

# THE COURTS

## Title 255—LOCAL COURT RULES

### BUTLER COUNTY

#### Local Rules of Court; CP-10-AD-1-2013

##### Administrative Order of Court

*And Now*, this 1st day of March, 2013 it is hereby ordered and decreed that the Butler County local rules of criminal procedure (L117) is approved and adopted and is made a part of the Butler County Local Rules of Criminal Procedure for use in the Court of Common Pleas of Butler County, Pennsylvania, the 50th Judicial District of Pennsylvania, effective thirty days after the publication of the rule in the *Pennsylvania Bulletin*.

It is further ordered and decreed that the Court Administrators Office of Butler County shall:

1. File one (1) certified copy of this Administrative Order & Local Rule with the Administrative Office of the Pennsylvania Courts.

2. File two (2) certified copies of this Administrative Order & Local Rule and one (1) diskette in the required format with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this local rule on the Unified Judicial System's website.

4. Forward one (1) copy of this Administrative Order to the administrative office of the *Butler County Legal Journal* for publication.

5. Keep continuously available for public inspection copies of this Administrative Order in the Office of the Butler County Clerk of Courts, in the Office of the Court Administrator and the Butler County Law Library.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

#### **Rule L117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail.**

A. After hours coverage shall be provided by way of a schedule of specified times when the "duty" issuing authority will be available to conduct business. Each Magisterial District Judge, who has county-wide jurisdiction, will be available to receive calls on a rotational schedule as adopted by Administrative Order on an annual basis. Said Administrative Order shall be maintained by the Court Administrator's office and shall be distributed to the Butler County Communications Center and each Magisterial District Judge.

(1) The "on call" Magisterial District Judge may hold court by any approved advanced communication technology as provided by Butler County or the Administrative Office of the Pennsylvania Courts. The Magisterial District court office will remain closed to the public during after hours coverage except at the discretion of the Magisterial District Judge.

(2) The Magisterial District Judge serving as "on-call" issuing authority shall be available to conduct preliminary arraignments at 8:00 am and 9:30 pm seven days a week and at 4:00 pm on weekends and holidays. These arraignments may be conducted with the use of advanced communication technology and shall be conducted pursuant to procedures that are from time to time adopted by the Court. The "on call" Magisterial District Judge shall also be available to conduct preliminary arraignments during regular business hours when the original issuing authority is not available.

(3) In the event a Magisterial District Judge is needed at any time for after hours coverage for issuance of a search warrant, an Emergency Protection From Abuse Petition or other emergency matter, the "on call" Magisterial District Judge shall be contacted through the Butler County Communications Center.

(4) Procedures for executed summary warrants shall be pursuant to Pa.R.Crim.P.431.

(B) Monetary bond may be posted outside of normal business hours with the Magisterial District Judge, the Clerk of Courts or the Warden of the Butler County Prison with the following provisions:

(1) Bonds required prior to the verdict or other case disposition in the amount of FIVE HUNDRED (\$500.00) DOLLARS and NO CENTS or less shall be posted with the Warden at the Butler County Prison.

(2) Bonds required prior to verdict or other case disposition in the amount of FIVE HUNDRED and ONE (\$501.00) DOLLARS and NO CENTS or more shall be posted with "on -call" Magisterial District Judge.

(3) All Property Bonds must be posted during regular business hours with the Clerk of Courts of Butler County.

[Pa.B. Doc. No. 13-445. Filed for public inspection March 15, 2013, 9:00 a.m.]

### VENANGO COUNTY

#### Promulgation of Local Rule 1920.51

##### Order of the Court

*And Now*, this 27th day of February, 2013, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1920.51 is adopted. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

#### Local Domestic Relations Rules—Venango County

#### **Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.**

(1) *Appointment of Masters.*

(a) The Court may appoint by separate order a permanent Master who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

(b) The Court may appoint other attorneys to serve as Masters in cases where the permanent Master has a conflict of interest. In such cases, the Court shall attempt to appoint as Masters in complex or potentially protracted litigation attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

(c) In all actions for divorce under Section 3301(a), (b) and (d)(1)(i) of the Divorce Code or for annulment, and all claims for alimony, alimony pendente lite, bifurcation, equitable distribution of marital property, exclusive possession of the marital residence, counsel fees, cost, expenses, or any aspect thereof shall be heard by a master in the absence of a court order to the contrary.

