

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 9 ]

#### Proposed Amendment of Pa.R.A.P. 904 and 907

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 904 governing the content of the notice of appeal and Pa.R.A.P. 907 governing the docketing of appeals for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They will neither constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Karla M. Shultz, Counsel  
Appellate Court Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
FAX: 717-231-9551  
appellaterules@pacourts.us

All communications in reference to the proposal should be received by August 30, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Appellate Court  
Procedural Rules Committee*

PATRICIA A. McCULLOUGH,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 904. Content of the Notice of Appeal.

(a) *Form.*—Except as otherwise prescribed by this rule, the notice of appeal shall be in substantially the following form:

COURT OF COMMON PLEAS  
OF \_\_\_\_\_ COUNTY

[ A.B. ] **Party A's full name**, Plaintiff :

v.

[ C.D. ] **Party B's full name**, Defendant :

Docket or File No. \_\_\_\_\_

Offense Tracking Number \_\_\_\_\_

#### NOTICE OF APPEAL

Notice is hereby given that [ C.D. ], defendant above named, hereby appeals to the (Supreme) (Superior) (Commonwealth) Court of Pennsylvania from the order entered in this matter on the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ . This order has been entered in the docket as evidenced by the attached copy of the docket entry.

(S) \_\_\_\_\_

(Address and telephone number)

(b) *Caption.*

(1) **General rule.**—The parties shall be stated in the caption as they [ **stood upon** ] **appeared on** the record of the trial court at the time the appeal was taken.

(2) **Appeal of custody action.**—**In an appeal of a custody action, an appellate court may exercise its discretion to use the initials of the parties in the caption based upon the sensitive nature of the facts included in the case record and the best interest of the child.**

(c) *Request for transcript.*—The request for transcript contemplated by Pa.R.A.P. 1911 or a statement signed by counsel that either there is no verbatim record of the proceedings or the complete transcript has been lodged of record shall accompany the notice of appeal, but the absence of or defect in the request for transcript shall not affect the validity of the appeal.

(d) *Docket entry.*—The notice of appeal shall include a statement that the order appealed from has been entered on the docket. A copy of the docket entry showing the entry of the order appealed from shall be attached to the notice of appeal.

(e) *Content in criminal cases.*—When the Commonwealth takes an appeal pursuant to Pa.R.A.P. 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

(f) *Content in children's fast track appeals.*—In a children's fast track appeal, the notice of appeal shall include a statement advising the appellate court that the appeal is a children's fast track appeal.

**Official Note:** The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101, *et seq.*

The notice of appeal must include a statement that the order appealed from has been entered on the docket. The

appellant does not need to certify that the order has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

**Paragraph (b)(2) provides the authority to initialize captions in custody appeals. See also Pa.R.C.P. 1915.10.**

With respect to paragraph (e), in *Commonwealth v. Dugger*, 486 A.2d 382, 386 (Pa. 1985), the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. The principle in *Dugger* has been incorporated in and superseded by Pa.R.A.P. 311(d). *Commonwealth v. Dixon*, 907 A.2d 468, 471 n.8 (Pa. 2006). Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, has been eliminated.

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. See also Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

#### **Rule 907. Docketing of Appeal.**

(a) *Docketing of appeal.*—Upon the receipt of the papers specified in [ **Rule** ] **Pa.R.A.P.** 905(b) (transmission to appellate court), the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the [ **lower** ] **trial** court, to the appellant and to the persons named in the proof of service accompanying the notice of appeal. [ **An appeal shall be docketed under the caption given to the matter in the lower court, with the appellant identified as such, but if such caption does not contain the name of the appellant, his name, identified as appellant, shall be added to the caption in the appellate court.** ] **Unless an appellate court exercises its discretion to use the initials of the parties in an appeal of a custody action, the prothonotary of the appellate court shall docket an appeal under the caption given to the matter in the trial court. The appellant shall be identified in the caption. If the appellant is not identified in the caption of the trial court, the appellant's name shall be added to the caption in the appellate court.**

(b) *Entry of appearance.*—Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record as counsel for the appellant the name of counsel, if any, set forth in or endorsed upon the notice of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary of the appellate court shall upon *praecipe* of any such counsel for other parties, filed within 30 days after filing of the notice of appeal, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

**Official Note: Paragraph (a).**—The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assign-

ment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of Subdivision (a) of this rule.

