

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

#### [ 210 PA. CODE CH. 3 ]

#### Proposed Amendment of Pa.R.A.P. 302

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of the Official Note to Pa.R.A.P. 302 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 February 18, 2020. 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 I. PRELIMINARY PROVISIONS

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### IN GENERAL

#### Rule 302. Requisites for Reviewable Issue.

(a) *General rule.*—Issues not raised in the [ **lower** ] **trial** court are waived and cannot be raised for the first time on appeal.

(b) *Charge to jury.*—A general exception to the charge to the jury will not preserve an issue for appeal. Specific exception shall be taken to the language or omission complained of.

*Official Note:* [ This rule sets forth a frequently overlooked requirement. See, e.g. *Commonwealth v. Piper*, 458 Pa. 307, 328 A.2d 845 (1974), as to Subdivision (a). See, e.g. *Dilliaine v. Lehigh Valley Trust Co.*, 457 Pa. 255, 322 A.2d 114 (1974); *Commonwealth v. Light*, 458 Pa. 328, 326 A.2d 288 (1974) as to Subdivision (b). Rule 2117(c) (statement of place of raising or preservation of issues) and Rule 2119(e) (statement of place of raising or preservation of issues) require that the brief expressly set forth in both the statement of the case and in the argument reference to the place in the record where the issue presented for decision on appeal has been raised or preserved below.

See Rule 1551 (Scope of Review) as to requisites for reviewable issue on petition for review. ]

*Paragraph (a)*—See *Commonwealth v. Piper*, 328 A.2d 845, 847 (Pa. 1974) (“[I]ssues not raised in the court below are waived and cannot be raised for the first time on appeal. . .”).

*Paragraph (b)*—In *Jones v. Ott*, 191 A.3d 782, 791 n.13 (Pa. 2018), the Supreme Court held that “in order to preserve a jury-charge challenge under Pa.R.C.P. 227.1 by filing proposed points for charge with the prothonotary, a party must make requested points for charge part of the record pursuant to Pa.R.C.P. 226(a), obtain an explicit trial court ruling upon the challenged instruction, and raise the issue in a post-trial motion. See Pa.R.A.P. 302(a); Pa.R.C.P. 226(a), 227, 227.1.” See also, e.g., *Commonwealth v. Light*, 326 A.2d 288 (Pa. 1974) (failure to take a specific exception to the language complained of in a jury charge forecloses review by the appellate court); *Dilliaine v. Lehigh Valley Trust Co.*, 322 A.2d 114 (Pa. 1974) (specific exception to trial court’s jury instruction must be made in order to preserve a point for appellate review). Failure to follow this procedure may result in waiver of this issue.

*Cross references*—Pa.R.A.P. 2117(c) (statement of place of raising or preservation of issues) and Pa.R.A.P. 2119(e) (statement of place of raising or preservation of issues) require that the brief, in both the statement of the case and in the argument, expressly refer to the place in the record where the issue presented for decision on appeal has been raised or preserved below. See Pa.R.A.P. 1551 (scope of review) as to requisites for reviewable issues on petition for review.

#### EXPLANATORY COMMENT

In *Jones v. Ott*, 191 A.3d 782 (Pa. 2018), the Court considered the method of preserving a challenge to a jury instruction. A majority of the Court determined that:

in order to preserve a jury-charge challenge under Pa.R.C.P. 227.1 by filing proposed points for charge with the prothonotary, a party must make requested points for charge part of the record pursuant to Pa.R.C.P. 226(a), obtain an explicit trial court ruling upon the challenged instruction, and raise the issue in a post-trial motion. See Pa.R.A.P. 302(a); Pa.R.C.P. 226(a), 227, 227.1.

*Id.* at 791 n.13.

Pa.R.A.P. 302(b) presently requires a specific exception to be taken to the jury charge in order to preserve an

issue for appeal. *Jones* sets forth the manner in which the exception is perfected. Therefore, to inform readers of the method of preserving an objection to a jury charge for purposes of appeal, the Appellate Court Procedural Rules Committee proposes amendment of the Official Note to Pa.R.A.P. 302 to include a citation to *Jones* and set forth how to take specific exception. It should be noted that “jury charge” and a “jury instruction” are synonymous.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 20-62. Filed for public inspection January 17, 2020, 9:00 a.m.]

**Title 210—APPELLATE  
PROCEDURE**

**PART I. RULES OF APPELLATE PROCEDURE**

**[ 210 PA. CODE CH. 19 ]**

**Proposed Amendment of Pa.R.A.P. 1925**

The Appellate Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the amendment of Pa.R.A.P. 1925 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 February 18, 2020. 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 19. PREPARATION AND  
TRANSMISSION OF RECORD AND RELATED  
MATTERS**

**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1925. Opinion in Support of Order.**

\* \* \* \* \*

*(c) Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed and/or served or timely filed and/or served.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing *nunc pro tunc* of a Statement or for amendment or supplementation of a timely filed and served Statement and for a concurrent supplemental opinion. If an appellant has a statutory or rule-based right to counsel, good cause shown includes a failure by counsel to file a Statement timely or at all.

(3) If an appellant represented by counsel in a criminal case was ordered to file a Statement and failed to do so or filed an untimely Statement, such that the appellate court is convinced that counsel has been *per se* ineffective, and the trial court did not file an opinion, the appellate court may remand for appointment of new counsel, the filing of a Statement *nunc pro tunc*, and the preparation and filing of an opinion by the judge.

**(4) [ In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an *Anders/Santiago* brief in lieu of filing a Statement. If, upon review of the *Anders/Santiago* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace appellant’s counsel. ]**

**If an appellant has a right to counsel and counsel intends to seek to withdraw, counsel shall file of record and serve on the judge a statement of intent to withdraw in lieu of filing a Statement. If the appellate court believes there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court shall remand for the filing of a Statement, a supplemental opinion pursuant to Pa.R.A.P. 1925(a), or both. Upon remand, the trial court may, but is not required to, replace an appellant’s counsel.**

\* \* \* \* \*

**Official Note:**

\* \* \* \* \*

Subparagraph (c)(1): This subparagraph applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed and/or served or timely filed and/or served.

Subparagraph (c)(2): This subparagraph allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. *See also* 42 Pa.C.S. § 706. In 2019, the rule was amended to clarify that for those civil appellants who have a statutory or [ **rules-based** ] **rule-based** right to counsel (such as appellants in post-conviction relief, juvenile, parental termination, or civil commitment proceedings) good cause includes a failure of counsel to file a Statement or a timely Statement.

Subparagraph (c)(3): This subparagraph allows an appellate court to remand in criminal cases only when an appellant, who is represented by counsel, has completely failed to respond to an order to file a Statement or has failed to do so timely. It is thus narrower than subparagraph (c)(2). *See, e.g., Commonwealth v. Burton*, 973 A.2d 428, 431 (Pa. Super. 2009); *Commonwealth v. Halley*, 870 A.2d 795, 801 (Pa. 2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). *Per se* ineffectiveness applies in all circumstances in which an appeal is completely foreclosed by counsel's actions, but not in circumstances in which the actions narrow or serve to foreclose the appeal in part. *Commonwealth v. Rosado*, 150 A.3d 425, 433-35 (Pa. 2016). *Pro se* appellants are excluded from this exception to the waiver doctrine as set forth in *Commonwealth v. Lord*, 719 A.2d 306 (Pa. 1998).

Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and *per se*, the court in *West* recognized that the more effective way to resolve such *per se* ineffectiveness is to remand for the filing of a Statement and opinion. *See West*, 883 A.2d at 657; *see also Burton* (late filing of Statement is *per se* ineffective assistance of counsel). The procedure set forth in *West* is codified in subparagraph (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify *per se* ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate *per se* ineffectiveness is entitled to a remand. Accordingly, this subparagraph does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner's conviction.)

Subparagraph (c)(4): [ **This subparagraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009) are obligated to comply with all rules. However, because a lawyer will not file an *Anders/Santiago* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors are asserted because the lawyer is (or intends to be) seeking to withdraw under *Anders/Santiago*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record. ] **In****

**2020, subparagraph (c)(4) was amended to remove the limitation on the application of *Anders* to only criminal cases on appeal. Further, the commentary to subparagraph (c)(4) was revised to provide guidance through case citation for withdrawal procedures when an appellant has a right to counsel.**

**An appellant with a constitutional right to counsel should proceed in accordance with the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). An appellant with a statutory or rule-based right to counsel should proceed in accordance with the procedures set forth in *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). The *Anders* paradigm may be applicable to non-criminal appeals in which an appellant has a statutory or rule-based right to counsel. *See, e.g., In re D.J.H.*, 171 A.3d 903 (Pa. Super. 2017) (holding *Anders* procedure applies to appeals from goal change order in child dependency cases, even in the absence of an involuntary termination decree); *In re A.G.C.*, 142 A.3d 102, 105 n.2 (Pa. Super. 2016) (noting directive to counsel to file a proper *Anders* brief and petition to withdraw or an advocate's brief in appeal from dispositional order following the adjudication of delinquency); *In re V.E.*, 611 A.2d 1267, 1274-75 (Pa. Super. 1992) (extending *Anders* principles to appeals involving the termination of parental rights). These procedures do not relieve counsel of the obligation to comply with all other rules.**

#### EXPLANATORY COMMENT

Pa.R.A.P. 1925(c)(4) currently sets forth the procedure when counsel seeks to withdraw from representation in a criminal case on appeal, *i.e.*, counsel is required to “file of record and serve on the judge a statement of intent to file an *Anders/Santiago* brief in lieu of filing a Statement.” The *Anders* paradigm, however, may be applicable to non-criminal appeals in which an appellant has a statutory or rule-based right to counsel. *See, e.g., In re D.J.H.*, 171 A.3d 903 (Pa. Super. 2017) (holding *Anders* procedure applies to appeals from goal change order in child dependency cases, even in the absence of an involuntary termination decree); *In re A.G.C.*, 142 A.3d 102, 105 n.2 (Pa. Super. 2016) (noting directive to counsel to file a proper *Anders* brief and petition to withdraw or an advocate's brief in appeal from dispositional order following the adjudication of delinquency); *In re V.E.*, 611 A.2d 1267, 1274-75 (Pa. Super. 1992) (extending *Anders* principles to appeals involving the termination of parental rights).

