

THE COURTS

Title 255—LOCAL COURT RULES

BUTLER COUNTY

Local Rules of Court; MsD No. 14-40035

Administrative Order of Court

And Now, this 10th day February, 2014, it is hereby ordered and directed that Local Rules L1901.2 and L1901.5 are hereby adopted. These rules shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court directs the Court Administrator to:

1. File one (1) certified copy of this Administrative Order and the within Local Rule of Civil Procedure with the Administrative Office of the Pennsylvania Courts.

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

3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Domestic Relations Procedural Rule Committee.

4. Forward one (1) copy of this Administrative Order and the within Local Rule of Civil Procedure to the administrative office of the *Butler County Legal Journal* for publication.

5. Forward one (1) copy of this Administrative Order and the within Local Rule of Civil Procedure to the Butler County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rule of Court in the Office of the Butler County Prothonotary, the Butler County Domestic Relations Section and the Office of the Court Administrator.

By the Court

THOMAS J. DOERR,
President Judge

Local Rule 1901.2. Scheduling.

The Court of Common Pleas shall hear Petitions for Temporary Protection from Abuse each business day between the hours of 8:30 am and noon.

The Court of Common Pleas shall be considered to be “unavailable” to hear Petitions for Protection From Abuse:

1. From noon each business day to the resumption of business the next morning.

2. From noon on the last day of the business week to the beginning for the next business week

At any time the Court of Common Pleas is “unavailable,” the Emergency Petition for Protection from Abuse shall be presented to the “on-call” Magisterial District Judge or as may be otherwise directed by the Court.

The Butler County PFA Office shall, during regular business hours, assist the Plaintiff in preparing and presenting an Emergency Petition for Protection from Abuse, pursuant to 23 Pa.C.S.A. § 6110, to either the Court of Common Pleas or the “on-call” Magisterial District Judge as described above.

Local Rule 1901.5. Enforcement.

In the event that a violation of a Protection From Abuse order occurs (Indirect Criminal Contempt), upon arrest of the defendant, the arresting officer shall first endeavor to have the individual arraigned by the Magisterial District Judge in whose jurisdiction the violation occurred. If that Magisterial District Judge is unavailable, arraignment shall be made by the “on-call” Magisterial District Judge.

[Pa.B. Doc. No. 14-431. Filed for public inspection February 28, 2014, 9:00 a.m.]

YORK COUNTY

Administrative Order Appointing and Approving Custody Mediators—2014; No. 2014-MI-000029-55

Administrative Order

And Now, To Wit, this 7th day of February, 2014 it is *Ordered* that the following individuals have been appointed and approved as custody mediators, under Pa.R.Civ.P. § 1940.4, effective immediately and until further Order:

Leslie S. Arzt, Esquire
William J. Bowman, II, M.A.
John Bray, M.S.
Timothy J. Colgan, Esquire
Claudia DeArment, Esquire
Angela N. Dobrinoff-Blake, Esquire
Katherine L. Doucette, Esquire
Kathleen J. Prendergast, Esquire
Scott A. Ruth, Esquire
Barbara Orsburn Stump, Esquire
Rebecca Tortorici, Esquire
Audrey E. Woloshin, Esquire

Any individual approved as a mediator shall remain in compliance with any and all rules and regulations of the Commonwealth of Pennsylvania, and shall only mediate custody cases in conformity with procedures and duties set forth under Pa.R.Civ.P. § 1940.1—1940.9.

It Is Further Ordered that, in accordance with Pa.R.Civ.P. § 239, the District Court Administrator shall:

(a) File one copy with the Administrative Office of Pennsylvania Courts;

(b) Distribute two certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one certified copy with the Domestic Relations Procedural Rules Committee; and

(d) Supervise the distribution, by electronic means if possible, of a copy to all Judges, the mediator appointed, and to the custody conciliators.

By the Court

STEPHEN P. LINEBAUGH,
President Judge

[Pa.B. Doc. No. 14-432. Filed for public inspection February 28, 2014, 9:00 a.m.]

YORK COUNTY

Local Rules of Civil Procedure 2014 Amendments; No. 2014-MI-000028-55

Administrative Order Adopting Amendments to York County Pennsylvania Local Civil Rules

And Now, this 7th day of February, 2014, it is hereby *Ordered* that the following amendments to the York County Local Rules of Civil Procedure are hereby adopted to govern civil cases in the Court of Common Pleas of York County, Pennsylvania.