**In appeals of custody actions, the appellate court may make a determination that using the parties' initials in the caption is appropriate based on the sensitive nature of the facts included in the case record and the child's best interest. See Pa.R.A.P. 904(b)(2).**

**Paragraph (b).**—With regard to [ **subdivision (b) and** ] withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; *In Forma Pauperis*).

With respect to appearances by new counsel following the initial docketing appearances [ **pursuant to Subdivision (b) of this rule** ], please note the requirements of [ **Rule** ] **Pa.R.A.P.** 120.

#### **EXPLANATORY COMMENT**

The Appellate Court Procedural Rules Committee is proposing amendment of Pa.R.A.P. 904 governing the content of the notice of appeal and Pa.R.A.P. 907 governing the docketing of appeals to require the parties' names in the caption of custody appeals as they appear on the custody court docket, unless the appellate court determines that, based on the sensitive nature of the facts in the case and the best interest of the child, the initials for the parties' names should be used.

Currently, the Pennsylvania Rules of Appellate Procedure do not require initialization of the parties' names when a custody case is appealed. Rather, Pa.R.A.P. 904(b) requires that when an appeal is taken, the caption should reflect the parties as they appeared in the caption on the record at the trial court. The practice at the trial court does not typically result in the initialization of the parties' names in custody actions. However on appeal, initialization of the parties' names is required by Superior Court Internal Operating Procedure § 424A. It provides:

No circulation or orders of the court, including per curiam decisions, unpublished memoranda, judgment orders and published opinions, shall include the identification of. . . minors subject to or involved in. . . custody. . . proceedings. If information pertaining to other individuals, such as the parents or guardians of the minor, would readily reveal the above-prohibited information, that information shall be redacted. [The court] shall retain the discretion to redact or otherwise protect the privacy interests of any litigants involved. . . .

The result is that the parties' names in the captions of custody appeal are initialized even if no such initialization was done in the trial court caption. Generally, the use of initials of the parties' names in captions is intended to protect the minor child subject to the custody action from identification through the parties' names and embarrassment resulting from sensitive facts being contained in the case record. However, the practice of categorically initializing all custody captions, regardless of the facts contain within the case record, has resulted in an "alphabet soup" of case captions in which differentiating between custody cases has become difficult.

A joint subcommittee of members from the Appellate Court Procedural Rules Committee and the Domestic Relations Procedural Rules Committee, together with

representatives of the Superior Court, was formed to evaluate the continuation of this practice. The joint subcommittee recommended that initialization of the parties' names in custody actions is only necessary when the facts in the case record are of a sensitive nature and it is in the child's best interest to circumscribe ascertainment of the child's identity through the parties' names.

To effect the recommendation of the joint subcommittee, the Domestic Relations Procedural Rules Committee is proposing amendments to the Pennsylvania Rules of Civil Procedure that would require the use of the parties' names in the trial court caption unless the case record contains sensitive facts and it is in the best interest of the child to initial the parties' names. The Appellate Court Procedural Rules Committee is proposing an analogue to address captions in custody appeals. Both proposals are being published contemporaneously for comment.

As proposed, paragraph (b)(1) of Pa.R.A.P. 904 would require the parties' names to be initialized in the appeal court caption if they were initialized at the trial court level. If the parties' names were not initialized at the trial court level, paragraph (b)(2) of Pa.R.A.P. 904 provides the appellate court discretion to use the parties' initials in the caption for custody appeals based on the sensitive nature of the facts included in the case record and the best interest of the child. Pa.R.A.P. 907(a) contains a proposed corollary amendment.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this rule-making proposal.