As a result, the proposed amendment of subparagraph (c)(4) is intended to remove the limitation on the application of *Anders* to only criminal cases on appeal. Further, the commentary to subparagraph (c)(4) was revised to provide guidance through case citation for withdrawal procedures when an appellant has a right to counsel.

All comments, concerns, and suggestions concerning this proposal are welcome.

[Pa.B. Doc. No. 20-63. Filed for public inspection January 17, 2020, 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.

\* \* \* \* \*

#### Addendum to Explanatory Comment (2020)

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, 2020	4 3/4
January 2, 2019	5 1/2
January 2, 2018	4 1/2
January 3, 2017	3 3/4
January 4, 2016	3 1/2
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
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*, 33 Pa.B. 634 (February 1, 2003), and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural  
Rules Committee

JOHN J. HARE,  
Chair

[Pa.B. Doc. No. 20-64. Filed for public inspection January 17, 2020, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART II. ORPHANS' COURT RULES

[ 231 PA. CODE PART II ]

#### Order Adopting Rule 1.40 and Amending the Note to Rule 14.8 of the Pennsylvania Orphans' Court Rules; No. 820 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 2nd day of January, 2020, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.40 of the Pennsylvania Orphans' Court Rules is adopted in the following form and that the Note to Rule 14.8 of the Pennsylvania Orphans' Court Rules is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on April 1, 2020.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART II. ORPHANS' COURT RULES

#### CHAPTER I. PRELIMINARY RULES

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

#### Rule 1.40. *In Forma Pauperis.*

Pa.R.C.P. No. 240 shall apply in every action or proceeding before a court covered by these Rules.

**Explanatory Comment:** Under Pa.R.C.P. No. 240, a party who is found by the court to be without financial resources to pay the costs of filing a legal paper or other costs of an action or proceeding before the court shall have such costs waived. This Rule does not apply in matters before a Register of Wills.

#### CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

#### Rule 14.8. Guardianship Reporting, Monitoring, Review, and Compliance.

(a) *Reporting.* A guardian shall file the following reports with the clerk:

(1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;

(2) An annual report by the guardian of the estate of an incapacitated person one year after appointment and annually thereafter;

(3) An annual report by the guardian of the person one year after appointment and annually thereafter;

(4) A final report by the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity, a change of guardian, or the expiration of an order of limited duration; and

(5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.

**Note: See Pa.R.J.A. No. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.**

(b) *Notice of Filing.* If, pursuant to Rule 14.7(a)(1)(iv), the order appointing the guardian identifies the person or persons entitled to receive notice of the filing of any report set forth in paragraph (a), the guardian shall serve a notice of filing within ten days after filing a report using the form provided in the Appendix to these Rules. Service shall be in accordance with Rule 4.3.

\* \* \* \* \*

**ORPHANS' COURT PROCEDURAL RULES  
COMMITTEE REPORT**

**Adoption of Pa. O.C. Rule 1.40 and Amendment of  
Pa. O.C. Rule 14.8**

The Orphans' Court Procedural Rules Committee ("Committee") recommended to the Supreme Court the adoption of new Rule 1.40 and the amendment of Rule 14.8 of the Pennsylvania Orphans' Court Rules ("Rules"). The Committee made this recommendation to the Court pursuant to Pa.R.J.A. 103(a)(3) without prior publication because the proposed changes are of a perfunctory nature or required in the interests of justice and efficient administration.

*New Rule 1.40:* This new Rule applies Pa.R.C.P. No. 240, governing requests to proceed *in forma pauperis*, to every action or proceeding before a court covered by the Rules. Prior to the substantial rewrite of the Rules that took effect on September 1, 2016,<sup>1</sup> former Rule 3.1 required conformity with the Rules of Civil Procedure when the Orphans' Court Rules did not provide guidance on a particular matter. Because the former Rules did not include a procedure for a person without the financial resources to pay the costs of litigation to proceed *in forma pauperis*, such matters were governed by Pa.R.C.P. No. 240 prior to the effective date of the Rules rewrite, September 1, 2016. Former Rule 3.1 was rescinded and was not replaced in the rewrite. The new Rules that took effect in 2016 did not address *in forma pauperis* proceedings. Thus, there was no longer a rule that a person without financial resources to pay the cost of litigation could rely upon to obtain *in forma pauperis* status. New Rule 1.40 restores the pre-2016 reliance on Pa.R.C.P. No. 240.

*Rule 14.8:* This Rule provides for the requirement and timing of guardian reports and inventories required by statute and took effect on June 1, 2019.<sup>2</sup> See Rule 14.8.

The Administrative Office of Pennsylvania Courts developed an electronic filing system for filing reports and inventories by guardians, the Guardianship Tracking System ("GTS"). The Court adopted a Rule of Judicial Administration establishing the GTS as the exclusive method for electronically filing required guardianship reports and inventories and for tracking data related to statewide guardianship cases of adult incapacitated persons.<sup>3</sup> See Pa.R.J.A. No. 510(b). That Rule includes instructions on establishing a UJS portal account, making electronic filings via the GTS, handling of paper records, and the use of electronic signatures. *Id.* (b)—(d).

<sup>1</sup> See Order of December 1, 2015, No. 682, Supreme Court Rules Docket.

<sup>2</sup> See Order of June 1, 2018, No. 770, Supreme Court Rules Docket.

<sup>3</sup> See Order of August 31, 2018, No. 501, Judicial Administration Docket.

With statewide implementation of the GTS completed and the new Guardianship Rules in full effect, the Court added a note to Rule 14.8(a) cross-referencing Pa.R.J.A. No. 510 to ensure awareness of the administrative requirements of the GTS by guardians.

[Pa.B. Doc. No. 20-65. Filed for public inspection January 17, 2020, 9:00 a.m.]

**Title 252—ALLEGHENY  
COUNTY RULES**

**ALLEGHENY COUNTY**

**Civil Division Local Rules of the Court of Common  
Pleas; No. AD-2019-486-PJ Rules Doc.**

**Order of Court**

*And Now*, this 27th day of December, 2019, it is hereby *Ordered* that the following local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

KIM BERKELEY CLARK,  
*President Judge*

**ALLEGHENY COUNTY**

**CIVIL AND FAMILY COURT RULES**

**COURT OF COMMON PLEAS**

**Local Rule 76. Definitions.**

"Board of Judges" shall mean all members of the Court, excluding Senior Judges.

"Court" shall mean all divisions of the Court of Common Pleas of Allegheny County.

"Local Rule" shall mean any rule regulating practice or procedure promulgated by the Court of Common Pleas of Allegheny County pursuant to Section 323 of the Judicial Code (42 Pa.C.S. § 323).

**"Housing Court" shall mean the special court within the Civil Division, [ See 42 Pa.C.S. § 917 ] which shall hear all matters involving residential landlord tenant disputes (which include the rental of property involving a mobile home), statutory appeals from public housing, federal Section 8 grievance hearings, and all summary appeals relating to code enforcement matters involving properties leased or rented to residential tenants.**

**Rule 205.2(a). Requirements Governing the Physical Characteristics of Pleadings, Petitions, Motions, and Other Legal Papers. Cover Sheets.**

(1) *Basic Requirements.*

(a) Footnotes shall be single-spaced.

*Note:* See Pa.R.C.P. 204.1 for other requirements.

(b) All attachments, supporting documents, and exhibits shall be on eight and one-half inches by eleven inches paper at the time of filing with the [ **Prothonotary** ] **Department of Court Records.**

(i) A smaller document shall be reproduced, if possible, on eight and one-half inches by eleven inches paper.

(ii) A larger document shall be reduced and reproduced to eight and one-half inches by eleven inches size, provided it will still be legible.

(iii) If it is not possible to obtain a legible photocopy of the document or exhibit because of unique characteristics or inherent limitations, e.g., maps, surveys, computer printouts, data processing cards, drafter's plans, tracing paper, red pencil marks, colored paper, tape recordings, cassettes, movies, etc., the filing party shall present the document or material to the [ **Prothonotary** ] **Department of Court Records** to be stamped, docketed, and filed. Each such special filing shall be accompanied by one (1) cover sheet.

(c) In any case where a reproduced document under subdivision (b) above has been included in the pleadings or where a filing has been made under subdivision (b), and such reproduced document is not legible, an exact recitation of the contents of the document or evidence or, by agreement of the parties, the material sections of the same, shall be typed on white paper, eight and one-half inches by eleven inches in size, in twelve point type with double-spacing and margins of one inch on each side and the top and bottom of the page. This retyped document shall bear a certification of accuracy by counsel for the filing party.

*Note:* Local Rule 205.2(a) does not affect the provisions of Pa.R.C.P. 1019(i), requiring that copies of certain writings be attached to pleadings.

(2) *Proposed Orders of Court.*

Every preliminary objection, petition and motion shall include a proposed order of court which shall be the last page of the preliminary objection, petition or motion.

(3) *Other Filing Requirements.*

(a) Every document shall be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).

(b) Cloth tape is prohibited and shall not be used to cover the staple or metal fastener.

(c) "Bluebacks" shall not be used.

*Note:* It is recommended that the case number be entered at the top or bottom right corner on every page of every filing because of the possibility that pages of a filing may come apart.

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006.

**Rule 205.2(b). Cover Sheet.**

(1)(a) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below). If needed, a second page may be attached and numbered "Cover Sheet 2" at the bottom of the page.

(b) The lettering shall be in a font of no smaller than twelve point size or an equivalent, and shall substantially follow the format in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below).