The adoption of these amendments to the York County Local Rules of Civil Procedure shall become effective thirty (30) days from the date of publication in the *Pennsylvania Bulletin* pursuant to Pa.R.Civ.P. 239. The York County Local Rules of Civil Procedure governing motions practice, those being YCCiv. 206.1(c), 206.4(c), 208.2(e), 208.3(a), and 208.3(b), 1028(c), 1034(a), and 1035.2(a) shall become effective upon publication on the UJS Web Portal pursuant to Pa.R.Civ.P. 239.8.

All prior inconsistent local rules of civil procedure or portions thereof are expressly repealed, and any part of an Administrative Order which is in conflict with any portion of these amendments to the Rules is vacated and repealed.

It Is Further Ordered that in accordance with Pa.R.C.P. 239, the District Court Administrator shall:

(a) File one (1) certified copy of the amendments to the York County Local Rules of Civil Procedure with the Administrative Office of Pennsylvania Courts;

(b) Distribute two (2) certified copies of the amendments to the York County Local Rules of Civil Procedure and a computer diskette thereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of the amendments to the York County Local Rules of Civil Procedure with the Civil Procedural Rules Committee for the Supreme Court of Pennsylvania and transmit one copy by electronic mail to the Civil Procedural Rules Committee;

(d) File one (1) certified copy of the amendments to the York County Local Rules of Civil Procedure with the Domestic Relations Rules Committee for the Supreme Court of Pennsylvania;

(e) Distribute one (1) certified copy of the amendments to the York County Local Rules of Civil Procedure to the Prothonotary of York County, to be kept continuously available for public inspection and for copying. Upon request and payment of reasonable fees for reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

(f) Cause the amendments to the York County Local Rules of Civil Procedure to be posted conspicuously on the web site of the County of York and cause copies to be

made in digital format, for distribution, upon payment of reasonable costs of reproduction.

(g) Supervise the distribution thereof to all Judges and all members of the Bar of this Court.

By the Court

STEPHEN P. LINEBAUGH,
President Judge

York County Local Rules of Civil Procedure [(2009 Revision)] (2014 Revision) [(Effective December 28, 2009)] (Effective March , 2014)

BUSINESS OF COURTS

YCCiv. 205.1. Filing Legal Papers.

(a) Any party filing an application or other document which requires the signature of a judge or action by the court shall first file the original document with the Prothonotary or the Clerk of Courts, as the case may be.

(1) If the document does not involve a matter to be listed for one-judge disposition pursuant to YCCiv. 208.3(b), then the moving party shall cause a **clocked in** copy of the document requiring action to be delivered to the Court Administrator for assignment to a Judge.

(2)(i) An original proposed order, with a brief title describing the nature of the proposed order (as examples: "Order Scheduling Argument" or "Order Granting Motion for Sanctions") shall accompany each document delivered to the Court Administrator for assignment, but shall not be fastened together.

(ii) No proposed orders shall be filed with the Prothonotary **or the Clerk of Courts** with the original application.

(iii) **The judge's signature line shall be on a page with at least some of the body of the order or have an abbreviated caption and the case number on the page.**

(3) Sufficient copies of the proposed order for conforming, **[for return to the applying party]** and for service on all **[other]** parties **who will not be served by electronic means** shall accompany each document delivered to the Court Administrator for assignment to a judge.

(4) Where notice of the entry of any order is required under Pa.R.Civ.P. 236, the moving party shall include in the proposed order the names of the parties who are required to be notified, and shall provide sufficient copies of the proposed order, with stamped envelopes addressed to those parties bearing the return address of the Prothonotary, so notice can be made, unless notice will be made to a party by electronic means. **For matters that will be presented at current business, the copies of the proposed orders and the stamped envelopes may be presented at the current business sessions at which the matter is presented, instead of being delivered to the Court Administrator as required by (3) above.**

(5) Once a document is considered by a judge, the original of any resulting order will be filed by the judge with the Prothonotary and copies of the order will be available for return to the moving party, or for service pursuant to Pa.R.Civ.P. 236.

(6) For matters of which the Prothonotary is not required to give notice under Pa.R.Civ.P. 236, it shall be the responsibility of the moving party to forthwith serve

copies of the resulting order, rule, or other action by the court on all parties to the matter and promptly file a certificate of service with the Prothonotary.