1. All actions or claims described in Section (c) hereof will not be referred to a master until one of the parties files a motion for the appointment of a master to hear the action(s) and/or claim(s) at issue. The motion shall be filed with the Prothonotary together with the proper fee.

2. Upon receipt of the proper fee, the Prothonotary shall forward the motion to the court administrator for assignment to the Permanent Master.

3. Unless the moving party is granted leave to proceed in forma pauperis, no master will be appointed until the proper fee for the appointment of the master is paid, or the court permits otherwise. If the monies are not forthcoming and there are no other proceedings in the case for a period of two years, the matter will be subject to termination pursuant to Rule 1901 of the Pennsylvania Rules of Judicial Administration.

(d) A motion for appointment of a Master shall be accompanied by a certificate of the moving party that the moving party has complied with the filing requirements of Pa. R.C.P. 1920.31(a), 1920.33(a) and 1920.46 unless the moving party certifies that one of those rules is inapplicable. Motions for appointment of a Master shall be filed in accordance with Venango County motions procedure.

## (2) Preliminary Conference

(a) Where an action for divorce or annulment has been assigned to a Master, a preliminary conference shall be held before the Master prior to a hearing in the absence of a Court Order to the contrary.

(b) The preliminary conference shall be held at the earliest possible convenience after the issuance of the order of appointment, but no later than sixty (60) days following the appointment of the Master. Parties and their counsel shall attend the conference and attempt to resolve the issues without further litigation.

(c) Initial preliminary conference statements in accordance with Pa. R.C.P. 1920.33 (b) must be filed on or before the time of the preliminary conference.

(d) If no resolution is reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order each party to deposit an additional Seven Hundred Fifty Dollars (\$750.00) with the Prothonotary to be applied to Master's and Stenographer's fees for an Evidentiary Hearing, unless the Master orders otherwise.

(e) After the preliminary conference, the Master shall prepare a summary of the discussions and action taken at the preliminary conference.

## (3) Evidentiary Hearing

(a) As soon as the additional One Thousand Five Hundred Dollars (\$1500.00) is deposited with the Prothonotary, the master shall schedule an evidentiary hearing and shall provide notice of the hearing as set forth in the Pennsylvania Rules of Civil Procedure. The Master shall schedule an evidentiary hearing only after the master has ascertained that the additional funds have been deposited with the Prothonotary. The Scheduling order shall set forth the time frame for completion of the tasks contemplated at the prehearing conference; the filing of amended prehearing statements; and shall contain a copy of the Master's summary of the preliminary conference.

## (4) Fees and Costs.

(a) The designated parties shall pay the following fees, which may be changed by the Court from time to time, to the Prothonotary at the times indicated.

1. A non-refundable administrative fee shall be paid when the divorce complaint is filed.

2. At the time of filing a motion for appointment of a master the moving party shall deposit Five Hundred Dollars (\$500.00) with the Prothonotary as a non-refundable deposit for payment of master's fees and costs. No action will be taken by the master until the sum of Five Hundred dollars (\$500.00) has been deposited.

3. Should no resolution be reached at the preliminary conference, or if less than all the issues are resolved, the master shall forthwith order each party to deposit an additional refundable Seven Hundred Fifty Dollars (\$750.00) with the Prothonotary, to be applied to Master's and Stenographer's fees. Either party may pay all of the deposit in order to avoid delay of the hearing.

4. The standard hourly fee to be charged by Court appointed Master shall be charged against the One Thousand Five Hundred Dollar (\$1,500.00) Deposit. The standard hourly fee to be charged by court appointed Masters shall be determined from time to time by Order of Court.

5. Should the Master at any time determine that the sum deposited with the Prothonotary is insufficient to provide for the services of the Master and any stenographer required, the Master shall move the Court to order additional deposits unless the parties consent to such additional deposits. The Master shall not be required to proceed further until such sum of additional deposits as ordered or agreed upon are made to the Prothonotary.

## (5) Continuances.

(a) Requests for continuances of hearings and conferences before the Master shall be made in writing pursuant to Venango County rules governing motions practice and shall first be presented to the Master. The Master shall promptly make rulings on the request. The Court shall not review rulings on continuances that are made by a Master unless there has been an abuse of discretion.

[Pa.B. Doc. No. 13-446. Filed for public inspection March 15, 2013, 9:00 a.m.]

