

THE COURTS

Title 25—LOCAL COURT RULES

ALLEGHENY COUNTY

In Re: Allegheny County Criminal Division Rules of Court Nos. 114.1, 528.1, 547.1 and 575.1; No. AD-2010-34-PJ

Order

And Now, this 25th day of January 2010, it is hereby *Ordered* that the following Rules of Court of the 5th Judicial District of Pennsylvania, Criminal Division, published in the *Pennsylvania Bulletin* at 39 Pa.B. 7103 on December 19, 2009, are hereby rescinded:

Rule 114.1 Orders and Court Notices: Method of Service

Rule 528.1 Motion for Allowance to Post Real Property as Security

Rule 547.1 Issuing Authorities Transmitting Documents

Rule 575.1 Requirements Governing the Physical Characteristics of Court Papers and All Attachments, Supporting Documents and Exhibits

By the Court

DONNA JO McDANIEL,
President Judge

[Pa.B. Doc. No. 10-267. Filed for public inspection February 12, 2010, 9:00 a.m.]

FAYETTE COUNTY

In Re: Fayette County Local Rules 212, 212.1, 212.2, 212.3, 212.4 and 212.5; No. 224 of 2010 GD

Order

And Now, this 26th day of January, 2010, pursuant to Pennsylvania Rule of Civil Procedure 239, it is hereby ordered that Local Rule 212 is hereby amended; and new Local Rules 212.1, 212.2, 212.3, 212.4 and 212.5 are hereby adopted, to read as attached hereto.

The Prothonotary is directed as follows:

(1) Seven certified copies of the Local Rules shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rules shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The amendment and adoption of the above listed rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

GERALD R. SOLOMON,
President Judge

Rule 212. Pre-Trial Procedure.

(a) Except in those cases involving compulsory arbitration, there shall be 240 days from the filing of the complaint in which the parties shall complete discovery. Discovery will not be permitted after the 240 day period except by order of Court upon good cause shown.

(b) In those cases where it is apparent that extensive discovery will be required, counsel may present a motion requesting a status conference, or file and present an appropriate motion, with the trial Judge to whom the case has been assigned to establish an alternate discovery time table.

(c) After the time for discovery has expired, or if discovery is completed prior to the expiration of the 240 day period, and Local Rule 212.1 (Pre-trial Statements) has been complied with, any party may file a Certificate of Readiness in accordance with Local Rule 212.2. Written notice shall be given to all parties at least 10 days prior to the filing of the Certificate.

(d) Unless otherwise agreed upon by the parties, or ordered by the Court, all depositions shall be held in Fayette County.

(e) After the close of discovery, if neither party files a Certificate of Readiness, the Prothonotary, after an additional 75 days, shall so notify the trial Judge to place the case on the trial list.

(f) At any time after the close of discovery, the Court may, in its discretion, direct the parties to attend a status conference, or the Court may compel the filing of pre-trial statements, schedule the pre-trial conference, or otherwise intervene to expedite the litigation.

(g) If there is an appeal of the award of arbitrators, this rule shall apply, except that there shall be 60 days from the filing of the appeal in which the parties shall complete discovery.

Rule 212.1. Pre-Trial Statements.

(a) Time tables:

(1) All plaintiffs, within twenty (20) days after the 240 day period, or the extension thereof, shall file their pre-trial statements with the Prothonotary.

(2) All original defendants, within twenty (20) days of the filing of the plaintiff's pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(3) All other parties, within twenty (20) days of the filing of original defendant's pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(b) The pre-trial statement shall contain:

(1) A brief narrative statement of the essential facts upon which liability is asserted or denied.

(2) The legal issues involved and legal authorities relied upon.

(3) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.

(4) A specific description of damages.

(i) Any party seeking to recover damages for personal injuries shall attach to their pre-trial statement, if not previously provided to all parties, a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.

(ii) A list of the damages that the party intends to claim and prove at trial.

(5) The settlement status of the case.

