

THE COURTS

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Amendment of Rules of Criminal Procedure; Administrative Order No. 18 of 2023

Order of Court

And Now, this 11th day of August, 2023, *It Is Ordered* that Adams County Rules of Criminal Procedure are amended to add new Rule 625, as follows:

[599—699. Reserved.]

Rule 625. Juror Qualification Form.

A. Court Administration shall devise a juror qualification form limited to questions sufficient to determine a person's qualification to serve as a juror as required by 42 Pa.C.S.A. § 4521(d)(1). The juror qualification form shall be in a format that substantially allows for responses to the following questions:

- 1. Are you a resident of Adams County?**
- 2. Are you a citizen of the Commonwealth of Pennsylvania?**
- 3. Can you read, write and understand the English language?**
- 4. Have you been convicted of a crime punishable by imprisonment for more than one year and not granted a pardon or amnesty?**
- 5. Are you incapable, by reason of mental or physical infirmity, to render efficient jury service?**
- 6. Are you 18 years of age or older?**

B. The juror qualification form shall include a signature line for which the person completing the form declares under penalty of perjury that the responses to the questions on the form are true to the best of the person's knowledge.

C. The questions outlined in this Rule and the responses contained therein from prospective jurors shall constitute in whole a completed juror qualification form, and only this form shall be made available to the attorney for the Commonwealth or the defendant's attorney for review or copying, upon request, as permitted by Pa.R.Crim.P. 625(A)(1)(d).

This rule amendment shall become effective after all the provisions of the Pennsylvania Rules of Criminal Procedure are met, to include the following:

a. A certified copy of this order shall be submitted to the Criminal Procedural Rules Committee for review;

b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rules is not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts;

d. A copy of the local rule shall be published on the Unified Judicial System's website.

e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

f. The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 23-1316. Filed for public inspection September 29, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Amendment of Rules of Criminal Procedure; Administrative Order No. 19 of 2023

Order of Court

And Now, this 15th day of August, 2023, upon recommendation from the State Criminal Rules Committee as to Administrative Order 11 of 2023, *It Is Ordered* that Adams County Rules of Criminal Procedure are amended, as follows:

Rule 576.1. Electronic Filing and Service of Legal Papers.

A. Pursuant to Pa.R.Crim.P. 576.1, the Administrative Office of Pennsylvania Courts and the 51st Judicial District have agreed upon an implementation plan for electronic filing of criminal legal papers through the statewide system known as PACFile, effective March 9, 2020.

B. All parties **identified as electronic filing participants by Pa.R.Crim.P. 576.1(D)** are authorized to electronically file legal papers through PACFile with the clerk of courts in cases in the Adams County Court of Common Pleas, 51st Judicial District.

C. Any party **identified as electronic filing participants by Pa.R.Crim.P. 576.1(D)** may[, but is not required to,] utilize PACFile for any document except the following:

1. applications for search warrants,
2. applications for arrest warrants,
3. any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment,
4. submissions filed ex parte as authorized by law, and
5. submissions filed or authorized to be filed under seal.

6. exhibits offered into evidence, whether or not admitted, in a court proceeding.

D. Any party who is [**unable or**] **ineligible**, declines, **or not otherwise required** to participate in PACFile may file legal papers in a physical paper format with the clerk of courts, and shall be served legal papers in a physical paper format by the clerk of courts and other parties to the case. However, pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account shall constitute consent to participate in electronic filing, including acceptance of service electronically of any document filed in PACFile.

E. Parties utilizing PACFile shall serve physical paper format copies on all parties to the case who do not utilize PACFile, pursuant to Pa.R.Crim.P. 576. When utilizing PACFile, parties shall not be required to serve the court administrator.

F. In the event an attorney enters an appearance for a defendant who was previously unrepresented and said defendant established a PACFile account while unrepresented, said defendant shall no longer be permitted to utilize PACFile while represented by counsel, as defined under Pa.R.Crim.P. 576.1(D).

