

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Administrative Judge Administrative Order; No. 02 of 2015

##### Order

And now, this 28th day of May, 2015, it appearing that Traffic Court General Court Regulation No. 2003-01 which was issued on May 23, 2003 has been supplanted or is no longer effective or relevant, in order to avoid confusion and undue reliance on its provisions, *It Is Hereby Ordered and Decreed* that as soon as practicable it be removed from the website of the First Judicial District of Pennsylvania and not be published in upcoming editions of the "Philadelphia County Court Rules" published by ALM Media Properties, LLC.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

By the Court

HONORABLE GARY S. GLAZER,  
*Administrative Judge*  
*Philadelphia Municipal Court Traffic Division*

[Pa.B. Doc. No. 15-1149. Filed for public inspection June 19, 2015, 9:00 a.m.]

### PHILADELPHIA COUNTY

#### Philadelphia Municipal Court Arraignment Court Magistrates; No. 01 of 2015

##### Order

And Now, this 1st day of June, 2015, in accordance with the provisions of Act 98 of 2008 which amended Act 187 of 1984, it is hereby *Ordered, Adjudged and Decreed* that:

(1) The "Philadelphia Municipal Court Bail Commissioner Rules" shall henceforth be referenced to as the "Philadelphia Municipal Court Arraignment Court Magistrate Rules";

(2) All references in the current Philadelphia Municipal Court Bail Commissioner Rules to "Bail Commissioner" or "Bail Commissioners" shall be replaced with "Arraignment Court Magistrate" or "Arraignment Court Magistrates"; and

(3) The Philadelphia Municipal Court Arraignment Court Magistrate Rules shall henceforth be cited as "Phila.M.C.R.Crim.P., A.C.M., Sec."

As required by Pa.R.Crim.P. No. 105(D), this Order has been submitted to the Supreme Court's Criminal Procedural Rules Committee for review and written notification has been received from the Committee certifying that this Order is not inconsistent with any general rule of the Supreme Court. This Administrative Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and, as required by Pa.R.Crim.P. No. 105(E), two certified copies of this Order and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.Crim.P. No. 105(F) one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts and will also be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx> and posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE MARSHA H. NEIFIELD,  
*President Judge*  
*Philadelphia Municipal Court*

[Pa.B. Doc. No. 15-1150. Filed for public inspection June 19, 2015, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BLAIR COUNTY

#### Local Rules—Civil; 2015 GN 1643

And Now, this 5th day of June, 2015 it is hereby *Ordered, Directed and Decreed* that all previous Blair County Local Rules—Civil (B.C.L.R.) are hereby rescinded and we adopt the following Civil Rules as follows:

1. In compliance with Pa. Rule of Civil Procedure 239.8, we submit for approval by the Civil Procedural Rules Committee B.C.L.R. 205.2(b) Cover Page; 206.4(c) Rule to Show Cause; 208.2(c) Content of Motions; 208.3(a) Presentation of Motions and Petitions; 208.3(b) Alternative procedures for the Presentation of Motions; 1028(c) Preliminary Objections; 1034(a) Judgment on the Pleadings; and 1035.2(a) Motions for Summary Judgment to be effective upon publication on the UJS portal.

2. In compliance with Pa. Rule of Civil Procedure 239, we promulgate the following Blair County Local Rules—Civil:

a. File one certified copy of the local rules with the Administrative Office of Pennsylvania Courts;

b. File two certified copies and a computer diskette containing the text of the local rules to the Legislative Bureau for publication in the *Pennsylvania Bulletin*;

c. File one certified copy with the Civil Procedural Rules Committee

d. File a copy of the local rules, which shall be continuously available for inspection and copying, in the office of the prothonotary.

e. These local rules shall become effective not less than 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

JOLENE GRUBB KOPRIVA,  
*President Judge*

### Blair County Local Rules—Civil

(Revised May 21, 2015)

#### Rule 76. Definitions.

*Blair County Bar Association Mediation Program*—An alternative dispute resolution tool which utilizes the time and skills of several experienced members of the Blair County Bar who act as neutral mediators. This program provides the parties with an opportunity to expand and develop areas of agreement which can resolve their dispute at considerable savings of financial and human resources to everyone involved. Submission of cases to the Blair County Bar Association Mediation Program is voluntary, unless ordered otherwise.

*Blair County Local Rules*—These rules apply to any civil matter of business coming before this Court, unless designated otherwise. They shall be cited as B.C.L.R.

*Notice of Argument/Hearing*—An Order of Court setting a date, time and location for hearing on a petition or motion requiring a decision of Court. See B.C.L.R. 301.

*Pretrial Conference*—A conference among counsel, the Court and such other persons as directed to be present or permitted to attend by the judge. The purpose shall be to discuss the posture of the case, including settlement, in an effort to prepare the case for trial. A formal narrative is required for this conference. See Pa.R.Civ.P. 212.2—212.3.

*Settlement Conference/Judicial Mediation*—A meeting among counsel, litigants, the Court and other such persons as directed by the judge to be present in person for the purpose of resolving the action. This meeting shall be attended in person unless excused by the judge. All persons with settlement authority shall be required to attend unless specifically excused by the Court.

*Status Conference*—A conference among counsel and a court representative to take place early in the litigation or at any other point the Court deems necessary to move the case toward resolution. No pretrial narratives are necessary. Counsel should be prepared to discuss the present status of the lawsuit, appropriate time limits for discovery, and the possible use of alternative dispute resolution. The Court may set discovery deadlines at this time and may schedule a formal pretrial. See B.C.L.R. 300.

*Summary Jury Trial*—A form of alternative dispute resolution to be scheduled upon request of the parties and/or at the discretion of the Court. The purpose of the

summary jury trial is to provide an expedited proceeding which promotes settlement. The attendance of the parties with authority to settle, including insurance adjuster, is mandatory. See B.C.L.R. 302.

#### Rule 205.2(b). Cover Page.

(1) For the initial pleading in any civil action, the pleading shall be accompanied by a completed Pennsylvania Rule of Civil Procedure 205.5 Cover Sheet which can be found at <http://www.pacourts.us/forms/for-the-public>.

(2) In compliance with Rule of Civil Procedure 1018.1, the agency to be named in the notice from whom legal help can be obtained shall be:

MIDPENN LEGAL SERVICES  
171 Lakemont Park Blvd.  
Altoona, PA 16602  
(800) 326-9177  
(814) 943-8139

#### Rule 206.4(c). Rule to Show Cause.

(1) We hereby adopt Pa.R.Civ.P. 206.5 as local procedure for rules to show cause.

(2) A petitioner seeking the issuance of a rule to show cause shall attach to the petition a proposed order in the form prescribed in subdivision (6) and give notice to all other parties of the intention to request the court to issue the rule.

(3) If the petition is within the scope of Pa.R.Civ.P. 206.1(a), is properly pleaded, and states prima facie grounds for relief, the court shall enter an order issuing a rule to show cause and may grant a stay of proceedings.

(4) Argument/hearing shall be scheduled in front of the judge to whom the case is assigned for a date certain after the deadline for filing the answer. It is within the discretion of the presiding judge to determine whether the matter can be decided on briefs alone.

(5) Briefs addressing whether a rule to show cause should issue shall be filed according to the briefing schedule ordered by the presiding judge at the conclusion of the evidentiary hearing. If the Court declines to hold an evidentiary hearing, the Court shall provide a briefing schedule in the order issuing the rule.