(6) A realistic estimate of the trial time required for presentation of their case, as well as total trial time required.

(7) There shall be attached to the pre-trial statement:

(i) A copy of all reports containing findings or conclusions of any physician who has treated or examined the party or has been consulted in connection with any injuries complained of and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such physician shall be excluded at the trial except upon consent of all parties or upon express order of the Court.

(ii) A copy of all reports containing findings or conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such expert shall be excluded at the trial except upon consent of all parties or upon express order of Court.

(c) Upon failure of any party to file a pre-trial statement within the time required, upon motion the Court may impose the sanctions provided in Pa.R.C.P. Sec. 4019(c). Also, the Court may order other appropriate relief including, but not limited to, the barring of testimony, assessment and awarding of attorney fees, and expenses and costs to opposing counsel.

(d) Counsel shall file supplemental pre-trial statements up to the time of trial as long as such filing does not delay trial. Supplemental statements may include additional claims for damages, additional damage and/or liability witnesses, expert witnesses, and/or exhibits intended to be used at trial.

Rule 212.2. Certificate of Readiness for Pre-Trial Conference.

(a) The Certificate of Readiness for Pre-trial Conference shall be substantially in the form which follows this rule.

(b) If a party objects to the Certificate of Readiness as filed by any party, the objecting party is required to raise these objections before the trial Judge within 10 days of service; otherwise, all parties will be deemed to be in agreement with the statement contained in the Certificate of Readiness.

(c) Objections to the Certificate as filed by opposing counsel shall be presented as a priority motion to the Judge to whom the case is assigned.

(d) Once the Certificate of Readiness has been filed, and the time for objections has expired without an objection having been filed, the Prothonotary shall notify the Judge to whom the case has been assigned that the case is ready to proceed.

(e) There shall be no pre-trial conference in arbitration cases unless the award of arbitrators is appealed.

**IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA**

_____ : Civil Action
 Plaintiff :
 : NO.
 Vs. :
 : JUDGE _____
 Defendant :
 : Jury Trial _____
 : Non-jury Trial _____
 : Arbitration _____

CERTIFICATE OF READINESS

I hereby certify, pursuant to Fayette County Rule of Civil Procedure 212, that the above-captioned case is ready for trial. All pleadings are closed; all witnesses are presently available to appear at trial; all pre-trial statements have been filed; and discovery is complete, except for those depositions to be taken solely for the purpose of being presented at trial. Any such deposition shall be completed prior to trial and a transcript of the deposition shall be submitted to the Court at least five (5) days prior to trial or all objections will be deemed waived.

I further certify that immediately after filing, I will serve a time-stamped copy of this certificate upon all counsel, and/or any unrepresented party.

_____	_____
Print Name	Signature of Counsel
_____	_____
	Representing
_____	_____
_____	_____
Address	Date
_____	_____
Telephone No.	

Rule 212.3. Pre-Trial Conference.

(a) When a case is scheduled for pre-trial conference, it shall not be continued except for just cause and upon order of the pre-trial judge.

(b) The pre-trial conference shall be attended by the attorney who will try the case, or by an attorney who is fully prepared and authorized as to all matters which may reasonably be expected to arise during the conference.

(c) Parties must also be present, except when the real party in interest is an insurance company, a common carrier, corporation or other artificial legal entity, in which instance a representative thereof, other than the attorney, must be present with full authority and power to discuss and settle the case.

(d) The Court shall encourage the amicable settlement of the controversy and the parties and their attorneys shall be prepared to discuss settlement.

(e) The judge presiding at the pre-trial conference shall refer to arbitration all cases where the amount in controversy is found not to exceed the jurisdictional limits of arbitration except where title to lands or tenements may come in question.

(f) If there is not an amicable settlement of the controversy at the pre-trial conference, then the pre-trial judge shall issue a pre-trial adjudication which shall, in the discretion of the judge, control the subsequent course of the action.

Rule 212.4. Discontinuance Payment of Record Costs on Settlement.