G. On March 9, 2022, all attorneys shall be required to file criminal legal papers electronically through PACFile in the 51st Judicial District, subject to the provisions in this Rule.

This rule amendment shall become effective after all the provisions of the Pennsylvania Rules of Criminal Procedure are met, to include the following:

a. A certified copy of this order shall be submitted to the Criminal Procedural Rules Committee for review;

b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rules is not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts;

d. A copy of the local rule shall be published on the Unified Judicial System's website.

e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

f. The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin*.

g. Upon the effective date this rule, Administrative Order 11 of 2023 shall be *Vacated*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 23-1317. Filed for public inspection September 29, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Local Rule 1035.2(a); No. AD-1103-2023

Administrative Order of Court

And Now, this 18th day of September, 2023, the Court hereby vacates the current Local Rule 1035.2(a) and adopts the following Local Rule 1035.2(a), effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

Erin Karmen, Judicial Law Clerk, is Ordered and Directed to do the following:

1. File one (1) copy of this Order and the following Local Rule 1035.2(a) with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.

2. File one (1) copy of this Order and the following Local Rule 1035.2(a) with the Legislative Bureau for publication in The *Pennsylvania Bulletin*.

3. Publish a copy of this Order and the following Local Rule 1035.2(a) on the Clinton County Court website.

4. Publish a copy of this Administrative Order and Local Rule 1035.2(a) on the Clinton County Court website.

By the Court

CRAIG P. MILLER,
President Judge

Rule 1035.2(a). Procedures Concerning Disposition of Motions for Summary Judgment.

(A) *Procedure Defined.*

(1) Motions for Summary Judgment shall be accompanied by a memorandum of law and must be filed in the Office of the Prothonotary.

(2) Service shall be made in conformity with Pa.R.C.P. No. 440.

(3) All motions shall be accompanied by a notice plainly appearing on the fact thereof of the date the motion was filed with the Prothonotary and advising that a reply memorandum of law must be filed within thirty (30) days from that date. The moving party shall also file with the motion an affidavit of service which shall state that the notice required by this rule has been given.

(4) The Prothonotary shall immediately send the Motion for Summary Judgment to the Court Administrator who shall refer the matter to the appropriate Judge. All requests for an extension of the thirty (30) day period to answer such motions must be approved by the Court by a motion addressed to the Court Administrator; no agreement entered into solely by the parties will be honored by the Court.

(5) Any motion subject to this rule which is filed without an accompanying memorandum may be dismissed. If a reply memorandum has not been filed pursuant to the notice required by subsection (3) of this rule, the Court may dispose of the matter without such memorandum.

(6) If any matter is settled or withdrawn prior to disposition, the Court Administrator shall be promptly advised, and the moving party shall file an appropriate praecipe with the Prothonotary.

(7) The Court in its discretion may grant additional time in which to file a reply memorandum, request additional memoranda, call for oral argument, advance the time for filing, or enter an order prior to the expiration of the thirty (30) day period.

(B) *Matters Requiring Factual Supplement to the Record.*

(1) In the case of motions based on facts not presently a part of the record, a memorandum of law and notice to opposing parties to file a reply memorandum of law within thirty (30) days need not be filed contemporaneously with the motion. Instead, the moving party shall indicate that additional testimony is required.

(2) In all such cases, the moving party shall undertake to supplement the record with the necessary facts by affidavit, deposition or testimony, as the case may require, within sixty (60) days from the filing of the motion.

(3) If the Court requires, the moving party shall file a memorandum of law within two (2) weeks from the completion of the supplementation of the record. This memorandum shall be processed as stated above.

[Pa.B. Doc. No. 23-1318. Filed for public inspection September 29, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

LANCASTER COUNTY

Amendment of Local Rules of Civil Procedure; CI-20-06509

Administrative Order

And Now, this 19th day of September 2023, it is hereby *Ordered* that the following Local Rules of Civil Procedure of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, are amended/adopted/rescinded as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Lancaster County District Court Administrator is *Ordered* to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Lancaster County Court website at www.court.co.lancaster.pa.us.