[ (c) **The cover sheet on the document commencing the action (Praecipe or Complaint), shall have a margin at the top of three (3) inches, for the Department of Court Records' stamp.** ]

(2) The information required includes:

(a) (In capital letters from left to right margins)

"IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA"

(b) (In capital letters on left side of center) the complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

(c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

(i) The specific DIVISION, i.e., CIVIL, FAMILY, CRIMINAL, or ORPHANS' COURT;

(ii) The docket number;

(iii) The issue number, if assigned and the date the case is listed for trial, if assigned;

(iv) The name of the pleading, in bold face and all capital letters;

(v) For Civil Division cases, the docket code which most accurately characterizes the primary cause of action (see Local Rule 205.2(b)(4) below);

(vi) If the action is filed as a class action, then "CLASS ACTION" shall be set forth on the line following the Civil Division docket code;

(vii) If the action involves real estate, then the address, municipality, ward if applicable, lot and block number shall be set forth;

(viii) The completed statement: "Filed on behalf of \_\_\_\_\_ (party's name, party's relationship to case)";

(ix) The completed statement: "Counsel of Record: \_\_\_\_\_ (attorney's name and Pennsylvania Identification Number, firm name, [ **firm number per the list in the Allegheny County Department of Court Records,** ] address and telephone number)"; and

(x) In cases in which a party is represented only by out-of-county counsel, the following notice shall appear; "Party Represented by Out-of-County Counsel Only."

*Note:* This notice is required to alert court personnel to the need to mail a notice of earliest trial date, pursuant to Local Rule 212.1(3). See also FORM 214, Praecipe to Place Case at Issue, paragraph 6, Local Rule 214(1)(b).

(xi) Every pleading, petition and motion must include a Certificate of Service which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made.

(3) Form 205.2(b) Cover Sheet.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

JOHN DOE, CIVIL DIVISION

Plaintiff, GD No. \_\_\_\_\_

(Use AR or LT No. for Arbitration Cases and BV No. for Assessment Appeals.)

vs. TITLE OF DOCUMENT

BIG CORPORATION, INC., [ **Code: (See Local Rule 205.2(b)(4).)** ]

and JANE DOE,

CLASS ACTION (If applicable.)

Defendants.

Real Estate Involved:

600 Grant Street, Pittsburgh, PA 15219 (Address, municipality, ward if applicable, lot and block number required in all cases involving real estate.)

Issue No. \_\_\_\_\_ (If assigned.) (Required after case is placed at issue. See Local Rule 214(1).)

Date on GD Trial List \_\_\_\_\_ (Required after case appears on a published trial list for GD cases.)

Filed on behalf of Plaintiff, JOHN DOE

Counsel of Record for this Party:

Henry Smith, Esquire

Pennsylvania I.D. # 12345

Smith & Jones

[ **Firm I.D. # 5678** ]

667 Fort Pitt Boulevard, Suite 121

Pittsburgh, Pennsylvania 15219-3456

412-281-1234

412-281-5678 (fax) (Optional. See Pa.R.C.P. 440(a)(1)(ii).)

smtt@acba.org (Optional. See Pa.R.C.P. 205.4(g)(2).)

JURY TRIAL DEMANDED (Optional. See Pa.R.C.P. 1007.1.)

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing [Title of Document] has been served upon all other parties at the address(es) below via \_\_\_\_\_, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

[Name and address of counsel]

[signature] \_\_\_\_\_

#### [ (4) Civil Division Docket Codes.

**Code 001—Trespass—Motor Vehicle**

**Code 002—Trespass—Other Traffic**

**Code 003—Trespass—Against Property Owner**

**Code 004—Trespass—Products Liability**

**Code 005—Trespass—F.E.L.A.**

**Code 006—Trespass—Assault and Battery**

**Code 007—Trespass—Medical/Hospital Negligence**

**Code 008—Trespass—Defamation**

**Code 009—Trespass—Other**

**Code 010—Assumpsit**

**Code 011—Assumpsit/Trespass**

**Code 020—Equity**

**Code 030—Appeal from Award of Viewers**

**Code 040—Complaint in Ejectment**

**Code 060—Mechanics Lien Complaint**

**Code 070—Mandamus**

**Code 080—Quiet Title**

**Code 090—Quo Warranto**

**Code 100—Replevin**

**Code 120—Tax Assessment Appeal**

**Code 140—Mortgage Foreclosure**

**Code 180—Declaratory Judgment Petition**

**Code 200—Execution (at issue only)**

*Note:* If there is no code listing for a case or action, insert: "Code \_\_\_". ]

[Adopted Apr. 15, 2004, effective Aug. 3, 2004. Amended Oct. 4, 2006, effective Jan. 8, 2007; Oct. 9, 2014, effective upon publication on the UJS Portal.]

#### **Rule 205.4. Electronic Filing of Legal Papers in Allegheny County.**

*Note:* This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, "If a court permits or requires the electronic filing of legal papers with the [ **Prothonotary** ] **Department of Court Records**, the court must promulgate a local rule designated Local Rule 205.4 which sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule."

(a)(1) Except as noted in the subsections below, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter "DCR") electronic filing system is permissive for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court.

*Note:* A "legal paper" is defined in Pa.R.C.P. 205.4(2) as "a pleading or other paper filed in an action, including exhibits and attachments."

A. Use of the DCR's electronic filing system is mandatory for all actions and proceedings involving personal injury or death allegedly caused by asbestos.

B. Use of the DCR's electronic filing system is not permitted for the following Civil Division Filings:

1. Initial filings in Petitions for Name Change;

*Note:* Secondary filings in Petitions for Name Change may be filed electronically.

2. Initial filings for Exemplification of Records;

*Note:* Secondary filings involving Exemplification of Records may be filed electronically.

[ **3. The following secondary filings in General Docket Cases: (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.**

*Note:* The matters described in subsection (a)(1)(B)(3) are excluded from electronic filing because of the existing procedure under which these matters are presented to the Chief Motions Clerk or Calendar Control for scheduling prior to filing in the Office of the DCR.

4. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions.

*Note:* The matters described in subsection (a)(1)(B)(4) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of filing.

5. Filings ] **3. Cases or filings** under seal.

[ **6. Praecipes for writ of execution in a mortgage foreclosure proceeding.** ]

**C. The following filings are permitted to be filed through the DCR electronic filing system but will not be scheduled for argument unless a party obtains a hearing date as indicated below:**

**1. The following secondary filings in General Docket Cases: (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions**

**for summary judgment. For scheduling oral argument, a copy of these filings must be presented to the: (i) Chief Motions Clerk for preliminary objections and (ii) Calendar Control Clerk for motions for summary judgment and motions for judgment on the pleadings.**

**2. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Arbitration Clerk in Room 702, City County Building to obtain an argument date.**

**3. The following secondary filings in Housing Court cases: (i) preliminary objections, (ii) petitions, or (iii) motions. For scheduling oral argument, a copy of these filings must be presented to the Housing Court Clerk (Housing Court Help desk, Department of Court Records, City County Building) to obtain an argument date.**

[ C. ] **D.** Use of the DCR's electronic filing system is not permitted for the following Family Division Filings:

1. Legal papers relating to Protection From Abuse matters which must be processed with the PFA Office in Family Division before they can be filed.

2. Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

3. Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.

4. Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in (C)(1), (2) or (3) of this subsection.

*Note:* Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, counter-affidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

5. Any and all legal papers which must be presented to a Family Division Judge in motions before filing with the Office of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx), WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx).

(c)(1) [RESERVED]

(c)(2) The DCR's electronic filing website is [dcr.alleghenycounty.us](http://dcr.alleghenycounty.us) ("www" does not appear before and ".com" does not appear after this web address). Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the Court. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID.

(d)(1) The following credit and debit cards may be used on the DCR's electronic filing website to pay filing-related

fees: Visa, MasterCard, Discover, and American Express. Such fees may also be paid by depositing in advance sufficient funds with the DCR. The DCR may also accept payments by electronic checking/ACH (Automatic Clearing House). See the DCR website for additional information.

(d)(2) [RESERVED]

(d)(3) [Intentionally omitted as Allegheny County has not designated a third party to operate the electronic filing system.]

(e) [RESERVED]

(f)(1) When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledgement page and shall transmit to the filer an initial e-mail confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an e-mail stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.

(f)(2) The DCR shall maintain an electronic [ **and a hard copy** ] file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. [ **The DCR is not required to maintain a hard copy file for the following legal papers when filed electronically:**

**Allegheny County Bar Association Fee Dispute Judgment Annual Audit Assurance of Voluntary Compliance Bond of Tax Collector Cemetery Report Commercial Broker Lien Commonwealth Tax Lien Condominium Lien Declaration of Covenant Lien Environmental Resources Lien Federal Judgment Lien Foreign Execution Foreign Judgment Foreign Judgment/Execution Foreign State Tax Lien Health Department Judgment Housing Court Judgment Judgment Roll Liens/Scire Facias Mechanics' Lien Municipal Lien No Lien Agreement Oath of Office Orphans' Court Judgment Pennsylvania Agency Judgment Pension Benefit Lien PHEAA Judgment Planned Community Lien Scire Facias sur Municipal Lien Scire Facias sur Tax Lien Tax Collector Report Unemployment Compensation Lien Workers' Compensation Judgment ]**

(f)(3) [RESERVED]

(f)(4) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR website: [dcr.alleghenycounty.us](http://dcr.alleghenycounty.us) ("www." does not appear before and ".com" does not appear after this web address).

(f)(5) [RESERVED]

**Local Rule 206.4(c). Procedures for the Disposition of Petitions.**

(1) *Scope.*

This local rule describes the procedures for an application to open a default judgment or a judgment of non pros governed by Pa.R.C.P. 206.1 et seq.

*Note:* This court has not promulgated a local rule, numbered Local Rule 206.1(a)(2), which provides for any other application to be governed by Rule 206.1 et seq.

(2) *General Docket Cases—Opening a Default Judgment.*

(a) A petition to open a default judgment shall be presented to the Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

*Note:* The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the Motions Judge is hearing motions and petitions. See Civil Division link on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name and courtroom of the judge who is sitting as the Motions Judge and the times that matters which have not been scheduled with the court may be presented. Ordinarily, unscheduled matters may be presented each day at 9:30 A.M. and 1:30 P.M.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule to show cause is entered, the court order issuing the rule shall set the time within which the answer to the petition shall be filed and the time within which depositions shall be completed. If the court order does not set an argument date, at any time after the date by which the depositions were to be completed, any party may order the cause for argument before the Motions Judge by delivering to the Chief Motions Clerk a praecipe to set a date and time for the final argument. The party obtaining the time and date for the final argument shall promptly serve written notice thereof upon all other parties to the proceedings.