[Pa.B. Doc. No. 19-813. Filed for public inspection May 31, 2019, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CHS. 1915 AND 1930 ]

#### Proposed Amendment of Pa.R.C.P. Nos. 1915.10 and 1930.1

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania amendments to Pa.R.C.P. Nos. 1915.10 and 1930.1 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Bruce J. Ferguson, Counsel  
Domestic Relations Procedural Rules Committee  
Supreme Court of Pennsylvania  
Pennsylvania Judicial Center  
PO Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717-231-9531  
domesticrules@pacourts.us

All communications in reference to the proposal should be received by August 30, 2019. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations  
Procedural Rules Committee*

WALTER J. McHUGH, Esq.,  
*Chair*

### Annex A

## TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

#### Rule 1915.10. Decision. Order

\* \* \* \* \*

(b) [ **The terms of the order shall be sufficiently specific to enforce the order. The court's decision shall include safety provisions designed to protect an endangered party or a child in any case in which the court has found that either is at risk of harm. ] **The court shall enter a custody order as a separate written order or in a separate section of a written opinion.****

**(1) The court's order shall state sufficiently specific terms to enforce the order.**

**(2) If the court has made a finding that a party or child is at risk of harm, the court's order shall include safety provisions for the endangered party's or child's protection.**

**(3) The court may order that the case caption use the parties' initials rather than the parties' names based on the sensitive nature of the facts in the case record and the child's best interest.**

**Official Note: See Pa.R.C.P. No. 1930.1(a).**

**(4) When drafting a written opinion or order in an action having the parties' initials in the case caption, the court shall:**

**(i) avoid using specific identifiers for people, places, or things that may indirectly reveal the child's identity; and**

**(ii) use generalized identifiers when describing a child's school, activities, affiliated organizations, or other similar terms.**

(c) Any custody order shall include notice of a party's obligations pursuant to 23 Pa.C.S. § 5337 dealing with a party's intention to relocate with a minor child.

(d) No motion for post-trial relief may be filed to an order of legal or physical custody.

\* \* \* \* \*

Explanatory Comment—2019

Subdivision (b)(3) allows the court discretion to initialize a custody action’s case caption when the child’s privacy may be compromised by the sensitive nature in the case record. When the court determines that the case caption should be initialized, additional privacy safeguards are required under subdivision (b)(4).

Subdivision (b)(4) recognizes that inadvertent disclosure of the child’s identify and privacy may occur if the written custody order or opinion provides specific details of the child’s life (i.e., school, extracurricular activities). Subdivision (b)(4) requires that the court refrain from using specific identifiers; and instead, the court should use general terms (i.e., high school not John F. Kennedy High School). In circumstances in which name

[ A. Litigant ] Party A’s full name, )  
 )  
 Plaintiff )  
 vs. )  
 )  
 [ B. Litigant ] Party B’s full name, )  
 )  
 Defendant )

(Title of Pleading)

[ *Official Note:* As domestic relations matters are no longer quasi-criminal, the phrase “Commonwealth ex rel.” shall not be used in the caption of any domestic relations matter. ]

(2) In a custody action, the court may order that the case caption contain the parties’ initials rather than the parties’ names based on the sensitive nature of the facts in the case record and the child’s best interest.

Official Note: See Pa.R.C.P. No. 1915.10(b)(3).

\* \* \* \* \*

Explanatory Comment—2019

Subdivision (a)(1) requires that the parties’ full names are used in domestic relations case captions unless the court in a custody action determines it necessary to protect the child’s identity by initializing the case caption based on sensitive facts in the case and the child’s best interest. Generally, a child custody case does not include sensitive information or egregious facts that would cause embarrassment to a child and necessitate exceptional privacy measures; however, in the unusual circumstance that a custody action has egregious facts that may cause an issue for a child, the trial court would have the discretion to initialize the captions in order to maintain the child’s privacy interests.