(6) The form of order required by subdivision (2) shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF BLAIR  
COUNTY, PENNSYLVANIA

CIVIL DIVISION

vs.

DOCKET NO. \_\_\_\_\_

#### ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 an answer to the petition within twenty (20) days of this date;

(3) the petition shall be decided under Pa.R.Civ.P. No. 206.7.

(4) an evidentiary hearing/oral argument on disputed issues of material fact shall be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in Courtroom \_\_\_\_\_ of the Blair County Courthouse.

(5) notice of entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

\_\_\_\_\_ J.

**Rule 208.2(c). Content of Motions.**

(1) Any motion or petition based upon a statute or rule of court shall cite the specific statute or rule which authorizes the requested relief. See Pa.R.Civ.P. 239.3(a)

(2) All motions relating to discovery shall include a certificate signed by counsel for the moving party that counsel for that party has conferred or attempted to confer with all interested parties in order to resolve the matter without court action, and shall set forth the nature of the efforts made to resolve the matter. Failure to comply with the foregoing shall result in the refusal of the Court to hear the motion.

**Rule 208.3(a). Presentation of Motions and Petitions.**

(1) All motions and petitions requesting an Order of Court shall be filed with the Prothonotary's Office, which shall forward the motion or petition to the Court Administrator's Office for further processing.

(a) *Exceptions:* The following motions or petitions shall be filed directly with the Court Administrator's Office, which will forward them to the appropriate judge:

(i) Motions for Continuance, except with respect to juvenile, custody and domestic matters. B.L.C.R. 216.1.

(ii) Petitions for Court approval of stipulations or agreements.

(iii) Notice of Argument/Hearing, or agreed upon Order, may be presented to the Court Administrator's designee immediately prior to the beginning of Motions Court. The Court Administrator's designee will then assign a date and time and will submit the Notice of Argument/Hearing or Order for the judge to execute said Order without counsel being present. B.C.L.R. 301.

(b) Counsel shall always prepare and submit with any motion or petition a proposed order granting the requested relief.

(c) The movant and respondent shall serve copies of their respective filings upon the opposing party at the time such filings are promptly time-stamped with the Prothonotary's Office in order to afford opposing party immediate notice of the filing. After receiving a date for hearing, the movant shall inform the opposing party of the date and time of the hearing. The movant shall likewise serve the opposing party with a copy of signed orders for scheduling hearings. (Failure to do so may result in dismissal and/or sanctions).

(2) The Court shall initially consider a motion without written responses or briefs. For a motion governed by this subdivision, the Court may not enter an order that grants relief to the moving party unless the motion is presented as uncontested or the parties to the proceeding are given an opportunity for argument.

(a) This rule does not prevent the Court from denying the moving party's request for relief without the opportu-

nity for an argument where the motion is procedurally defective, untimely filed, or fails to set forth adequate grounds for relief.

(b) Parties may choose to submit responses and briefs at the time of presentation provided that copies have been served on every other party. However, parties are not required to file responses and briefs in these instances.

(c) When filing a motion, the procedure as set forth in B.C.L.R. 206.4(c) is likewise applicable under this section.

**Rule 208.3(b). Alternative Procedures for the Presentation of Motions.**

(1) It is the preference of the Court to decide specified motions on briefs. Counsel may request oral argument in situations where a brief is insufficient to properly set forth the argument. The request for oral argument must be made in writing within ten (10) days of filing the motion, and submitted to Court Administration, with a statement setting forth the reasons for the necessity of oral argument. Court Administration shall refer the matter to the assigned judge.

(a) It shall be at the discretion of that judge whether argument will be scheduled.

(b) The Court may sua sponte schedule oral argument as it deems necessary.

(c) If the request for oral argument is approved, the moving party shall file a brief within twenty (20) days.

(d) All response briefs must be filed no later than twenty (20) days of receipt of the moving party's brief. Reply briefs shall then be filed within ten (10) days of receipt of the moving party's brief.

(e) Service shall be made in conformity with Pa.R.Civ.P. 440.

(f) If response briefs are not timely filed the Court may dispose of the motion without such response brief and/or a monetary sanction may be imposed by the Court.

(g) All requests for extension of the twenty (20) days to file responsive briefs shall be submitted in writing to Court Administration and will be referred to the assigned judge.

(h) If a motion is settled or withdrawn prior to disposition, the moving party shall so inform Court Administration in writing.

**Rule 216. Continuances.**

(a) The Court disfavors continuances due to the difficulty in promptly rescheduling matters. All applications for continuance shall be made by written civil continuance form affixed herein as ATTACHMENT "A." The continuance shall specify the factual basis for the request of the proposed continuance. The request for continuance shall be filed with Court Administration and will be forwarded to the assigned judge.

(b) Any request must specify the position of the opposing party/parties. Failure to specify the position of the opposing party/parties results in automatic denial of the request.

(c) Requests for continuances shall be filed at least ten (10) days in advance of the hearing date. Where the continuance is not timely filed, the reasons for the delay shall be specifically set forth in the motion. Faxed continuances will only be accepted in emergency situations.

(d) Any continuance request shall contain certification that the client has been notified and does not oppose the request.

(e) Court Administration shall notify the requesting party of the Court's decision on the motion and it shall be the requesting party's obligation to notify all parties of record.

(f) Continuance pro formas shall be prescribed by the Court and obtained from Court Administration.

(g) Continuances for Domestic Relations, Juvenile Probation and Custody Proceedings shall be filed with the respective departments.

**Rule 229. Discontinuances.**

(a) Any discontinuance of an action shall be in accordance with PA.R.Civ.P. 229. A discontinuance may also be entered by a written direction (praecipe) to the Prothonotary if it is signed by the plaintiff's attorney or by a self-represented plaintiff and the same shall be accepted by the Prothonotary if all costs due the Prothonotary have been paid.

(b) Counsel shall provide a copy of the discontinuance to Court Administration simultaneous with providing the original to the Prothonotary. Any written direction to the Prothonotary complying with this rule may be sent to the Prothonotary by mail and shall be accepted for filing.

(c) Failure of plaintiff's counsel or a self-represented plaintiff to file a discontinuance upon settlement or withdrawal of such action may result in a fine of up to one hundred dollars (\$100.00) within the discretion of the Court and/or a hearing will be set for the attorney or self-represented plaintiff to explain the reasons for their failure to discontinue the action. Client(s) must attend such hearing with counsel.

**Rule 300. Status Conferences.**

(a) In any complex case or other action which the Court deems applicable, a status conference may be scheduled by the Court for purposes of discussing the following, including, but not limited to:

- (1) The facts of the case;
- (2) The status of discovery and what discovery is anticipated in the case;
- (3) Any novel legal questions which are or may be at issue in the case;
- (4) The status of the settlement demand and any responsive offers; and
- (5) Setting and/or modifying of discovery deadlines. The Court reserves the right to establish discovery deadline dates prior to a status conference pursuant to 42 Pa.C.S.A. § 323.

(b) Status conferences shall be scheduled upon request of the parties or at the discretion of the Court.

(c) Subsequent to the status conference, the court may issue any Order deemed necessary providing counsel with dates and times for any future proceedings that may be required.

(d) No written narratives need be filed for status conferences.