*Note:* The Chief Motions Clerk will be in the Courtroom of the Motions Judge.

(c) Depositions and other evidence that a court may consider shall be filed at least fourteen (14) days before the argument date.

(d) Briefs are required. The brief of the moving party shall be filed with the [ **Prothonotary** ] **Department of Court Records** and served on all other parties at least fourteen (14) days prior to the argument. The brief of the party opposing the petition shall be filed at least seven (7) days prior to the argument.

(3) *General Docket Cases—Opening a Judgment of Non Pros.*

(a) A petition to open a judgment of non pros shall be presented to the Special Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

*Note:* See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name of the judge who is sitting as the Special Motions Judge and the times matters may be presented. Ordinarily, the Special Motions Judge will be available on Fridays.

The moving party may obtain an argument date and time for the presentation by contacting the Assignment Room (Room 700 of the City-County Building, 412-350-5463) on Mondays through Fridays between 1:30 P.M. and 4:30 P.M. Or the moving party may, after giving appropriate notice to all parties, place the matter on the 2:00 P.M. Add-On List, located in the Courtroom of the Special Motions Judge, at any time after 8:30 A.M. on the Friday on which it will be presented.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule is issued, the court order issuing the rule shall set forth the time within which the answer to the petition shall be filed and within which depositions shall be completed, and the date of the final argument before the Special Motions Judge.

(c) Briefs are not required unless the court order issuing the rule provides for the filing of briefs.

(4) *Arbitration Cases—Opening Default Judgments and Judgments of Non Pros.*

(a) The original and a copy of the petition to open a default judgment or a judgment of non pros shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the petition a date and time (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the [ **Prothonotary** ] **Department of Court Records** and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify an Arbitration Department Clerk (412-350-5625) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

(5) *Housing Court Cases—Opening Default Judgments and Judgments of Non Pros.*

**(a) The original and a copy of the petition to open a default judgment or a judgment of non pros (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The clerk will place, on the original and the copy of the petition, a date and time for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.**

**(b) The petitioner shall notify a Housing Court Clerk (412-350-4462) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.**

**Note: A form for filing a petition to open a default judgment for pro se petitioner is available at the Housing Court Help Desk.**

### Local Rule 208.3(a). Procedures for the Disposition of Motions.

#### (1) Scope.

(a)(i) As used in this rule, “motion” means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. 208.1.

*Note:* The term “motion” as used in Pa.R.C.P. 208.1 and in this local rule does not include preliminary objections (governed by Local Rule 1028(c)), motions for judgment on the pleadings (governed by Local Rule 1034(a)), motions for summary judgment (governed by Local Rule 1035.2(a)), or petitions to open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).

(ii) This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motions.

(iii) This local rule does not govern motions filed in eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex **[ assigned ], name changes matters that are assigned to the Special Name Change Judge (see Local Rule 505 for name changes) rather than the General Motions Judge,** and any other cases specially assigned by an order of court to a single judge.

#### (2) General Docket Cases—General Provisions.

(a) Motions described in Local Rule 208.3(a)(3) shall be presented to the Calendar Control Judge, motions described in Local Rule 208.3(a)(4) shall be presented to the Motions Judge, and motions described in Local Rule 208.3(a)(5) shall be presented to the Special Motions Judge. Litigants may contact the Chief Motions Clerk (412-350-5644) if they are uncertain as to which of the judges should hear a particular motion.

(b) A motion may be presented only after service of the copy of the motion and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

*Note:* The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the appropriate judge is scheduled to hear motions. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.alleghenycourts.us](http://www.alleghenycourts.us)) for the name and courtroom of the judge who is sitting as the Calendar Control Judge, Motions Judge, or Special Motions Judge and the times at which unscheduled matters may be presented. Ordinarily, motions may be presented each day to the Motions Judge at 9:30 A.M. and 1:30 P.M. **in Courtroom 703**; motions may be presented to the Calendar Control Judge **[ at 1:30 P.M. ], typically at 8:30 A.M.** on days on which there is a call of the list and at **[ 9:30 ] 9:00** A.M. on other days on which motions are being heard; and motions may be presented to the Special Motions Judge only on a Friday (see subsections (5)(c) and (6)(b) below).

(c) There is no requirement for the filing of a response or the filing of briefs prior to presentation. However, the parties are encouraged to submit briefs when it is anticipated that the court will wish to consider briefs before deciding the issue.

#### (3) Calendar Control Judge.

(a) Motions in any case that has been listed for trial on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the Motions Judge or the Special Motions Judge.

*Note:* The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then “Search” and enter the docket number.

(b) In any case, including a case that is not on a published trial list, all motions relating to the following matters shall be presented to the Calendar Control Judge:

(i) the compromise, settlement, and discontinuance of an action to which a minor is a party; and

*Note:* See Local Rule 2039 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2039.

(ii) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party.

*Note:* See Local Rule 2064 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2064.

#### (4) Motions Judge.

(a) For any General Docket case that is not on a published trial list, motions and petitions relating to the following matters shall be presented to the Motions Judge:

(i) opening or striking default and confessed judgments;

(ii) requests for preliminary or special injunctive relief;

*Note:* Enforcement of a court order providing preliminary or special injunctive relief shall be presented to the judge who issued the court order.

(iii) relief provided for in replevin actions under Pa.R.C.P. 1075.1 to 1086;

(iv) relief provided for in the Rules of Civil Procedure governing enforcement of money judgments (Pa.R.C.P. 3101 to 3291) except for discovery in aid of execution which is presented to the Special Motions Judge;

*Note:* These matters are presented to the Motions Judge for all General Docket cases, including cases that have appeared on a published trial list.

(v) requests to proceed in forma pauperis in General Docket and Arbitration proceedings **(in Housing Court proceedings, requests to proceed in forma pauperis are heard by the Housing Court Judge, see Rule 208.3(a)(7));** and

(vi) continuances of any arguments on the General Argument List.

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) or to the Motions Judge (see subdivision (4)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

#### (5) Special Motions Judge.

(a) For any General Docket case that is not on a published trial list, motions relating to the following matters shall be presented to the Special Motions Judge:

- (i) discovery;
- (ii) pleadings (other than preliminary objections) including amendments, joinder of parties, late joinder of additional defendants;
- (iii) preliminary objections filed by an additional defendant if the Special Motions Judge entered an order permitting the late joinder;
- (iv) withdrawal and disqualification of counsel;
- (v) discontinuances, consolidation, severance, coordination of actions in different counties (Pa.R.C.P. 213.1), placing/striking cases at issue;
- (vi) entry and opening of judgments of non pros;
- (vii) transfers between Arbitration and General Docket;
- (viii) certificates of merit (Pa.R.C.P. 1042.1 et seq.); and
- (ix) dismissal upon affidavit of noninvolvement (Pa.R.C.P. 1036).

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Motions Judge (see subdivision (4)(a) of this Local Rule) or to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

(c) All uncontested matters may be presented to the Special Motions Judge on Fridays at 10:00 A.M., 12:00 Noon, and 2:00 P.M. For contested motions, the moving party may obtain a Friday argument date and time, in person or by telephone, from the Assignment Room (700 City-County Building, 412-350-5463) between 1:30 P.M. and 4:30 P.M.; or the moving party may place the matter on a 2:00 P.M. Add-On List any time after 8:30 A.M. on the Friday on which it will be argued. The Add-On List is located in the Courtroom of the Special Motions Judge.

*Note:* There is no limit on the number of cases that can be placed on the Add-On List. Consequently, a party may schedule an argument by giving at least ten (10) days notice to the other parties that a matter will be placed on the Add-On List.

(6) *Arbitration Cases.*

(a)(i) Except as provided in the following subdivisions (a)(ii), (a)(iii), and (a)(iv), all motions involving arbitration cases, **including uncontested motions**, shall be heard by the Special Motions Judge.

(ii) In forma pauperis petitions will be presented to the Motions Judge.

(iii) **Contested requests** for the continuance of an arbitration [ case ] hearing will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form (“Green Sheet”), which [ may be obtained from an Arbitration Clerk in the Arbitration Assembly Room, Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219. ] is (FORM 208.3(a)) (see subsection (6)(c) below). **The Chief Arbitration Clerk has the authority to sign Adjournment of Arbitration Hearing “Green Sheet” Requests for the continuance of an arbitration hearing that are agreed upon by all parties.**

[ *Note:* If all parties agree to the continuance, the Chief Arbitration Clerk has the authority to sign

**the Adjournment of Hearing “Green Sheet” continuing the case (FORM 208.3(a)) (see subsection (6)(c) below). ]**

(iv) Motions filed after an arbitration award has been appealed shall be presented to the Special Motions Judge unless they affect the timing of the trial of the case, in which event they shall be presented to the Calendar Control Judge.

(b) The original and a copy of any motion shall be taken **for filing** to an Arbitration [ Department ] Clerk [ (room 536, Allegheny County Courthouse) ] (Room 702, City County Building) or, **if filed electronically, a copy of the filed motion shall be presented to the Arbitration Clerk for scheduling oral argument.** The clerk will place on the original and the copy of the motion (or upon the copy if filed electronically) a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the [ Prothonotary ] Department of Court Records (unless filed electronically) and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Arbitration Office’s scheduling a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (6)(a)(iii) of this Local Rule.

(c) FORM 208.3(a) Adjournment of Hearing “Green Sheet”

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**  
ARBITRATION SECTION

\_\_\_\_\_ No. \_\_\_\_\_, 20\_\_

vs.

\_\_\_\_\_ Presently listed \_\_\_\_\_

No. of Times Continued \_\_\_\_\_

Landlord/Tenant Action \_\_\_\_\_

ADJOURNMENT OF HEARING

On, \_\_\_\_\_, 20\_\_, on order of court, the date of hearing herein is adjourned to \_\_\_\_\_, \_\_.