* * * * *

(c) Parties [**should avoid attaching**] shall not attach copies of pleadings or documents already filed of record.

* * * * *

YCCiv. 206.1(a). Petitions—Matters Subject to Petition Practice.

(1) In addition to the applications designated as “petitions” pursuant to Pa.R.Civ.P. 206.1(a), the following applications shall proceed as petitions:

Applications to impose sanctions. (The Rule accompanying this petition shall include provisions for the date, time and place for a hearing.)

[*Applicatons*] *Applications for return of property* pursuant to 42 Pa.C.S. Sec. 6802. (The Rule accompanying this petition shall include provisions for the date, time and place for a hearing.) The application shall indicate in the caption a cross reference to the defendant’s name and criminal action number, and shall be filed in the office of the Clerk of Courts. [**the**] **The matter shall be assigned to the judge to whom the underlying criminal case has been assigned.**

Application for return of property otherwise seized by governmental agency or entity, and which has not been the subject of a criminal proceeding or forfeiture action. (The rule accompanying this petition shall include provisions for the date, time, and place for a hearing.) **The application shall be filed in the office of the Prothonotary.**

Petitions for relief from judgment by confession pursuant to Pa.R.Civ.P. 2959. (The Rule accompanying this petition shall be in the form as set forth in Pa.R.Civ.P. 206.5.)

Petitions to confirm arbitration award pursuant to 42 Pa.C.S. Sec. 7304(a) and 7342.

(2) The following applications may proceed as a “petition” or may be presented to the court at a session of motions court pursuant to YCCiv. 208.3(a):

Applications to reassess damages. [**(The Rule accompanying this petition shall include provisions for a date by which a response shall be filed. If no response is filed by that date, a proposed rule absolute, setting forth the relief requested, may be submitted directly to the judge assigned to the matter.)**] **(The procedure set forth in YCCiv. 206.7 shall apply to Applications to Reassess Damages.)**

Applications to obtain ownership of or title to a motor vehicle. If proceeding as a petition, the Rule accompanying this petition must include provisions for a date by which a response shall be filed.

(i) The application and Rule or proposed court order must be served by certified mail, return receipt requested, on the previous owner of record, if any, and upon any other person with a colorable right of title to or possession of the motor vehicle, including all lienholders of record.

(ii) The application shall be verified, and contain a statement of how the applicant came to possess the vehicle, a certified copy of the results of a Department of Transportation records search to identify any previous

owner of record, and shall contain a specific description of the vehicle, including year, make, model, and vehicle identification number.

Petitions to Withdraw as Counsel. See Pa.R.Civ.P. 1012(c) and YCCiv. 1012.

YCCiv. 206.4(c). Petitions—Procedure for Rule to Show Cause.

(1) The issuance of a rule to show cause shall be discretionary with the Court and shall be in accordance with Pa.R.Civ.P. 206.5[.], **unless otherwise designated by the Court.**

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

(3) The petition shall be filed as provided in YCCiv. 205.1. The proposed rule shall be in the form prescribed in Pa.R.Civ.P. 206.5(d), unless otherwise set forth by these Rules.

(4) Should a moving party wish to withdraw the petition from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the petition with the Prothonotary, and shall promptly provide notice to the judge to whom the matter was assigned.

(5) Should a moving party wish to reschedule the presentation of a petition to the Court during a session of motions court, a written notice of that intent shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the petition will be presented to the court. The new date shall be in accordance with the notice requirement set forth in YCCiv. 208.3(a)(2).

YCCiv. 206.7. Procedure After Issuance of Rule to Show Cause.

After the time has expired **for a response** on a Rule to Show Cause **and no response has been filed**, the relief requested [**shall**] **may** be presented to the Court by the filing of a Motion for Rule Absolute[.] **with the Prothonotary and a clocked in copy forwarded to Court Administration for assignment to a judge.**

YCCiv. 208.2(e). Motions—Discovery—[Conference] Certification.

(1) **A moving party shall file a Certification of Good Faith for every motion relating to discovery [shall contain a certification by the moving party]** that the party has conferred, or attempted to confer, with all interested parties in an attempt to resolve the matter without court action, and has been unable to reach a satisfactory resolution of the issues presented, and shall set forth the details of the efforts made to resolve the matter.

