

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 81 AND 83]

Amendments of the Pennsylvania Rules of Professional Conduct and the Rules of Disciplinary Enforcement; No. 132 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 30th day of December, 2014, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal to amend the Pennsylvania Rules of Professional Conduct and the Pennsylvania Rules of Disciplinary Enforcement having been published for public comment in the *Pennsylvania Bulletin*, 44 Pa.B. 6070 (September 27, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1.7, 1.8, 1.15, and 5.7 are amended in the following form and new Rule 5.8 is adopted (Annex A) and Rules 208, 213, 215, 217, 218, 219 and 221 of the Pennsylvania Rules of Disciplinary Enforcement are amended in the following form (Annex B).

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 60 days and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending.

The amendments to Rule 217(c) and (d) and the Note after Rule 217(d)(3) shall apply to persons who are formerly admitted attorneys on the effective date of this Order and to persons becoming formerly admitted attorneys on or after the effective date of this Order.

The amendments to Rule 219(d) relating to annual registration of attorneys shall be applicable beginning with the 2015-2016 assessment year.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.7. Conflict of Interest: Current Clients.

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Comment:

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Personal Interest Conflicts

(10) The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. For example, if the probity of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. Similarly, when a lawyer has discussions concerning possible employment with an opponent of the lawyer's client, or with a law firm representing the opponent, such discussions could materially limit the lawyer's representation of the client. In addition, a lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest. **See Rule 5.8 for specific Rules that prohibit or restrict a lawyer's involvement in the offer, sale, or placement of investment products regardless of an actual conflict or the potential for conflict.** See Rule 1.8 for specific Rules pertaining to a number of personal interest conflicts, including business transactions with clients. See also Rule 1.10 (personal interest conflicts under Rule 1.7 ordinarily are not imputed to other lawyers in a law firm).

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Rule 1.8. Conflict of Interest: Current Clients: Specific Rules.

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Comment:

Business Transactions Between Client and Lawyer

(1) A lawyer's legal skill and training, together with the relationship of trust and confidence between lawyer and client, create the possibility of overreaching when the lawyer participates in a business, property or financial transaction with a client, for example, a loan or sales transaction or a lawyer investment on behalf of a client. The requirements of paragraph (a) must be met even when the transaction is not closely related to the subject matter of the representation, as when a lawyer drafting a will for a client learns that the client needs money for unrelated expenses and offers to make a loan to the client. The Rule applies to lawyers engaged in the sale of goods or services related to the practice of law, for example, the sale of title insurance or investment services to existing clients of the lawyer's legal practice. See Rule 5.7. **[It] But see Rule 5.8 for specific Rules that prohibit or restrict a lawyer's involvement in the offer, sale, or placement of investment products regardless of an actual conflict or the potential for conflict.** Rule 1.8 also applies to lawyers purchasing property from estates they represent. It does not apply to ordinary fee arrangements between client and lawyer, which are governed by Rule 1.5, although its requirements must be met when the lawyer accepts an interest in the client's business or other nonmonetary property as payment of all or part of a fee. In addition, the Rule does not apply to standard commercial transactions between the lawyer and the client for products or services that the client generally markets to others, for example, banking or brokerage services, medical services, products manufactured or distributed by the client, and utilities services. In such transactions, the lawyer has no advantage in

dealing with the client, and the restrictions in paragraph (a) are unnecessary and impracticable.

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Rule 1.15. Safekeeping Property.

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(c) **Required records.** Complete records of the receipt, maintenance and disposition of Rule 1.15 Funds and property shall be preserved for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later. **A lawyer shall maintain the writing required by Rule 1.5(b) (relating to the requirement of a writing communicating the basis or rate of the fee) and the records identified in Rule 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter).** A lawyer shall also maintain the following books and records for each Trust Account and for any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l):

(1) all transaction records provided to the lawyer by the Financial Institution or other investment entity, such as periodic statements, cancelled checks **in whatever form**, deposited items and records of electronic transactions; and

(2) check register or separately maintained ledger, which shall include the payee, date, **purpose** and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; **provided, however, that where an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.**

(3) The records required by this [rule] Rule may be maintained in [electronic or] hard copy form or by **electronic, photographic, or other media provided that the records otherwise comply with this Rule and that printed copies can be produced. Whatever method is used to maintain required records must have a backup so that the records are secure and always available.** If records are kept only in electronic form, then such records shall be backed up [**at least monthly**] on a separate electronic storage device **at least at the end of any day on which entries have been entered into the records. These records shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for Client Security or the Office of Disciplinary Counsel in a timely manner upon a request or demand by either agency made pursuant to the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board Rules, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.**

(4) A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received in trust for the client, and deducting the total of all moneys disbursed. On

a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five years copies of all records and computations sufficient to prove compliance with this requirement.

(d) Upon receiving Rule 1.15 Funds or property which are not Fiduciary Funds or property, a lawyer shall promptly notify the client or third person, consistent with the requirements of applicable law. Notification of receipt of Fiduciary Funds or property to clients or other persons with a beneficial interest in such Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of confidentiality and notice applicable to the Fiduciary entrustment.

(e) Except as stated in this Rule or otherwise permitted by law or by agreement with the client or third person, a lawyer shall promptly deliver to the client or third person any property, including but not limited to Rule 1.15 Funds, that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding the property; Provided, however, that the delivery, accounting and disclosure of Fiduciary Funds or property shall continue to be governed by the law, procedure and rules governing the requirements of Fiduciary administration, confidentiality, notice and accounting applicable to the Fiduciary entrustment.

(f) When in possession of funds or property in which two or more persons, one of whom may be the lawyer, claim an interest, the funds or property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the funds or property, including Rule 1.15 Funds, as to which the interests are not in dispute.

(g) The responsibility for identifying an account as a Trust Account shall be that of the lawyer in whose name the account is held. **Only a lawyer admitted to practice law in this jurisdiction or a person under the direct supervision of the lawyer shall be an authorized signatory or authorize transfers from a Trust Account or any other account in which Fiduciary Funds are held pursuant to Rule 1.15(l).**

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Comment:

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(2) A lawyer should maintain on a current basis books and records in accordance with sound accounting practices consistently applied and comply with any recordkeeping rules established by law or court order, including those records identified in paragraph (c). **With little exception, funds belonging to a client or third party must be deposited into a Trust Account as defined in paragraph (a)(11), and funds belonging to the lawyer must be deposited in a business operating account maintained pursuant to paragraph (j). Thus, unless the client gives informed consent, confirmed in writing, to a different manner of handling funds advanced by the client to cover fees and expenses, the lawyer must deposit those funds into a Trust Account pursuant to paragraph (i). If the lawyer pools such funds belonging to more than one client, under paragraph (c)(2) the lawyer must keep a ledger for each individual client, regularly recording all funds received from**

the client and their purpose, and all disbursements of earned fees and expenses incurred. As fees become earned, the lawyer must promptly transfer those funds to the operating account. If the lawyer pools client funds after settlement or verdict in a single Trust Account, the lawyer must maintain a ledger of receipts and disbursements for each individual client, regularly recording the dates of each transaction, the identity of payors and payees, and the purpose of each disbursement, withdrawal or transfer of funds. The requirement of monthly reconciliations should deter situations where an attorney's Trust Account contains a shortfall for any significant period of time. Additionally, if a lawyer fails to maintain the records identified in paragraph (c) or to perform the required monthly reconciliations, later claims by the lawyer that a shortfall (i.e., misappropriation) resulted from negligence, even if credible, will necessarily be balanced against the lawyer's abdication of responsibility to comply with essential requirements associated with acting as a fiduciary and serving in a position of trust. The failure to maintain or timely produce the records required by paragraph (c) hampers rule-mandated or agency-promulgated investigative inquiries by the Pennsylvania Lawyers Fund for Client Security and the Office of Disciplinary Counsel and may serve as a basis for emergency temporary suspension of the lawyer's license to practice law. See Pa.R.D.E. 208(f)(1), 208(f)(5), 213(g)(2) and 221(g)(3).

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LAW FIRMS AND ASSOCIATIONS

Rule 5.7. Responsibilities Regarding Nonlegal Services.

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Comment:

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Providing Nonlegal Services that Are Not Distinct from Legal Services

(3) Under some circumstances, the legal and nonlegal services may be so closely entwined that they cannot be distinguished from each other. In this situation, confusion by the recipient as to when the protection of the client-lawyer relationship applies [are] is likely to be unavoidable. Therefore, Rule 5.7(a) requires that the lawyer providing the nonlegal services adhere to all of the requirements of the Rules of Professional Conduct.

(4) In such a case, a lawyer will be responsible for assuring that both the lawyer's conduct and, to the extent required by Rule 5.3, that of nonlawyer employees, comply in all respects with the Rules of Professional Conduct. When a lawyer is obliged to accord the recipients of such nonlegal services the protection of those Rules that apply to the client-lawyer relationship, the lawyer must take special care to heed the proscriptions of the Rules addressing conflict of interest (Rules 1.7 through 1.11, especially Rules 1.7(b) and 1.8(a), (b) and (f)), and to scrupulously adhere to the requirements of Rule 1.6 relating to disclosure of confidential information. The promotion of the nonlegal services must also in all respects comply with **Rule 5.8 relating to prohibitions and restrictions on dealing in investment products, and with Rules 7.1 through 7.3, dealing with advertising and solicitation.**

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(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 5.8. Dealing in Investment Products: Prohibitions and Restrictions.

(a) A lawyer shall not broker, offer to sell, sell, or place any investment product unless separately licensed to do so.

(b) A lawyer shall not recommend or offer an investment product to a client or any person with whom the lawyer has a fiduciary relationship, or invest funds belonging to such a person in an investment product, if the lawyer or a person related to the lawyer:

(1) has an interest in compensation paid or provided by a person other than the client or person with whom the lawyer has a fiduciary relationship; or

(2) has an ownership interest in the entity that sponsors, insures, underwrites, manages, or issues the investment product.

(c) For purposes of this Rule:

(1) the term "investment product" includes: an annuity contract; a life insurance contract; a commodity; a swap; an investment fund, including but not limited to a collective trust fund, a common trust fund, a real estate investment fund, and registered investment company; a security, whether or not the security is registered with any federal or state securities regulator; or an investment adviser's, bank's, trust company's, insurance company's, or other financial institution's service as an investment manager or investment adviser;

(2) "person related to the lawyer" includes a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer maintains a close familial relationship; and

(3) the term "ownership interest" does not include shares of an issuer that has registered the shares under federal securities laws, the issuer's shares are traded on a securities exchange that is registered under federal securities laws, and the lawyer's aggregate interest in shares of all classes is less than one percent of the issuer's outstanding common shares.

Comment:

(1) Paragraph (a) prohibits a lawyer from brokering, offering to sell, selling, or placing any investment product, as defined in paragraph (c)(1), unless separately licensed to do so. Licensing and registration requirements vary by state. Before offering or selling any investment product in relation to the provision of legal services, a lawyer must consult all applicable federal and state laws to determine eligibility, licensing and regulatory requirements. Paragraph (a) neither addresses the giving of investment advice nor is intended to supplant or otherwise affect federal and state laws that either require licensing and registration in order to give investment advice or exempt lawyers from their regulatory scheme.

(2) Paragraph (b) prohibits investment situations that are fraught with a potential for a conflict of interest or that provide an opportunity for the lawyer to control or unduly influence the use or management of the funds throughout the course of the investment. Clients who place their trust in their lawyer and assume or expect that the lawyer will protect them from harm are likely to feel deceived if substantial sums of money are lost on investments pursued at the lawyer's recommendation or prompting and the lawyer or a person related to the lawyer either receives compensation or a pecuniary ben-

efit from a person other than the client or has an ownership interest in the entity that sponsors, insures, underwrites, manages, or issues the investment product, even when the reason for the loss is limited to unexpected market conditions. The prohibition of paragraph (b) is not imputed to other lawyers in the lawyer's firm or those lawyers' relatives.

(3) This Rule applies to a lawyer under any circumstance—whether the lawyer is providing legal services, nonlegal services that are not distinct from legal services, or nonlegal services that are distinct from legal services. See Rule 5.7(e) for the meaning of the term “nonlegal services.” The prohibition of paragraph (b) is in addition to the restrictions imposed by Rules 1.7(a)(2), 1.8(a) and 5.7.

Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 208. Procedure.

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(f) *Emergency temporary suspension orders and related relief.*

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(5) The Board on its own motion, or upon the petition of Disciplinary Counsel, may issue a rule to show cause why the respondent-attorney should not be placed on temporary suspension whenever it appears that the respondent-attorney has disregarded an applicable provision of the Enforcement Rules, [**refused**] **failed to maintain or produce the records required to be maintained and produced under Pa.R.P.C. 1.15(c) and subdivisions (e) and (g) of Enforcement Rule 221 in response to a request or demand authorized by Enforcement Rule 221(g) or any provision of the Disciplinary Board Rules, failed to comply with a valid subpoena, or engaged in other conduct that in any such instance materially delays or obstructs the conduct of a proceeding under these rules. The rule to show cause shall be returnable within [30] ten days. If the response to the rule to show cause raises issues of fact, the [Chairman of the] Board Chair may direct that a hearing be held before a member of the Board who shall submit a report to the Board upon the conclusion of the hearing. If the period for response to the rule to show cause has passed without a response having been filed, or after consideration of any response and any report of a Board member following a hearing under this paragraph, the Board may recommend to the Supreme Court that the respondent-attorney be placed on temporary suspension. The recommendation of the Board shall be reviewed by the Supreme Court as provided in subdivision (e) of this rule, although the time for either party to file with the Court a petition for review of the recommendation or determination of the Board shall be fourteen days after the entry of the Board's recommendation or determination, and any answer or responsive pleading shall be filed within ten days after service of the petition for review.**

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Rule 213. Subpoena power, depositions and related matters.

