerk or to the assigned judge in chambers at such time as the court may set.

(2) The procedure after issuance of the rule to show cause shall be as set forth in Pa.R.C.P. 206.7. If hearing or argument is ordered by the court the case shall be listed, briefed and decided as set forth in Local Rule 211 et seq.

(3) The Rule to Show Cause shall be substantially in the following form:

RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20__, upon consideration of the foregoing petition, it is hereby ordered that

1. A rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

2. The respondent shall file a verified Answer to the Petition within ____ days of service upon the respondent;

3. The Petition shall be decided under Pa.R.C.P. No. 206.7;

4. Depositions shall be completed within _____ days of service upon petitioner of the Answer;

5. Hearing and/or argument, if any, shall be held on _____, _____, 20__, at ____ o'clock ____ .m. in the assigned Courtroom of the Franklin/ Fulton County Courthouse, Chambersburg/ McConnellsburg, PA;

6. If Items 4 and 5 above are left blank, depositions and/or argument or hearing will be considered upon the request of any party; and

7. Notice of entry of this order shall be provided to all parties by the petitioner.

8. In the case of Preliminary Objections [Local Rule 1028(a)], Motions for Judgment on the Pleadings [Local Rule 1034(a)] and Motions for Summary Judgment [Local Rule 1035(a)], parties shall follow the procedures for disposition set forth in those rules.

By the Court,

Committee Comment:

No applications are designated as "petitions" other than applications to open a default judgment or a judgment of non pros as required by Pa.R.C.P. 206.1(a)(1). The issuance of a rule to show cause shall be discretionary with the court as provided in Pa.R.C.P. 206.5. A petitioner seeking the issuance of a rule to show cause shall attach to the petition a Rule in the form designated by this rule and a proposed order granting the relief sought. Under Pa.R.C.P. 206.7, the issue raised in the petition may be decided without the necessity of argument. However, if the court orders argument on the petition, the matter shall be listed for argument, briefed and decided pursuant to Local Rule 211, et seq.

Local Rule 208.2(c). Motions, generally.

A motion shall include a brief statement of the applicable authority, including reference to any applicable local or state rule or statute; or shall be accompanied by a brief at the time of filing.

Local Rule 208.2(d). Motions, certification.

Every motion shall contain a certification noting whether it is contested or uncontested or, if the moving party is unable to so indicate, a description of the efforts which have been made to determine the position of the responding party. References to phone calls shall include date and time.

Local Rule 208.2(e). Motions relating to Discovery.

Every motion relating to discovery shall attach a certificate, signed by counsel for the moving party, certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. The attached certificate shall detail the efforts made by the moving party, detailing time, place and manner of conversations and shall include copies of any related correspondence.

Local Rule 208.3(a). Motion Procedure.

The following procedures shall govern motions:

(i) A motion or answer may be filed, delivered or mailed to the Prothonotary as set forth in Pa.R.C.P. 205.1. Upon receipt, the Prothonotary shall mark it filed and deliver it to the Court Administrator. Alternatively, a motion may be presented to the court at any open session,

or to the assigned judge's law clerk or to the assigned judge in chambers at such time as the court may set.

(ii) Emergency motions in cases already assigned to a specific judge should be filed and then delivered directly to Court Administration or to the assigned judge's chambers for handling and, in cases not already assigned, should be directed to the Court Administrator for assignment.

(iii) Unless permitted by the court to be made or taken orally, all motions shall be in writing and shall be verified if the facts do not appear on the face of the record.

(iv) The proper order to be made by the court upon a motion shall be prepared by counsel and attached to the motion at the time of filing. Any order signed by the court shall be promptly filed.

(v) All motions other than those made at trial shall be served, along with any order entered or any order proposed to be entered, upon all other parties in accordance with Pa.R.C.P. 440(a). All such service shall be evidenced by either a certificate of service attached at the time of filing or by an affidavit of service filed separately.

(vi) Motions may be decided with out without oral argument. For those Motions for which a party requests argument of for which the Court requires argument, the Court may issue an order scheduling argument or the motion may be argued by following the procedure set forth in Local Rule 211 et seq.

Local Rule 208.3(b). Answers to Motions.

Except for those Motions which are uncontested by their terms, each responding party shall file an Answer which shall contain supporting authority for the relief sought or which shall be accompanied by a brief at the time of filing. Each Answer shall also have attached at the time of filing the order which is sought by the answering party. Answers other than those to Motions for Summary Judgment shall be filed not later than 20 days after the date of service of the Motion as evidenced by a certificate or affidavit of service unless the time for filing is modified by court order; or unless earlier required in the interests of justice; or as soon as possible in the case of emergency motions.

[Pa.B. Doc. No. 10-2188. Filed for public inspection November 19, 2010, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Local Rule of Civil Procedure *205.2(a)—Required Redaction of Pleadings and Other Papers Filed with the Court; No. 2010- 00001

Order

And Now, this 3rd day of November, 2010, the Court hereby adopts Montgomery County Local Rule of Civil Procedure *205.2(a)—Required Redaction of Pleadings and Other Papers Filed With The Court. This Rule shall

become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239.8, two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

***205.2(a). Required Redaction of Pleadings and Other Papers Filed with the Court.**

Unless required by an applicable law or rule of court, or unless ordered by the court, any party or non-party making a paper or electronic filing of a legal paper as defined in Pa.R.C.P. No. 205.4(a)(2) in the Prothonotary's Office must redact identifying information appearing in the filing, including any attachments thereto, as follows:

(1) An individual's or business entity's social security number or taxpayer identification number must be redacted, provided that the filing may include the last four digits of the social security number or employer identification number;

(2) An individual's date of birth must be redacted, provided that the filing may include the year of an individual's birth;

(3) With respect to any financial account number, including but not limited to any bank account, investment account, or credit card account, the account number must be redacted, as well as any PIN, password or other number used to secure such account, provided that the filing may include the last four digits of the account number;

(4) The court may order, for good cause shown in a specific case, that additional information must be redacted from any filing, including but not limited to the home street address or driver's license number of a specified individual, medical records, treatment, diagnosis, individual financial information and proprietary or trade secret information;

(5) The court may order the person making a redacted filing to file, in addition, an unredacted copy under seal; and

(6) Where the court has permitted a filing to be made under seal, the court may later unseal the filing and may order the filing party to redact the filing at that time.

The responsibility for redacting the identifying information rests with the party or non-party making the filing and his or her counsel. Legal papers will not be reviewed by the Prothonotary for compliance with this Rule.

[Pa.B. Doc. No. 10-2189. Filed for public inspection November 19, 2010, 9:00 a.m.]