Stipulation

\_\_\_\_\_ BY THE COURT

**A false certification of consent of all parties is subject to the provisions of 18 Pa.C.S.A. § 4904(a) pertaining to unsworn falsification to authorities and is sanctionable under 42 Pa.C.S.A. § 2503.**

REASON FOR CONTINUANCE:

**(7) Housing Court Cases.**

**(a) All motions involving Housing Court cases shall be heard by the Housing Court Judge. This includes all motions heard both before and after the appeal of an award from arbitration.**

**(b) If not filed electronically, the original and a copy of any motion shall be taken to the Housing Court Clerk (Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building).**

The clerk will place, on the original and the copy of the motion, a time and date for an argument before the Housing Court Judge. If not filed electronically, the clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument. If the motion is filed electronically, the filing party shall take a copy of the motion to the Housing Court Clerk for scheduling argument before the Housing Court Judge. Where the motion is filed electronically, no argument will be scheduled without the filing party bringing a copy of the motion to the Housing Court Clerk for the purposes of scheduling the argument. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Housing Court Clerk's scheduling of a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (7)(c) of this Local Rule.

(c) Requests for the continuance of an arbitration hearing will be presented to the Housing Court Judge. The party seeking a continuance will present to the Housing Court Judge an Adjournment of Hearing Form (FORM 208.3(a))(see subsection (6)(c) above), which may be obtained from the Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building.

Note: If all parties agree to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing "Green Sheet" continuing the case (FORM 208.3(a))(see subsection (6)(c) above).

(d) Motion for Late Appeal of Judgment from a Magisterial District Judge in a Landlord Tenant Proceeding.

(i) Motions for Late Appeal shall be filed with the Department of Court Records and a copy immediately provided to the Housing Court Clerk (See Housing Court Help Desk: First Floor City County Building, for Forms relating to Motions for Late Appeal).

(ii) The Housing Court Clerk will schedule the motion with the Housing Court Judge. The filing party is still expected to provide the other party with ten (10) days notice of the scheduled argument date. However, if an eviction is scheduled, the Housing Court Clerk will make every effort to schedule argument on the Motion for Late Appeal before the scheduled eviction, although the Court may not be able to schedule a hearing before the eviction date. The filing party is responsible for informing the Housing Court Clerk of the date of any scheduled eviction.

**Rule 212.1. Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.**

(1) Pa.R.C.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury and non-jury, to be tried in the Civil Division[ , with the

**exception of appeals from Compulsory Arbitration.]; appeals from Compulsory Arbitration shall be exempt unless such cases include a demand for a jury trial, and under such circumstances parties involved in such a case must comply with Local Rules 212.1 through 212.3.**

(2) *Definitions.* In these rules, the following words shall have the following meanings:

(a) "*pre-trial conference*"—a conference scheduled by the Court in accordance with Pa.R.C.P. 212.3 in which, in addition to matters set forth in Pa.R.C.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this local rule; and

(ii) attempt an amicable settlement of the case.

(b) "*Conciliating Judge*"—the Judge assigned to conduct the pre-trial conference.

(3) *Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.* Notices required by Pa.R.C.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecipe to Place the Case at Issue (see FORM 214w).

*Note:* As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then "Case Search" (in upper right corner) and enter the docket number. Additionally, published trial lists are also available on the Civil Division's website at: [www.alleghenycourts.us](http://www.alleghenycourts.us).

**Rule 212.2. Pre-Trial Statement.**

(a) Each party shall file and serve upon all other parties a written pre-trial statement in conformity with the requirements of Pa.R.C.P. 212.2, except as set forth in (b) below.

(b) For cases which will be tried by the jury, each party or group of parties with joint representation by one counsel shall be entitled to make a voir dire statement and to propose no more than five additional voir dire questions which are not duplicative of the voir dire already covered in Local Rule 220.1 and the Juror Questionnaire. If the party or group of parties wishes to avail itself of this opportunity, the following shall be included in the pre-trial statement:

(i) Verbatim text of the voir dire statement of 200 words or fewer, which will be given by counsel at the outset of voir dire; and

(ii) Not more than five proposed additional voir dire questions, which shall be handled in accordance with Local Rule 220.1(c).

(c) Disputes as to the propriety of any party's proposed voir dire statement or proposed voir dire questions shall be raised with the Calendar Control Judge during the conciliation which is scheduled immediately after the Call of the List. Each party shall bring to the conciliation an extra set of copies of their proposed voir dire statement and proposed additional voir dire questions.

**(d) Should a party, parties, or the Calendar Control Judge request that a Judge preside over voir dire and jury selection, the Judge presiding over the voir dire and jury selection shall have complete**

**discretion over the voir dire and jury selection process, notwithstanding the preceding subsections of this local rule.**

*Note:* The deadline for each party to file and serve its pre-trial statement is published with the trial list in the *Pittsburgh Legal Journal*. Generally, Plaintiffs are required to fulfill the requirements of Pa.R.C.P. 212.2 forty-five (45) days prior to the commencement of the trial term in which the case is listed, and all other parties are required to fulfill the requirements of Pa.R.C.P. 212.2 thirty (30) days prior to the commencement of the trial term in which the case is listed.

**Local Rule 212.3. Conduct of Pre-Trial Conference.**

(1) The conduct of the pre-trial conference shall be in conformity with Pa.R.C.P. 212.3.

(2) Notice of the time, date and Conciliating Judge for the pre-trial conference shall be provided by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out-of-county counsel who submitted notice of their address to the Calendar Control section of the Civil Division at the time the case was placed at issue.

*Note:* The dates and times of pre-trial conciliations are also available on the Civil Division's website at: [www.allegheycourts.us](http://www.allegheycourts.us).

(3) Any application for rescheduling a pre-trial conference shall be addressed to the Conciliating Judge before whom the pre-trial conference is scheduled.

*Note:* See Local Rule 214(5)(f) regarding petitions to continue the trial of cases on the General Docket.

(4) Unless excused by the Conciliating Judge, each party with a financial interest and each non-party with a financial interest (such as insurers) shall be present with full authority to settle the case. However, parties without a financial interest need not attend.

(5) The Judge presiding at the pre-trial conference may impose such sanctions as are deemed appropriate against counsel and/or the party(ies) for failure to comply with this rule.

**[ (7) ] (6) Housing Court Judge. Actions involving residential landlord tenant disputes (which include the rental of property involving a mobile home), statutory appeals from public housing and federal Section 8 grievance hearings, and all code enforcement matters involving properties leased or rented to residential tenants shall be assigned to the Housing Court and heard by the Housing Court Judge.**

*Note:* Pre-trial conferences and other pre-trial procedures in cases assigned for trial to a particular Judge may be conducted according to the procedures directed by that Judge.

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006.

**Rule 227.1. Post-Trial Motions. Filing of Appeals. Request for Transcript, Certification and Waiver Forms.**

(1) *Post-Trial Motions.*

(a) Post-Trial Motions shall be filed in the Office of the Department of Court Records and a copy shall be delivered to the Trial Judge. Argument shall be scheduled by the Trial Judge without praecipe.

(b) On all Motions for Post-Trial Relief, only those portions of the testimony relating to the questions raised need be transcribed. If counsel cannot agree on the evidence to be transcribed, the matter may be submitted to the Trial Judge. The reporter shall arrange the transcript so that omitted portions may be inserted in the event this becomes necessary. A moving party desiring to rely wholly or in part on a transcript of the testimony or on the charge of the Court shall file in the Office of the Department of Court Records a certificate from the court reporter, stating that the testimony relied upon or the charge has been ordered and is being transcribed. Such certificate shall be filed within a period of ten days from the filing of the Motion for Post-Trial Relief. Upon failure to file such certificate within the time prescribed, it shall be conclusively presumed a transcript of said testimony is not necessary and is waived. When a Motion for Post-Trial Relief is abandoned at or before argument before the Court, or when it is found by the Court to have no merit or is denied, the cost of the transcript may be assessed against the party filing the Motion.

(c) Unless accompanied by an affidavit stating the names of all witnesses expected to testify, and the substance of the testimony they are expected to offer, no Motion for a New Trial will be entertained on the grounds of after-discovered evidence.

(d) Upon the filing of any Motion for Post-Trial Relief, the Court may, on its own motion or on the motion of any interested party, hold a post-trial hearing and/or conciliation.

*Note:* See Pa.R.C.P. 106 regarding computation of time **[ and Local Rule 252 regarding videotape records ]**.

(2) *Appeals.* When filing documents necessary to effectuate an appeal of a Civil Division matter in accordance with the Pennsylvania Rules of Appellate Procedure and specifically Pa.R.A.P. 905 and 906, filings with this Court are made in the appropriate division of the Department of Court Records identified in Rule 1(3) of these Rules.

(a) *Filing and Request for Transcript, Certification and Waiver Form.*

(i) At the time of filing a Notice of Appeal in the Court of Common Pleas, and pursuant to Pa.R.A.P. 906, whether or not a transcript or waiver has already been filed, the appellant shall attach to all copies of the Notice of Appeal a copy of the completed and acknowledged Request for Transcript, Certification and Waiver, FORM 227.1A [ (see subsection (d)(i) below) (which is available at the office of the Manager of Court Reporters) ]. FORM 227.1A can be obtained from the Allegheny County Office of Court Reporters or from the Fifth Judicial District of Pennsylvania's website under the Administration tab.

(ii) The Request for Transcript, Certification and Waiver must be completed by the party placing the order, signed by a Judge, if required by Pa.R.A.P. 1922(b), and delivered to the Manager of the Court Reporters to place an order for a transcript for any purpose.

(iii) FORM 227.1A also shall be prepared and filed to demonstrate waiver of a transcript or portion thereof in connection with an appeal.

(iv) The Manager of Court Reporters shall insert the date the Request form is received and shall acknowledge said receipt by signature.

(v) A copy of the form, as acknowledged by the Manager of Court Reporters, shall be satisfactory proof of a transcript order or waiver.

(vi) When a transcript is ordered, the Manager of Court Reporters shall obtain the signature of the court reporter and insert the estimated number of pages and the estimated completion date in the appropriate place on the form.

(vii) The copies of the Request form then shall be distributed to the designated persons by the Manager of the Court Reporters.

(b) *Notice of Proof of Filing or Delivery of the Transcript.*

(i) The Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) (see subsection [ (d)(ii) ] (d)(i) below) shall be filed with the Department of Court Records and distributed to the designated persons by the Manager of the Court Reporters.