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(d) *Challenges; appeal of challenges to subpoena.* Any attack on the validity of a subpoena issued under this rule shall be handled as follows:

(1) A challenge to a subpoena authorized by subdivision (a)(1) shall be heard and determined by the hearing committee or special master before whom the subpoena is returnable **in accordance with the procedure established by the Board. See D.Bd. Rules § 91.3(b) (relating to procedure).**

(2) A challenge to a subpoena authorized by subdivision (a)(2) shall be heard and determined by a member of a hearing committee in the disciplinary district in which the subpoena is returnable **in accordance with the procedure established by the Board. See D.Bd. Rules § 91.3(b) (relating to procedure).**

(3) A determination under paragraph (1) or (2) may [**not**] be appealed to a lawyer-Member of the Board[, but may be appealed to the Supreme Court under subdivision (g)] within ten days after service pursuant to D.Bd. Rules §§ 89.21 and 89.24 of the determination on the party bringing the appeal by filing a petition with the Board setting forth in detail the grounds for challenging the determination. The appealing party shall serve a copy of the petition on the non-appealing party by mail on the date that the appealing party files the appeal, and the non-appealing party shall have five business days after delivery to file a response. No attack on the validity of a subpoena will be considered by the Designated lawyer-Member of the Board unless previously raised before the hearing committee. The Board Member shall decide the appeal within five business days of the filing of the non-appealing party's response, if any. There shall be no right of appeal to the Supreme Court. Any request for review shall not serve to stay any hearing or proceeding before the hearing committee or the Board unless the Court enters an order staying the proceedings.

(e) *Examination under oath.* Witnesses before hearing committees or special masters shall be examined under oath or affirmation.

(f) *Depositions.* With the approval of the hearing committee or special master, testimony may be taken by deposition or by commission if the witness is not subject to service of subpoena or is unable to attend or testify at the hearing because of age, illness or other compelling reason. A complete record of the testimony so taken shall be made and preserved.

(g) *Enforcement of subpoenas [; appeal of challenges to subpoenas]*.

(1) Either Disciplinary Counsel or a respondent-attorney may petition the Supreme Court to enforce a subpoena [or to review a determination under subdivision (d)(1) or (2) on the validity of a subpoena. No attack on the validity of a subpoena will be considered by the Court unless previously raised as provided in subdivision (d)] that was not the subject of a challenge pursuant to subdivision (d)(1) or (2), or that was the subject of a challenge and has not been finally quashed by either the hearing committee or the Board Member designated to hear the appeal, provided that the party filing the peti-

tion to enforce attaches a certification in good faith that: a) the party exhausted reasonable efforts to secure the presence of the witness or the evidence within the witness's custody or control, b) the testimony, records or other physical evidence of the witness will not be cumulative of other evidence available to the party, and c) the absence of the witness will substantially handicap the party from prosecuting or defending the charges, or from establishing a weighty aggravating or mitigating factor. If the object of a petition to enforce is a subpoena directed to the respondent-attorney for, in whole or in part, production pursuant to Enforcement Rule 221(g)(2) of required records under Pa.R.P.C. 1.15(c) and Enforcement Rule 221(e), no certification will be required for the subpoena or portion thereof that pertains to the required records. See also Enforcement Rule 208(f)(5) (relating to emergency temporary suspension orders and related relief).

Official Note: The reference to Enforcement Rule 208(f)(5) is intended to make clear that, where the person who is resisting complying with a subpoena is the respondent-attorney, the provisions of this rule are cumulative of those in Enforcement Rule 208(f)(5).

(2) Upon receipt of a petition for enforcement of a subpoena, the Court shall issue a rule to show cause upon the person to whom the subpoena is directed, returnable within ten days, why the person should not be held in contempt. If the subpoena is directed to a respondent-attorney for production of required records and the respondent-attorney has not produced the records, the Court shall issue upon the respondent-attorney a rule to show cause why the respondent-attorney should not be placed on temporary suspension for failing to produce the records. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.

[(3) A petition for review of a determination made under subdivision (d)(1) or (2) must set forth in detail the grounds for challenging the determination. Upon timely receipt of a petition for review, the Court shall issue a rule to show cause upon the party to the proceeding who is not challenging the determination, returnable within ten days, why the determination should not be reversed. If the period for response has passed without a response having been filed, or after consideration of any response, the Court shall issue an appropriate order.]

(h) *Exclusivity.* Any rule of the Supreme Court or any statute providing for discovery shall not be applicable in a proceeding under these rules, which proceeding shall be governed by these rules alone.

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Rule 215. Discipline on consent.

(a) *Voluntary resignation.*—An attorney who is the subject of an investigation into allegations of misconduct by the attorney may submit a resignation, but only by delivering to **Disciplinary Counsel or the Secretary of the Board** a verified statement stating that the attorney desires to resign and that:

(1) the resignation is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of submit-

ting the resignation; and whether or not the attorney has consulted or followed the advice of counsel in connection with the decision to resign;

(2) the attorney is aware that there is a presently pending investigation into allegations that the attorney has been guilty of misconduct the nature of which the verified statement shall specifically set forth;

(3) the attorney acknowledges that the material facts upon which the complaint is predicated are true; [and]

(4) the resignation is being submitted because the attorney knows that if charges were predicated upon the misconduct under investigation the attorney could not successfully defend against them[.];

(5) the attorney is fully aware that the submission of the resignation statement is irrevocable and that the attorney can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c);

(6) the attorney is aware that pursuant to subdivision (c) of this Rule, the fact that the attorney has tendered his or her resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board;

(7) upon entry of the order disbaring the attorney on consent, the attorney will promptly comply with the notice, withdrawal, resignation, trust accounting, and cease-and-desist provisions of subdivisions (a), (b), (c) and (d) of Enforcement Rule 217;

(8) after the entry of the order disbaring the attorney on consent, the attorney will file a verified statement of compliance as required by subdivision (e)(1) of Enforcement Rule 217; and

(9) the attorney is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until the attorney files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

(b) *Order of disbarment.*—Upon receipt of the required statement, the **Secretary of the Board** shall file it with the Supreme Court and the Court shall enter an order disbaring the attorney on consent.

(c) *Confidentiality [or] of resignation statement.*—**The fact that the attorney has submitted a resignation statement to Disciplinary Counsel or the Secretary of the Board for filing with the Supreme Court shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.** The order disbaring the attorney on consent shall be a matter of public record. If the statement required under the provisions of subdivision (a) of this rule is submitted before the filing and service of a petition for discipline and the filing of an answer or the time to file an answer has expired, the statement shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement proceeding except:

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Rule 217. Formerly admitted attorneys.

(a) A formerly admitted attorney shall promptly notify, or cause to be **promptly notified, [by registered or**

certified mail, return receipt requested,] all clients being represented in pending matters, other than litigation or administrative proceedings, of the disbarment, suspension, administrative suspension or transfer to inactive status and the consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status and shall advise said clients to seek legal advice elsewhere. **The notice required by this subdivision (a) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. See D.Bd. Rules § 91.91(b) (relating to filing of copies of notices).**

Official Note: Notice may be accomplished, for example, by delivery in person with the lawyer securing a signed receipt, electronic mailing with some form of acknowledgement from the client other than a “read receipt,” and mailing by registered or certified mail, return receipt requested.

(b) A formerly admitted attorney shall promptly notify, or cause to be **promptly notified, [by registered or certified mail, return receipt requested,]** all clients who are involved in pending litigation or administrative proceedings, and the attorney or attorneys for each adverse party in such matter or proceeding, of the disbarment, suspension, administrative suspension or transfer to inactive status and consequent inability of the formerly admitted attorney to act as an attorney after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status. The notice to be given to the client shall advise the prompt substitution of another attorney or attorneys in place of the formerly admitted attorney. In the event the client does not obtain substitute counsel before the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status, it shall be the responsibility of the formerly admitted attorney to move in the court or agency in which the proceeding is pending for leave to withdraw. The notice to be given to the attorney or attorneys for an adverse party shall state the place of residence of the client of the formerly admitted attorney. **The notice required by this subdivision (b) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. See Note after subdivision (a), supra. At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. See D.Bd. Rules § 91.92(b) (relating to filing of copies of notices).**

(c) A formerly admitted attorney shall promptly notify, or cause to be **promptly notified, of the disbarment, suspension, administrative suspension or transfer to inactive status[, by registered or certified mail, return receipt requested]:**

(1) all persons or their agents or guardians, **including but not limited to wards, heirs and beneficiaries,** to whom a fiduciary duty is or may be owed at any time after the disbarment, suspension, administrative suspension or transfer to inactive status[, and];

(2) all other persons with whom the formerly admitted attorney may at any time expect to have professional contacts under circumstances where there is a reasonable probability that they may infer that he or she continues as an attorney in good standing[.]; and

(3) **any other tribunal, court, agency or jurisdiction in which the attorney is admitted to practice.**

The notice required by this subdivision (c) may be delivered by the most efficient method possible as long as the chosen method is successful and provides proof of receipt. *See Note after subdivision (a), supra.* At the time of the filing of the verified statement of compliance required by subdivision (e)(1) of this Rule, the formerly admitted attorney shall file copies of the notices required by this subdivision and proofs of receipt with the Secretary of the Board and shall serve a conforming copy on the Office of Disciplinary Counsel. The responsibility of the formerly admitted attorney to provide the notice required by this subdivision shall continue for as long as the formerly admitted attorney is disbarred, suspended, administratively suspended or on inactive status.

[(d)] (d)(1) Orders imposing suspension, disbarment, administrative suspension or transfer to inactive status shall be effective 30 days after entry. The formerly admitted attorney, after entry of the disbarment, suspension, administrative suspension or transfer to inactive status order, shall not accept any new retainer or engage as attorney for another in any new case or legal matter of any nature. However, during the period from the entry date of the order and its effective date the formerly admitted attorney may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

(2) **In addition to the steps that a formerly admitted attorney must promptly take under other provisions of this Rule to disengage from the practice of law, a formerly admitted attorney shall promptly cease and desist from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites, and references to admission to the Pennsylvania Bar.**

(3) **In cases of disbarment, suspension for a period exceeding one year, temporary suspension under Enforcement Rule 208(f) or 213(g), or disability inactive status under Enforcement Rule 216 or 301, a formerly admitted attorney shall also promptly:**

(i) resign all appointments as personal representative, executor, administrator, guardian, conservator, receiver, trustee, agent under a power of attorney, or other fiduciary position;

(ii) close every IOLTA, Trust, client and fiduciary account;

(iii) properly disburse or otherwise transfer all client and fiduciary funds in his or her possession, custody or control; and

(iv) take all necessary steps to cancel or discontinue the next regular publication of all advertise-

ments and telecommunication listings that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania.

The formerly admitted attorney shall maintain records to demonstrate compliance with the provisions of paragraphs (2) and (3) and shall provide proof of compliance at the time the formerly admitted attorney files the verified statement required by subdivision (e)(1) of this Rule.

Official Note: Paragraph (d)(3)(i) does not preclude a respondent-attorney who voluntarily assumes inactive or retired status, is placed on administrative suspension, is temporarily suspended under Enforcement Rule 214, or is suspended for one year or less, from completing existing appointments and accepting new appointments of the nature identified in paragraph (d)(3)(i). Nonetheless, in order to comply with subdivisions (a), (b) and (c) of this Rule, the formerly admitted attorney who desires to complete existing appointments or accept future appointments must give written notice of the formerly admitted attorney's registration status or change in that status to appointing and supervising judges and courts, wards, heirs, beneficiaries, interested third parties, and other recipients of the formerly admitted attorney's fiduciary services, as notice of the formerly admitted attorney's other-than-active status gives all interested parties an opportunity to consider replacing the formerly admitted attorney or enlisting a person other than the formerly admitted attorney to serve as the fiduciary in the first instance. Although the formerly admitted attorney would not be precluded by paragraph (d)(3)(ii) from continuing to use a fiduciary account registered with the bank as an IOLTA or Trust Account, paragraph (2) of subdivision (d) and paragraph (4)(iv) of subdivision (j) of this Rule prohibit the formerly admitted attorney from using or continuing to use account checks and deposit slips that contain the word "IOLTA," "attorney," "lawyer," "esquire," or similar appellation that could convey eligibility to practice in the state courts of Pennsylvania. Notwithstanding the specific prohibitions of subdivision (j) of this Rule, the formerly admitted attorney is authorized to perform those services necessary to carry out the appointment with the exception of any service that would constitute the unauthorized practice of law if engaged in by a nonlawyer. In relation to formerly admitted attorneys who are disbarred, suspended for a period exceeding one year, temporarily suspended under Enforcement Rule 208(f) or 213(g), or transferred to disability inactive status, the requirements of paragraph (d)(3) continue throughout the term of the disbarment, suspension, temporary suspension, or disability inactive status, thereby precluding any new appointment or engagement.