4. Incorporation of the local rule into the set of local rules on www.court.co.lancaster.pa.us within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DAVID L. ASHWORTH,
President Judge

Rule 205.4. Electronic Filing [**and Service**] of Legal Papers.

A. “Electronic [**Service** ” (e-service)] **Filing**” (**E-Filing**) means the electronic transmission of docu-

ments to [**a party, attorney or representative**] **the court** under these rules. Electronic [**service does not include service of process or summons to gain jurisdiction over persons or property**] **filing does not include service of any documents.**

1. **All Civil Actions (including Family Actions)** filed in the Court of Common Pleas of Lancaster County may be filed by [**electronic filing or eFiling. Also, parties may electronically serve other Advanced File & Serve registered users of the system**] **E-Filing.**

2. *Registration.* Any person intending to use E-File must register with [**File and Serve Express (FileandServeXpress.com)**] **Teleosoft CountySuite Portal. All use of the CountySuite Portal shall be in accordance with the CountySuite Portal user manual. All registered users shall be individuals, not law firms, agencies, corporations or other groups.**

3. *Original document.* **A legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes.**

B. *Form of Documents Electronically Filed.*

1. *Format.* To the extent practicable it shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Court may require from time to time. **All electronic filings shall be in PDF format. A document may exceed page limitation rules to a maximum of two (2) additional pages when the additional pages are attributed to the electronic conversion of filing process. The e-File system will automatically convert any filing to [PDF] PDF/A format[, but the original format will be available for downloading. The official record of the court is the PDF version]**.

2. *Title of Documents.* The title of each electronically filed document shall include: [(1) **Party or parties filing the document;** (2) **Descriptive title of the document;** (3) **Party or parties against whom relief, if any, is sought, and** (4) **Nature of the relief sought (e.g. Defendant ABC Corporation’s Motion for Summary Judgment Against Plaintiff Jones).]**

a. Descriptive title of the document;

b. Party or parties filing the document;

c. Party or parties against whom relief, if any, is sought; and

d. Nature of the relief sought (e.g. Defendant ABC Corporation’s Motion for Summary Judgment Against Plaintiff Jones).

3. *Signature.*

a. Each electronically filed document shall be deemed to have been signed by the attorney or party represented by an attorney authorizing such filing and shall bear a facsimile or typographical signature of such person, e.g. “/s/Adam Attorney”. Each document e-Filed by an attorney shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Pennsylvania bar number. Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if an attorney or party not represented by an attorney has authorized such filing. Docu-

ments containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original signatures are maintained by the filing party in paper format.

b. The electronic filing of a legal paper constitutes a certification by the filing party that the original hard copy was properly signed and, where applicable, verified; and a certification as provided by the signature to a legal paper under Pa.R.C.P. [1023(b)] 1023.1(c), the violation of which shall be subject to the sanction provided in Pa.R.C.P. [1023(c)] 1023.1(d). The filing party shall maintain the original hard copy of the document filed for two years after the later of: the disposition of the case; the entry of an order resolving the issue raised by the legal paper; or the disposition by an appellate court of the issue raised by the legal paper. [Any other party at any time may require the filing party to file the original hard copy by filing with the Prothonotary and serving upon the filing party a notice to file the original hard copy with the Prothonotary within fourteen days of the filing of the notice] Any other party at any time may serve upon the filing party a notice to produce for inspection the signed hard copy within fourteen days of the service of the notice. The court upon motion may grant appropriate sanctions for failure to produce the signed hard copy pursuant to the notice.

[4. Filing Related Documents.

a. Pleadings seeking judicial action such as Proposed Orders shall be filed separately.

b. Documents may be filed in electronic form, except that paper copies of any legal paper required by court rule or statute to be in paper form shall also be filed in the form required. In the case of original process filed to commence an action, the filing party shall provide a sufficient number of paper copies of an electronically filed document in order to permit service by the Sheriff.]