**VENANGO COUNTY**  
**Promulgation of Local Rule 1920.55-2**

**Order of the Court**

*And Now*, this 31st day of January, 2013, it is hereby *Ordered* and *Decreed* that Venango County Local Rule 1920.55-2 is adopted. This rule shall be continuously available for public inspection and copying in the office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule. The said local rule shall become effective thirty (30) days after the date of the publication in the *Pennsylvania Bulletin*.

OLIVER J. LOBAUGH,  
*President Judge*

**Local Domestic Relations Rules—Venango County**

**Rule 1920.55-2. Master’s Report. Notice. Exceptions. Final Decree.**

(1) The Master’s hearing shall be held as soon as reasonably possible after the preliminary conference.

(2) The Master shall file the record and report within thirty (30) days after the hearing and receipt of the transcript if any, and/or written arguments, memoranda or other post-hearing filings by the parties.

(3) Exceptions to a Master’s report must be filed with the Prothonotary within twenty (20) days of the date of receipt or the date of mailing of the Master’s report and recommendation, whichever occurs first, and shall be served upon the opposing party or counsel of record and the Court Administrator by first class mail, postage prepaid, or by handing them a true and correct copy thereof.

(4) The Court Administrator shall list the exceptions for the argument list to be held no sooner than sixty (60) days after the date the exceptions are filed.

(5) The party filing the exceptions shall pay all the transcription charges in the absence of a court order to the contrary.

(6) If no timely exceptions are filed, the Court shall review the report and if approved enter a final decree.

[Pa.B. Doc. No. 13-447. Filed for public inspection March 15, 2013, 9:00 a.m.]

**SUPREME COURT**

**Reestablishment of the Magisterial Districts within the 17th Judicial District; No. 318 Magisterial Rules Doc.**

**Order**

*Per Curiam:*

*And Now*, this 27th day of February 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 17th Judicial District (Snyder and Union Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered* and *Decreed* that the Petition, which

provides for the reestablishment of Magisterial Districts 17-3-03 and 17-3-04, within Snyder County, to be effective immediately, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 17-3-01 and 17-3-02, within Union County, to be effective June 1, 2013, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 17-3-01    Lewisburg Borough  
Magisterial District Judge    East Buffalo Township  
Leo S. Armbruster             Kelly Township

Magisterial District 17-3-02    Hartleton Borough  
Magisterial District Judge    Mifflinburg Borough  
Jeffrey L. Mensch             New Berlin Borough

Buffalo Township  
Gregg Township  
Hartley Township  
Lewis Township  
Limestone Township  
Union Township  
West Buffalo Township  
White Deer Township

Magisterial District 17-3-03    Selinsgrove Borough  
Magisterial District Judge    Shamokin Dam Borough  
John H. Reed                  Jackson Township  
Middlecreek Township  
Monroe Township  
Penn Township

Magisterial District 17-3-04    Beavertown Borough  
Magisterial District Judge    Freeburg Borough  
Lori R. Hackenberg           Mc Clure Borough

Middleburg Borough  
Adams Township  
Beaver Township  
Center Township  
Chapman Township  
Franklin Township  
Perry Township  
Spring Township  
Union Township  
Washington Township  
West Beaver Township  
West Perry Township

[Pa.B. Doc. No. 13-448. Filed for public inspection March 15, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 19th Judicial District; No. 320 Magisterial Rules Doc.**

**Order**

*Per Curiam:*

*And Now*, this 27th day of February 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 19th Judicial District (York County) of the Commonwealth of Pennsylvania, it is hereby *Ordered* and *Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 19-1-01, 19-1-02, 19-1-03, 19-1-04, 19-1-05, 19-2-01, 19-2-02, 19-2-03, 19-2-04, 19-2-05, 19-3-01, 19-3-03, 19-3-04, 19-3-05, 19-3-06, 19-3-07, 19-3-09, 19-3-10 and 19-3-11, within York County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 19-1-01 City of York (Wards 1, 7, and 12)  
Magisterial District Judge Linda Lou Williams

Magisterial District 19-1-02 City of York (Wards 11, 13, and 14)  
Magisterial District Judge Richard E. Martin, II

Magisterial District 19-1-03 Hanover Borough  
Magisterial District Judge Dwayne Dubs

Magisterial District 19-1-04 City of York (Wards 6, 8, and 15)  
Magisterial District Judge Ronald J. Haskell, Jr.

Magisterial District 19-1-05 City of York (Wards 5 & 9)  
Magisterial District Judge (Vacant)

Magisterial District 19-2-01 Springettsbury Township  
Magisterial District Judge Barry L. Bloss, Jr.