[(e)] (e)(1) Within ten days after the effective date of the disbarment, suspension, administrative suspension or transfer to inactive status order, the formerly admitted attorney shall file with the Secretary of the Board a verified statement [showing] and serve a copy on Disciplinary Counsel. In the verified statement, the formerly admitted attorney shall:

[(1)] (i) aver that the provisions of the order and these rules have been fully complied with; [and]

[(2)] (ii) list all other state, federal and administrative jurisdictions to which [such person] the formerly admitted attorney is admitted to practice[. Such statement shall also set forth the residence or other address of the formerly admitted attorney where communications to such person may thereafter be directed.], aver that he or she has fully complied with the notice requirements of paragraph (3) of subdivision (c) of this Rule, and aver that he or she has attached copies of the notices and proofs of receipt required by (c)(3); or, in the alternative, aver that he or she was not admitted to practice in any other tribunal, court, agency or jurisdiction;

(iii) aver that he or she has attached copies of the notices required by subdivisions (a), (b), and (c)(1) and (c)(2) of this Rule and proofs of receipt, or, in the alternative, aver that he or she has no clients, third persons to whom a fiduciary duty is owed, or persons with whom the formerly admitted attorney has professional contacts, to so notify;

(iv) in cases of disbarment or suspension for a period exceeding one year, aver that he or she has attached his or her attorney registration certificate for the current year, certificate of admission, any certificate of good standing issued by the Prothonotary, and any other certificate required by subdivision (h) of this Rule to be surrendered; or, in the alternative, aver that he or she has attached all such documents within his or her possession, or that he or she is not in possession of any of the certificates required to be surrendered;

(v) aver that he or she has complied with the requirements of paragraph (2) of subdivision (d) of this Rule, and aver that he or she has, to the extent practicable, attached proof of compliance, including evidence of the destruction, removal, or abandonment of indicia of Pennsylvania practice; or, in the alternative, aver that he or she neither had nor employed any indicia of Pennsylvania practice;

(vi) in cases of disbarment, suspension for a period exceeding one year, temporary suspension under Enforcement Rule 208(f) or 213(g), or disability inactive status under Enforcement Rule 216 or 301, aver that he or she has complied with the requirements of paragraph (3) of subdivision (d) of this Rule, and aver that he or she has attached proof of compliance, including resignation notices, evidence of the closing of accounts, copies of cancelled checks and other instruments demonstrating the proper distribution of client and fiduciary funds, and requests to cancel advertisements and telecommunication listings; or, in the alternative, aver that he or she has no applicable appointments, accounts, funds, advertisements, or telecommunication listings;

(vii) aver that he or she has served a copy of the verified statement and its attachments on the Office of Disciplinary Counsel;

(viii) set forth the residence or other address where communications to such person may thereafter be directed; and

(ix) sign the statement.

The statement shall contain an averment that all statements contained therein are true and correct to the best of the formerly admitted attorney's knowledge, information and belief, and are made

subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Official Note: A respondent-attorney who is placed on temporary suspension is required to comply with subdivision (e)(1) and file a verified statement. Upon the entry of a final order of suspension or disbarment, the respondent-attorney must file a supplemental verified statement containing the information and documentation not applicable at the time of the filing of the initial statement, or all of the information and documentation required by subdivision (e)(1) if the respondent-attorney has failed to file the initial statement. Although the grant of retroactivity is always discretionary, a respondent-attorney who fails to file a verified statement at the time of temporary suspension should not expect a final order to include a reference to retroactivity.

(2) A formerly admitted attorney shall cooperate with Disciplinary Counsel and respond completely to questions by Disciplinary Counsel regarding compliance with the provisions of this Rule.

(3) After the entry of an order of disbarment or suspension for a period exceeding one year, the waiting period for eligibility to apply for reinstatement to the practice of law shall not begin until the formerly admitted attorney files the verified statement required by subdivision (e)(1) of this Rule. If the order of disbarment or suspension contains a provision that makes the discipline retroactive to an earlier date, the waiting period will be deemed to have begun on that earlier date.

Official Note: This subdivision (e)(3) and the corresponding provisions in subdivision (b) of Enforcement Rule 218 apply only to orders entered on or after February 28, 2015, the effective date of this subdivision and the corresponding Enforcement Rule 218 provisions.

(f) The Board shall cause a notice of the suspension, disbarment, administrative suspension or transfer to inactive status to be published in the legal journal and a newspaper of general circulation in the county in which the formerly admitted attorney practiced. **The cost of publication shall be assessed against the formerly admitted attorney.**

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Rule 218. Reinstatement.

* * * * *

(b) A person who has been disbarred may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment, except that a person who has been disbarred pursuant to **Enforcement Rule 216** (relating to reciprocal discipline and disability) may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline. **Pursuant to Enforcement Rule 217(e)(3), the waiting period for eligibility to apply for reinstatement to the practice of law shall not begin until the person files the verified statement required by subdivision (e)(1) of Enforcement Rule 217. If the order of disbarment contains a provision that makes the disbarment retroactive**

to an earlier date, the waiting period will be deemed to have begun on that earlier date. (See Note after Enforcement Rule 217(e)(3) for effective date of provisions relating to commencement of waiting period for eligibility to apply for reinstatement.)

* * * * *

Rule 219. Annual registration of attorneys.

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(d) On or before July 1 of each year all attorneys required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed or electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as a foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited In-House Corporate Counsel License, and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been licensed to practice law, with the current status thereof.

(ii) The current residence and office addresses of the attorney, each of which shall be an actual street address or rural route box number, and the Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisiplinaryboard.org/>) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

Official Note: Public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each [**financial institution in Financial Institution, as defined in Pa.R.P.C. 1.15(a)(4), within or outside** this Commonwealth in which the attorney on May 1 of the current year or at any time during the preceding 12 months held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the [**lawyer holds**] attorney held such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

Official Note: If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit under this subparagraph.

(iv) Every account not reported under subparagraph (iii), that held funds of a client or third party, and over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account, during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution (whether or not the entity qualifies as a “Financial Institution” under Pa.R.P.C. 1.15(a)(4)), location, and account number.

(v) Every business operating account maintained or utilized by the attorney in the practice of law during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution, location and account number.

[(iv)] (vi) A statement that the attorney is familiar and in compliance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct regarding the handling of funds and other property of clients and others and the maintenance of IOLTA Accounts, and with Rule 221 of the Pennsylvania Rules of Disciplinary Enforcement regarding the mandatory reporting of overdrafts on fiduciary accounts.

[(v)] (vii) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

[(vi)] (viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Official Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its website. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form or elects to file the form electronically must notify the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

[(vii)] (ix) Such other information as the Attorney Registration Office may from time to time direct.

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Rule 221. Funds of clients and third persons. Mandatory overdraft notification.

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(e) An attorney shall maintain and preserve for a period of five years after termination of the client-lawyer or Fiduciary relationship or after distribution or disposition of the property, whichever is later, the writing required by Pa.R.P.C. 1.5 (relating to the requirement of a writing communicating in the basis or rate of the fee), the records identified in

Pa.R.P.C. 1.5(c) (relating to the requirement of a written fee agreement and distribution statement in a contingent fee matter), and the following books and records for each Trust Account and for any other account in which Rule 1.15 Funds are held:

(1) all transaction records provided to the attorney by the Financial Institution, such as periodic statements, canceled checks in whatever form, deposited items and records of electronic transactions; and

(2) check register or separately maintained ledger, which shall include the payee, date, purpose and amount of each check, withdrawal and transfer, the payor, date, and amount of each deposit, and the matter involved for each transaction; provided, however, that where an account is used to hold funds of more than one client, a lawyer shall also maintain an individual ledger for each trust client, showing the source, amount and nature of all funds received from or on behalf of the client, the description and amounts of charges or withdrawals, the names of all persons or entities to whom such funds were disbursed, and the dates of all deposits, transfers, withdrawals and disbursements.

(3) A regular trial balance of the individual client trust ledgers shall be maintained. The total of the trial balance must agree with the control figure computed by taking the beginning balance, adding the total of moneys received in trust for the client, and deducting the total of all moneys disbursed. On a monthly basis, a lawyer shall conduct a reconciliation for each fiduciary account. The reconciliation is not complete if the reconciled total cash balance does not agree with the total of the client balance listing. A lawyer shall preserve for a period of five years copies of all records and computations sufficient to prove compliance with this requirement.

(f) The records required by this [rule] Rule may be maintained in [electronic or] hard copy form or by electronic, photographic, or other media provided that the records otherwise comply with this Rule and that printed copies can be produced. Whatever method is used to maintain required records must have a backup so that the records are secure and always available. If records are kept only in electronic form, then such records shall be backed up, on a separate electronic storage device, at least [monthly on a separate electronic storage device] at the end of any day on which entries have been entered into the records.

(g) [The records required by this rule may be subject to subpoena and must be produced in connection with an investigation or hearing pursuant to these rules.] The records required to be maintained by Pa.R.P.C. 1.15 shall be readily accessible to the lawyer and available for production to the Pennsylvania Lawyers Fund for Client Security and the Office of Disciplinary Counsel in a timely manner upon request or demand by either agency made pursuant to these Enforcement Rules, the Rules of the Board, the Pennsylvania Lawyers Fund for Client Security Board Rules and Regulations, agency practice, or subpoena.

(1) Upon a request by Disciplinary Counsel under this subdivision (g), which request may take the form of a letter to the respondent-attorney briefly stating the basis for the request and identifying the type and scope of the records sought to be produced, a respondent-attorney must produce the records within ten business days after personal service of the letter on the respondent-attorney or after the delivery of a copy of the letter to an employee, agent or other responsible person at the office of the respondent-attorney as determined by the address furnished by the respondent-attorney in the last registration statement filed by the respondent-attorney pursuant to Enforcement Rule 219(d), but if the latter method of service is unavailable, within ten business days after the date of mailing a copy of the letter to the last registered address or addresses set forth on the statement.

(2) When Disciplinary Counsel's request or demand for Pa.R.P.C. 1.15 records is made under an applicable provision of the Disciplinary Board Rules or by subpoena under Enforcement Rule 213(a), the respondent-attorney must produce the records and must do so within the time frame established by those rules.

(3) Failure to produce Pa.R.P.C. 1.15 records in response to a request or demand for such records may result in the initiation of proceedings pursuant to Enforcement Rule [208(f)] 208(f)(1) or (f)(5) (relating to emergency temporary suspension orders and related relief), the latter of which specifically permits [disciplinary counsel] Disciplinary Counsel to commence a proceeding for the temporary suspension of a respondent-attorney who [refuses to comply with a valid subpoena] fails to maintain or produce Pa.R.P.C. 1.15 records after receipt of a request or demand authorized by subdivision (g) of this Rule or any provision of the Disciplinary Board Rules. If at any time a hearing is held before the Board pursuant to Enforcement Rule 208(f) as a result of a respondent-attorney's alleged failure to maintain or produce Pa.R.P.C. 1.15 records, a lawyer-Member of the Board shall be designated to preside over the hearing.

Official Note: If Disciplinary Counsel files a petition for temporary suspension, the respondent-attorney will have an opportunity to raise at that time any claim of impropriety pertaining to the request or demand for records.

(h) An Eligible Institution shall be approved as a depository for Trust Accounts of attorneys if it shall be in compliance with applicable provisions of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and the Regulations of the IOLTA Board and shall file with the Disciplinary Board an agreement (in a form provided by the Board) to make a prompt report to the Lawyers Fund for Client Security Board whenever any check or similar instrument is presented against a Trust Account when such account contains insufficient funds to pay the instrument, regardless of

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[Pa.B. Doc. No. 15-85. Filed for public inspection January 16, 2015, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 11]

Order Amending Rules 1115 and 1116 of the Rules of Appellate Procedure; No. 252 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 30th day of December, 2014, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published before adoption at 44 Pa.B. 3054 (May 24, 2014):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Appellate Procedure 1115 and 1116 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective 60 days from the date of this Order, and shall apply to petitions for allowance of appeal and answers filed after that date.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1115. Content of the Petition for Allowance of Appeal.

(a) *General rule.*—The petition for allowance of appeal need not be set forth in numbered paragraphs in the manner of a pleading, and shall contain the following (which shall, insofar as practicable, be set forth in the order stated):

[(1)] 1. A reference to the official and unofficial reports of the opinions delivered in the courts below, if any, and if reported. Any such opinions shall be appended as provided in [Paragraph (6) of this subdivision] item 6 of paragraph (a) of this rule.

[(2)] 2. The text of the order in question, or the portions thereof sought to be reviewed, and the date of its entry in the appellate court below. If the order is voluminous, it may, if more convenient, be appended to the petition.

[(3)] 3. The questions presented for review, expressed in the terms and circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the petition, or fairly comprised therein, will ordinarily be considered by the court in the event an appeal is allowed.

[(4)] 4. A concise statement of the case containing the facts material to a consideration of the questions presented.

[(5)] 5. A concise statement of the reasons relied upon for allowance of an appeal. *See* [**Rule 1114 (considerations governing allowance of appeal)**] Pa.R.A.P. 1114.