C. Public Access to the Docket.

1. [The Prothonotary shall make a Public Access Terminal available to the general public to allow access to the Court's electronic case record in all eFiled cases. Copies made from the Court's electronic case records system shall be printed by the Prothonotary and copying fees will be charged in accordance with the Prothonotary's usual fee schedule] Public Access to the Prothonotary's docket is available on the Internet at www.co.lancaster.pa.us/155/Prothonotary.

2. The Prothonotary shall make a Public Access Terminal available to the general public to allow access to the Court's electronic case record in all E-Filed cases.

D. Filing Fees.

1. [Filing fees will be billed by File and Serve Express using the billing arrangements established through the File and Serve Express registration process] All filing fees and payments shall be made at the time of filing with an authorized credit card through the CountySuite Portal. Authorized cards shall include Visa, MasterCard, American Express and Discover. Filing fees and payments may not be deposited in advance with the Prothonotary.

2. [Filing fees billed by File and Serve Express shall include Prothonotary's statutory filing fees] Filing fees billed by CountySuite Portal shall include the Prothonotary's statutory filing fees.

3. The Prothonotary is authorized to charge a convenience fee for E-Filing as set forth in the Prothonotary's fee schedule.

E. Sealed Documents.

1. Documents intended to be filed under seal shall be designated by the filing party as "sealed" in the [e-File system] CountySuite Portal. However, designation of documents as "sealed" does not seal the document. The filing party must submit a proper request for sealing documents in addition to making the designation in the CountySuite Portal.

2. The filing details and document title will appear in the e-File system. The document can be viewed only by the Court, the Prothonotary staff, [the filer, and those case participants who received service of that particular document. A party that was not served with the document can see only the document title in the case details, however, that party is not able to open or view the document] and case participants.

F. Time of E-Filing [and eService].

[1. Any document filed electronically by 11:59 p.m. ET shall be considered eFiled with the court once the transmission is successfully completed ("authorized date and time") as recorded on the File and Serve Express System.

2. Delivery of e-service documents through File and Serve to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access their documents through the File and Serve system.

3. For the purpose of computing time to respond to documents received via e-service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of next opening of the court for business.

4. Parties who register to use File and Serve Express consent to receive e-service documents, other than service of subpoenas or summons.]

1. The CountySuite Portal shall provide to the filer, using the email addressed registered by the filer, a courtesy email acknowledging that the E-filing was received. An official notification will be displayed in the CountySuite Portal, which includes the time and date, as a pending filing awaiting approval by the Prothonotary. The Prothonotary shall provide the filer with notification through the CountySuite Portal that the legal paper has been either accepted or rejected.

2. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the CountySuite Portal; however, if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment is received pursuant to 42 P.S. Section 21073(b). The Prothonotary may maintain an electronic file only and no paper file, with approval from the Court.

(Comment: As required by Pa.R.Civ.P. No. 205.4(c)(1) access to the CountySuite Portal shall be available at all times, except for routine maintenance; however, legal documents can only be reviewed by Prothonotary staff during normal office hours. Therefore, filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and resubmission in the event a legal paper is not acceptable for filing.)

G. [**Obligation of Registered eFile Users to Maintain Proper Delivery Information**] Service of Legal Papers.

[**Parties or attorneys who register to use the File & Serve system shall notify File and Serve Express within ten (10) days of any change in firm name, delivery address, fax number or e-mail address.**]

Once an E-Filing has been accepted by the Prothonotary it shall be the responsibility of the filing party to provide to the sheriff the proper service fee and documents for original service and writs. The CountySuite Portal does not include legal service.

H. *Obligation of registered E-File Users to Maintain Proper Delivery Information.*

Parties or attorneys who register to use the CountySuite Portal system shall notify CountySuite Portal within ten days of any change in firm name, delivery address, fax number or e-mail address.