(ii) If a requisite transcript or portion thereof has already been filed with the Department of Court Records, a photocopy of the Request for Transcript, Certification and Waiver (FORM 227.1A) and the Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) may be attached to the Notice of Appeal.

(c) Transcripts of testimony may not be photocopied.

(d) *Forms.*

[ (i) FORM 227.1A Request for Transcript, Certification and Waiver.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division
Case No.:
Request for Transcript, Certification and Waiver

Plaintiff Nature of Proceeding:

v. Date:

Court Reporter:

Judge:

Order

Waive

Complete Proceeding

Defendant

Plaintiff's Case

Defendant's Case

Charge

Requested by: Closing Argument

Telephone:

Signature of Judge if less than entire transcript is ordered Pa.R.A.P. 1922(b)

Copies: Judge/Department of Court Records/ Manager of Court Reporters/Attorney/Other

DEPOSIT RECEIVED

CASH CHECK # AMOUNT

(ii) ] FORM 227.1B Notice of Proof of Filing or Delivery of the Transcript

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division

Case No.:

NOTICE OF PROOF OF FILING OR DELIVERY OF THE TRANSCRIPT

Proceeding: Complete Case

Plaintiff's Case

Date: Defendant's Case

Charge

Judge: Closing Argument

Other

I hereby certify that I have filed and/or delivered the above-described transcript with/to the following:

Date Signature

Department of Court Records

Attorney

Court Reporter

If no objections are made to the text of the transcript within five (5) days after such notice, the transcript will become part of the record.

Copies: Judge/Department of Court Records/Manager of Court Reporters/Attorney/Other

[ Note: See Local Rule 252 regarding videotape records. ]

Rule 234.1. Subpoena.

(1) The copy of any subpoena (the original of which issued from this Court) left with a witness who has been subpoenaed shall have endorsed on said copy the caption, the number and term of the case, and the name, office address and telephone number of the attorney causing the subpoena to be issued and served.

(2) [ The ] A copy of the original subpoena with a completed return of service shall be filed [ in ] with the Department of Court [ Records's office with return of service ] Records.

(3) Subpoenas duces tecum for production of hospital records shall be served between the hours of 9:00 a.m. and 5:00 p.m. and at least two days before the time stated in the subpoena for appearance. A one-day witness fee and round-trip mileage shall be tendered at the time the subpoena is served.

(4) Subpoenas requiring production of hospital records shall not be deemed to apply to x-rays or other data not strictly a part of a hospital record unless they are specifically requested in the subpoena.

Rule 239. Local Rules.

(1) Adoption of Local Rules.

(a) In the absence of special circumstances, the Administrative Judge of the Civil Division shall notify the Allegheny County Bar Association Court Rules Committee of any proposed local rule change, to solicit comments and input regarding the proposed local rule change.

(b) No local rule shall be adopted, amended or repealed except by a majority vote of the members of the Court

present at a regular or special meeting of the Board of Judges. Action on proposed local rule changes may be taken by the Board of Judges only if the members of the Board of Judges have received at least seventy-two hours' notice of the proposed rule change.

(c) Every local rule shall be promulgated in accordance with these procedures.

(2) *Construction of Local Rules.* All rules of construction adopted by the Supreme Court of Pennsylvania shall apply to local rules adopted by the Court of Common Pleas of Allegheny County, Pennsylvania. Without limiting the generality of the foregoing, definitions contained in Pa.R.C.P. 76 shall apply to all local rules heretofore and hereafter adopted which govern procedure in the Civil Division and in the Family Division.

(3) *Citation to Local Rules.* These Rules may be known as the "Allegheny County Local Rules." Citations to these rules shall be: [ "Allegheny County Local Rule \_\_\_." ] "Allegh. L. R. No. \_\_\_."

[ **Rule 252. Rule Authorizing and Providing for the Use of Video Records**

(1) *Use by Court.*

(a) *Authorization.* The Judges of the Court of Common Pleas shall be authorized to use a Videotape Recording System to provide for the preservation of the official proceedings.

(b) *Responsibilities.* Any Judge using a Videotape Recording System shall designate operational and functional responsibilities of the system to members of that Judge's staff. Policies and procedures for using the system shall be developed and adopted by the Court and shall provide for the integrity of the videotape record.

(c) *Parties.* Parties taking part in proceedings where a Videotape Recording System is being used shall adhere to the policies and procedures authorized in section (1)(b) of this local rule and adopted by the Court.

(2) *Videotape Records.*

(a) *Scope.* The provisions of this local rule shall apply to any proceedings presided over by a Court of Common Pleas Judge in which the official record is the videotape of the proceedings. The official videotape shall be produced, retained and distributed pursuant to the following sections:

(i) *Videotape Recordings.* Two videotape recordings shall be made of each Court proceedings unless otherwise directed by the Court. The records shall be made simultaneously, and the videotapes resulting from the records shall serve as the official record of the Court proceedings. These tapes shall be labeled and hereinafter referred to as the "A" and "B" recordings.

(ii) *Custody of Videotapes.* Both the "A" and "B" recordings shall be deemed the property of the Court and shall be retained in accordance with adopted storage guidelines. The "A" recording shall be filed with the Department of Court Records of the Court of Common Pleas and maintained as the official record. The "B" recording shall be retained by Court staff designated with such responsibility and shall be used in the production of transcripts as set forth in "Transcription of the Videotape Record" section below.

(iii) *Identification.* For identification purposes, personnel assigned videotape responsibilities within the courtroom shall designate on each of the two videotape recordings the Judicial District, Judge's name, the case file number and caption, the date of the recording, a number that uniquely identifies the recording and either the letter "A" if the videotape is recorded from the first video recording deck or the letter "B" if recorded from the second video deck.

In the event several short matters related to different cases are recorded on one videotape, Court personnel may modify this requirement according to procedures developed in consultation with the Department of Court Records. A label designed and printed by the Administrative Office of the Allegheny County Courts for use with videotapes shall be used for tape identification purposes.

The tape recorded in the "A" recording deck shall be the tape on file with the Department of Court Records. The tape recorded in the "B" recording deck shall be maintained by the Court.

(iv) *Additional Original Recordings.* Two additional videotapes, designated "C" and "D," shall be made at the time the official recordings of all evidentiary proceedings are made, labeled as copies and certified by the operator to be true and complete copies of the official record. These tapes shall be available for purchase by parties to the case. Requesting parties shall be charged a fee to be established by Court policy for each tape purchased, except in cases where the requesting party has been declared indigent. All payments for certified copies of videotaped records must be made prior to obtaining the videotapes.

If the "C" and "D" tapes have not been requested within thirty days of the recorded proceeding, the tapes shall be erased by the Court and subsequently used to make original "A" and "B" videotape records. In the event such occurs, parties may still obtain a reproduction of the original. Court personnel will reproduce the requested material using the "A" or "B" copies.

(v) *Official Log.* Court personnel assigned videotape responsibility in the courtroom shall keep a written trial log or assure the videotape system produces an automatic trial log for all proceedings where the videotape is the official record. A manual trial log form shall be developed and authorized by the Court. One copy of the log shall be retained by the Court and one copy shall accompany the videotape filed with the Department of Court Records. A copy of the trial log shall also be provided with each duplicated videotape made for requesting parties.

(vi) *Certification.* As soon as practicable after the close of each day's Court proceedings, the Court shall certify that each "A" and "B" recording is the official record of the Court proceedings. Original recordings labeled "C" and "D" shall also be certified as true copies of the original record, or portions thereof.

(b) *Transcription of the Video Record.* The following provisions govern the production and use of typewritten transcripts made from videos of Court proceedings:

(i) **Tape Reference.** All transcripts produced from a video shall include, at the top or bottom of each typewritten page, a tape reference which includes a tape identification number, date, and hour, minute and second corresponding to the beginning or end of each page. For example, TAPE NO. 001; 1/2/94; 10:15:45.

(ii) **Requests for Transcripts.** Parties requesting transcripts of proceedings where video recording is the official record shall complete a Transcript Request Form as developed and authorized by the Court and forward it to the Court's designee. Upon receipt of the transcript request, an estimated cost of transcription shall be determined and provided to the requesting party. All costs must be paid prior to the transcription of the record.

(iii) **Authorized Transcription Services.** The Court shall establish an authorized transcription agency to provide the official transcripts of video proceedings, and upon completion of same, shall certify the transcript as a true and correct copy of the video record. Agencies must have and maintain the necessary equipment consistent with the Court's video system to produce transcripts upon demand. Parties choosing to produce the transcript without using the Court's authorized agency will not have the transcript certified.

**Note:** Local Rule 252 is intended to prescribe the general practice for requesting and securing the transcripts from the Video Record. The designated transcription service must have and maintain the proper transcription equipment compatible with the Court's system to produce daily, expedited, ordinary and hourly copies upon demand.

(3) **Post-Trial Relief. Transcript of Testimony.** Parties filing Post-Trial Motions shall complete a Transcript Request Form setting forth the relevant portions of the record. If no portion is indicated, transcription of the record shall be deemed unnecessary to the disposition of the record.

**(4) Transcription of the Record on Appeal.**

(a) **Record on Appeal.** Transcripts of proceedings in which the Video Recording System is used as the official record shall be filed and served in the same manner as other transcripts as required by the Pennsylvania Rules of Appellate Procedure relating to the provisions of the record.

(b) **Transcripts.** All transcripts required to be part of the record on appeal where a video recording is the official record shall be provided pursuant to Local Rule 252(2)(b). ]

**Rule 505. Change of Name of a Natural Person.**

(1) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701—705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

**Note:** See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

(3) **Requirements for Filing a Petition.**

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the [ **Prothonotary** ] **Department of Court Records:**

(i) Petition and one (1) extra copy. [ **If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may describe why under paragraph 6, reason for name change.** ]

**(A) If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may:**

**(1) Describe why, under paragraph 6, publication would present a risk; or**

**(2) Seek to waive publication and/or have the record sealed by presenting a Motion, Affidavit, and Proposed Order to the Special Name Change Judge prior to filing the Petition with the Department of Court Records.**

(ii) A completed fingerprint card (if applicable—children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" × 11" envelope addressed to:

PA State Police  
Central Repository  
1800 Elmerton Avenue  
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

[ **Prothonotary** ] **Department of Court Records** of Allegheny County

First Floor City-County Building  
414 Grant Street  
Pittsburgh, PA 15219  
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

**Note:** A current listing of the fees charged by the [ **Prothonotary** ] **Department of Court Records** can be found on the [ **Prothonotary's** ] **Department of Court Records's** web site: [ <https://dcr.alleghenycounty.us/prothonotary.county.allegheny.pa.us> ] <https://dcr.alleghenycounty.us/> (no www and no com).