(2) **The Certification of Good Faith shall be substantially in the following form:**

GOOD FAITH CERTIFICATION:

(Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1)

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S) : (CASE NUMBER)
: (NAME OF PREVIOUS JUDGE)
vs. : (NAME OF ASSIGNED JUDGE)
: (NUMBERS OF RELATED CASES)
NAME OF DEFENDANT(S) : (TYPE OF ACTION)

Moving Party Certification of Good Faith Pursuant to YCCiv.208.2(e)(2)

The undersigned counsel for movant (or self-represented movant) hereby certifies that:

- a. He or she has had the contacts described below with opposing counsel or unrepresented party regarding discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description:

- b. He or she has made good faith but unsuccessful efforts described below to contact opposing counsel or unrepresented party in an effort to resolve the discovery dispute.

Description:

CERTIFIED TO THE COURT BY:

Attorney for Movant (name party)
(or self-represented movant)

Date: _____

Note: The Signature of Respondent's Counsel Is Not Required

YCCiv. 208.3(a). Motions—No Response Required. Procedure.

(1) All applications to the court requiring action by a judge, except those hereafter excluded, shall be presented to the court at a session of motions court. The times and dates for motions court sessions shall be published by the Court Administrator in the Court Calendar from time to time. Motions shall be filed as set forth in YCCiv. 205.1. No written response shall be necessary.

(2) The moving party must **file a notice of presentment with the Prothonotary and must** give actual notice to all other parties in interest, and to the motions court judge, of the intention to present an application at a session of motions court at least five (5) days prior to the date of the specific motions court session at which it will be presented, by:

(a) **providing a clocked in copy of the notice of presentment to the District Court Administrator and all other parties in interest substantially in the following form:**

FORM OF NOTICE OF PRESENTMENT OF MATTER AT CIVIL MOTIONS COURT:

(Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1)

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S) : (CASE NUMBER)
: (NAME OF PREVIOUS JUDGE)
vs. : (NAME OF ASSIGNED JUDGE)
: (NUMBERS OF RELATED CASES)
NAME OF DEFENDANT(S) : (TYPE OF ACTION)

NOTICE OF PRESENTMENT OF MATTER AT CIVIL MOTIONS COURT

TO THE PROTHONOTARY:

The following matter is for presentment at Civil Motions Court:

Date to be presented: _____

Pleading/matter to be presented: _____

Date(s) conferred, or attempt to confer with all other interested parties: _____

Date(s) moving party sought concurrence of each other party: _____

Date other parties and Court Administration notified of intended presentment: _____

Date: _____

Submitted by (Name of Party)
Name of Attorney
Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney
E-mail address of Attorney

(b) providing a copy of the **notice of presentment**, application and proposed order to all other parties in interest, and a **clocked in copy** to the District Court Administrator for delivery to the motions court judge, pursuant to YCCiv 205.1.

(c) For purposes of this rule only, timely service on a party by facsimile or other electronic transmission will constitute appropriate notice.

* * * * *

(5) Should a moving party wish to reschedule the presentation of an application to the Court, a written notice of that intent **and a revised Notice of Presentment** shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the motion will be presented to the court. The new date shall be in accordance with the notice requirement set forth in YCCiv. 208.3(a)(2).

(6) Should a moving party wish to withdraw any motion from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the motion with the Prothonotary, and shall promptly

provide notice to **Court Administration and to the judge** to whom the matter was assigned.

(7) The following applications need not be presented in a session of motions court, but shall be presented to the court pursuant to YCCiv. 205.1:

Petitions for preliminary or special injunctions (See YCCiv. 1531.1 et seq.)

Uncontested motions: Provided, however, that the motion includes a certification as set forth in YCCiv. 208.2(d)(2).

Stipulated orders;

Petitions for rules to show cause; (See YCCiv. 206.1(a) and 206.4.)

Motions to make rules absolute;

Requests for continuances of scheduled [hearings] proceedings:

(i) In all matters in which a [hearing] proceeding has been scheduled by a judge and in which a continuance is sought, the moving party shall first contact all other parties in interest to determine whether there is an objection to the continuance.

* * * * *

Admission Pro Hac Vice motions pursuant to PaRCP 1012.1

* * * * *

YCCiv. 208.3(b). Motions—Response Required. Procedure.

(1) The following pleadings or motions shall require a written response, by way of an answer or a brief in response, or both, as the case may be.

(i) If a motion requires an answer, the answer shall be filed upon all parties within twenty (20) days of service of the motion.