Subdivision (a)(2) provides the exception to the general rule in subdivision (a)(1) for those custody actions in which the court deems that the child could be adversely affected by the sensitive nature of the facts in the record. In custody cases in which the trial court determines the child’s best interest requires an initialized caption, Pa.R.C.P. No. 1915-10(b)(4) requires that additional privacy safeguards are in the written custody order or opinion entered by the court.

specificity is required, such as school choice, the court should consider a separate order for that issue.

**CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY**

**Rule 1930.1. Form of Caption. Confidential Information and Confidential Documents. Certification.**

(a) *Form of Caption.*

(1) Except as set forth in subdivision (2), the caption in domestic relations matters shall include the parties’ full names. The form of the caption [ in all domestic relations matters ] shall be substantially in the following form:

In the Court of Common Pleas of \_\_\_\_\_ County, Pennsylvania.

No. (Docket number)

The rule’s requirement that case captions use the parties’ full names does not alter a party’s or an attorney’s responsibilities under the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania and subdivision (b).

**PUBLICATION REPORT**

**Rule Proposal 168**

The Domestic Relations Procedural Rules Committee (Committee) is proposing amendments to Pa.R.C.P. Nos. 1915.10 and 1930.1 as those rules relate to the identification of parties and children in custody case captions and in written court opinions and orders. The Committee, the Appellate Court Procedural Rules Committee, and several Superior Court judges formed a joint subcommittee to evaluate whether the practice of initializing the parties’ names in custody actions should continue.

Currently, the Pennsylvania Rules of Civil Procedure are silent on the use of parties’ names or initials in case captions; however, custody cases on appeal have the case caption converted to the parties’ initials by operation of the Superior Court’s Internal Operating Procedures. This practice has been in place over a decade and has been an issue for many judges and attorneys. Often referenced by the nickname “alphabet soup,” initialed case captions have made any discussion of custody case law precedent difficult. This alphabet soup has been a discussion topic at many continuing legal education courses and family-law bar association meetings.

In conjunction with a companion rule proposal from the Appellate Court Procedural Rules Committee, also published for public comment, the proposed amendment to Pa.R.C.P. No. 1930.1 would require the parties’ full names in custody case captions, including appealed custody cases as provided in the Appellate Court Procedural Rules Committee’s proposal, unless the trial court or appellate court determines it necessary to protect the child’s identity by initializing the case caption based on sensitive

facts in the case and the child's best interest. Generally, a child custody case does not include sensitive information or egregious facts that would cause embarrassment to a child and necessitate exceptional privacy measures; however, if in the unusual circumstance that a custody action has egregious facts that may cause an issue for a child, the trial court and appellate court would have the discretion to initialize the captions in order to maintain the child's privacy interests.

The Committee is also proposing an amendment to Pa.R.C.P. No. 1915.10. In addition to restructuring the rule text, the proposed amendment provides authority for the trial court to initialize the parties' names in a case caption based on the sensitive facts in the case and the child's best interest. Moreover, the amendment proposes that in an initialed case captions case, when writing its opinion or order, the court should avoid identification of the child's school or activities by use of specific references to the people, places, and things associated in the child's life. The rule proposal cautions the court from using specific terms that could inadvertently contextually identify a child; instead, the rule proposal states that the court should use general terms when describing a child's school, organizations, or other similar activities to reduce the likelihood of contextual identification of the child.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 19-814. Filed for public inspection May 31, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### C.C.R.P. No. 1915.11-1 Parenting Coordination; 96-1335

##### Administrative Order

*And Now*, this 30th day of April 2019, the Cumberland County Court of Common Pleas in compliance with Pennsylvania Rules of Civil Procedure adopts, incorporates, and implements the parenting coordination program as more fully set forth in Pa.R.C.P. 1915.11-1 under the following terms:

1. The Court Administrator shall maintain a current roster of qualified individuals willing to serve as parenting coordinators upon court appointment pursuant to Pa.R.C.P. 1915.11-1.