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take the Petition in the [ **Prothonotary's** ] **Department**

**of Court Records's file to the Chief Motions Clerk, located in Courtroom 703, City-County Building. If the record has been sealed or publication waived, the Petitioner may take the file to the Special Name Change Judge's chambers instead of the Chief Motions Clerk.**

**[ Note: The Chief Motions Clerk will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge. ]**

**(d) [ The ] If the Petition is taken to the Chief Motions Clerk, the Motions Judge shall schedule the time and date for a hearing. If the Petition is taken to the Special Name Change Judge's chambers, the Special Name Change Judge will set the time and date for a hearing.**

(e) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelopes affixed with suffi-

cient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(i) The District Attorney of Allegheny County  
Allegheny County Courthouse  
436 Grant Street  
Pittsburgh, PA 15219

(ii) to any other District Attorney of any county in which Petitioner was convicted of a felony.

(iii) Office of the Attorney General  
Commonwealth of Pennsylvania  
1600 Strawberry Square  
Harrisburg, PA 17120

(f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

(3) FORMS:  
(a)

FORM 505A Petition for a Name Change

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

In Re the Petition of: \_\_\_\_\_ DOCKET No. GD \_\_\_\_\_  
\_\_\_\_\_  
(Print Your Current Name)

For a Name Change to: \_\_\_\_\_  
\_\_\_\_\_  
(Print Your New Name)

VERIFIED PETITION FOR A NAME CHANGE

And now comes Petitioner(s), \_\_\_\_\_

by \_\_\_\_\_  
this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is \_\_\_\_\_

\_\_\_\_\_  
Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for \_\_\_\_\_ year(s) immediately prior to filing this Petition. Petitioner(s) was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_, and Country of \_\_\_\_\_.

2. Petitioner's(s)' present name is \_\_\_\_\_.

3. Petitioner(s)  is not married or  is married to \_\_\_\_\_.

4. Petitioner(s) is the  Father and/or  Mother of the following minor children:

None

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

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

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

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

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

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

Respectfully submitted,

\_\_\_\_\_  
(Sign Your Current Name)

Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_

[New Page] VERIFICATION

I, ( \_\_\_\_\_ ), verify that the statements made  
(Print Your Current Name)  
in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: \_\_\_\_\_  
(Sign Your Current Name)

(b) (i)

FORM 505B(i) Order Scheduling Hearing on Name Change  
(used if Petition is brought by a person(s) of full legal age)

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA**

In Re: Petition of \_\_\_\_\_ CIVIL DIVISION  
\_\_\_\_\_ GD No. \_\_\_\_\_  
\_\_\_\_\_

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon hearing of the within motion of \_\_\_\_\_ Esquire/  
pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ before the Motions Judge. Petitioner(s) shall obtain a  
judgment search from all counties in which he/she has resided during the last five (5) years. It is further Ordered, that  
the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in  
Allegheny County.

BY THE COURT,  
\_\_\_\_\_, J.

(b) (ii)

FORM 505B(ii) Order Scheduling Hearing on Name Change
(used if Petition is brought on behalf of a Minor(s))

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of
CIVIL DIVISION
GD No.
Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this \_\_\_ day of \_\_\_, 20\_\_\_, upon hearing of the within motion of \_\_\_, Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the day of \_\_\_, 20\_\_\_ at \_\_\_ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,
\_\_\_\_\_, J.

(c)

FORM 505C Decree for Change of Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of
CIVIL DIVISION
GD No.
Petitioner(s).

DECREE FOR CHANGE OF NAME

AND NOW, this \_\_\_ day of \_\_\_, 20\_\_\_, upon hearing on the within Petition and upon motion of \_\_\_, Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to

BY THE COURT,
\_\_\_\_\_, J.

(d)

FORM 505D Case Transfer Order

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

In Re: Petition for Change of Name of:
GD No.
FD No.
(a) minor(s)
Petitioner(s):

CASE TRANSFER ORDER

AND NOW, the \_\_\_ day of \_\_\_, 20\_\_\_, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is

\_\_\_\_\_ who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The [ **Prothonotary** ] **Department of Court Records** shall conduct a search of its records to determine if the family involved in this contested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file and transferred to the Family Division. If there is no existing Family Division docket number, the [ **Prothonotary** ] **Department of Court Records** shall assign a Family Division docket number and open a case file. In either event, the above-referenced General Division docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Name	Address	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Name of the father of the minor child(ren) \_\_\_\_\_

Address and telephone number of the father \_\_\_\_\_

Date of Birth of the father \_\_\_\_\_

C. Name of the mother of the minor child(ren) \_\_\_\_\_

Address and telephone number of the mother \_\_\_\_\_

Date of Birth of the mother \_\_\_\_\_

D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce.) \_\_\_\_\_

BY THE COURT:

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

**Local Rule 1018.1. Notice to Defend Form.**

(1) The agency to be named in the notice to defend accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania shall be:

Lawyer Referral Service

Allegheny County Bar Association  
**[ 11th Floor ] 400** Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telephone: (412) 261-5555

<https://www.getapittsburghlawyer.com/>

(2) The agency to be named in the notices required by Pa.R.C.P. 237.1, 237.4, 237.5, 430, 1910.25, 1910.27, 1915.12, 1915.15, 1915.16, 1920.71, 1920.73, 3146 and 3252 shall be:

Lawyer Referral Service  
 Allegheny County Bar Association  
**[ 11th Floor ] 400** Koppers Building  
 436 Seventh Avenue  
 Pittsburgh, PA 15219  
 Telephone: (412) 261-5555

<https://www.getapittsburghlawyer.com/>

*Editor's Note:* Adopted October 4, 2006, effective December 4, 2006.

**Rule 1028(c). Procedures for the Disposition of Preliminary Objections.**

(1) *General Docket Cases.*

(a)(i) **[ Preliminary ] If not filed electronically, preliminary objections shall be [ taken to ] filed with the Chief Motions Clerk. If filed electronically, a copy of the preliminary objections shall be taken to the Chief Motions Clerk.**

*Note:* The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom [ **of the Motions**

**Judge. See “Civil Division” on the Website of the Common Pleas Court of Allegheny County ([www.allegheycourts.us](http://www.allegheycourts.us)) for the name and Courtroom of the Judge who is sitting as the Motions Judge ] 703, City-County Building.**

(ii) [ **Except for preliminary objections raising a question of venue, which is governed by subdivision (d) of this Local Rule, the ] The Chief Motions Clerk shall schedule the time and date for an argument [ before the Motions Judge ].**

*Note:* If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled for argument at the same time as the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, the Chief Motions Clerk will not schedule an argument on these preliminary objections sooner than sixty (60) days after filing.

(iii) [ **The ] Unless filed electronically, the Chief Motions Clerk will file the preliminary objections with the Department of Court Records.**

(iv) The party filing the preliminary objections shall promptly serve copies of these preliminary objections on all other parties with notice of the date and time of the argument, if such has been set.

(b)(i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), [ **and preliminary objections raising a question of venue, which are governed by subdivision (d), ] a brief and proposed order of court, each separately tabbed under the same cover sheet, shall be attached to all preliminary objections. No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached. Failure to attach a brief shall be cause for denial of the preliminary objections.**

(ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.

(iii) A brief shall not exceed ten (10) doubled-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the Motions Judge.

(c)(i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet “Preliminary Objections Raising Questions of Fact”; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.

(ii) All evidence that the parties wish the court to consider shall be filed with the Department of Court Records at least twenty (20) days prior to the argument.

(iii) The party which filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing the preliminary objections shall file their briefs at least seven (7) days prior to argument.

(d)(i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet “Preliminary Objections Raising Questions of Venue”; shall be endorsed with a notice to plead; shall be

accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this Local Rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

**(e) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument by presenting a copy of the preliminary objections to the Chief Motions Clerk as provided elsewhere in these Rules.**

[ *Note:* If the preliminary objections raise only improper venue, a brief is not required.

(ii) Preliminary objections raising questions of venue will be decided by the Calendar Control Judge. The Chief Motions Clerk shall notify the Calendar Control Judge of the filing of the preliminary objections raising a question of venue and the Calendar Control Judge shall instruct the parties as to how these preliminary objections will be resolved.

(iii) The Calendar Control Judge will rule only on the venue preliminary objections. If they are overruled, the Calendar Control Judge will issue a court order which directs the parties to obtain an argument date before the Motions Judge on the remaining preliminary objections. ]

(2) *Arbitration Proceedings.*

(a) The original and a copy of the preliminary objections shall be taken **for filing** to an Arbitration [ **Department** ] Clerk, [ **Courtroom Two, Seventh Floor, Room 702** City-County Building, [ **414 Grant Street, Pittsburgh, Pennsylvania 15219** ] **or, if filed electronically, a copy of the filed preliminary objections shall be taken to the Arbitration Clerk for scheduling of argument.** The clerk will place on the original and the copy (**or upon the copy if filed electronically**) of the preliminary objections a time and date **at least 20 days from the date of filing of the preliminary objections** (usually a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Department of Court Records (**unless filed electronically**), and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

*Note:* The filing of preliminary objections or the Arbitration [ **Office’s** ] Clerk’s scheduling of the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) If the preliminary objections raise issues of fact, at the initial argument the Special Motions Judge shall issue an order describing the manner in which any factual disputes will be resolved.

(c) There are no requirements for the filing of briefs.