(ii) After all matters necessary to rule on the motion have concluded, the motion shall be presented to the court by the filing of a praecipe with the Prothonotary to list the matter for disposition by one judge, or the court en banc, as the case may be.

(iii) Copies of the praecipe shall be sent to all counsel and unrepresented parties of record. A certificate of service identifying all counsel of record, who they represent, and all unrepresented parties, with addresses and telephone numbers shall be attached to the praecipe.

(2) Matters for disposition by one judge: Matters to be disposed of by one judge shall include:

[*Petitions and rules to show cause, which shall proceed pursuant to Pa.R.Civ.P. 206.5 and 206.7.]*

Preliminary objections (see YCCiv. 1028(c));

Motions for judgment on the pleadings (see YCCiv. 1034(a));

Motions for summary judgment (see YCCiv. 1035.2(a));

Exceptions to the report of a master in divorce (see YCCiv 1920.55-2), to reports of boards of view, (see YCCiv. 5170), or to proposed schedule of distribution from Sheriff's sale, (see YCCiv. 3136).

Appeals from decisions of a zoning hearing board, a board of school directors or other local government agency. (See YCCiv. 5150 and 5200.)

(3) Procedure in one-judge disposition matters: Unless otherwise noted in these local rules or by order of court:

(i) All applications which are filed requiring disposition by one judge shall be supported by a brief filed within ten (10) days of the date of filing of the application.

(ii) One original brief in opposition shall be filed by all parties opposing the application within thirty (30) days after the date of filing of the application **or the filing of the brief of the moving party, whichever is later.**

(iii) Any brief in reply shall be filed within five (5) days after service of the brief in opposition to the motion.

(iv) Copies of briefs shall be promptly served on all parties and a certificate of service shall be filed with the Prothonotary.

(v) Upon [**timely**] **the expiration of the time for filing and service of briefs**, any party may list the matter for disposition by one judge by filing a praecipe with the Prothonotary. The praecipe shall include the name of any judge (other than motions court judge) to whom the case was previously assigned. The praecipe shall be in substantially the form as set forth in this Rule.

(vi) Appellant's brief in Appeals in Land Use Cases (YCCiv. 5150), shall be filed within ten (10) days of the date of certification of the record.

* * * * *

(6) Should a moving party wish to withdraw any motion from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the motion with the Prothonotary, and shall promptly provide notice to **Court Administration and to the judge** to whom the matter was assigned.

YCCiv. 211. Request for Oral Argument.

(a) All requests for oral argument must be made by a filing substantially in the following form:

FORM OF REQUEST FOR ORAL ARGUMENT:

(Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1)

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S) (CASE NUMBER)
(NAME OF PREVIOUS JUDGE)
vs. (NAME OF ASSIGNED JUDGE)
(NUMBERS OF RELATED CASES)

NAME OF DEFENDANT(S) (TYPE OF ACTION)

REQUEST FOR ORAL ARGUMENT

TO THE PROTHONOTARY:

Oral Argument is hereby requested for the following matter:

Pleading/matter for Argument: _____

Date of filing: _____

Date Request for Oral Argument served on other Parties: _____

Date Request provided to Court Administration: _____

Date: _____

Submitted by (Name of Party)
Name of Attorney
Address of Attorney
Telephone Number of Attorney
E-mail address of Attorney

YCCiv. 212.3. Pretrial Conferences.

(a) When an action is ready for trial, any party who desires to proceed to trial shall list the action for a pretrial conference by filing a praecipe with the Prothonotary, and delivering a copy of the praecipe to the Court Administrator for assignment to a judge.

(1) The praecipe shall request a pretrial conference and indicate whether the proposed trial is a jury or a nonjury trial.

(2) Copies of the praecipe shall be sent to all counsel and unrepresented parties of record. A certificate of service identifying all counsel of record, who they represent, and all unrepresented parties, with addresses and telephone numbers shall be attached to the praecipe.

(3) The praecipe shall be in substantially the same form as that [**which follows**] set forth in YCCiv. 214 (h).

(b) No party shall list an action for pre-trial conference until after:

(1) A Case Management Plan has been executed by all parties and filed with the Prothonotary, and all dates contained therein have passed; [**and**] or

[(2) A certificate of readiness has been executed by all parties and filed with the Prothonotary; or

(3)] (2) The listing is consistent with the provisions of a scheduling order filed in the action.

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YCCiv. 214: Trial List. Continuances. Praecipe for Pre Trial Conference/Trial.