[Pa.B. Doc. No. 23-1319. Filed for public inspection September 29, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Amendments to Local Rules of Civil Procedure No. *200, 206.1(a), 206.4(c), 208.3(b), *920 and 4019*; No. 2023-00001

Order

And Now, this 12th day of September, 2023, the Court hereby Amends Montgomery County Local Rules of Civil Procedure No. *200, 206.1(a), 206.4(c), 208.3(b), *920 and 4019*. These Amended Rules shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

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

By the Court

CAROLYN TORNETTA CARLUCCIO,
President Judge

Bolded and bracketed material is removed.

Bolded and underlined material is added.

Rule *200. Trial Readiness.

(1) thru (8) * * *

Comments:

1. * * *

2. * * *

3. * * *

4. * * *

5. See Local Rule [**208.3(b)(2)**] **4019*.2(2)** for the time limit on filing any motion to compel discovery.

Rule 206.1(a). Petition. Definition.

The following applications are defined as “petitions”, and are to be governed by Rule 206.1, et seq:

(1) [**Request**] **an application** to transfer venue on the ground of forum non conveniens.

(2) an application to strike and/or open a judgment by confession.

Comment: The following applications are not governed by Rule 206.1, et seq., or by Rule 208.1, et seq., but rather are governed by the provisions of the general rule(s) governing the particular matter: Request to Appoint Trustee or Receiver pursuant to Pa.R.C.P. 1533; Petition to Compromise, Settle or Discontinue Minor's Action pursuant to Pa.R.C.P. 2039 and Local Rule 2039(a)*; Petition for Supplementary Relief in Aid of Execution pursuant to Pa.R.C.P. 3118; Petition to Fix Fair Market Value of Real Property Sold pursuant to Pa.R.C.P. 3282; Petition for Appointment of Viewers pursuant to 26 Pa.C.S. § 502; Petition to Post Bond in Land Use Appeals pursuant to 53 P.S. § 11003-A; [**Petition to Intervene pursuant to Pa.R.C.P. 2328**] Petition for Change of Name pursuant to 54 Pa.C.S.A. § 701 et seq.

Rule 206.4(c). Issuance of a Rule to Show Cause.

[Rescinded.]

Rule 206.4(c). Issuance of a Rule to Show Cause.

(1) Issuance. A Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:

(a) a cover sheet in the form set forth in Local Rule 205.2(b),

(b) a brief or memorandum of law, as set forth in Local Rule 210,

(c) a proposed order in the following form:

See Form Proposed Order

(d) a proposed order granting the relief requested by the petition.

The petition and proposed orders shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of proceedings pending disposition of a petition, the Court Admin-

istrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

(2) *Response.* Within the time stated in the Rule to Show Cause, the respondent shall file an answer to the petition. The answer shall be filed along with:

(a) a cover sheet in the form set forth in Local Rule 205.2(b),

(b) a brief or memorandum of law, as set forth in Local Rule 210, and

(c) a proposed order.

(3) *Discovery.* Any depositions or other discovery on factual issues raised by the petition and answer shall be concluded within forty-five (45) days from the date of the Rule to Show Cause Order. Any supplemental briefs addressing facts elicited through such discovery shall be filed within sixty (60) days from the date of the Rule to Show Cause Order.

See Form Argument Praecipe

(4) *Argument Praecipe.* If the petitioner and respondent agree that no discovery on the petition is required or that all such discovery and supplemental briefing have been completed, then either party may file an Argument Praecipe in the following form:

(5) *Disposition.* If the respondent fails to file a timely answer, then the matter shall be immediately referred to a Judge, who will consider the petition on its merits and enter an appropriate order in accordance with Rule 206.7(a). If a timely answer is filed, then the matter shall be referred to a Judge for disposition (a) upon the filing of an Argument Praecipe or (b) after sixty (60) days from the date of the Rule to Show Cause Order, if no Argument Praecipe has been filed. Oral argument shall be held only if ordered by the Judge.