**Rule 301. Notice of Hearing/Argument.**

(a) A motion or petition, requesting an Order of Court, with the exception of cases falling within B.C.L.R. 206.4(c), shall include a Notice of Hearing/Argument, (substantially in the format in subsection (5)), the grant-

ing of which shall be discretionary with the Court, and a Proposed Order granting the requested relief citing the specific statute or rule which authorizes the requested relief.

(1) All such motions/petitions shall be filed in the Prothonotary's Office, who will forward same to Court Administration.

(2) If a hearing or argument is requested, a date, time and location will be assigned by Court Administration.

(3) Once a Notice of Hearing/Argument or Order has been signed by the Court, Court Administration shall mail a copy to the moving party.

(4) It shall be the responsibility of the moving party to notify all other parties of record of the date, time, and location of the hearing/argument.

(5) The format of the Notice of Hearing/Argument shall be as follows as set forth in ATTACHMENT "B."

**Rule 302. Blair County Summary Jury Trial Rules.**

(a) Preliminary Considerations. The following shall be considered, but shall not be controlling, in determining if civil cases are appropriate for a summary jury trial:

(1) *Time Necessary for Regular Trial, Damages and Issues Involved.*

The Court will determine if the regular trial time would be one or several days, including time for jury selection and closings and charge. The Court will also consider the amount of damages and whether complex legal issues are involved.

(2) *Consent of Attorneys.*

The Court will attempt to obtain the consent of the attorneys to conduct a summary jury trial, but the Court shall have the authority to direct a summary jury trial as an extension of the settlement conference.

(3) *Offer and Demand.*

The Court will consider the existing offer and demand, if any, in assessing the suitability of a case for jury trial.

(4) *Credibility.*

The Court will determine whether the major issues of the case will be resolved on the basis of credibility.

(b) *Summary Jury Trials.* The following procedures shall apply to all summary jury trials:

(1) *Attendance of Parties.*

Individual parties shall attend the summary jury trial. Additionally, an officer or other responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the summary jury trial.

(2) *Non-Binding Effect.*

Summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties or shall constitute a waiver. However, a summary jury trial may be made binding or damages can be floored and capped with a high/low by agreement of counsel and parties.

(3) *Special Verdict Questions.*

The cases will be submitted to the summary jury trial by way of special verdict questions. Each counsel shall submit a statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary jury trial need not be the same as those for the formal jury

trial. In the Court's discretion, the jury may be requested to determine the amount of damages in any given case regardless of whether a defendant is found to be liable or not liable. The Court will determine the verdict slip format to be used and rule on disputed special verdict questions.

(4) *Selection of Juries.*

Summary juries shall consist of eight (8) jurors. Counsel shall not be present at jury selection except by leave of Court. The Court will select summary juries using the standard summary jury trial voir dire questions contained under Section 3 of this rule. Should counsel wish the Court to ask additional voir dire questions, they should submit proposed voir dire for the Court's use no later than ten (10) days prior to the jury selection date.

(5) *Narrative Statements.*

In the discretion of the Court, counsel may be required to file narrative statements which will be read to the jury at the start of the summary jury trial. Such narrative statements shall consist of a brief (1-2 pages) description of each party's position on the facts and the law. The purpose of reading the narrative statements is to provide the jury with a short overview of each party's case prior to presentation by counsel.

(6) *Presentation of the Case by Counsel.*

Each side shall be entitled to one (1) hour for presentation of its case unless counsel presents a compelling reason at a pre-trial or status conference why more time for each side should be allowed. Presentation of the case by counsel will involve a combination of argument, summarization of the evidence which would be presented at the standard trial and a statement of the applicable law, but only to the extent it is needed to be known by the jury in answering the special verdict questions. Counsel may argue the reasonable inferences that may be drawn from the discovery. Counsel may choose to present live testimony. In such cases, no more than two (2) witnesses for each side may be called for full direct examination and cross examination. Time spent by counsel in direct examination and cross examination of witnesses counts against their respective one (1) hour allotted times. Counsel may quote from depositions and may use exhibits and video tapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first and shall have a short rebuttal (10-15 minutes as determined by the Court).

(7) *Points for Charge & Pre-trial Motions.*

The Court will charge the jury on the applicable law to the extent it is appropriate and necessary for the jury in answering the special verdict questions. The attorneys shall each submit proposed points for charge to the Court no later than ten (10) days prior to the selection of the summary jury. The Court shall rule on any disputes regarding points for charge and/or proposed verdict slips. Any pre-trial motions shall be submitted to the Court no later than ten (10) days prior to the summary jury trial date.

(8) *Jury Verdict.*

The jury will be asked to determine a verdict if seven (7) out of eight (8) or six (6) out of eight (8) of them, within the discretion of the Court, agree to it.

(9) *Length of Deliberations.*

If the jury does not reach a verdict within a reasonable time, the Court will consider polling the jurors individually.

(10) *Oral Questions to the Summary Jury.*

After the verdict, counsel and the Court may address questions in open court to the jury. No one is required to answer. Participation by jurors is strictly voluntary.

(11) *Settlement Conference.*

Within sixty (60) days of the non-binding summary jury trial, the Court will schedule a settlement conference at which an amicable resolution of the action will be attempted. Parties, representatives of corporate parties, and claims adjusters with authority to settle the case are required to personally attend the settlement conference.

(12) *Regular Trial Date Unaffected.*

Submission of a case to the summary jury trial process will in no way affect the scheduling of that case for standard trial.

(13) *Existing Offer and Demand.*

Should counsel agree to conduct a summary jury trial, the existing offer and demand shall remain unaltered through the summary jury trial until the settlement conference.

(14) *Non-Release of Summary Verdict to Media.*

The summary trial is an extension of the settlement conference, and as such verdict shall not be released to the media.

(c) *Standard Summary Jury Trial Voir Dire Questions.*

The Court will select your jury. In addition to the written juror questionnaire completed by each juror, the Court will give the following voir dire:

(1) The Court will determine the juror's availability for the specific date and time of the summary jury trial. If the case starts in the morning, the Court will determine prospective jurors' availability all day. If it begins in the afternoon, the Court will determine their availability through the dinner hour into the early evening.

(2) The Court will ask if any of the prospective jurors for any health reason are unable to perform their task as jurors, which would require them to sit for a period of as long as one (1) hour without a recess, e.g., any hearing difficulties, recent surgeries, nervous conditions.

(3) The Court will give the parties a brief factual summary of the case to determine if any of the jurors have knowledge of the allegations in the case.

(4) The Court will specifically identify the plaintiff and defendant by name and address to further determine if any of the prospective jurors know them.

(5) The Court will determine if any of the prospective jurors have had any social or business dealings, past or present, with either of the attorneys or their law firms.

(6) If there are any particular witnesses who are significant to the case, lay or medical, the Court will identify them to the jury and determine the prospective juror's knowledge or contact with them.

(7) The Court will explore whether any of the prospective jurors have had a similar injury to that claimed by the plaintiff or if a close friend or family member has had such an injury so it can be determined whether there might be some bias regarding the injury itself.

(8) When any of the parties is other than an individual, the Court will emphasize and explore the prospective juror's ability to give a corporation, for example, the same fair consideration to which any other party is entitled.

(9) The prospective jurors will be asked whether they have any fixed opinions which would prevent them from awarding money damages in cases where fault is determined to exist and an actual injury has resulted from the defendant.

(10) The prospective jurors will be asked whether they have any fixed opinion that would prevent them from deciding that a defendant is not liable if the evidence shows either that the defendant was not at fault or that the defendant's fault caused no actual injury to the plaintiff.