[(6)] 6. There shall be appended to the petition a copy of any opinions delivered relating to the order sought to be reviewed, as well as all opinions of government units or lower courts in the case, and, if reference thereto is necessary to ascertain the grounds of the order, opinions in companion cases. If an application for reargument was filed in the Superior Court or Commonwealth Court, there also shall be appended to the petition a copy of any order granting or denying the application for reargument. If whatever is required by this paragraph to be appended to the petition is voluminous, it may, if more convenient, be separately presented.

[(7)] 7. There shall be appended to the petition the verbatim texts of the pertinent provisions of constitutional provisions, statutes, ordinances, regulations or other similar enactments which the case involves, and the citation to the volume and page where they are published, including the official edition, if any.

(b) *Caption and parties.*—All parties to the proceeding in the appellate court below shall be deemed parties in the Supreme Court, unless the petitioner shall notify the Prothonotary of the Supreme Court of the belief of the petitioner that one or more of the parties below have no interest in the outcome of the petition. A copy of such notice shall be served on all parties to the matter in the lower court, and a party noted as no longer interested may remain a party in the Supreme Court by filing a notice that he has an interest in the petition with the Prothonotary of the Supreme Court. All parties in the Supreme Court other than petitioner shall be named as respondents, but respondents who support the position of the petitioner shall meet the time schedule for filing papers which is provided in this chapter for the petitioner, except that any response by such respondents to the petition shall be filed as promptly as possible after receipt of the petition.

(c) *No supporting brief.*—All contentions in support of a petition for allowance of appeal shall be set forth in the body of the petition as provided by [**Paragraph (a)(5) item 5 of paragraph (a)**] of this rule. Neither the briefs below nor any separate brief in support of a petition for allowance of appeal will be received, and the Prothonotary of the Supreme Court will refuse to file any petition for allowance of appeal to which is annexed or appended any brief below or supporting brief.

(d) *Essential requisites of petition.*—The failure of a petitioner to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying the petition.

(e) *Multiple petitioners.*—Where permitted by [**Rule 512 (joint appeals)**] Pa.R.A.P. 512 a single petition for allowance of appeal may be filed.

(f) *Length.*—A petition for allowance of appeal shall not exceed 9,000 words. A petition for allowance of appeal that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the petition complies with the word count limit. The certificate

may be based on the word count of the word processing system used to prepare the petition.

(g) *Supplementary matter.*—The cover of the petition for allowance of appeal, pages containing the table of contents, table of citations, proof of service, signature block and anything appended to the petition under subparagraphs (a)(6) and (a)(7) shall not count against the word count limitations of this rule.

Official Note: Former Supreme Court Rule 62 permitted the petitioner in effect to dump an undigested mass of material ([*i.e.*,] **such as** briefs in and opinions of the court below) in the lap of the Supreme Court, with the burden on the individual justices and their law clerks to winnow the wheat from the chaff. This rule, which is patterned after U.S. Supreme Court Rule [**23**] 14, places the burden on the petitioner to prepare a succinct and coherent presentation of the case and the reasons in support of allowance of appeal.

Where an appellant desires to challenge the discretionary aspects of a sentence of a trial court the “petition for allowance of appeal” referred to in 42 Pa.C.S. § 9781(b) is deferred until the briefing stage, and the appeal is commenced by filing a notice of appeal pursuant to Chapter 9 rather than a petition for allowance of appeal pursuant to Chapter 11. *Commonwealth v. Tuladziecki*, 522 A.2d 17, 18 (Pa. 1987). *See* note to Pa.R.A.P. 902; Pa.R.A.P. 2116(b) and the note thereto; Pa.R.A.P. 2119(f) and the note thereto.

Rule 1116. Answer to the Petition for Allowance of Appeal.

(a) *General rule.*—Except as otherwise prescribed by this rule, within 14 days after service of a petition for allowance of appeal an adverse party may file an answer. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. The answer need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive or other argument or ground why the order involved should not be reviewed by the Supreme Court and shall comply with [**Rule 1115(a)(7) (content of petition for allowance of appeal)**] Pa.R.A.P. 1115(a).7. No separate motion to dismiss a petition for allowance of appeal will be received. A party entitled to file an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing an answer, file a letter stating that an answer to the petition for allowance of appeal will not be filed. The failure to file an answer will not be construed as concurrence in the request for allowance of appeal.

(b) *Children’s fast track appeals.*—In a children’s fast track appeal, within 10 days after service of a petition for allowance of appeal, an adverse party may file an answer.

(c) *Length.*—An answer to a petition for allowance of appeal shall not exceed 9,000 words. An answer that does not exceed 20 pages when produced by a word processor or typewriter shall be deemed to meet the 9,000 word limit. In all other cases, the attorney or the unrepresented filing party shall include a certification that the answer complies with the word count limit. The certificate may be based on the word count of the word processing system used to prepare the answer.

(d) *Supplementary matter.*—The cover of the answer, pages containing the table of contents, table

of citations, proof of service, signature block and anything appended to the answer shall not count against the word count limitations of this rule.

Official Note: This rule and [Rule] Pa.R.A.P. 1115 contemplate that the petition and answer will address themselves to the heart of the issue, [i.e.] such as whether the Supreme Court ought to exercise its discretion to allow an appeal, without the need to comply with the formalistic pattern of numbered averments in the petition and correspondingly numbered admissions and denials in the response. While such a formalistic format is appropriate when factual issues are being framed in a trial court (as in the petition for review under Chapter 15) such a format interferes with the clear narrative exposition necessary to outline succinctly the case for the Supreme Court in the allocatur context.

[Pa.B. Doc. No. 15-86. Filed for public inspection January 16, 2015, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 21]

Order Amending Rule 2135 of the Rules of Appellate Procedure; No. 251 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 30th day of December, 2014, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 2135 is adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective 60 days from the date of this Order and shall apply to briefs filed after that date.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2135. Length of Briefs.

(a) [**General rule.**] Unless otherwise [prescribed] ordered by an appellate court:

(1) [a] A principal brief shall not exceed 14,000 words and a reply brief shall not exceed 7,000 words, except as stated in subparagraphs (a)(2)—(4). A party shall file a certificate of compliance with the word count limit if the principal brief is longer than 30 pages or the reply brief is longer than 15 pages when prepared on a word processor or typewriter.

(2) In cross appeals under [Rule 2136 (briefs in cases involving cross appeals)] Pa.R.A.P. 2136, the first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant shall not exceed 16,500 words. A party shall file a certificate of compliance if the brief is longer than 35 pages when produced on a word processor or typewriter.

(3) [a reply brief shall not exceed 7,000 words.] In capital direct appeals, the principal brief shall not exceed 17,500 words and a reply brief shall not exceed 8,500 words. A party shall file a certificate of compliance if the principal brief is longer than 38 pages or the reply brief is longer than 19 pages when prepared on a word processor or typewriter.

(4) In the first Capital Post-Conviction Relief Act appeal, the principal brief shall not exceed 22,500 words and a reply brief shall not exceed 11,250 words. A party shall file a certificate of compliance if the principal brief is longer than 49 pages or the reply brief is longer than 24 pages when prepared on a word processor or typewriter.

(b) *Supplementary matter.* [The] Supplementary matters, such as, the cover of the brief and pages containing the table of contents, tables of citations, proof of service and any addendum containing opinions, [etc.,] signature blocks or any other similar supplementary matter provided for by these rules shall not count against the word count limitations set forth in [subdivision] paragraph (a) of this rule.

(c) *Size and physical characteristics.* Size and other physical characteristics of briefs shall comply with [Rule] Pa.R.A.P. 124.

(d) [**Certificate of compliance.** A principal brief that does not exceed 30 pages when produced by a word processor or typewriter shall be deemed to meet the limitations in paragraph (a)(1). The first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant that does not exceed 35 pages shall be deemed to meet the limitations in paragraph (a)(2). A reply brief that does not exceed 15 pages when produced on a word processor or typewriter shall be deemed to meet the limitation in paragraph (a)(3). In all other cases, the attorney or the unrepresented filing party shall include a certification that the brief complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.] **Certification of compliance.** Any brief in excess of the stated page limits shall include a certification that the brief complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the brief.

Official Note: A principal brief is any party's initial brief and, in the case of a cross appeal, the appellant's second brief, which responds to the initial brief in the cross appeal. See the note to [Rule 2136 (briefs in cases involving cross appeals)] Pa.R.A.P. 2136. Reply briefs permitted by [Rule 2113 (reply brief)] Pa.R.A.P. 2113 and any subsequent brief permitted by leave of court are subject to the word count limit or page limit set by this rule.

[The 2013 amendments changed the method by which the length of principal and reply briefs will be measured from a page count method to a word count method. A principal brief may not exceed 14,000 words and a reply brief may not exceed 7,000 words. More words are permitted in certain briefs in cross appeals. This rule includes a requirement that the attorney or unrepresented filing party include a certificate of compliance with briefs filed pursuant to the word count limitations. The rule makes an exception to the certification requirement when a principal brief does not exceed 30 pages, a reply brief does not exceed 15 pages or the first brief of the deemed or designated appellee and the second brief of the deemed or designated appellant do not exceed 35 pages; such briefs will be deemed to meet the word count requirement.]

A party filing a certificate of compliance under this rule may rely on the word count of the word processing system used to prepare the brief.

It is important to note that each appellate court has the option of reducing the word count for a brief, either by general rule, see Chapter 33 (Business of the Supreme Court), Chapter 35 (Business of the Superior Court), and Chapter 37 (Business of the Commonwealth Court), or by order in a particular case.

[Pa.B. Doc. No. 15-87. Filed for public inspection January 16, 2015, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Damages for Delay

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

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Addendum to Explanatory Comment (2015)

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 2, 2015	3 1/4
January 2, 2014	3 1/4
January 2, 2013	3 1/4
January 3, 2012	3 1/4
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

Official Note: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 15-88. Filed for public inspection January 16, 2015, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Phila.Civ.R. *4005 and Adoption of Phila.Civ.R. *4009.11; President Judge General Court Regulation No. 2014-03

Order

And Now, this 12th day of December, 2014, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on November 20, 2014 to amend Philadelphia Civil Rule *4005 to add a subsection which adopts standard interrogatories to be used in the Compulsory Arbitration Program, and further having voted to adopt new Philadelphia Civil Rule *4009.11 which adopts standard Requests for Production of Documents and Things to be used in the Compulsory Arbitration Program;

It Is Hereby Ordered that Philadelphia Civil Rule *4005 is amended, and Philadelphia Civil Rule *4009.11 is adopted, as follows. The standard Interrogatories and standard Requests for Production of Documents and Things are reproduced as follows.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and shall be filed with the Office of Judicial Records in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County. As required by Pa.R.C.P. No. 239(c), two certified copies of this General Court Regulation and amended local rules, as well as a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, one certified copy shall be submitted to the Administrative Office of Pennsylvania Courts, and one certified copy to the Supreme Court Civil Procedural Rules Committee. The previously-referenced rule changes shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. Copies of the General Court Regulation and rules shall also

be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

By the Court

HONORABLE SHEILA WOODS-SKIPPER,
President Judge
Court of Common Pleas

Philadelphia Civil Rule *4005. Standard Form Interrogatories.

(A) Standard interrogatories in personal injury and product liability cases in the forms hereinafter reproduced shall be utilized in the appropriate cases.

(A.1) Standard interrogatories in the forms hereinafter reproduced shall be utilized in the Compulsory Arbitration Program:

(1) Plaintiff(s) Interrogatories Directed to Defendant(s)—Motor Vehicle Liability Cases;

(2) Defendant(s) Interrogatories Directed to Plaintiff(s)—Motor Vehicle Liability Cases;

(3) Plaintiff(s) Interrogatories Directed to Defendant(s)—Premises Liability Cases; and

(4) Defendant(s) Interrogatories Directed to Plaintiff(s)—Premises Liability Cases.

* * * * *

Explanatory Note:

The adoption of subsection (A.1) supplants Trial Division Administrative Docket No. 2005-02 issued on April 8, 2005 by then Administrative Judge James J. Fitzgerald, III. The current Compulsory Arbitration Program Standard Interrogatories have been drafted with the cooperation and assistance of the Philadelphia Bar Association's Rules and Procedure Committee and Arbitration Committee.

Amended by the Board of Judges on November 20, 2014. Effective , 2015.

(*Editor's Note:* Rule *4009.11 is new and printed in regular type to enhance readability.)

Philadelphia Civil Rule *4009.11. Request Upon a Party for Production of Documents and Things. Compulsory Arbitration Program.

Requests upon a party for production of documents and things in the forms hereinafter reproduced shall be utilized in the Compulsory Arbitration Program:

(A) Plaintiff(s) Request for Production of Documents Directed to Defendant(s); and

(B) Defendant(s) Request for Production of Documents Directed to Plaintiff(s).

Explanatory Note:

The adoption of this rule supplants Trial Division Administrative Docket No. 2005-02 issued on April 8, 2005 by then Administrative Judge James J. Fitzgerald, III. The current Compulsory Arbitration Program Requests Upon A Party for Production of Document and Things have been drafted with the cooperation and assistance of the Philadelphia Bar Association's Rules and Procedure Committee and Arbitration Committee.