2. Parenting coordinators shall be compensated according to the tiered rate schedule established under subdivision (c) of this local rule based on years of experience.

3. The parenting coordinator shall attempt to resolve issues arising out of the custody order by facilitating an agreement between the parents and, if unable to reach an agreement, where necessary recommend a resolution to the court.

4. For simplification purposes, the general term "parent" is used to describe any party to a custody case, which includes the universe of people who act in a parental capacity in a custody proceeding.

(a) *Appointment of a Parenting Coordinator.*

(1) If the parents cannot agree on a parenting coordinator, the court may select one, upon a motion to

designate, wherein the requesting parent will identify their choice(s) of parenting coordinator along with hourly rates and allocation of fees. The non-requesting parent will be noticed to respond to the request with their choice(s) and required information. Thereafter, the court may designate a parenting coordinator without a hearing.

(b) *Scope of Authority of the Parenting Coordinator.*

(1) Unless the parents' consent in writing, the parenting coordinator shall not contact collateral sources or speak with the child(ren) and to effectuate this provision, the parents shall execute releases, as necessary, authorizing the parenting coordinator to communicate with the appropriate individuals. Any communication with the collateral sources or child(ren) shall be limited to the issue(s) currently before the parenting coordinator.

(c) *Fees.* The base hourly rate for a parenting coordinator meeting the minimum qualifications set forth in subdivision (b) shall be \$150.00 per hour, and a parenting coordinator with 10 plus years of family law experience shall be at \$250.00 per hour.

(1) *Waiver of fees or reduced fees.* Upon written request of a parent, which may be filed using the Unified Judicial System of Pennsylvania form designated a Motion to Proceed In Forma Pauperis, CPCMS 2046, the court shall engage in a need-based assessment of a parent's ability to pay, so that indigent or low-income parents may participate in the parenting coordination program at a reduced fee or, as appropriate, no fee.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 19-815. Filed for public inspection May 31, 2019, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CUMBERLAND COUNTY

#### Guardianship Tracking System; 96-1335

##### Administrative Order

*And Now*, this 5th day of April 2019, the Cumberland County Court of Common Pleas in compliance with the Guardianship Tracking System established by 201 Pa. Code Rule 510; 201 PA ADC Rule 510, and Pa. O.C. Rule 14.8, the Court hereby appoints the Clerk of the Orphans' Court of Cumberland County as designee with the authority to fulfill the requirements set forth in Pennsylvania Orphans' Court Rule 14.8(d), (e), and (f).

The Clerk of the Orphans' Court shall monitor and review all guardianship reports in a manner that is consistent with the best practices as established by the Administrative Office of Pennsylvania Courts. Further, if the Clerk of the Orphans' Court determines that the requirements for filing are not met, the Clerk may take any action as permitted by law, including, but not limited to, returning the submission for correction. See 201 PA ADC Rule 510(6).

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 19-816. Filed for public inspection May 31, 2019, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CUMBERLAND COUNTY**

**Local Rule 1018.1-1; Civil Action—Law; 96-1335**

**Order of Court**

*And Now*, this 13th day of May, 2019, local rule 1018.1-1 is amended to authorize the officer designated in the Notice to Defend, the Cumberland County Bar Association, to direct all persons seeking legal help to the following officer:

Cumberland County Bar Association’s Find A Lawyer  
32 South Bedford Street  
Carlisle, PA 17013

Phone: 717-249-3166 Ext. 105

www.cumberlandbar.com/Programs-Services/Find-a-Lawyer

*This Order* shall continue in effect until further Order of this Court.

*By the Court*

EDWARD E. GUIDO,  
*President Judge*

[Pa.B. Doc. No. 19-817. Filed for public inspection May 31, 2019, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**MONTGOMERY COUNTY**

**Amendment to Local Rule of Civil Procedure 14—  
Land Use Appeals: Zoning, Subdivision and  
Land Development; No. 2019-00001**

**Order**

*And Now*, this 14th day of May, 2019, the Court hereby amends Montgomery County Local Rule of Civil Procedure 14—Land Use Appeals: Zoning, Subdivision and Land Development. These Rule changes shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court’s website and incorporated into the complete set of the Court’s Local Rules.