Comments:

1. The forms referenced in this rule are available online at www.montgomerycountypa.gov/945/forms.

2. The term "Argument Praecipe" has been retained as one familiar to the Bar, even though the holding of oral argument is discretionary.

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

[Rescinded.]

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

(1) *Filing.* All other "motions" as defined by Rule 208.1, excepting those listed above in Local Rule 208.3(a), shall be governed by this Rule. All such motions shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the moving party's proposed order and, unless the legal basis for the motion is adequately set forth in the motion itself, a brief or memorandum of law.

(2) *Listing.* Excepting motions for sanctions or contempt of a prior court order and other motions that are to be scheduled for a hearing or that are to

be forwarded to a Judge upon filing, the Court Administrator shall fix promptly a return day which shall not be less than twenty (20) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. Except as the Court may otherwise direct, motions in limine and other pre-trial motions that are filed after a Pretrial Conference has been held or after a case has been listed for trial will not be given a return day and will be referred to the Judge who conducted the Pretrial Conference or, if a different Judge has been assigned the case for trial, to that Judge.

(3) *Motions to Withdraw as Counsel.* If the motion seeks leave of the Court to withdraw as counsel, then the movant must forthwith serve his or her client with a copy of the motion and cover sheet indicating the return day and shall promptly file a certification that the motion and the rule return date were served upon the client, in substantially the following form:

See Form Certificate of Service

If such a certificate is not filed prior to the return date, then the motion shall be stricken without prejudice.

(4) *Emergency Motions.* Motions that are alleged to be "emergencies" will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the appropriate Judge. If the matter is deemed to be an emergency by the Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

(5) *Response.* On or before the return day, the respondent shall file an answer to the motion, even if there are no contested issues of fact. The answer shall be faced with the respondent's cover sheet in the form set forth in Rule 205.2(b) and shall be accompanied by a brief or memorandum of law as set forth in Local Rule 210 and a proposed order. All motions in which answers have been filed will be referred to the appropriate Judge for disposition. Oral argument will be held only if ordered by the Court.

(6) *Unopposed Motions.* If an answer is not filed to the motion on or before the return day, the Court may treat the motion as uncontested, and grant the requested relief, if appropriate.

(7) *Discovery.* The Court may order, either pursuant to a request in the motion or answer or on the Court's own initiative, that discovery be taken on issues of fact raised by the motion and answer. The Court may provide for the filing of supplemental briefs after the conclusion of such discovery.

Comments:

1. See Local Rule 4019*2 for additional provisions relating to discovery motions.

2. Rule 208.1(b)(1)(iv) specifically excludes motions to exclude expert testimony pursuant to Rule 207.1 and motions in limine from the above process.

These motions are filed with the Prothonotary and referred to the trial judge, upon assignment of trial.

3. Requests for leave to withdraw an appearance in family court actions pursuant to Rule 1012 and requests under Local Rule 229(a)*(1) are considered "motions" that are subject to this Rule.

4. Motions relating to discovery in family law actions—excluded from the above process by Rule 208.1(b)(2)(iv)—are governed by Local Rule 4019*.1—Family Discovery Hearing Officer.

Rule *920. Board of Assessment Appeals.

[Rescinded.]

Rule *920. Board of Assessment Appeals.

(a) The Pennsylvania Rules of Civil Procedure shall be applicable to all appeals to the Court of Common Pleas from a real estate assessment or other appealable decision by the Board of Assessment Appeals ("the Board"). Nothing in this rule shall be construed to limit discovery as permitted under the Pennsylvania Rules of Civil Procedure.

(b) The petition for appeal shall have the parcel number(s) of the subject property in the caption and shall have attached to it a photocopy of the appealed from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide:

(1) that the appeal to Court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure;

(2) that within five (5) days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said Board, upon the Board of County Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the school district in which the real estate is situated and their Solicitors, and upon the property owner, if the property owner is not the appellant;

(3) that the taxing authorities of the aforesaid and the property owner, if the property owner is not the appellant, be and are hereby entitled to intervene as parties appellee.