Adopted by the Board of Judges on November 20, 2014. Effective , 2015.

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA**

CIVIL TRIAL DIVISION

PLAINTIFF(S)

Compulsory Arbitration Program

COURT TERM:

v.

NO.

DEFENDANT(S)

**PLAINTIFF(S) REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO DEFENDANT(S)**

You are requested to produce, in accordance with Pennsylvania Rule of Civil Procedure 4009, the originals or clear, readable copies of the below listed documents and/or items unless protected by attorney-client privilege or work-product doctrine. These documents and/or items will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced, videotapes and audiotapes shall be viewed and/or heard and a copy made. The below listed documents and/or items are to be produced at Plaintiff's counsel's office on or before thirty (30) days from the date of service herein. Such request is continuing up to and at the time of trial.

DEFINITIONS

A. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents and employees.

B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

C. "Documents" shall mean all written or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations or personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control.

D. "Persons" means an individual, corporation, partnership, trust, association, company, organization, or any form of a business or commercial entity.

E. For purposes of this discovery request "Identify" is defined as the following:

(1) when used with respect to an individual, means to state (a) their name; (b) business affiliation and official title and/or position; and (c) their last known residential and business address.

(2) when used with respect to a document, means to state (a) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (b) its date of origin or creation; (c) its author and addressee; (d) its last known custodian or locations; and (e) a brief description

of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

(3) when used with respect to a company or other business entity, means to state, (a) the company's legal name, any former names, and the name under which it trades or does business (b) the address of its principal place of business; and (c) the identity of its chief executive officer.

F. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

G. The period of time encompassed by these requests shall be from the date of the alleged accident to the date of answering, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

H. For purposes of the Rule, a statement includes:

(1) A written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

REQUESTS

1. The claims and investigation file or files including but not limited to daily activity sheets, diary sheets, and status sheets of any insurance adjuster and/or risk employee/manager, internal memoranda regarding this claim created, sent and/or received by any insurance adjuster or other adjuster, risk employee/manager and/or by the Defendant(s) or an agent/employee of the Defendant(s), communications to and from all insurance carriers, parties, Defendant(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Defendant(s), excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or defense or respecting strategy or tactics and privileged communications from counsel.

2. All statements and communications of any and all witnesses including any and all statements of Plaintiff(s) and Defendant(s), including taped recordings, whether transcribed or not, as well as all written statements.

3. The name, home and business address, background and qualifications of any and all persons retained by the Defendant(s), who in anticipation and/or preparation of litigation, are expected to be called to trial.

4. Any and all documents and communications containing the name and home and business addresses of all individuals contacted as potential witnesses.

5. Reports, non-privileged communications, and/or documents prepared by any and all experts who are expected to testify at trial or whose reports are expected to be submitted at trial.

6. Resumes and qualifications of any and all experts who are expected to testify at trial or whose reports are expected to be submitted at trial.

7. Copies of any and all photographs, diagrams, drawings, charts, models, movie films or video-tapes which relate, refer or pertain to Plaintiff(s), any other party to this action, the alleged accident site and/or any instrumentality involved in the alleged accident described in Plaintiff(s) Complaint.

8. Any and all documents and communications substantiating any defense to Plaintiff's cause of action.

9. Copies of any relevant reports and records prepared by any physician, hospital or healthcare provider who has examined Plaintiff(s) three (3) years prior to the injury and at any time subsequent to the injury, excluding those reports and records already provided by Plaintiff(s) to Defendant(s)?

10. Central indexing information on Plaintiff(s) for this alleged accident, alleged prior accident(s), and alleged subsequent accident(s).

11. Verification of the policy limits for liability benefits, medical payments and any "umbrella" or excess benefits, including applicable policy declarations page.

12. Copies of internal memoranda, inter-office memos, facsimiles, e-mail or other documents or communications regarding this claim, made by the Defendant(s) and/or any agent and/or employee of Defendant(s), or their insurance carrier(s).

13. Any and all reports, communications and/or documents prepared by Defendant(s) or their employee(s)/agent(s) containing the facts, circumstances and causes of this alleged accident.

14. Any and all documents of any nature whatsoever which refer in any way to the alleged accident described in Plaintiff(s) Complaint and/or the facts or circumstances leading up to and following said alleged accident.

15. All property damage estimates rendered for any object belonging to the Plaintiff(s) and/or Defendant(s) which was involved in this alleged accident.

16. Any and all press releases concerning this alleged accident.

17. Any and all documents or other tangible materials of any nature whatsoever which you plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which you plan to question a witness at a deposition or trial.

18. Any and/or all documents or communications of any nature whatsoever which relate, refer or pertain to Plaintiff(s), any other party to this action, the alleged accident, alleged accident site and/or any instrumentality involved in the alleged accident.

19. All documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Plaintiff(s) contributed to the happenings of the alleged occurrence or to the alleged injuries or losses suffered allegedly as a result of this accident.

20. If at or shortly before the alleged accident, you were using any functions on your cell phone or on any portable handheld electronic device, please provide your cell phone or electronic device records for the date of the accident.

21. Any and all documents of any nature whatsoever referred to in Defendant's(s') Answers to Plaintiff's(s') Interrogatories.

These requests are deemed to be continuing insofar as if any of the above is secured subsequent to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to plaintiff's counsel consistent within the applicable Rule of Civil Procedure.

Esquire
Attorney ID#:

I _____, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA**

CIVIL TRIAL DIVISION

PLAINTIFF(S)

Compulsory Arbitration Program

COURT TERM:

v.

NO.

DEFENDANT(S)

**DEFENDANTS(S) REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO PLAINTIFF(S)**

You are requested to produce, in accordance with Pennsylvania Rule of Civil Procedure 4009, the originals or clear, readable copies of the below listed documents and/or items unless protected by the attorney-client privilege or the work-product doctrine. These documents and/or items will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced, videotapes and audiotapes shall be viewed and/or heard and a copy made. The below listed documents and/or items are to be produced at Defendant's Counsel's office on or before thirty (30) days from the date of service herein. Such request is continuing up to and at the time of trial.

DEFINITIONS

A. "You" or "your" refers to Plaintiff(s) herein and to all other persons acting or purporting to act on behalf of Plaintiff(s), including agents and employees.

B. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

C. "Documents" shall mean all written or graphic matter of every kind or description, however produced or reproduced, whether draft or final, original or reproduction, signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations or personal conversations, diaries, desk calendars, interoffice communications,

reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control.

D. "Persons" means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

E. For purposes of this discovery request "Identify" is defined as the following:

(1) when used with respect to an individual, means to state (a) their name; (b) business affiliation and official title and/or position; and (c) their last known residential and business address.

(2) when used with respect to a document, means to state (a) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (b) its date of origin or creation; (c) its author and addressee; (d) its last known custodian or locations; and (e) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

(3) when used with respect to a company or other business entity, means to state, (a) the company's legal name, any former names, and the name under which it trades or does business (b) the address of its principal place of business; and (c) the identity of its chief executive officer.

F. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

G. The period of time encompassed by these requests shall be from the date of the alleged accident to the date of answering, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

H. For purposes of the Rule, a statement includes:

(1) A written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

REQUESTS

1. The entire claims and investigation file or files including but not limited to communications to and from all insurance carriers, parties, Plaintiff(s), or potential parties, request(s) for investigation, and/or reports/findings of investigators, both in-house and/or independent and/or all insurance policies of the Plaintiff(s), excluding references to mental impressions, conclusions, or opinions representing the value or merit of the claim or respecting strategy or tactics and privileged communications from counsel.

2. All statements and communications of any and all witnesses including any and all statements of Plaintiff(s) and Defendant(s), including taped recordings, whether transcribed or not, as well as all written statements.

3. Any and all documents and communications which support Plaintiff's claim(s) for wage loss and impairment of earning capacity and/or power.

4. The name, home and business address, background and qualifications of any and all persons retained by the Plaintiff(s), who in anticipation and/or preparation of litigation, is expected to be called to trial.

5. Any and all documents and communications containing the name and home and business addresses of all individuals contacted as potential witnesses, except for expert witnesses.

6. Reports, non-privileged communications, and/or documents prepared by any and all experts who are expected to testify at trial or whose reports are expected to be submitted at trial.

7. Resumes and qualifications of any and all experts who are expected to testify at trial or whose reports are expected to be submitted at trial.

8. Copies of any and all photographs, diagrams, drawings, charts, models, movie films or video-tapes which relate, refer or pertain to Defendant(s), any other party to this action, the alleged accident site and/or any instrumentality involved in the alleged accident described in Plaintiff(s) Complaint.

9. Any and all documents and communications substantiating any claim of Plaintiff's cause of action.

10. Copies of any and all bills, reports, notes and records prepared by any physician, hospital or healthcare provider who has examined, evaluated and/or treated Plaintiff(s) for injuries allegedly sustained as a result of the alleged accident.

11. Copies of any and all bills, reports, notes and records prepared by any physician, hospital or healthcare provider who has examined, evaluated and/or treated Plaintiff(s) for injuries, diseases, deformities or impairments sustained by Plaintiff(s) or suffered by Plaintiff(s) for three years prior to and at any time subsequent to the alleged accident herein.

12. Copies of any and all lien documentation including but not limited to those asserted by any health/medical insurance carrier, Department of Public Welfare, Medicaid Programs, Medicare, Workers' Compensation and/or any other similar entities.

13. Copies of any and all conditional payment letters issued by Medicare/CMS, if applicable.

14. Any and all documents related to Plaintiff(s) application for and/or receipt of disability benefits from any source.

15. Any and all documents related to any claim or litigation for workers' compensation benefits.

16. Verification of the policy limits for first party benefits (e.g. PIP or medical payment coverage or wage loss coverage, etc.), applicable policy declarations page, sign-down forms and Tort Option selection forms.

17. Any and all documents of any nature whatsoever which refer in any way to the alleged accident described in Plaintiff(s) Complaint and/or the facts or circumstances leading up to and following said alleged accident.

18. All property damage estimates rendered for any object belonging to the Plaintiff(s) and/or Defendant(s) which was involved in this alleged accident.

19. Any and all press releases concerning this alleged accident.

20. Any and all documents or other tangible materials of any nature whatsoever which Plaintiff(s) plan to have marked for identification at a deposition or trial, introduce into evidence at a deposition or trial, or about which Plaintiff(s) plan to question a witness at a deposition or trial.

21. All documents and/or communications relating to any facts on the basis of which it is asserted that the conduct of the Defendant(s) contributed to the happenings of the alleged accident or to the alleged injuries or losses suffered allegedly as a result of this accident.

22. If at or shortly before the alleged accident, Plaintiff(s) were using any functions on their cell phone or on any portable handheld electronic device, please provide cell phone or electronic device records for the date of the accident.

23. Any and all documents of any nature whatsoever referred to in Plaintiff's(s') Answers to Defendant's(s') Interrogatories.

These requests are deemed to be continuing insofar as if any of the above is secured subsequent to the date herein for the production of same, said documents, photographs, statements, reports, etc., are to be provided to Defendant's counsel consistent within the applicable Rule of Civil Procedure.

Esquire
Attorney ID#:

I _____, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA**

CIVIL TRIAL DIVISION

PLAINTIFF(S)

Compulsory Arbitration Program

COURT TERM:

v.

NO.

DEFENDANT(S)

**Plaintiff(s) Interrogatories Directed to Defendant(s)
Motor Vehicle Liability Cases**

Plaintiff(s) hereby demands that the Defendant(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Defendant(s) or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than thirty (30) days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to Defendant(s) as a party to this action; Defendant's(s') answers shall be based upon information known to Defendant(s) or in the possession, custody or control of Defendant(s), their attorney or other representative acting on Defendant's(s')

behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by Defendant(s) in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Defendant(s), its counsel, or other representatives at the time of service of the Answers. If another motor vehicle was not involved in the alleged accident, then interpret any questions to include a non-motor vehicle (e.g. pedestrian, bicycle, etc.).

BACKGROUND INFORMATION

1. Please identify if you are an individual, corporation or partnership:

- (a) If an individual:
 - (1) full name (maiden name, if applicable)
 - (2) alias(es)
 - (3) date of birth
 - (4) residence or business addresses at time of the alleged accident and currently.
- (b) If a corporation:
 - (1) registered corporation name
 - (2) principal place of business
 - (3) registered address for service of process at the time of the alleged accident and currently.
- (c) If a partnership:
 - (1) registered partnership name
 - (2) principal place of business
 - (3) registered address for service of process at the time of the alleged accident and currently
 - (4) the identities and residence addresses of each partner at the time of the alleged accident and currently.

2. If you (and/or your operator) were employed, state:

- (a) Employer on the date of the accident;
- (b) Your title or position and accompanying duties and responsibilities on the date of the accident;
- (c) The length of your employment on the date of the accident.

3. If at the time of the alleged accident, you (or your operator) possessed a valid license to operate a motor vehicle, state:

- (a) The Commonwealth or State issuing it;
- (b) The issuance date and expiration date;
- (c) The operator's number of such license;
- (d) The nature of any restriction(s) on said license;

4. Identify:

- (a) Your applicable motor vehicle insurance carrier at the time of the alleged accident;
- (b) Your applicable liability insurance coverage limits at the time of the alleged accident;
- (c) Your applicable umbrella and/or excess liability insurance coverage limits at the time of the alleged accident;

(d) If self-insured, for all or any monetary part of a liability claim, so state (including the limits).