(d)(i) The moving party, after contacting all other parties, shall notify an Arbitration Clerk prior to the argument (412-350-5625) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

(ii) The moving party, after a discussion with other parties, shall notify an Arbitration Clerk if the preliminary objections are moot because of the filing of an amended pleading.

**[ General Motions ] (iii) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument by presenting a copy of the preliminary objections to the Arbitration Clerk as provided elsewhere in these Rules. Such party shall promptly serve all other parties with notice of the date and time of argument.**

**(3) Housing Court Proceedings.**

**(a) If not filed electronically, the original and a copy of the preliminary objections shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the preliminary objections, a time and date for an argument before the Housing Court Judge. The Housing Court Clerk will file the original with the Department of Court Records and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument. If filed electronically, the filing party shall take a copy of the preliminary objections to the Housing Court Clerk, and the Housing Court Clerk will place on the copy of the preliminary objections a time and date for an argument before the Housing Court Judge. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.**

**(i) The moving party, after contacting all other parties, shall notify the Housing Court Clerk prior to the argument (412-350-4462) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.**

**(ii) The moving party, after a discussion with other parties, shall notify the Housing Court Clerk if the preliminary objections are moot because of the filing of an amended pleading.**

**Rule 1034(a). Procedures for the Disposition of a Motion for Judgment on the Pleadings.**

**(1) General Docket Cases.**

(a)(i) The original and a copy of the motion for a judgment on the pleadings **(or a copy if filed electronically)** shall be taken to the Calendar Control Office (Room 734 of the City-County Building). A member of the staff shall place on the original and a copy of the motion **(or upon the copy if filed electronically)** the date of the argument list on which the motion will be argued.

*Note:* Motions for judgment on the pleadings filed before 2:00 P.M. on the fortieth (40th) day before the next argument list will be placed on that list. Motions filed less than forty (40) days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge.

**(ii) [ The original copy of the motion shall be returned to the moving party who shall immediately file the motion with the Department of Court Records.**

**(iii) ]** After the motion has been filed with the Department of Court Records, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued **and file a certificate of service.**

*Note:* Argument lists are placed under "Civil Division" on the Website of the Common Pleas Court (www.allegheycourts.us) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

(iv) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.

(v) The brief of the moving party and proposed order of court shall be attached to the motion under the same cover and separately tabbed. Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned.

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

**(2) Arbitration Proceedings.**

(a) The original and a copy of the motion for judgment on the pleadings **(or a copy if filed electronically)** shall be taken to **for filing to** an Arbitration Clerk, **[ Courtroom Two, ] Room 702** Seventh Floor, City-County Building[, 414 Grant Street, Pittsburgh, Pennsylvania 15219, ] **for scheduling of argument.** The clerk will place on the original and the copy of the motion **(or upon the copy if filed electronically)** a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original **(or the copy if filed electronically)** with the Department of Court Records and return **[ the ]** a copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

*Note:* The Arbitration **[ Office's ] Section's** scheduling a motion for judgment on the pleadings for an argument on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(c) The moving party, after contacting the other parties, shall notify an Arbitration **[ Department ]** Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

**(3) Housing Court Proceedings.**

**(a) The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the motion (or a copy if filed electronically), a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.**

**Note: The Housing Court Clerk scheduling of oral argument on a motion for judgment on the pleadings on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).**

**(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation, statute, regulation and case law.**

**(c) The moving party, after contacting the other parties, shall notify the Housing Court Clerk if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.**

**Rule 1038. Trial Without Jury.**

(1) One or more judges, as required, will be assigned to hear non-jury cases during the period scheduled for jury trials.

(2) Parties who elect to have their case tried without a jury after a demand for jury trial has been filed shall enter into and file the following written stipulation:

“The undersigned parties in the above captioned case at law hereby agree that it shall be tried by a Judge without a jury in accordance with Pa.R.C.P. 1038.”

**[ Rule 1042.26(b). Medical Professional Liability Actions. Expert Reports.**

**In this county, unless there is a case-specific Order to the contrary or a published trial list with contrary deadlines, the provisions of Pa.R.C.P. 1042.26 through 1042.38 apply to medical professional liability actions.**

**Note: If deadlines set forth in a published trial list appear to contradict deadlines otherwise calculated in these rules, the earlier deadline will prevail.**

**Note: See Local Rule 4003.5 regarding expert reports in professional liability and product liability actions. ]**

**Rule 1303. Arbitration Hearing. Notice.**

**(1) The Department of Court Records shall [ affix ] assign the date, time and place of hearing before a Board of Arbitrators [ by ] as follows:**

**(i) for complaints filed by presenting to the Department of Court Records, placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties, [ or ] and**

**(ii) for Complaints filed through the electronic filing system, the Department of Court Records shall give notice to the filing party of the date, time and place of hearing before a Board of Arbitrators through the electronic filing system.**

**(iii) The filing party shall notify the parties to be served with copies of the Complaint of the date, time and place of hearing before a Board of Arbitrators; which notice shall be served with the copy of the Complaint.**

(2) Every Complaint (except for Small Claims—see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

**(4) Form 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing.**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION**

\_\_\_\_\_ ARBITRATION DOCKET  
 \_\_\_\_\_ NO . \_\_\_\_\_ — \_\_\_\_\_ — \_\_\_\_\_

PLAINTIFF

VS. HEARING DATE \_\_\_\_\_

\_\_\_\_\_

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached “Notice of Intention To Appear.” One completed copy of the “Notice of Intention to Appear” must be filed or mailed to the Department of Court Records, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to: \_\_\_\_\_ within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may [ lost ] lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association, [ 3rd Floor ] 400 Koppers Building, 436 Seventh Avenue Pittsburgh, Pennsylvania

15219 Telephone: (412) 261-5555 [ www.acbalrs.org ]  
www.getapittsburghlawyer.com

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City-County Building, 414 Grant Street Pittsburgh, Pennsylvania, on \_\_\_\_\_, \_\_\_\_\_ at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING IF one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**Rule 1304.1. Housing Court Mediation.**

(1) When a Housing Court matter is scheduled for an arbitration hearing, the parties will have the opportunity to participate in mediation prior to the arbitration hearing on the day of the scheduled hearing upon mutual consent of both parties. Mediation is not mandatory.

(2) Upon checking in with the Arbitration Clerk, the parties will advise the Arbitration Clerk of their desire to have the dispute mediated before a landlord tenant arbitrator mediator, and at that time the parties will execute an Agreement to Mediate;

(3) If the mediation is successful, the parties will immediately enter into a Consented to Order of Court outlining the terms of the parties' Settlement;

(4) If the mediation is unsuccessful, the parties will proceed to an arbitration which shall be heard by a panel of arbitrators that does not include the mediator on that same day;

(5) Form 1304.1 Housing Court Agreement to Mediate.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA CIVIL DIVISION**

**ARBITRATION DOCKET**

NO . — —

PLAINTIFF

VS. HEARING DATE

AGREEMENT TO MEDIATE

This , day of , 20 , Plaintiff and Defendant identified in the above captioned action, agree to make every effort to in good faith resolve their dispute involving the property located at , through mediation (an effort by an unbiased person to help the parties reach a settlement).

Both Plaintiff and Defendant voluntarily enter into this Agreement to Mediate.

**Rule 1321. Housing Court Procedures.**

The following procedures shall govern all claims filed with or transferred to the Housing Court (see Local Rule 76 for definition of Housing Court), including appeals from Magisterial District Judges involving Landlord and Tenant issues.

(1) Service of Notice of Appeal and Other Papers: see Local Magisterial District Court Rule 1005 regarding service of Notice of Appeal and, if appellant was the tenant before the Magisterial District Judge, of the Complaint.

(2) Complaint: The Complaint may be simplified by filing a "short form" Landlord Tenant Complaint available at the Housing Court Help Desk. All Complaints shall contain a signature of the plaintiff or the plaintiff's counsel (Pa.R.C.P. 1023), an endorsement (Pa.R.C.P. 1025), a Notice of Hearing Date, Notice to Defend, and Notice of Duty to Appear at Arbitration Hearing (Form 1320A) and three copies of a Notice of Intention to Appear (Form 1320B) hereof, and must have the following attached to it:

a. A copy of the written Lease, if any, that exists between the parties and which is the subject of the appeal; and,

b. A copy of the written Notice to Quit or Notice of Lease Termination, if any, that was served upon to the Tenant.

(3) Arbitration: At the time the Complaint is filed, an arbitration hearing date is assigned by the Housing Court Clerk, and the case will be heard before an arbitration panel. See local rules 1301—1308 for arbitration procedures.

(4) Notice of Intention to Appear (Form 1320B): the filed Notice of Intention to Appear shall be a sufficient answer to the Complaint.

(5) A counterclaim may be set forth in either the filed Notice of Intention to Appear or a separate pleading, by a statement indicating concisely the nature and amount of same. No reply to a counterclaim shall be required. If one is filed, it may be limited to a general denial.

(6) For Motion and Petition Practice, including requests for in forma pauperis, related to Housing Court Matters see Local Rules 206.4(c)(5), 208.3(a)(7), 1028(c)(3), and 1034(a)(3).

Note: See Forms 1320A and 1320B.

**Rule 3121. Stay of Execution. Setting Aside Execution.**

(1) *Notice.* Notice shall be given to the party executing the judgment when application will be made for a stay of execution.

(2) *Delivery of Copy of Order Staying Execution to Sheriff.* Orders staying execution, certified to be true and correct by the Department of Court Records, an attorney or a party litigant, shall be provided to the Sheriff.

**Note: [ When ] Except with respect to mortgaged property where no commission is due unless the property is actually sold by the sheriff as provided**

**in 68 Pa.C.S.A. § 2310, when** a writ of execution is stayed after the Sheriff has served or has attempted to serve the writ, **the sheriff's commission referred to as** poundage will be calculated based on the face amount of the writ unless the plaintiff files an affidavit within three business days the actual amount paid or to be paid to the plaintiff in cash or in kind as consideration for staying the writ or satisfying the judgment. If an affidavit is filed, the Sheriff's poundage will be calculated based on the consideration set forth in the affidavit.

[Pa.B. Doc. No. 20-66. Filed for public inspection January 17, 2020, 9:00 a.m.]