(11) The prospective jurors will be asked whether any of them have been involved either as a plaintiff been involved either as a plaintiff or a defendant in the particular type of case before the court or whether a family member or close personal friend has been involved in a case such that it would have any bearing on their ability to sit fairly and impartially (e.g., medical malpractice, slip and fall, automobile collision).

(12) The prospective jurors will be asked if there is any other reason not stated by the Court why they would be unable to sit fairly and impartially in this particular matter.

(13) If counsel desire any additional voir dire, it should be submitted to the Court at least ten (10) days prior to jury selection. We note that any positive responses will result in the prospective juror being stricken. We make no concerted attempt to rehabilitate summary trial jurors since we have so many from which to pick. In terms of an equal mix of ages, gender, and other background information, we try to assure a diverse selection.

### **Rule 303. Motions for Decision.**

Any motion not specified in B.C.L.R. 1028(c), 1034(a), or 1035.2(a) shall be governed by a twenty (20) day briefing schedule unless otherwise specified by the Court. See B.C.L.R. 208.

### **Local Rule 310. Credit Card/Debt Collection.**

(a) This Rule shall apply to credit card/debt collection actions.

#### *(1) Service*

If at least one attempt at service is made on the Complaint, and the service is not perfected, the Plaintiff must petition for alternative service of the Complaint, unless Plaintiff is able to reinstate the complaint (if necessary) and perfect service or suffer dismissal of the action.

#### *(2) Conciliation Conference*

Following the filing of the Complaint and perfected service, the Court by Order will schedule the case for a conciliation conference. See ATTACHMENT "C." There are preset dates set for these conferences monthly. For the purposes of the case, civil case management and further pleading deadlines are suspended pending the outcome of the conciliation conference. The Plaintiff shall come to the conciliation conference prepared to provide proof of damages in the form of the contract signed by the Defendant, the last billing statement sent by the Plaintiff or its predecessor, and written proof of any assignments that have taken place. In the event the Defendant has been served and does not appear at the conciliation conference, the Plaintiff may be granted a default judgment with prejudice. If the Plaintiff fails to appear at the conciliation conference with the required documentation,

the court may dismiss the case with prejudice. A Continuance on the day of the Conference is discouraged. See ATTACHMENT "A."

#### *(3) Consent Judgment*

A Consent Judgment/Order will be made available to the parties at the conciliation conference if an amicable resolution is reached. A Judge will be available at the time of the conciliation conference to review consent judgments and sign the consent judgment/order where appropriate. See ATTACHMENT "C-1."

#### *(4) Trial By Court*

If an agreement is not reached at the Conciliation Conference, the case will be tried by the Court.

### **Rule 320. Mortgage Foreclosure.**

(a) In all cases initiated by the filing of a Mortgage Foreclosure Complaint, the Defendant shall receive an "urgent notice" to participate in the Mortgage Foreclosure Program and the Homeowner-Occupied Certification and request for Conciliation Conference form. See ATTACHMENT "D" and "D-1." The matter shall be set for a Conciliation Conference in all cases where the Defendant returns the Homeowner-Occupied Certification. See ATTACHMENT "D-2."

(b) The Plaintiff shall come to the Conciliation Conference prepared to provide proof of the defaulted mortgage and the exact amount, including costs and penalties, needed to bring the mortgage current as of that date. Failure to do so will preclude the recovery of any interest due on the mortgage after that date.

(c) The Defendant shall come to the Conciliation Conference prepared to provide the following:

1. Proof of income from all sources (i.e. pay stubs, social security disability letter of determination, workers compensation letter of determination, annual income tax returns, child and spousal support orders, etc.)

2. Proof of expenses and debt statements (i.e. regular monthly mortgage payment, water/sewer bills, electricity bill, heating bill, telephone bills, cable bill, credit card bills, tuition and day care expenses, etc.); and

3. Act 91 Notice and any other documents you have received regarding this mortgage foreclosure.

(d) For the purposes of the case, civil case management and further pleading deadlines are suspended pending the outcome of the conciliation conference. Suspension is effective as of the date of the order setting the Conciliation Conference date.

### **Rule 365. Pa.R.Civ.P. 212.1—212.3. Pretrial Procedure.**

(a) Pretrial conferences shall be scheduled at the direction of the trial judge.

(b) The pretrial judge shall generally be the trial judge.

(c) Notice of the pretrial conference shall be contained within an order issued by the trial judge. Notice shall be provided in most cases at least thirty (30) days in advance of the pretrial.

(d) Narratives shall be required for the first pretrial and shall be filed ten (10) days prior to the date of the conference.

(e) The narrative shall contain the following:

(1) A brief summary of the facts:

(2) All items of economic damages which the Plaintiff intends to prove, including medical bills, property damages bills and loss of earnings;

(3) The names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses;

(4) Copies of all reports of any expert who treated, examined, or was consulted in connection with the injuries complained of, and who may be called as an expert witness.

(5) Copies of all reports of any expert whose opinion will be offered in evidence at the time of trial. Such reports shall include the findings and conclusions of the expert;

(6) Any special legal or evidentiary issues;

(7) The estimated length of trial;

(8) Any scheduling problems;

(9) The settlement demand and any responsive offers; and

(10) A list of anticipated exhibits to be used at the time of trial.

(f) At least one week prior to the pretrial conference, all parties shall confer and consult with each other as often as may be necessary for the following purposes:

(1) To explore in every respect the possibility of settlement; including exchange of good faith demand and offer, and

(2) To consider the factual and legal issues involved.

(g) Supplements to a written pretrial memorandum may be filed by any party after their original pretrial memorandum has been filed. However, no supplemental pretrial memorandum may be filed later than thirty (30) days prior to the scheduled jury selection. Should any party need additional time for preparation, or discovery as a result of a supplemental pretrial memorandum being filed, a petition must be promptly filed with the Court seeking such an extension of time prior to the scheduled trial date.

(h) Any narrative and/or supplement not timely filed may result in a fine and a copy of the sanctioning order shall be sent to the litigants by the Court.

(i) Counsel attending the pretrial conference must have complete authority to stipulate regarding items of evidence and admissions, and must have full settlement authority. Counsel shall have the client and those with settlement authority available either in person or by phone for consultations regarding settlement.

(j) At the pretrial conference, counsel shall be prepared to discuss fully with the Court the possibility of settlement of the case. At the conclusion of the conference, the judge shall make an order reciting the actions taken at the conference, including the agreements made by the parties as to any of the matters considered, the issues of trial and the admissions of fact obtained at the conference. The pretrial conference Order shall include a date for the filing of any pretrial motions and supporting briefs, voir dire questions, and a scheduled date for argument if appropriate.

(k) Motions for Summary Judgment, consolidation, bifurcation and severance must be made at least thirty (30) days before the date of the pretrial conference. Such

motions generally require a decision before meaningful progress can be made in preparing a case for trial or negotiating a resolution to the lawsuit. It is the preference of the Court to resolve these matters prior to the pretrial conference if possible.

#### **Rule 1028(c). Preliminary Objections.**

(1) Preliminary Objections shall be filed with the Prothonotary, who will forward them to the assigned judge.

(2) The moving party must file a supporting brief with the Prothonotary, no later than twenty (20) days after filing the Preliminary Objections.

(3) All response briefs shall be filed no later than twenty (20) days of receipt of the moving party's brief.

(4) Service shall be made in conformity with Pa.R.Civ.P. 440.