Unless all parties agree in writing to the contrary, the settling defendant or defendants in any filed civil action shall pay to the plaintiff record court costs which are specifically defined to be:

- (1) Initial filing fees;
- (2) Service of process fees; and
- (3) Costs to settle and discontinue the docket.

Rule 212.5. Civil Cover Sheet.

No summons, complaint, pleading or other document used to commence a new civil action will be accepted for filing by the Prothonotary unless it is accompanied by a duly completed cover sheet in the format set forth in the form which may be obtained in the Office of the Prothonotary of Fayette County and which can be printed from the web page of the Administrative Office of Fayette County Courts found at <http://www.co.fayette.pa.us>.

[Pa.B. Doc. No. 10-268. Filed for public inspection February 12, 2010, 9:00 a.m.]

LAWRENCE COUNTY

In Re: Administrative Order Designating the District Court Administrator Under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 90003 of 2010, A.D.

Order

And Now, this 26th day of January, 2010, it is *Ordered* and *Decreed* that the Court Administrator of Lawrence County be and hereby is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 63316.1(b).

The District Court Administrator shall:

(1) submit two certified copies of this Order along with one copy of the same on a computer diskette, CD-ROM, or an electronic copy that complies with the requirements of 1 Pa. Code § 13.11(b)-(f), to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(2) forward one copy of the written notification, received from the Juvenile Court Procedural Rules Committee, providing that this Order is not inconsistent with the Pennsylvania Rules of Juvenile Court Procedure, to the Legislative Reference Bureau; and

(3) contemporaneously with the publishing of this Order in the *Pennsylvania Bulletin*, file one certified copy of this Order with the Administrative Office of Pennsylvania Courts.

This Order shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*. In the interim, the existing local procedure which provided for the filing and proper dissemination of these reports with the Court Administrator of Lawrence County shall remain in full force and effect.

By The Court

DOMINICK MOTTO, P. J.,
President Judge

[Pa.B. Doc. No. 10-269. Filed for public inspection February 12, 2010, 9:00 a.m.]

SUPREME COURT

In Re: Designation of Chair and Vice-Chair of Criminal Procedural Rules Committee; No. 384; Criminal Procedural Rules Doc.

Order

Per Curiam:

And Now, this 27th day of January, 2010, The Honorable Risa Vetri Ferman is hereby designated as Chair and Charles J. Grant, Esquire, as Vice-Chair of the Criminal Procedural Rules Committee.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-270. Filed for public inspection February 12, 2010, 9:00 a.m.]

In Re: Reappointment to Criminal Procedural Rules Committee; No. 383; Criminal Procedural Rules Doc.

Order

Per Curiam:

And Now, this 27th day of January, 2010, Philip D. Lauer, Esquire, Northampton County, is hereby reappointed as a member of the Criminal Procedural Rules Committee for a term expiring January 1, 2013.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-271. Filed for public inspection February 12, 2010, 9:00 a.m.]

In Re: Reappointments to the Juvenile Court Procedural Rules Committee; No. 491; Supreme Court Rules Doc.

Order

Per Curiam:

And Now, this 27th day of January, 2010, The Honorable Todd A. Hoover, Dauphin County, and Patricia J. Kennedy, Esquire, Erie County, are hereby reappointed as members of the Juvenile Court Procedural Rules Committee for a term of three years commencing February 1, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-272. Filed for public inspection February 12, 2010, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Transfer to Inactive Status

Notice is hereby given that Stephen Nowak a/k/a Stephen L. Nowak having been transferred to disability inactive status in the State of Delaware by Order of the Supreme Court of the State of Delaware dated October 20, 2009, the Supreme Court of Pennsylvania issued an Order on January 26, 2010, transferring Stephen Nowak to inactive status, effective immediately, pursuant to Rule 301(c) Pa.R.D.E (relating to disabled attorneys) for an indefinite period and until further Order of the Supreme Court. 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. 10-273. Filed for public inspection February 12, 2010, 9:00 a.m.]