(c) Appellant, within sixty (60) days of filing the appeal, shall provide to appellee and intervening parties a copy of appellant's appraisal report (which need not be the trial report) with copies of income and expense statements and rent rolls (if applicable) for the last three (3) years. In cases where a taxing authority is the appellant, the appraisal report must be provided to appellee and intervening parties within sixty (60) days of appellant's receipt of discovery requested of the taxpayer, including but not limited to inspection of the subject property provided that the taxing authorities forwarded their discovery requests to the taxpayer within thirty (30) days of filing their appeal. Where exemption is the sole issue, this paragraph is not applicable.

(d) Approximately sixty (60) days after the filing of the appeal, the Court Administrator shall issue a Case Management Order setting a deadline of approximately twelve (12) months from commencement for the close of discovery, including exchanges of appraisal reports by testifying experts, and a deadline of approximately thirteen (13)

months from commencement for the filing of dispositive motions. The Order shall provide that the action shall be added to the Court's Civil Trial Inventory promptly after the deadline for filing dispositive motions if no timely dispositive motion is filed or promptly after the determination of all timely filed dispositive motions. Parties may obtain an earlier listing for trial by filing a praecipe under Local Rule 212.1*(d).

(e) Prior to the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, for entry of a Case Management Order that sets deadlines earlier than the standard Order that would issue under paragraph (d) above. After the issuance of a Case Management Order, the parties may file a Stipulation, subject to approval of the Court, that advances any or all of the deadlines in the Case Management Order to earlier dates. A Stipulation that purports to extend any deadlines in a Case Management Order shall not be filed and, if filed, shall be of no force or effect.

(f) *Special Management Cases.*

(1) If an appeal is unusually complex or presents circumstances that would make it impractical to comply with the standard deadlines, any party may file a Motion to Designate Case for Special Management. Such Motions are not favored and will be granted only upon a compelling showing of need. Circumstances that may support such a Motion include, but are not limited to, an unusually large number of parties; the need for an unusually broad or complex scope of discovery that cannot be completed by the standard deadline; complex legal issues that require specially phased discovery; and the need to stay a case pending the outcome of a related case. The Motion should be filed as soon as it becomes apparent that special management is required and need not await the issuance of a standard Case Management Order. Undue delay in filing a Motion may be grounds in itself for denial of the Motion.

(2) Any other party may file a response within fifteen (15) days of the filing of the Motion.

(3) If the Motion is granted, the case shall be referred to a Civil Case Management Hearing Officer, who shall promptly convene a conference with counsel and thereafter submit to the Court a recommendation on a Case Management Order tailored to the particular needs of the case. Upon reviewing the recommendation, the Court will then issue a Case Management Order, which will supersede any standard Case Management Order previously issued by the Court Administrator.

(g) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1*(d)(4)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have fifteen (15) days in which to respond, after which time the Court will enter an appropriate order.

(h) For purposes of transition to the current version of this Rule, the Court Administrator shall issue Case Management Orders as appropriate for

cases pending when the current version of this Rule becomes effective. Nothing in this Rule shall affect any Case Management Order in effect as of the effective date of the current version of this Rule.

Rule 4019*. Discovery Hearing Officer.

[Rescinded.]

Rule 4019*.2. Discovery Motions.

In order to facilitate the prompt disposition of discovery motions, the Court adopts Local Rule of Civil Procedure 4019*.2 as follows:

(1) All motions relating to discovery, originally processed under Local Rule 208.3(b), other than a motion for sanctions, shall be subject to this Rule.

(2) A motion to compel discovery may not be filed more than ten (10) days after any deadline for completion of discovery established by prior Order of the Court. The moving party must indicate on its Cover Sheet the date of such deadline. If the motion is filed before the establishment of such a deadline, the date should be stated as "N/A." If a motion is filed in violation of this paragraph, then the Court Administrator shall not fix a return day under Local Rule 208.3(b), and instead the motion shall be stricken as a matter of course as untimely.