* * * * *

(h) FORM OF PRAECIPES FOR PRE-TRIAL CONFERENCE AND FOR TRIAL

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff's Name : Case Number:
:
:
vs. : Type of Action
Defendant's Name: :

PRAECIPE TO LIST CASE FOR (PRE-TRIAL CONFERENCE / TRIAL)

TO THE PROTHONOTARY:

Please list this case for (Pre-trial Conference / Trial). A copy of this praecipe was sent to all parties on _____.

Name of Judge previously assigned other than for motions court matters:

Date Case Management Plan filed: _____.

Last Date for matters to be accomplished: _____.

All matters listed in Case Management Plan have been completed.

Type of trial requested: Jury Non-jury

If this matter is to be listed for trial, the date of the pre-trial conference was _____ before Judge _____.

Estimated length of time for trial: _____.

Date: _____

Submitted by _____
Name of Attorney
Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney
E-mail address of Attorney

(Attach Certificate of Service with the information required by YCCiv. 212.3(a)(2).)

* * *

YCCiv. 1028(c). Preliminary Objections.

(1) One original of the preliminary objections shall be filed with the Prothonotary. They shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(2) Preliminary objections filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b) and pursuant to the time periods set forth in Pa.R.C.P. No. 1028(c).

YCCiv. 1034(a). Motion for Judgment on the Pleadings.

(1) One original of the motion for judgment on the pleadings shall be filed with the Prothonotary. It shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(2) A motion for judgment on the pleadings filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b)(3).

YCCiv. 1035.2(a). Motion for Summary Judgment.

(a) An original of the motion for summary judgment shall be filed with the Prothonotary. It shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(b) A motion for summary judgment filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b)(3).

ARBITRATION

YCCiv 1302. Arbitrators, Panels and Boards.

* * * * *

(b) *Boards.*

* * * * *

(3) An arbitrator may serve for one term and shall not be eligible to serve again until after a [**two**] one year absence from the arbitration panel.

* * * * *

(d) *Substitution of Arbitrators.* In the event that an arbitrator cannot serve due to a conflict or illness or for any reason, the arbitrator may be replaced by any member of the Arbitration Panel willing to so serve. The replacement arbitrator shall be [**made**] obtained by the [**District Court Administrator**] arbitrator who cannot serve or if the arbitrator who cannot serve is unable to obtain a replacement, then by the Chairperson. The Chairperson shall give written notice to Court Administration of the substitution. The compensation of the replacement arbitrator shall be adjusted from the compensation of the replaced arbitrator, as agreed between the two arbitrators. **The Chairperson shall designate the compensation to be paid to the arbitrator who cannot serve and the replacement arbitrator and the Prothonotary shall pay the arbitrators pursuant to that designation by the**

Chairperson. The District Court Administrator shall maintain a list of all instances of failure to serve as arbitrator and provide such list to the Arbitration Committee annually.

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YCCiv. 1557. Partition of Real Property.

(a) At any time after the pleadings are closed, any party may file a motion for an order directing partition because of default or admission in the pleadings. The motion shall be in such form and contain the information required by YCCiv. 205.2. The motion shall be filed pursuant to YCCiv. 205.1 and 208.3[(b)] (a).

(b) If there be no default or admission in the pleadings, [the] any party may file a motion [shall request a hearing to determine whether] requesting that the Court determine whether [should enter] an order directing partition should be entered either with or without a hearing. The motion shall be in such form and contain the information required by YCCiv. 205.2. The motion shall be filed pursuant to YCCiv. 205.1 and 208.3(a), but the motion need not be presented to the court at a session of motions court.

* * * * *

CHILD CUSTODY ACTIONS

YCCiv. 1915.3(a). Commencement of Action.

* * *

(6) *Attendance.* All parties and any child at issue who is over the age of seven (7) years [is] are mandated to be present and available at the conciliation conference. . . .

* * *

YCCiv. 1915.3(d). Scheduling of Trial.

* * * * *

(2) . . . The failure to comply with the rules of court [are] is a basis for imposition of other appropriate sanctions.

* * * * *

YCCiv. 3129. Calculation of Poundage by Sheriff.