(5) All requests for extension of the twenty (20) day period to file responsive briefs shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.

(6) If a brief in support of preliminary objections is not filed within the twenty (20) days after the preliminary objections have been filed, they shall be dismissed by Order of Court.

#### **Rule 1034(a). Judgment on the Pleadings.**

(1) Motions for Judgment on the Pleadings, accompanied by a supporting brief, shall be filed with the Prothonotary and forwarded to the assigned judge.

(2) Response briefs shall be filed no later than twenty (20) days after receipt of the moving party's brief.

(3) Service shall be made in conformity with Pa.R.Civ.P. 440.

(4) All requests for extension of the twenty (20) day period to file a responsive brief shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.

(5) If a Motion for Judgment on the Pleadings is filed without a supporting brief, the motion will be dismissed by Order of Court.

(6) An Order for Argument shall be attached to the motion.

(7) If argument is granted, the date, time, and location of the argument is determined by Court Administration and the Order signed by the judge.

#### **Rule 1035.2(a). Motions for Summary Judgment.**

(1) Motions for Summary Judgment, accompanied by a supporting brief, shall be filed with the Prothonotary, who will forward the motion and brief to the assigned judge.

(2) Response briefs shall be filed no later than thirty (30) days after receipt of the moving party's brief.

(3) Service shall be made in conformity with Pa.R.Civ.P. 440.

(4) All requests for extension of the thirty (30) day period to file a responsive brief shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.

(5) If a motion for summary judgment is filed without a supporting brief, the motion will be dismissed by Order of Court.

(6) An Order for Argument shall be attached to the motion.

(7) If argument is granted, the date, time, and location of the argument is determined by Court Administration and an Order signed by the judge.

(8) Once the Order for Argument is signed by the judge, Court Administration shall mail a copy to the moving party.

(9) It shall be the responsibility of the moving party to notify all other parties of record of the date, time, and location of the argument.

#### **Rule 1301. Arbitration.**

##### *(a) Cases for Submission:*

(1) *By Court Administration*—Court Administration, through Civil Case Management, will schedule all Civil Cases which are at issue wherein the amount in controversy (exclusive of interest and costs) shall be fifty thousand dollars (\$50,000.00) or less, per the pleadings. This includes all appeals from a civil judgment of magisterial district judges, except those involving title to real estate or actions in equity. The above cases identified shall be submitted to, heard and decided by a Board of Arbitrators, consisting of three (3) members of the Blair County Bar to be selected as hereinafter provided.

(2) *By the Parties*—Cases, regardless of amount or subject in controversy, may be referred to a Board of Arbitrators by Agreement of Reference signed by all parties or their counsel, and may contain stipulations with respect to facts submitted or agreed upon or defense in such cases, the Agreement of Reference shall take the place of the pleadings in the case and shall be filed of record.

(3) *By the Court*—Cases may be referred to arbitration where the Court is satisfied that the matter involves fifty thousand dollars (\$50,000.00) or less, in accordance with Pa.R.Civ.P. 1301.

(4) *Outstanding Motions*—It shall be the responsibility of the moving party to resolve any outstanding motions or pre-arbitration issues before the commencement of the hearing. Otherwise, any such issues shall be deemed waived.

#### **Rule 1301-1. Arbitrators.**

Arbitrators will be selected from a Court-approved list after consultation with the Blair County Bar Association. No attorneys from the same law firm or office will serve on the same panel. One attorney will serve as the Case Manager, as designated by the court.

(a) Three (3) attorneys will serve on each panel. There will be weekly panels selected each year. Panels will meet weekly in the designated location. The Case Manager will be responsible for:

(1) Assuring readiness for arbitration-discovery completion, outstanding motions status.

(2) Reviewing estimated trial time.

(3) Discussing and encouraging resolution through pro bono mediation or other forms of alternative dispute resolution prior to hearing.

(b) Following receipt of assigned case list, the Case Manager will contact the attorneys and/or parties in each case within ten (10) days after receiving the assignment.

(c) The Case Manager shall obtain files and award forms from Court Administration who files the awards with the Prothonotary.

(d) The Case Manager will swear in the panel and take the oath.

(e) Substitutions for panel members will be processed by Court Administration.

#### **Rule 1303. Arbitration Process.**

(a) *Administrative Fee*—Arbitration, under B.C.L.R. 1301(a)(1) and (3), shall require the Plaintiff to pay to the Prothonotary an Administrative Fee of one hundred twenty-five dollars (\$125) within thirty (30) days of the date of the Court's Order designating the matter to be scheduled for arbitration. The Plaintiff or the Plaintiff's attorney of record shall notify in writing the assigned Judge and Court Administration, or its designee, of such payment. The arbitration hearing shall be scheduled by Court Administration only upon Plaintiff's payment of the Administrative Fee.

(b) *Praecepte to the Arbitration List*—Either party may praecipere the matter to the Arbitration List by filing such with the Prothonotary no earlier than thirty (30) days from the close of the pleadings by filing an Arbitration Scheduling Request. See ATTACHMENT "E." The arbitration hearing shall be scheduled by Court Administration.

(c) *Notice*—Pursuant to Pa.R.Civ.P. 1303, Court Administration, or its designee, shall give to the parties or their attorneys of record and the assigned judge at least thirty (30) day notice in writing of the date, time and place of the arbitration hearing.

(1) The written notice required under subsection (b) of this provision shall include the following statement:

"THIS MATTER WILL BE HEARD BY A BOARD OF ARBITRATORS AT THE TIME, DATE AND PLACE SPECIFIED BUT, IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE."

(2) A party is "present" if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

(d) *Preparation*—When the board of arbitrators is convened for the hearing, if one or more of the parties is not ready, the case shall proceed and the arbitrators shall make an award unless the Court:

(1) orders a continuance, or;

(2) hears the matter if the notice of arbitration contains the statement required by subsection (b)(1) of this provision and all parties present consent.

(e) *Continuance Request*—A party moving for a continuance shall file a continuance as set forth in ATTACHMENT "A."

(1) The Administrative fee under subsection (a) of this provision shall include the costs of the initial scheduling.

(2) At the Court's discretion, each party may be granted one (1) continuance without imposition of any additional fee.

(3) A party requesting an additional continuance shall pay to the Prothonotary a Continuance Fee of fifty dollars (\$50.00) at the time of the continuance request. The moving party shall notify in writing the assigned Judge and Court Administration, or its designee, of such payment.

(4) A party requesting any continuance within seventy-two (72) hours of the scheduled arbitration time shall pay to the Prothonotary the Arbitration Costs at the time of the continuance request. Such Arbitration Costs shall be set at fifty dollars (\$50.00) for the Case Manager of the arbitration panel, and forty dollars (\$40.00) for each additional Arbitrator of the arbitration panel. Such payment shall not impact the applicability of any other Arbitration costs.

(5) If a continuance request is granted, Court Administration, or its designee, shall give to the parties, or the attorneys of record, and the assigned Judge notice in writing of the new date, time and place of the arbitration hearing. Such notice shall meet the requirements set forth under subsection (b) of this provision. The arbitration hearing shall be rescheduled by Court Administration only upon the moving party's payment of any applicable Continuance Fees or Arbitration Costs.