Magisterial District 19-2-02 Dallastown Borough  
Yoe Borough  
York Borough  
Magisterial District Judge Scott E. Laird

Magisterial District 19-2-03 West Manchester Township  
Magisterial District Judge Keith L. Albright

Magisterial District 19-2-04 Manchester Township  
Magisterial District Judge (Vacant)

Magisterial District 19-2-05 North York Borough  
West York Borough  
Spring Garden Township  
Magisterial District Judge Walter R. Groom

Magisterial District 19-3-01 East Prospect Borough  
Felton Borough  
Red Lion Borough  
Windsor Borough  
Yorkana Borough  
Chanceford Township  
Lower Windsor Township  
Windsor Township  
Magisterial District Judge John H. Fishel

Magisterial District 19-3-03 Cross Roads Borough  
Delta Borough  
Fawn Grove Borough  
Stewartstown Borough  
Winterstown Borough  
East Hopewell Township  
Fawn Township  
Hopewell Township  
Lower Chanceford Township  
North Hopewell Township  
Peach Bottom Township  
Magisterial District Judge John R. Olwert

Magisterial District 19-3-04 Glen Rock Borough  
Jacobus Borough  
Loganville Borough  
New Freedom Borough  
Railroad Borough  
Shrewsbury Borough  
Shrewsbury Township  
Springfield Township  
Magisterial District Judge Jeff S. Joy

Magisterial District 19-3-05 Penn Township  
West Manheim Township  
Magisterial District Judge James S. Miner

Magisterial District 19-3-06 Jefferson Borough  
New Salem Borough  
Seven Valleys Borough  
Spring Grove Borough  
Codorus Township  
Heidelberg Township  
Jackson Township  
Manheim Township  
North Codorus Township  
Paradise Township  
Magisterial District Judge Thomas J. Reilly

Magisterial District 19-3-07 Dover Borough  
Conewago Township  
Dover Township  
Magisterial District Judge David C. Eshbach

Magisterial District 19-3-09 Goldsboro Borough  
Lewisberry Borough  
York Haven Borough  
Fairview Township  
Newberry Township  
Magisterial District Judge Scott J. Gross

Magisterial District 19-3-10 Dillsburg Borough  
Franklintown Borough  
Wellsville Borough  
Carroll Township  
Franklin Township  
Monaghan Township  
Warrington Township  
Washington Township  
Magisterial District Judge Richard T. Thomas

Magisterial District 19-3-11 Hallam Borough  
Manchester Borough  
Mt. Wolf Borough  
Wrightsville Borough  
East Manchester Township  
Hellam Township  
Magisterial District Judge (Vacant)

[Pa.B. Doc. No. 13-449. Filed for public inspection March 15, 2013, 9:00 a.m.]

**Reestablishment of the Magisterial Districts within the 44th Judicial District; No. 319 Magisterial Rules Doc.**

**Order**

*Per Curiam:*

And Now, this 27th day of February 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 44th Judicial District (Sullivan and Wyoming Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 44-3-04, within Wyoming County, to be effective January 1, 2016, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 44-3-01 and 44-3-02, within Wyoming County, to be effective January 1, 2016, is granted; and that the Petition, which provides for the reestablishment of Magisterial District 44-3-03, within Sullivan County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

<p>Magisterial District 44-3-01 Magisterial District Judge David K. Plummer</p>	<p>Factoryville Borough Nicholson Borough Clinton Township Exeter Township Falls Township Lemon Township Nicholson Township Overfield Township Tunkhannock Township Washington Township</p>
<p>Magisterial District 44-3-02 Magisterial District Judge Carl W. Smith, Jr.</p>	<p>Laceyville Borough Meshoppen Borough Tunkhannock Borough Braintrim Township Eaton Township Forkston Township Mehoopany Township Meshoppen Township Monroe Township North Branch Township Northmoreland Township Noxen Township Windham Township</p>
<p>Magisterial District 44-3-03 Magisterial District Judge Jennifer Y. Vandine</p>	<p>Dushore Borough Eagles Mere Borough Forksville Borough Laporte Borough Cherry Township Colley Township Davidson Township Elkland Township Forks Township Fox Township Hillsgrove Township Laporte Township Shrewsbury Township</p>

[Pa.B. Doc. No. 13-450. Filed for public inspection March 15, 2013, 9:00 a.m.]