If a writ of execution is stayed after the Sheriff has served or attempted to serve the writ, poundage will be calculated based upon the face amount of the writ unless the plaintiff files an affidavit with the Prothonotary and provides a clocked in copy to the Sheriff within three (3) business days of the writ being stayed, which affidavit sets forth the actual amount paid or to be paid to the plaintiff in the case or in kind as consideration for the writ being stayed or for satisfying the judgment. If such affidavit is filed, the Sheriff's poundage will be calculated based upon the consideration set forth in the affidavit.

YCCiv. 5030. Proceedings to Forfeit Property.

(a) All applications to forfeit property filed pursuant to 42 Pa.C.S. Sec. 6801 shall be filed in the [Office of the Prothonotary] Clerk of Courts.

(1) Applications requesting forfeiture of property shall conform to the requirements of [YCCiv. 205.2 and] 42 Pa.C.S. Sec. 6802.

(2) Applications requesting forfeiture of property shall have in the caption a cross reference to the related criminal case, if any, including the criminal defendant's name and case number.

(3) The applications shall specifically describe the property to be forfeited, and, in the case of real property, shall describe the property sufficiently to locate the property on the ground.

* * * * *

(c) When the matter is at issue as provided in 42 Pa.C.S. Sec. 6802, any party may file a [praecipe for one judge disposition, indicating the name of the assigned judge on the praecipe] written request for a trial by judge or jury, indicating the name of the assigned judge on the written request and shall serve a copy on the opposing party and the District Court Administrator.

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YCCiv. 5170. Boards of View.

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(e) Pre-Hearing Procedures:

(1) *Conference of counsel Prior to Hearing.* All counsel representing parties in the proceeding shall confer in person, in advance of the hearing before the board of viewers, to accomplish the following purposes:

(i) *Lists and marking of exhibits.* Examine, mark and list all exhibits which any of them may intend to introduce at the hearing, whether in the case in chief or in rebuttal. Only exhibits so listed and marked shall be offered in evidence at the hearing, except for good cause shown.

(ii) *Admissibility of exhibits.* Agree so far as possible as to the authenticity and admissibility of such exhibits and note briefly the grounds for objection to any exhibits not so agreed upon, and counsel for the plaintiff shall keep a record of such objections and grounds therefor;

(iii) *Statement of contested issues.* Agree so far as possible as to the rules of law governing the case, and identify contested issues of law, if any;

(iv) *Statement of uncontested facts.* Agree so far as possible as to the facts. If the incontestability of any fact is challenged, the party objecting, and the grounds for the objection, shall be identified. No testimony will be taken on facts not in dispute.

(2) *Arranging conference of counsel.* Counsel for the plaintiff shall be responsible for arranging the conference between counsel before the hearing. The conference between counsel shall be held at least two (2) weeks prior to hearing at the office of counsel for the plaintiff; provided, however, that if plaintiff's counsel has no office in York County, the conference shall be held at the office of counsel for the defendant.

(3) *Preparation of Joint Statement.* Counsel shall prepare a joint statement listing all exhibits, all witnesses expected to be called at the Board of View hearing, the contested issues, and stipulations of facts. The statement shall be presented to each viewer at the start of the hearing.

(4) *Sanctions.* The chairperson has the authority to impose appropriate sanctions for violation of

this rule, including but not limited to, precluding use of exhibits or witnesses.

(5) *Unrepresented Parties.* If a party is not represented by counsel, counsel for a represented party shall make a good-faith effort to comply with the prehearing procedures in writing rather than by a conference.

[(e)] (f) The report of the board shall include, at a minimum:

(1) The names and addresses of all parties to the matter, and their attorneys, if any;

(2) A brief recitation of the factual and procedural history of the matter;

(3) Findings of fact;

(4) A recommendation whether a private road should be laid out, and if so, a description sufficient to locate such a road on the ground;

(5) An assessment as to the amount of damages to be paid to the party or parties over whose land the road is to be laid; and

(6) A brief statement of reasons for the recommendations and assessments.

[(f)] (g) The chairman of the board shall file the original of the board's report with the Prothonotary and shall present the President Judge with a copy of the report and both a proposed decree nisi and a final order for consideration.

[(g)] (h) Exceptions to the findings of a board of view shall be filed within thirty days of the filing of the decree nisi.

(1) Exceptions shall list all parties to the proceedings and their addresses, and shall be separately stated in numbered paragraphs.

(2) Exceptions shall be filed in accordance with YCCiv. 205.2 and 208.3(b), and shall be disposed of by one judge.

(3) Exceptions taken to an assessment of damages shall state whether a jury trial is demanded.

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