(f) *Arbitrator's Fees*—Arbitrator's Fees shall be as follows:

(1) For each Civil Case eligible for arbitration under B.C.L.R. 1301(a)(1) and (3), Arbitration Costs shall be set at one hundred fifty dollars (\$150.00) for the Case Manager of the arbitration panel, and one hundred twenty-five dollars (\$125.00) for each additional Arbitrator of the arbitration panel.

(2) For each Civil Case in which the arbitration hearing lasts four and a half (4 1/2) hours or more, Arbitration Costs shall be set at two hundred twenty-five dollars (\$225.00) for the Case Manager of the arbitration panel, and two hundred dollars (\$200.00) for each additional Arbitrator of the arbitration panel.

(g) *Settlements*—Counsel shall work diligently to assure settlements will be reached prior to the arbitration hearing.

(1) If a settlement occurs prior to the scheduled arbitration hearing, the parties shall notify in writing the assigned Judge and Court Administration, or its designee, of the settlement no later than seventy-two (72) hours prior to the scheduled arbitration hearing.

(2) If a Settlement occurs within seventy-two (72) hours of the scheduled arbitration hearing, or if the parties fail to timely notify the assigned Judge and Court Administration, or its designee, under subsection (f)(1) of this provision, the parties shall pay the Arbitration Costs.

A. The Arbitration Costs shall be set at fifty dollars (\$50.00) for the Case Manager of the arbitration panel, and forty dollars (\$40.00) for each additional Arbitrator of the arbitration panel.

B. Such Arbitration Costs are to be paid to the Prothonotary by the parties, with fifty per cent (50%) contribution from the plaintiff(s), jointly and severally, and fifty

per cent (50%) contribution from the defendant(s), jointly and severally, unless otherwise agreed upon by the parties.

C. Such payment shall be made within ten (10) days of the scheduled arbitration hearing.

(h) *Willful Absence*—A party who willfully fails to appear at any appropriately scheduled arbitration hearing under B.C.L.R. 1301(a)(1) and (3) may be held in Contempt of Court. Such finding and any appropriate sanction shall be in the discretion of the assigned judge.

(i) *Order of Court*—Any applicable Continuance Fees, Arbitration Costs, or other payment obligations designated under this provision shall be enforced by Order of Court.

#### **Rule 1304. Conduct of Arbitration Hearings.**

(a) The Board of Arbitrators shall conduct the hearing in accordance with Pa.R.Civ.P. 1304 and 1305.

(b) Generally every document submitted pursuant to Pa.R.Civ.P. 1305(b) shall state the name and present address of the individual or entity that provided the information contained in the document.

(c) The Arbitration Case Manager does not have the duty or power to grant any continuance. Continuances are filed through Court Administration and may only be granted by the Court.

#### **Rule 1308. Arbitration Appeals.**

*Appeal. Arbitrator's Compensation. Notice*

(a) Appeals from an award of a Board of Arbitrators shall be in conformity with Pa.R.Civ.P. 1308.

(b) The Blair County Court of Common Pleas will establish the amount of compensation for arbitrators by Court Order. The members of the panel shall not be entitled to receive their fees until after filing the award with Court Administration.

(c) Attorneys of record or parties who have no attorney shall be notified of the award of the Board of Arbitrators by the Prothonotary, in conformity with Pa.R.Civ.P. 1307.

(d) A party appealing an Arbitration Award, shall pay to the Prothonotary an Arbitration Appeal Fee of four hundred dollars (\$400.00), unless the arbitration hearing lasted four and one-half (4 1/2) hours or more, in which case the Arbitration Appeal Fee shall be six hundred and twenty-four dollars (\$625.00). Such fee must be paid at the time of filing the appeal in order to perfect such appeal. An appeal from the Arbitration Award does not, in any way, relieve any party of any duty to pay any applicable Costs or Fees under B.C.L.R. 1303 et. al. There shall be no reimbursement of the Arbitration Appeal Fees to the appealing party, even if the final decision entered after the appeal differs from the Award of Arbitrators.

(e) In all other respects not clarified or established herein, the Pennsylvania Rules of Civil Procedure for Compulsory Arbitration (Rule 1301 et seq.) shall be applicable.

THE COURTS

Attachment A
BLAIR COUNTY COURT OF COMMON PLEAS
Hollidaysburg, PA
CIVIL CONTINUANCE REQUEST

CAPTION:

PLAINTIFF: \_\_\_\_\_

CASE NO: \_\_\_\_\_

\_\_\_\_\_
Vs

This case is presently scheduled:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

DEFENDANT: \_\_\_\_\_

COURTROOM: \_\_\_\_\_

\_\_\_\_\_

TYPE OF HEARING:

Motions Court \_\_\_\_\_ Div. Mstr. \_\_\_\_\_

Arbitration \_\_\_\_\_ Oral Arg \_\_\_\_\_

Trial \_\_\_\_\_ Conciliation \_\_\_\_\_

PFA \_\_\_\_\_ Other \_\_\_\_\_

REASON FOR REQUEST: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF LESS THAN TWO WEEKS, REASON FOR UNTIMELY FILING: \_\_\_\_\_

\_\_\_\_\_

NUMBER OF PRIOR CONTINUANCES \_\_\_\_\_ PLAINTIFF \_\_\_\_\_ DEFENDANT

REQUESTING PARTY (ATTORNEY or SELF REPRESENTED LITIGANT) FOR \_\_\_\_\_ (NAME OF CLIENT)

(PRINT) \_\_\_\_\_ NOTIFIED CLIENT \_\_\_\_\_ (DATE) \_\_\_\_\_ Agrees with  
\_\_\_\_\_ Objects to request

(SIGN) \_\_\_\_\_

OPPOSING PARTY(IES) (ATTORNEY OR Self Represented Litigant) FOR: \_\_\_\_\_

\_\_\_\_\_

(PRINT) \_\_\_\_\_ Agrees with  
\_\_\_\_\_ Objects to request

(SIGN) \_\_\_\_\_

.....

ORDER

AND NOW, This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the Motion for Continuance in the above captioned case is hereby:

\_\_\_\_\_ GRANTED to \_\_\_\_/\_\_\_\_/\_\_\_\_\_, at \_\_\_\_\_ a.m. / p.m. in Courtroom # \_\_\_\_\_ at the Blair County Courthouse, Hollidaysburg, PA

\_\_\_\_\_ DENIED

BY THE COURT:

\_\_\_\_\_ J.

Cc: Original to Prothonotary File  
Counsel  
Court Administration

Attachment B

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

\_\_\_\_\_

Vs.

CIVIL DIVISION

DOCKET NO. \_\_\_\_\_

\_\_\_\_\_

TYPE OF PLEADING: \_\_\_\_\_

\_\_\_\_\_

NOTICE OF HEARING/ARGUMENT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a hearing/argument is set for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in Courtroom No. \_\_\_\_ in the Blair County, Courthouse, Hollidaysburg, Pennsylvania.

A true and correct copy of the Notice/Order shall be served upon all counsel of record and unrepresented parties by the moving party.

BY THE COURT:

\_\_\_\_\_

J.

Estimated length of time requested for hearing/argument: \_\_\_\_\_

Attachment C

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

\_\_\_\_\_

Vs.