*By the Court*

THOMAS M. DeRICCI,  
*President Judge*

**Rule 14. Land Use Appeals: Zoning, Subdivision and Land Development.**

- a. \*\*\*
  - (i) \*\*\*
  - (ii) \*\*\*

- b. \*\*\*
  - (i) \*\*\*
  - (ii) \*\*\*
- c. \*\*\*
  - (i) \*\*\*
  - (ii) \*\*\*
  - (iii) \*\*\*
  - (iv) \*\*\*
  - (v) \*\*\*
  - (vi) \*\*\*
- d. \*\*\*
- e. \*\*\*
- f. \*\*\*
- g. \*\*\*
- h. \*\*\*
- i. *Land Use Appeals Settlement Stipulation Verification.* Any Settlement of a Land Use Appeal shall include a Land Use Appeal Settlement Stipulation Verification.

[ See Forms Index ]

**LAND USE APPEAL  
SETTLEMENT STIPULATION VERIFICATION**

We, the undersigned, are competent and authorized to execute this Verification, as required by Local Rule of Civil Procedure 14(i), verifying the following:

1. The attached settlement stipulation involves a justiciable land use appeal, which (a) arises from a properly advertised public meeting or hearing where a record certified in accordance with Local Rule of Civil Procedure 14(c)(iii) was made before the associated municipal agency, and the public and potential objectors had an opportunity to participate in accord with the Pennsylvania Municipalities Planning Code and Sunshine Law, as amended respectively; and as such (b) confers jurisdiction on this Court in accord with the Pennsylvania Municipalities Planning Code or other lawful land use action such as mandamus;
2. The attached settlement stipulation does not involve any property that was not part of the underlying application or action before the associated municipal agency;
3. The attached settlement stipulation does not approve or grant relief from any ordinance regulation not properly before the associated municipal agency as part of the underlying application or action;
4. The attached settlement stipulation does not provide for this Court’s continuing jurisdiction and expressly states that upon this Court’s approval of the settlement stipulation, any and all underlying appeals shall be immediately marked “settled, discontinued and ended” by the Prothonotary; and
5. The attached settlement stipulation does not arise from a matter commenced by and immediately following the filing of a writ of summons praecipe under Pa.R.C.P. 1007(1), where no complaint is filed of record expressly identifying the underlying action as one involving a justiciable land use appeal.

In making this Verification, we the undersigned, understand that (1) any settlement stipulation lacking the above settlement criteria shall render the settlement null and void in its entirety, upon the proper motion and

determination by this Court; and (2) any falsifications herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

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

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

Signed by Parties or  
Counsel Authorized by Parties

[Pa.B. Doc. No. 19-818. Filed for public inspection May 31, 2019, 9:00 a.m.]

\_\_\_\_\_

## Title 255—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Amendment of Local Rule of Civil Procedure 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions; No. 2019-00001

##### Order

And Now, this 15th day of May, 2019, the Court hereby amends Montgomery County Local Rule of Civil Procedure 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions. This Rule shall become effective on July 1, 2019.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge

of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,  
*President Judge*

#### Rule of Civil Procedure 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions.

(1) \*\*\*

(2) *Listing*. Excepting motions for sanctions or contempt of a prior court order, the Court Administrator shall fix promptly a return day which shall not be less than **twenty (20) days** from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the motion and rule return date were served upon all parties, in substantially the following form.

(3) \*\*\*

(4) \*\*\*

(5) \*\*\*

(6) \*\*\*

(7) \*\*\*

##### Comments:

1. \*\*\*

2. \*\*\*

3. \*\*\*

4. \*\*\*

5. \*\*\*

[Pa.B. Doc. No. 19-819. Filed for public inspection May 31, 2019, 9:00 a.m.]

\_\_\_\_\_