5. If you (or your operator) had a driver's license suspended or revoked in the last ten (10) years, state:

- (a) When, where and by whom it was suspended or revoked;
- (b) The reason(s) for such suspension or revocation;
- (c) The period of such suspension or revocation;
- (d) Whether such suspension or revocation was lifted and if so, when.

6. Have you been convicted of or pleaded guilty or nolo contendere to any crime(s) in the past ten (10) years to any crime(s) involving dishonesty or false statements as provided in Pa.R.E. 609, or has last date of confinement for said crime(s) been within the past ten (10) years?

ACCIDENT INFORMATION

7. State the purpose of the motor vehicle trip you (or your operator) were on at the time of the alleged accident.

8. State whether or not you (or your operator) were familiar with the scene of the alleged accident and how often you traveled through same.

9. Was the Defendant's motor vehicle damaged as a result of the alleged accident? If so, describe the damage in detail.

10. Identify the person and/or company who repaired and/or evaluated your motor vehicle to prepare a repair estimate.

11. If the motor vehicle you were the owner and/or driver or occupant of has been sold since the time of the accident, state the date of the sale, identify by name and address the person who purchased the motor vehicle and the sale price of the motor vehicle.

12. If you (or your operator) consumed any alcoholic beverage(s), medications (prescription and/or over-the-counter) or any illicit drugs, during the forty-eight (48) hours immediately preceding the alleged accident, state:

- (a) The nature, amount and type of item(s) consumed;
- (b) The period of time over which the item(s) was/were consumed;
- (c) The names and addresses of any and all persons who have any knowledge as to the consumption of the aforementioned items (e.g. witnesses, physicians, etc.).

13. At the time of the alleged accident, did you (or your operator) suffer from any deformity, disease, ailment, disability or abnormality that may have affected your ability to operate a motor vehicle? If so, identify the condition and the treating physician for that condition, if any.

14. Identify the date, time and location of the alleged accident.

15. Describe the lighting conditions, weather conditions and the condition of the road(s) surface(s) existing at the time and place of the alleged accident.

16. Were there any traffic control devices in the area of the alleged accident at the time of the accident? If so, describe the devices.

17. Describe the streets involved in the alleged accident in terms of traffic lanes (e.g. parking, travel, turn-only lanes).

18. At or shortly before the accident, were you using any functions on your cell phone or on any portable

handheld electronic device? If so, please provide your cell phone carrier name, cell phone number and account number or the provider name and account number for your handheld electronic device.

19. State in detail the manner in which the alleged accident occurred, specifying the position, lane, direction and location of each motor vehicle involved, just before, at the time of, and immediately after the alleged accident.

20. With regard to the alleged accident, state:

(a) When you first observed the other motor vehicle (or pedestrian, bicycle, etc.) involved in the alleged accident in terms of distance;

(b) The speed of your vehicle at the time of contact;

(c) Whether your (or your operator's) view was clear or what obstruction, if any, existed at the time of the alleged accident;

(d) What you (or your operator) did in an attempt to avoid the alleged accident;

(e) The parts of the vehicles that contacted each other.

21. Was there any physical evidence of the alleged accident at the scene including skid marks, yaw marks, debris or other physical evidence? If so, describe.

22. Was there a Police investigation conducted? If so, state the control number, the incident number and/or the report number, and whether any citations were issued.

23. If you (or your operator) appeared before any Traffic Court, Municipal Court or District Court for a summons, ticket or charge related to this accident, state the date and location and whether testimony was offered.

24. Describe what, if any, injuries you and/or your occupants sustained as a result of this alleged accident.

25. State the name, home and business addresses of the following:

(a) Those who actually witnessed the alleged accident;

(b) Those who were present at or near the scene at the time of the alleged accident;

(c) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident and/or the nature of the injuries sustained in the alleged accident.

26. At the time of the alleged accident or immediately thereafter, did you (or your operator) have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence? If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it/they occurred.

27. Do you believe that the Plaintiff did anything to contribute to the alleged accident? If so, describe what actions contributed to the alleged accident.

MISCELLANEOUS

28. Have you or do you intend to make any claim or file a lawsuit for damages or losses related to this alleged accident?

29. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (e.g. accident reconstructionists), whom you intend to have testify or whose report you intend to submit at trial on your behalf on any matter pertaining to this action, state:

- (a) The name of the expert;
- (b) The expert's professional address;
- (c) The expert's occupation;
- (d) The expert's specialty;
- (e) The expert's qualifications (e.g. Curriculum Vitae);
- (f) The topic or subject matter upon which the expert is expected to testify;
- (g) The substance of the facts to which the expert is expected to testify;
- (h) The substance of the opinion to which the expert is expected to testify;
- (i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

MISCELLANEOUS

30. Have you, your attorney or any representative of yours, conducted any sound, photographic, motion picture film, personal sight or any other type of surveillance of the Plaintiff(s)?

31. From the time of the accident to the present have you had or do you have any social media accounts such as Facebook, Instagram, Twitter, etc? If so, identify all of your social media accounts.

32. State the name and address of the person answering these Interrogatories and his/her relationship to the Defendant.

Esquire
Attorney ID#:

I _____, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA**

CIVIL TRIAL DIVISION

PLAINTIFF(S)

Compulsory Arbitration Program

COURT TERM:

v.

NO.

DEFENDANT(S)

**Defendant's Interrogatories Addressed to
Plaintiff(s)
Motor Vehicle Liability Cases**

Defendant(s) hereby make demand that the Plaintiff(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Plaintiff(s) or their representatives (including

counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than thirty (30) days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to Plaintiff(s) as a party to this action; Plaintiff(s)' answers shall be based upon information known to Plaintiff(s) or in the possession, custody or control of Plaintiff(s), their attorney or other representative acting on Plaintiff(s)' behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by Plaintiff(s) in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Plaintiff(s), their counsel, or other representatives at the time of service of the answers. If another motor vehicle was not involved in the alleged accident, then interpret any questions to include a non-motor vehicle (e.g. pedestrian, bicycle, etc.).

BACKGROUND

1. Please identify if you are an individual, corporation or partnership:

- (a) If an individual:
 - (1) full name (maiden name, if applicable)
 - (2) alias(es)
 - (3) date of birth
 - (4) Social Security Number
 - (5) residence and business addresses at time of the alleged accident and currently.
- (b) If a corporation:
 - (1) registered corporation name
 - (2) principal place of business
 - (3) registered address at the time of the alleged accident and currently.
- (c) If a partnership:
 - (1) registered partnership name
 - (2) principal place of business
 - (3) registered address at the time of the alleged accident and currently
 - (4) the identities and residence addresses of each partner at the time of the alleged accident and currently.

2. If you are currently employed, were employed at the time of the alleged accident and/or employed for five (5) years before the accident date, state as to each time period:

- (a) By whom;
- (b) Your stated title or position and accompanying duties and responsibilities;
- (c) The length of your employment;
- (d) Number of hours worked per week and/or number of days worked per week;
- (e) Hourly wage and/or salary as well as supplemental wages (e.g. bonuses, overtime, etc.).

3. If at the time of the alleged accident, you (or your operator) possessed a valid license to operate a motor vehicle, state:

- (a) The Commonwealth or State issuing it;
- (b) The issuance date and expiration date;
- (c) The operator's number of such license;
- (d) The nature of any restriction(s) on said license;
- (d) Whether you ever possessed a valid driver's license.

4. With regard to the motor vehicle in which you were an occupant at the time of the accident, identify:

- (a) The applicable motor vehicle insurance carrier at the time of the alleged accident;
- (b) The applicable liability insurance coverage limits at the time of the alleged accident;
- (c) The applicable umbrella and/or excess liability insurance coverage limits at the time of the alleged accident.

5. If you (or your operator) had a driver's license suspended or revoked in the last ten (10) years, state:

- (a) When, where and by whom it was suspended or revoked;
- (b) The reason(s) for such suspension or revocation;
- (c) The period of such suspension or revocation;
- (d) Whether such suspension or revocation was lifted and if so, when.

6. Have you made a claim or filed a lawsuit for personal injury within the last ten (10) years? If so, state:

- (a) Against whom the claim or lawsuit was made including the name and address of any insurance carrier and/or parties;
- (b) The Commonwealth or State, County, Court, Term and Number of any lawsuits arising from that cause of action;
- (c) The outcome of the claim/lawsuit.

7. Were you the owner or resident relative of an owner of a motor vehicle(s) at the time of the alleged accident? If so, state:

- (a) Where the motor vehicle(s) was registered;
- (b) Was the motor vehicle insured;
- (c) The name of the insurance company and your insurance coverage;
- (d) Your tort status under your insurance policy (full tort or limited tort).

8. Have you been convicted of or pleaded guilty or nolo contendere to any crime(s) in the past ten (10) years to any crime(s) involving dishonesty or false statements as provided in Pa.R.E. 609, or has last date of confinement for said crime(s) been within the past ten (10) years?

ACCIDENT INFORMATION

9. State the purpose of the motor vehicle trip you (or your operator) were on at the time of the alleged accident.

10. State whether or not you (or your operator) were familiar with the scene of the alleged accident and how often you traveled through same.

11. Was the Plaintiff's motor vehicle damaged as a result of the alleged accident? If so, describe the damage in detail.

12. Identify the person and/or company who repaired and/or evaluated your motor vehicle to prepare a repair estimate.

13. If the motor vehicle you were the owner and/or driver or occupant of has been sold since the time of the accident, state the date of the sale, identify by name and address the person who purchased the motor vehicle and the sale price of the motor vehicle.

14. If you (or your operator) consumed any alcoholic beverage(s), medications (prescription and/or over-the-counter) or any illicit drugs, during the forty-eight (48) hours immediately preceding the alleged accident, state:

- (a) The nature, amount and type of item(s) consumed;
- (a) The period of time over which the item(s) was/were consumed;
- (c) The names and addresses of any and all persons who have any knowledge as to the consumption of the aforementioned items (e.g. witnesses, physicians, etc.).

15. At the time of the alleged accident, did you (or your operator) suffer from any deformity, disease, ailment, disability or abnormality that may have affected your ability to operate a motor vehicle? If so, identify the condition and the treating physician for that condition, if any.

16. Identify the date, time and location of the alleged accident.

17. Describe the lighting conditions, weather conditions and the condition of the road(s) surface(s) existing at the time and place of the alleged accident.

18. Were there any traffic control devices in the area of the alleged accident at the time of the accident? If so, describe the devices.

19. Describe the streets involved in the alleged accident in terms of traffic lanes (e.g. parking, travel, turn-only lanes).

20. At or shortly before the alleged accident, were you using any functions on your cell phone or on any portable handheld electronic device? If so, please provide your cell phone carrier name, cell phone number and account number or the provider name and account number for your handheld electronic device.

21. State in detail the manner in which the alleged accident occurred, specifying the position, lane, direction and location of each motor vehicle involved, just before, at the time of, and immediately after the alleged accident.

22. With regard to the alleged accident, state:

- (a) When you first observed the other motor vehicle (or pedestrian, bicycle, etc.) involved in the alleged accident in terms of distance;
- (b) The speed of your vehicle at the time of contact;
- (c) Whether your (or your operator's) view was clear or what obstruction, if any, existed at the time of the alleged accident;
- (d) What you (or your operator) did in an attempt to avoid the alleged accident;
- (e) The parts of the vehicles that contacted each other.

23. Was there any physical evidence of the alleged accident at the scene including skid marks, yaw marks, debris or other physical evidence? If so, describe.

24. Was there a Police investigation conducted? If so, state the control number, the incident number and/or the report number, and whether any citations were issued.

25. If you (or your operator) appeared before any Traffic Court, Municipal Court or District Court for a summons, ticket or charge related to this accident, state the date and location and whether testimony was offered.

26. State the name, home and business addresses of the following:

- (a) Those who actually witnessed the alleged accident;
- (b) Those who were present at or near the scene at the time of the alleged accident;
- (b) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident and/or the nature of the injuries sustained in the alleged accident.

27. At any time after the alleged accident, did you have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence? If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it/they occurred.

28. Do you claim that the Defendant(s) violated any driving rules or laws? If so, state what rules or laws.

INJURY INFORMATION

29. Describe what, if any, injuries you sustained as a result of this alleged accident.

30. On the date of the alleged accident, did you have private health/medical insurance? If yes:

- (a) Please identify the name of the private health/medical insurance carrier and provide a copy of the health/medical insurance card and/or identification number;
- (b) Has your private health/medical insurance carrier made any payments related to the alleged accident?
- (c) If bills have been denied, provide documentation of denials.
- (d) If there is lien, state the amount and attach all documentation.

31. Have you received or are you currently receiving any medical benefits from Public Assistance/DPW? If yes:

- (a) Please provide a copy of your benefit identification card(s) and/or identification number;
- (b) Has Medicaid/DPW made any payments related to this alleged accident?
- (c) Has Medicaid/DPW asserted any liens related to the alleged accident?
- (d) If there is lien, state the amount and attach all documentation.