CIVIL DIVISION

DOCKET NO. \_\_\_\_\_

\_\_\_\_\_

PRESIDING JUDGE

COUNSEL FOR PLAINTIFF/SELF REPRESENTED

COUNSEL FOR DEFENDANT/SELF REPRESENTED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ORDER

AND NOW this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ a debt collection complaint having been filed and served in this matter, it is hereby ORDERED, DIRECTED, and DECREED as follows:

1. A conciliation conference is set for \_\_\_\_\_, 20\_\_\_\_ at 1:30 PM in the Jury Assembly Room.
2. If an agreement is not reached at the conciliation conference, trial by court shall be scheduled within sixty (60) days of the conciliation conference.
3. The Plaintiff shall come to the conciliation conference prepared to provide proof of damages in the form of the contract signed by the Defendant, an itemized breakdown of charges, and written proof of any assignments that have taken place. If discovery is not provided at the conciliation conference, Plaintiff will provide all discovery within sixty (60) days of the conference.
4. The Defendant shall come to the conciliation conference with a copy of this order and any subsequent orders and any other information helpful to achieving a resolution of the matter.
5. In the event that the Defendant does not appear at the conciliation conference, the Plaintiff may be granted a default judgment with prejudice. If the Plaintiff fails to appear at the conciliation conference, this action may be dismissed with prejudice.
6. For purposes of this case, civil case management and further pleading deadlines are suspended pending the outcome of the conciliation conference. Suspension is effective as of the date of this order.
7. Consent Judgment forms will be made available at the conciliation conference, if a settlement is reached. Consent Judgments must be accompanied by a check for the \$24.00 filing fee. The check must be made payable to the Blair County Prothonotary. Consent Judgments without the filing fee will not be accepted by the Blair County Prothonotary.



URGENT NOTICE

ORDER

The Plaintiff in the above captioned matter has initiated an action for mortgage foreclosure against you, the Defendant. If the property being foreclosed is your primary residence, you may be able to get help with your mortgage. You may be eligible to participate in the informal Blair County Mortgage Foreclosure Diversion Program if the property is owner-occupied.

To participate in the program, you must file the attached Certification of Premises as Owner-Occupied and Request for Conciliation Conference with the Blair County Prothonotary within ten (10) days of the date of this Order to have a conference scheduled. You must also mail a copy of the Certification to this Court and to the Plaintiff's counsel at the following addresses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IF YOU FAIL TO PROPERLY FILE THE CERTIFICATION WITHIN TEN (10) DAYS, YOU WILL LOSE THE OPPORTUNITY TO PARTICIPATE IN THIS "MORTGAGE FORECLOSURE-HELP" PROGRAM.

BY THE COURT,

DATE: \_\_\_\_\_

\_\_\_\_\_ J.

Attachment D-1

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF : \_\_\_\_\_ GN \_\_\_\_\_  
VS. :  
: :  
: :  
DEFENDANT :  
: :  
.....

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ PRESIDING JUDGE  
COUNSEL FOR PLAINTIFF  
PR SE DEFENDANT/  
COUNSEL FOR DEFENDANT

DEFENDANT'S CERTIFICATION THAT PREMISES ARE OWNER-OCCUPIED and REQUEST FOR CONCILIATION CONFERENCE

I hereby certify as follows:

- 1. I am the owner of the property known as (premises address): \_\_\_\_\_ ;
- 2. I live in the property identified above;
- 3. This property is my principal residential property;
- 4. Plaintiff has filed an action in Mortgage Foreclosure against me concerning the above property and I request that the Court schedule a conciliation conference pursuant to the informal Blair County Mortgage Foreclosure Diversion Program.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant(s)

Phone Number: \_\_\_\_\_

THE COURTS

Attachment D-2

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____	PLAINTIFF	:	_____ GN _____
VS.		:	CIVIL—MORTGAGE FORECLOSURE
		:	
_____	DEFENDANT	:	
_____		:	PRESIDING JUDGE
_____		:	COUNSEL FOR PLAINTIFF
_____		:	COUNSEL FOR DEFENDANT/ SELF REPRESENTED LITIGANT

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a mortgage foreclosure complaint having been filed and served in this matter, and the Defendant having returned the homeowner-occupied certification and request for conciliation conference, it is hereby ORDERED, DIRECTED and DECREED as follows:

1. A conciliation conference is set for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 1:30 p.m., in the Jury Assembly Room, Basement, Blair County Courthouse, Hollidaysburg, PA.
2. The Plaintiff shall come to the conciliation conference prepared to provide proof of the defaulted mortgage AND the exact amount, including costs and penalties, needed to bring the mortgage current as of that date. Failure to do so will preclude the recovery of any interest due on the mortgage after that date.
3. The Defendant shall come to the conciliation conference prepared to provide the following:
  - i. proof of income from all sources (i.e. pay stubs, social security disability letter of determination, workers compensation letter of determination, annual income tax returns, child and spousal support orders, etc.)
  - ii. proof of expenses and debt statements (i.e. regular monthly mortgage payment, water/sewer bills, electricity bill, heating bill, telephone bills, cable bill, credit card bills, tuition and day care expenses, etc.); and,
  - iii. Act 91 Notice and any other documents you have received regarding this mortgage foreclosure.
4. For the purposes of this case, civil case management and further pleading deadlines are suspended pending the outcome of the conciliation conference. Suspension is effective as of the date of this Order.

BY THE COURT:

\_\_\_\_\_ J.

Attachment E

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

_____	PLAINTIFF	:	_____ GN _____
VS.		:	CIVIL — _____
		:	
_____	DEFENDANT	:	

ARBITRATION SCHEDULING REQUEST

AMOUNT IN CONTROVERSY:

_____ \$2,000.00 OR Less	_____ More than \$5,000 but Less Than \$25,000
_____ More than \$2,000 but Less than \$5,000	_____ \$25,000 to \$50,000

ESTIMATED TIME FOR HEARING: \_\_\_\_\_ 1/2 DAY \_\_\_\_\_ FULL DAY

FOR THE PLAINTIFF:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

FOR THE DEFENDANT:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

ADDITIONAL DEFENDANT:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

I CERTIFY ON BEHALF OF \_\_\_\_\_, THIS CASE IS READY IN ALL RESPECTS FOR TRIAL, HAVING CONFIRMED SAME WITH ALL COUNSEL OF RECORD. THIS ORIGINAL FORM HAS BEEN FILED WITH THE PROTHONOTARY THIS DATE WITH A COPY TO THE COURT ADMINISTRATOR AND ALL COUNSEL OR PARTY OF RECORD.

DATE: \_\_\_\_\_

(SIGNATURE)

ATTORNEY FOR \_\_\_ PLAINTIFF \_\_\_ DEFENDANT

[Pa.B. Doc. No. 15-1151. Filed for public inspection June 19, 2015, 9:00 a.m.]

**CARBON COUNTY**

**Amendment of Local Rules of Criminal Procedure  
CARB.R.Crim.P. 106 Continuances in Summary  
and Court Cases; No. CP-13-Ad-0000004-2015**

**Administrative Order No. 9-2015**

And Now, this 27th day of May, 2015, in order to preserve the same requirements for both civil and criminal continuances, it is hereby

Ordered and Decreed, that effective July 1, 2015, the Carbon County Court of Common Pleas Amends Local Rule of Criminal Procedure CARB.R.Crim.P. 106 governing criminal Continuances in Summary and Court Cases. A copy of the continuance form and Rule 600 Waiver follows for easy reference.