(3) The Board of Judges shall appoint a designated number of members of the Bar to serve as Civil Discovery Hearing Officers, for an indeterminate term, without compensation, at the pleasure of the Court.

(4) If the discovery motion is resolved amicably prior to the return day issued pursuant to Local Rule 208.3(b), the motion shall either be withdrawn or a stipulated order shall be submitted to the Court Administrator for submission to the signing Judge. If the motion is opposed, the Court Administrator shall refer it to a Hearing Officer.

(5) After hearing argument (unless the Hearing Officer determines that oral argument is unnecessary) and considering the motion, answer, and any briefs filed, the Hearing Officer shall submit a written recommendation and proposed order to the assigned Judge for entry of an appropriate order.

[Pa.B. Doc. No. 23-1320. Filed for public inspection September 29, 2023, 9:00 a.m.]

Title 25—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2023-17; Amending Local Rule N1302. Selection and Compensation of Arbitrators; No.: C-48-CV-2023-07187

Administrative Order

And Now, this 18th day of September, 2023, it is Ordered and Decreed that Northampton County Rule of Civil Procedure N1302 is hereby Amended, with the amended rule as follows hereto.

It is further Directed that the Court Administrator of Northampton County shall comply with all publishing requirements set forth in Pa.R.J.A. 103(d)(5)-(6), such as: distributing two (2) certified copies of this Order to the

Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the complete set of Northampton County Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

These amendments shall become effective Monday, October 30, 2023, thirty (30) days from when publication in the *Pennsylvania Bulletin* occurs.

By the Court

CRAIG A. DALLY,
President Judge

Rule N1302. Selection and Compensation of Arbitrators.

a) The Court Administrator or Deputy Court Administrator shall maintain a list of potential arbitrators and shall select three arbitrators for each action. One of these three arbitrators shall be designated as the chairperson.

1) To qualify as a chairperson, an arbitrator must have been a member of the bar of this Court for at least five years.

2) Attorneys who wish to serve as an arbitrator shall inform the Court administrator.

b) If an attorney seeks to be replaced as an arbitrator in a hearing after the attorney was selected by the Court Administrator or Deputy Court Administrator, the attorney shall notify the Court Administrator in writing at least forty-eight hours before the scheduled arbitration hearing.

1) If an attorney fails to provide this notice and fails to serve as an arbitrator during their assigned hearing, the attorney's name will be removed from the list of potential arbitrators.

2) Once removed from the list, an attorney must notify the President Judge in writing that the attorney is available as an arbitrator if the attorney seeks to remain on the list.

c) When the Court Administrator or Deputy Court Administrator appoints an attorney for an arbitration action, the Court Administrator shall send to each attorney of record and to each appointed arbitrator a copy of the notice of appointment by first-class mail or email. If any party to the action is unrepresented, the Court Administrator shall send the copy to the party directly by first-class mail or email.

d) The arbitrators' compensation shall be set forth in a fee schedule which will be maintained by the Court Administrator.

1) The current fee schedule provides that the chairperson shall be paid \$300 and the two arbitrators shall each be paid \$250.

2) If an award is entered by the arbitrators pursuant to an agreed upon settlement of the parties before the hearing, each member of the Board shall receive as compensation an amount set forth by the fee schedule.

3) If more than one hearing is necessary, the chairperson may petition the Court for additional compensation for the chairperson and for the arbitrators.

[Pa.B. Doc. No. 23-1321. Filed for public inspection September 29, 2023, 9:00 a.m.]

**DISCIPLINARY BOARD
OF THE SUPREME COURT**

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated September 14, 2023, Delphine Lara Farr, a/k/a Delphine Lara Janey (# 204732), whose registered address is in Lyons, CO, is suspended from the practice of law in this

Commonwealth for a period of six months, effective October 14, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Board Prothonotary

[Pa.B. Doc. No. 23-1322. Filed for public inspection September 29, 2023, 9:00 a.m.]