32. Have you received or are you currently receiving any benefits from Medicare? If yes:

- (a) Please provide a copy of your Medicare Card and/or identification number;
- (b) Has Medicare made any payments related to the alleged accident?
- (c) Has Medicare asserted any liens related to the alleged accident?
- (d) If there is lien, state the amount and attach all documentation.

33. Have you ever applied for, received and/or are you currently receiving Social Security Disability Benefits? If yes, state:

- (a) The reason for disability;
- (b) The identity of the physician(s) who completed the benefits application(s);
- (c) The dates of disability.

34. Have you applied for, received and/or are you currently receiving disability benefits from any other source? If yes, state:

- (a) The reason for disability;
- (b) The identity of the physician(s) who completed the benefits application(s);
- (c) The dates of disability.

35. Have you applied for, received and/or are you currently receiving workers' compensation benefits? If yes, state:

- (a) The type of injury;
- (b) The identity of the treating physician(s);
- (c) Length of the injury;
- (d) Time lost from work as a result of the injury;
- (e) If there is lien, state the amount and attach all documentation.

36. Identify the name(s) of all of your family physician(s)/primary care physician(s) during the last ten (10) years.

37. Describe in detail all economic damages and/or losses you sustained as a direct result of the alleged accident.

38. Describe in detail all injuries, scarring and non-economic damages or losses alleged to have been sustained, including their nature, extent and duration.

39. State:

(a) The identity, by name and address, of each hospital or university medical center where you were examined and/or treated and whether you were admitted;

(b) The identity of any person(s) who examined, evaluated or treated you, noting their name, address and specialty;

(c) The identity, by name and address of any diagnostic test center that provided services and what test were performed;

(d) The date(s) of all examination(s), evaluation(s), treatment(s) and/or confinement(s) by healthcare professionals and their corresponding charges;

(e) Identify any healthcare professional(s) you are currently consulting and/or treating with for any of the injuries and/or damages you sustained as a direct result of the alleged accident and what symptoms you still allegedly suffer from.

40. Did the alleged accident aggravate a pre-existing condition(s)? If so, state:

(a) The nature and extent of such pre-existing condition;

(b) The date upon which you believe you recovered from symptomatology of the pre-existing condition(s), prior to the accident date;

(c) The name and address of the healthcare professional(s) who treated you for the pre-existing condition(s); and

(d) The date of and circumstances causing you to incur the pre-existing condition(s).

41. If you have fully recovered from the injuries you allege to have sustained in the present accident, state the approximate date you fully recovered.

42. If you have not fully recovered from your injuries, then describe any pain, ailment, complaint, injury, scarring or disability that you allege you still suffer from as a direct result of the alleged accident.

43. Did you sustain any injuries or suffer from any disease, deformity, or impairment, before or after the alleged accident, which in any way affected those parts of your body claimed to have been injured as a result of this alleged accident? If so, state:

(a) The nature and extent of any such injury, disease, deformity or impairment;

(b) The date of the occurrence or diagnosis of such injury, disease, deformity or impairment;

(c) The names and address(es) of the healthcare professional(s) you have consulted with and/or treated with and the corresponding dates thereof, for such injury, disease, deformity or impairment.

44. Did you lose time from work as a result of the alleged accident? If so, state:

(a) The dates you lost from work as a result of the alleged accident;

(b) The date that you returned to work;

(c) The name and address of the employer where you returned to work;

(d) Any change in your title or position, duties and/or responsibilities;

(e) Any change in your wage, salary or supplemental wages.

45. Describe in detail any future lost wage claim and/or impairment of earning capacity you will have as a direct result of the alleged accident and the basis thereof.

46. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (e.g. accident reconstructionists), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (e.g. Curriculum Vitae);

(f) The topic or subject matter upon which the expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

MISCELLANEOUS

47. From the time of the accident to the present have you had or do you have any social media accounts such as Facebook, Instagram, Twitter, etc? If so, identify all of your social media accounts.

48. If this case involves a claim for loss of consortium, please describe the basis of that claim and any damages.

49. State the name and address of the person answering these Interrogatories and his/her relationship to the Plaintiff.

Esquire
Attorney ID#:

I _____, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA**

CIVIL TRIAL DIVISION

PLAINTIFF(S)

Compulsory Arbitration Program

COURT TERM:

v.

NO.

DEFENDANT(S)

**Plaintiff(s) Interrogatories Directed To
Defendant(s)
Premises Liability Cases**

Plaintiff hereby makes demand that the Defendant(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Defendants or their representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than 30 days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to Defendants as a party to this action; Defendants' answers shall be based upon information known to Defendants or in the possession, custody or control of Defendants, their attorney or other representative acting on their behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by Defendants in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Defendants, their counsel, or other representatives at the time of service of the Answers.

BACKGROUND

1. Please identify if you are an individual, corporation or partnership:

(a) If an individual:

- (1) full name (maiden name, if applicable)
- (2) alias(es)
- (3) date of birth
- (4) residence and business addresses at time of the alleged accident and currently.
- (b) If a corporation:
 - (1) registered corporation name
 - (2) principal place of business
 - (3) registered address at the time of the alleged accident and currently.
- (c) If a partnership:
 - (1) registered partnership name
 - (2) principal place of business
 - (3) registered address at the time of the alleged accident and currently
 - (4) the identities and residence addresses of each partner at the time of the alleged accident and currently.

2. Has a claim been made or a lawsuit filed against you for personal injury involving the location of the alleged accident within the last 10 years? If so, state:

- (a) By whom;
- (b) The Commonwealth or State, County, Court, Term and Number of any lawsuits arising from that cause of action;
- (c) The outcome of the claim/lawsuit.

3. Have you been convicted of or pleaded guilty or nolo contendere to any crime(s) in the past ten (10) years to any crime(s) involving dishonesty or false statements as provided in Pa.R.E. 609, or has last date of confinement for said crime(s) been within the past ten (10) years?

4. Identify:

- (a) Your applicable insurance carrier at the time of the alleged accident;
- (b) Your applicable liability insurance coverage limits at the time of the alleged accident;
- (c) Your applicable umbrella and/or excess liability insurance coverage limits at the time of the alleged accident;
- (d) If self-insured, for all or any monetary part of a liability claim, so state (including the limits).

ACCIDENT INFORMATION

5. At the time of the alleged accident, was the location of the alleged accident possessed, controlled and/or maintained by the defendant(s)? If not, identify who did possess, control and/or maintain them.

6. Is the location of the alleged accident owned or leased by the defendant(s)? If leased, state:

- (a) From whom said location of the alleged accident are leased;
- (b) Dates of said lease.

7. Identify the person(s), including name, title, residence and business address(es), who last maintained and/or cleaned the location of the alleged accident.

8. State the name, home and business addresses of the following:

- (a) Those who actually witnessed the alleged accident;

(b) Those who were present at or near the scene at the time of the alleged accident;

(c) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident and/or the nature of the injuries sustained in the alleged accident;

(d) The person(s) who last examined/inspected the place where the alleged accident occurred before the alleged accident;

(e) The person(s) who last examined/inspected the place where the alleged accident occurred after the alleged accident;

(f) Are any of the people listed in the preceding answers to interrogatories relatives, agents, servants, employees, the spouse, and/or representatives of the Defendants(s)?

9. At the time of the alleged accident or immediately thereafter, did you have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence? If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it/they occurred.

10. Did Defendant, or anyone acting on behalf of the Defendant, receive any reports or complaints from any source during the six (6) months prior to the alleged accident, concerning the conditions of the location of the alleged accident? If so, state:

(a) When;

(b) From who received;

(c) The nature of each such report or complaint;

(d) Any action(s) taken by defendant in response thereto;

(e) The name, address and job title of the person(s) who has custody, possession and/or control of such reports or complaints.

11. Were any repairs or changes made to the location of the alleged accident after the accident occurred? If so, state:

(a) When they were made;

(b) The kind of repairs or changes made;

(c) Who made such repairs or changes;

(d) Whose decision it was to initiate the repairs or changes.

12. State any violations of City Ordinances or Codes for which Defendant or anyone acting on Defendant's behalf were cited regarding the alleged accident as well as the dates of said violations.

13. Were there any signs, barriers or anything else at or near the scene of the alleged accident warning of the conditions existing thereon? If so, state:

(a) When said warnings were placed at the scene and by whom;

(b) Describe exactly what the warning was and the exact dimensions of said warning;

(c) The exact location of said warning.

14. Do you know of anyone who is in the possession, custody and/or control of any photographs, sketches, reproductions, charts, maps or diagrams of the scene of the accident? If so, state:

(a) The date(s) they were taken or made;

(b) The name, title, residence and business address of the person(s) taking them and in the possession, custody and/or control of them;

(c) The subject or object of the particular site or view of each of them.

15. Was any videotaping performed on the day of this alleged accident at the location where the alleged accident occurred? If so, state:

(a) Whether there any type of log, record, compilation or other documentation of the videotaping performed;

(b) Who has custody, possession and/or control of the recording(s).

16. What were the weather conditions on the day of and the day before the alleged accident?

17. Do you allege that the weather conditions contributed to the happening of Plaintiff(s) alleged accident?

18. Do you believe the Plaintiff did anything to contribute to the alleged accident? If so, describe what actions contributed to the alleged accident.

MISCELLANEOUS

19. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (e.g. accident reconstructionists), whom you intend to have testify or whose report you intend to submit at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

(e) The expert's qualifications (e.g. Curriculum Vitae);

(f) The topic or subject matter upon which expert is expected to testify;

(g) The substance of the facts to which the expert is expected to testify;

(h) The substance of the opinion to which the expert is expected to testify;

(i) A summary of the grounds for each opinion the expert is expected to testify.

20. Have you, your attorney or any representative of yours, conducted any sound, photographic, motion picture film, personal sight or any other type of surveillance of the Plaintiff(s)?

21. From the time of the accident to the present have you had or do you have any social media accounts such as Facebook, Instagram, Twitter, etc? If so, identify all of your social media accounts.

22. State the name and address of the person answering these Interrogatories and his/her relationship to the Defendant.

Esquire
Attorney ID#:

I _____, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of

Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA**

CIVIL TRIAL DIVISION

PLAINTIFF(S)

Compulsory Arbitration Program

COURT TERM:

v.

NO.

DEFENDANT(S)

**Defendant's Interrogatories Addressed To Plaintiff
Premises Liability Cases**

Defendant hereby makes demand that the Plaintiff(s) answer the following Interrogatories pursuant to the Pennsylvania Rules of Civil Procedure 4001 et seq. These Interrogatories must be answered as provided in Pa.R.C.P. 4006 and the Answers must be served on all other parties within thirty (30) days after the Interrogatories are deemed served.

These Interrogatories are deemed to be continuing as to require the filing of Supplemental Answers promptly in the event Plaintiff(s) or Plaintiff(s)' representatives (including counsel) learn additional facts not set forth in its original Answers or discover that information provided in the Answers is erroneous. Such Supplemental Answers may be filed from time to time, but not later than thirty (30) days after such further information is received, pursuant to Pa.R.C.P. 4007.4.

These Interrogatories are addressed to Plaintiff(s) as a party to this action; Plaintiff(s)' answers shall be based upon information known to Plaintiff(s) or in the possession, custody or control of Plaintiff(s), their attorney or other representative acting on their behalf whether in preparation for litigation or otherwise. These Interrogatories must be answered completely and specifically by Plaintiff(s) in writing and must be verified. The fact that investigation is continuing or that discovery is not complete shall not be used as an excuse for failure to answer each interrogatory as completely as possible. The omission of any name, fact, or other item of information from the Answers shall be deemed a representation that such name, fact, or other item was not known to Plaintiff(s), Plaintiff(s)' counsel, or other representatives at the time of service of the answers.

BACKGROUND

1. Please identify if you are an individual, corporation or partnership:

(a) If an individual:

(1) full name (maiden name, if applicable)

(2) alias(es)

(3) date of birth

(4) Social Security Number

(5) residence and business addresses at time of the alleged accident and currently.

(b) If a corporation:

(1) registered corporation name

(2) principal place of business

(3) registered address at the time of the alleged accident and currently.

(c) If a partnership:

(1) registered partnership name

(2) principal place of business

(3) registered address at the time of the alleged accident and currently

(4) the identities and residence addresses of each partner at the time of the alleged accident and currently.

2. If you are currently employed, were employed at the time of the alleged accident and/or employed for five (5) years before the accident date, state as to each time period:

(a) By whom;

(b) Your stated title or position and accompanying duties and responsibilities;

(c) The length of your employment;

(d) Number of hours worked per week and/or number of days worked per week;

(e) Hourly wage and/or salary as well as supplemental wages (e.g. bonuses, overtime, etc.).

3. Did you lose time from work as a result of the alleged accident? If so, state:

(a) The dates you lost from work as a result of the alleged accident;

(b) The date that you returned to work;

(c) The name and address of the employer where you returned to work;

(d) Any change in your title or position, duties and/or responsibilities;

(e) Any change in your wage, salary or supplemental wages.

4. Describe in detail any future lost wage claim and/or impairment of earning capacity you will have as a direct result of the alleged accident and the basis thereof.

5. Have you made a claim or filed a lawsuit for personal injury within the last ten (10) years? If so, state:

(a) Against whom the claim or lawsuit was made including the name and address of any insurance carrier and/or parties;

(b) The Commonwealth or State, County, Court, Term and Number of any lawsuits arising from that cause of action;

(c) The outcome of the claim/lawsuit.