The Carbon County District Court Administrator is Ordered and Directed to do the following:

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

2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

3. Publish a copy of this Rule on the Unified Judicial System's website at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the Carbon County Law Journal.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

By the Court

ROGER N. NANOVIC,  
President Judge

**Rule 106. Continuances in Summary and Court Cases.**

(a) All Motions for Continuance shall be filed at least two (2) working days before the scheduled event. Motions shall be filed pursuant to Pa.R.Crim.P. 575 or can be filed by utilizing the attached form titled Motion for Continuance—Criminal. All continuances must indicate the case number, defendant's name, type of event being continued, date of the event being continued and number of previous continuances. A Rule 600 speedy trial waiver must be attached if the defendant consents to this motion for continuance. The moving party shall secure the signature or indicate the position of the opposing party.

(b) When a Motion for Continuance is requested because of counsel's attachment in another Court, a copy of the attachment shall accompany the Motion for Continuance. If the reason for filing a continuance is that the defendant is ill, receiving medical treatment or in rehabilitation, the attorney/pro se party must provide documentation from the treating physician or other qualified person documenting the defendant's illness or treatment, and, in the case of defendant's rehabilitation, a written statement from the facility at which the defendant is receiving treatment, confirming admission and continued care at such facility.

(c) When a defendant has two or more cases scheduled for the same date and time, only one continuance motion/form listing all the case numbers is required to be filed. When a continuance is requested for events scheduled for different dates or at different times, a separate continuance motion/form must be filed for each event.

(d) Upon filing the motion/form in the Clerk of Courts Office, concurrent service of the Motion/Form for Continuance shall be pursuant to Pa.R.Crim.P. 576.

(e) Any motion filed that is not in compliance with this rule shall be entertained only if the opportunity to timely file it did not exist previously, the defendant was not aware of the grounds for the motion, or the interests of justice so require.

Failure of any motion/form for continuance to comply with this rule shall be grounds for denying the requested continuance.

**CARBON COUNTY COURTS  
MOTION FOR CONTINUANCE  
CRIMINAL**

I. Motion is hereby made to continue the \_\_\_ trial \_\_\_ hearing \_\_\_ argument \_\_\_ conference \_\_\_ ARD \_\_\_ plea \_\_\_ sentencing in the following case:

COMMONWEALTH OF PENNSYLVANIA

NO. \_\_\_\_\_

DATE SCHEDULED \_\_\_\_\_

NO. OF PREVIOUS CONTINUANCES

by \_\_\_ Commonwealth by \_\_\_ Defendant

VS

II. The Motion is made for the following reasons:

- |                        |                        |                             |
|------------------------|------------------------|-----------------------------|
| ___ Vacation           | ___ Illness of Atty.   | ___ Negotiating Settlement* |
| ___ Illness of Party   | ___ Expert Unavailable | ___ Record Incomplete*      |
| ___ Late Sub of Atty.  | ___ Party Unavailable* | ___ Conflict—Atty.          |
| ___ Atty. Unavailable* | ___ Other _____        |                             |

\*Please Explain: \_\_\_\_\_

III. Certificate of Service:

I certify that as the moving party, I am serving a copy of this continuance this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to the following:

\_\_\_ Clerk of Courts via \_\_\_\_\_  
 Carbon County Courthouse  
 Jim Thorpe, PA 18229  
 (570) 325-5705—fax

\_\_\_ District Attorney Office via \_\_\_\_\_  
 Carbon County Courthouse  
 Jim Thorpe, PA 18229  
 (570) 325-3525—fax

\_\_\_ Court Administration via \_\_\_\_\_  
 Carbon County Courthouse  
 Jim Thorpe, PA 18229  
 (570) 325-9449—fax

\_\_\_ Defense Counsel via \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signature of Moving Counsel/Pro se Party \_\_\_\_\_

Date \_\_\_\_\_

Representing \_\_\_\_\_

IV. Defendant \_\_\_\_\_ consents \_\_\_\_\_ does not consent to the continuance request. If consented to, attached hereto and made a part hereof is a duly executed waiver of defendant's right to a speedy trial under Pa.R.Crim.P. No. 600.

V. Motion is (opposed \_\_\_/not opposed \_\_\_) for the following reason: \_\_\_\_\_

Signature of Other Counsel/Pro se Party \_\_\_\_\_

Date \_\_\_\_\_

Representing \_\_\_\_\_

**Rule 600—Speedy Trial  
Waiver**

Initial the applicable answers:

1. Do you understand that Rule 600 of the Pennsylvania Rules of Criminal Procedure (Rule 600) requires that your trial begin no later than 180 and/or 365 days from the date on which the criminal complaint charging you with this/these offense(s) was filed with the District Justice of the Peace?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Do you understand that, with certain exceptions set forth later in this form, if your trial does not begin within the mandatory 180 and/or 365 days period, you may petition the Court to dismiss the charge(s) against you with prejudice and obtain a Court Order ending this prosecution against you for all time?

Yes \_\_\_\_\_ No \_\_\_\_\_

3. Do you understand that any periods of time at any stage of these proceedings in which you or your lawyer were unavailable, and the periods of any continuances in excess of 30 days requested by you or your lawyer at any stage of these proceedings are not counted as part of the time for beginning your trial - that these time periods are excluded from the calculation of the 180 and/or 365 days?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Do you understand that Rule 600 allows the Commonwealth of Pennsylvania at any time prior to the expiration of the period for commencement of trial to apply for and receive an extension of the period when, despite due diligence by the Commonwealth, your trial cannot begin within the 180 and/or 365 days or any previously extended time period?

Yes \_\_\_\_\_ No \_\_\_\_\_

5. Do you understand that by

(requesting) (agreeing to) this continuance you are giving up any (not opposing)

right which you might otherwise have under Rule 600 to obtain a dismissal of the charges(s) against you for failure to comply with that Rule; that you will not be able to complain that you were denied a speedy trial because of the time consumed by this continuance; and that your trial will be considered timely even if the 180 and/or 365 days or any extension thereof would otherwise have run out before the end of the last day of the next trial session, so long as your trial begins either on or before the expiration of the actual or extended date set by Rule 600, whichever date is latest?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. \_\_\_\_\_ I have reviewed this "Waiver," the Continuance Form and my Rights to a Speedy Trial with my attorney. \_\_\_\_\_ I do not have an attorney and I do not wish to consult with one concerning this "Waiver," the Continuance Form or my Rights to a Speedy Trial.

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Date

I hereby certify that I have reviewed this Waiver, the Continuance Form and the Defendant's Rights to a Speedy Trial with the Defendant prior to our signing these forms.

\_\_\_\_\_  
Signature of Defendant's Attorney

\_\_\_\_\_  
Date

[Pa.B. Doc. No. 15-1152. Filed for public inspection June 19, 2015, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 4, 2015, Martin S. Weisberg (# 51520) is Suspended on Consent from the Bar of this Commonwealth for a period of one year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 15-1153. Filed for public inspection June 19, 2015, 9:00 a.m.]

# SUPREME COURT

## Reestablishment of the Magisterial Districts within the 3rd Judicial District; No. 358 Magisterial Rules Doc.

### Amended Order

*Per Curiam*

*And Now*, this 1st day of June 2015, the Order dated June 10, 2013 that Reestablished the Magisterial Districts of the 3rd Judicial District (Northampton County) of the Commonwealth of Pennsylvania, is hereby *Amended* as follows: the elimination of Magisterial District 03-2-07 and the realignment of Magisterial District 03-3-01 shall be effective June 26, 2015. The Order of June 10, 2013 shall remain in effect in all other respects.

[Pa.B. Doc. No. 15-1154. Filed for public inspection June 19, 2015, 9:00 a.m.]