6. Have you been convicted of or pleaded guilty or nolo contendere to any crime(s) in the past ten (10) years to any crime(s) involving dishonesty or false statements as provided in Pa.R.E. 609, or has last date of confinement for said crime(s) been within the past ten (10) years?

ACCIDENT INFORMATION

7. State the purpose of your presence at the location and time of the alleged accident.

8. State whether or not you were familiar with the location of the alleged accident and how often you traveled through same.

9. Did you make any complaints/reports or are you aware of any complaints/reports to anyone during the six

(6) months before the alleged accident, concerning the conditions of the location where the alleged accident occurred? If so, state:

- (a) When;
- (b) Who made the complaint/report;
- (c) Who was the complaint/report made to;
- (d) The reason for the complaint/report;
- (e) Any action(s) taken as a result of the complaint/report;
- (f) The name, address and job title of the person(s) who has custody, possession and/or control of such reports or complaints.

10. If you consumed any alcoholic beverage(s), medications (prescription and/or over-the-counter) or any illicit drugs, during the forty-eight (48) hours immediately preceding the alleged accident, state:

- (a) The nature, amount and type of item(s) consumed;
- (c) The period of time over which the item(s) was/were consumed;
- (c) The names and addresses of any and all persons who have any knowledge as to the consumption of the aforementioned items (e.g. witnesses, physicians, etc.).

11. At the time of the alleged accident, did you suffer from any deformity, disease, ailment, disability or abnormality that may have affected your ability to walk, run, see, hear or otherwise perceive and/or navigate the location of the accident? If so, identify the condition(s) and any treating physician for that condition(s).

12. State in detail the manner in which the alleged accident occurred.

13. With reference to the alleged accident upon which this lawsuit is based, state:

- (a) The exact place of the alleged accident, giving the address of the location and indicating the specific part of the location at which the accident took place;
- (b) Exact date and hour of the alleged accident;
- (c) The surface condition of the location with reference to any surface covering materials (including carpets, rugs, tiles, etc.), depressions, foreign substances, obstructions, or any allegedly dangerous or defective conditions in the area of the alleged accident;
- (d) If the alleged accident occurred outside, please state the weather conditions at the time and place of the accident and indicate whether the location was covered with snow, ice, rain (or water from any source), dirt, tar, concrete or other substance;
- (e) The lighting conditions at the place and time of the alleged accident, indicating the location of all sources of artificial light at the time and place of the alleged accident and whether each such light was operable and turned on;
- (f) Whether there were any handrails, banisters or similar safety devices at the location of the alleged accident and indicate the condition of such devices;
- (g) Whether the area of the alleged accident appeared to be under construction and whether there were any barricades, warning signs or construction tools/materials at the site of the accident;

(h) Whether the location where the alleged accident occurred was open to the general public and, if not, then indicate by what right (e.g. or with whose permission)

Plaintiff was at the location. If the location was not open to the general public then also indicate whether there were any signs or notices to that effect in the area.

14. If you contend that a defect caused or contributed to the alleged accident, describe the defect.

15. Were you aware of the alleged defect prior to the happening of the alleged accident?

16. At or shortly before the alleged accident, were you using any functions on your cell phone or on any portable handheld electronic device? If so, please provide your cell phone carrier name, cell phone number and account number or the provider name and account number for your handheld electronic device.

17. At the time of the alleged accident, please state:

- (a) What kind of footwear you were wearing (e.g. sandals, work-boots, thongs, tennis shoes, loafers, slippers, etc.) and indicate the height of the heel, and indicate whether the footwear is available for inspection by counsel;
- (b) Whether you were carrying anything;
- (c) Whether you were wearing prescription lenses.

18. Was there any investigation conducted? If so, describe by whom and state the results of the investigation.

19. Do you know of anyone who is in the possession, custody and/or control of any photographs, sketches, reproductions, charts, maps or diagrams of the scene of the accident, and if so, state:

- (a) The date(s) they were taken or made;
- (b) The name, title, residence and business address of the person(s) taking them and in the possession, custody and/or control of them;
- (c) The subject or object of the particular site or view of each of them.

20. State the name, home and business addresses of the following:

- (a) Those who actually witnessed the alleged accident;
- (b) Those who were present at or near the scene at the time of the alleged accident;
- (c) Those who have any knowledge or information as to any facts pertaining to the circumstances and/or manner of the happening of the alleged accident and/or the nature of the injuries sustained in the alleged accident;

(d) Are any of the people listed in the preceding answers to interrogatories relatives, agents, servants, employees, the spouse, and/or representatives of the Plaintiff(s)?

21. At any time after the alleged accident, did you have any conversation(s) with or make any statement(s) to any of the parties or witnesses, or did any of them make any statement(s) to you or in your presence? If so, state the substance of any such conversation(s) or statement(s) and identify in whose presence it/they occurred.

22. Do you claim that the Defendant(s) violated any ordinances, codes or laws? If so, state what rules or laws.

INJURY INFORMATION

23. Describe what, if any, injuries you sustained as a result of this alleged accident.

24. On the date of the alleged accident, did you have private health/medical insurance? If yes:

(a) Please identify the name of the private health/medical insurance carrier and provide a copy of the health/medical insurance card and/or identification number;

(b) Has your private health/medical insurance carrier made any payments related to the alleged accident?

(c) If bills have been denied, provide documentation of denials.

(d) If there is lien, state the amount and attach all documentation.

25. Have you received or are you currently receiving any medical benefits from Public Assistance/DPW? If yes:

(a) Please provide a copy of your benefit identification card(s) and/or identification number;

(b) Has Medicaid/DPW made any payments related to this alleged accident?

(c) Has Medicaid/DPW asserted any liens related to the alleged accident?

(d) If there is lien, state the amount and attach all documentation.

26. Have you received or are you currently receiving any benefits from Medicare? If yes:

(a) Please provide a copy of your Medicare Card and/or identification number;

(b) Has Medicare made any payments related to the alleged accident?

(c) Has Medicare asserted any liens related to the alleged accident?

(d) If there is lien, state the amount and attach all documentation.

27. Have you ever applied for, received and/or are you currently receiving Social Security Disability Benefits? If yes, state:

(a) The reason for disability;

(b) The identity of the physician(s) who completed the benefits application(s);

(c) The dates of disability.

28. Have you applied for, received and/or are you currently receiving disability benefits from any other source? If yes, state:

(a) The reason for disability;

(b) The identity of the physician(s) who completed the benefits application(s);

(c) The dates of disability.

29. Have you applied for, received and/or are you currently receiving workers' compensation benefits? If yes, state:

(a) The type of injury;

(b) The identity of the treating physician(s);

(c) Length of the injury;

(d) Time lost from work as a result of the injury;

(e) If there is lien, state the amount and attach all documentation.

30. Identify the name of all of your family physician(s)/primary care physician(s) during the last ten (10) years.

31. Describe in detail all economic damages and/or losses you sustained as a direct result of the alleged accident.

32. Describe in detail all injuries and non-economic damages or losses you sustained, including their nature, extent and duration.

33. State:

(a) The identity, by name and address, of each hospital or university medical center where you were examined and/or treated and whether you were admitted;

(b) The identity of any person(s) who examined, evaluated or treated you, noting their name, address and specialty;

(c) The identity, by name and address of any diagnostic test center that provided services and what test were performed;

(d) The date(s) of all examination(s), evaluation(s), treatment(s) and/or confinement(s) by healthcare professionals and their corresponding charges;

(e) Identify any healthcare professional(s) you are currently consulting and/or treating with for any of the injuries and/or damages you sustained as a direct result of the alleged accident and what symptoms you still allegedly suffer from.

34. Did the alleged accident aggravate a pre-existing condition(s)? If so, state:

(a) The nature and extent of such pre-existing condition;

(b) The date upon which you believe you recovered from symptomatology of the pre-existing condition(s), prior to the accident date;

(c) The name and address of the healthcare professional(s) who treated you for the pre-existing condition(s); and

(d) The date of and circumstances causing you to incur the pre-existing condition(s).

35. If you have fully recovered from the injuries you allege to have sustained in the present accident, state the approximate date you fully recovered.

36. If you have not fully recovered from your injuries, then describe any pain, ailment, complaint, injury or disability that you allege you still suffer from as a direct result of the alleged accident.

37. Did you sustain any injuries or suffer from any disease, deformity, or impairment, before or after the alleged accident, which in any way affected those parts of your body claimed to have been injured as a result of this alleged accident? If so, state:

(a) The nature and extent of any such injury, disease, deformity or impairment;

(b) The date of the occurrence or diagnosis of such injury, disease, deformity or impairment;

(c) The names and address(es) of the healthcare professional(s) you have consulted with and/or treated with and the corresponding dates thereof, for such injury, disease, deformity or impairment.

38. If you have engaged, or expect to engage, healthcare professionals and/or other expert witnesses (e.g. damages or liability), whom you intend to have testify at trial on your behalf on any matter pertaining to this action, state:

(a) The name of the expert;

(b) The expert's professional address;

(c) The expert's occupation;

(d) The expert's specialty;

- (e) The expert's qualifications (e.g. Curriculum Vitae);
- (f) The topic or subject matter upon which the expert is expected to testify;
- (g) The substance of the facts to which the expert is expected to testify;
- (h) The substance of the opinion to which the expert is expected to testify;
- (i) A summary of the grounds or foundation for each opinion the expert is expected to testify.

MISCELLANEOUS

39. From the time of the accident to the present have you had or do you have any social media accounts such as Facebook, Instagram, Twitter, etc? If so, identify all such social media accounts.

40. If this case involves a claim for loss of consortium, please describe the basis of that claim and any damages.

41. State the name and address of the person answering these Interrogatories and his/her relationship to the Plaintiff.

Esquire
Attorney ID#:

I _____, subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and/or Requests for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

Signature

[Pa.B. Doc. No. 15-89. Filed for public inspection January 16, 2015, 9:00 a.m.]

PHILADELPHIA COUNTY

Philadelphia Real Estate Liens Filed Pursuant to the Municipal Claim and Tax Lien Act, 53 P. S. §§ 7101—7505; Administrative Order No. 2 of 2014

Order

And Now, this 19th day of December, 2014, it is hereby *Ordered and Decreed* as follows:

(1) effective January 1, 2015 and thereafter, the City of Philadelphia may electronically file and the Office of Judicial Records (formerly the "Prothonotary") shall receive, City of Philadelphia Real Estate Tax Liens which shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(2) effective January 1, 2015 the Office of Judicial Records shall assess and collect the filing fee required by its fee bill, 42 Pa.C.S. § 1725, as itemized in the Fee Schedule of the Office of Judicial Records which is available on the website of the First Judicial District at www.courts.phila.gov/pdf/prothyfees.pdf (see "Filing of a Lien as a First Filing"). Provided, however, that the filing fee may be added by the City of Philadelphia to the amount owed by the owner(s) of the real estate, shall be collected by the City of Philadelphia, and shall be paid to

the Office of Judicial Records by the City of Philadelphia within ninety (90) days of the date the lien is marked satisfied.

It is further *Ordered and Decreed* that:

(a) the Office of Judicial Records shall migrate, as soon as practicable, all existing and unsatisfied Real Estate Tax Liens filed pursuant to the Municipal Claim and Tax Liens Act ("MCTLA"), 53 P. S. §§ 7101—7505, to the Banner case management system, and such liens shall be indexed and searchable through the dockets maintained by the Office of Judicial Records and the First Judicial District of Pennsylvania; and

(b) the Office of Judicial Records shall continue to maintain an in rem index, the form and location of which shall be within the discretion of the Office of Judicial Records.

This Order is issued in accordance with the Municipal Claim and Tax Liens Act ("MCTLA"), Act of May 16, 1923, P. L. 207, 53 P. S. §§ 7101—7505. This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original order shall be filed with the Office of Judicial Records in a Docket maintained for Administrative orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the order shall be submitted to the Administrative Office of Pennsylvania Courts, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

By the Court

HONORABLE KEVIN M. DOUGHERTY,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 15-90. Filed for public inspection January 16, 2015, 9:00 a.m.]

SUPREME COURT

Extension of Pilot Program for Electronic Filing and Service of Motions and Other Legal Papers in the First Judicial District Court of Common Pleas, Trial Division—Criminal Section and the Philadelphia Municipal Court—Criminal Section; No. 460 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 2nd day of January, 2015, *It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the pilot program for electronic filing in the First Judicial District Court of Common Pleas, Trial Division—Criminal Section and the Philadelphia Municipal Court—Criminal Section, as authorized by Order No. 424, Criminal Procedural Rules Docket (February 6, 2013) and its accompanying local rule, and Order No. 449, Criminal Procedural Rules Docket (March 28, 2014), shall be extended for a period of one year, from April 1, 2015—April 1, 2016.

During the pilot program, the provisions of the local rule shall control to the extent that the local rule's provisions conflict with the Pennsylvania Rules of Criminal Procedure, the Electronic Case Record Public Access Policy and the Records Retention and Disposition Schedule With Guidelines.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

[Pa.B. Doc. No. 15-91. Filed for public inspection January 16, 2015, 9:00 a.m.]
