

# THE COURTS

## Title 255—LOCAL COURT RULES

### ADAMS COUNTY

#### Rules of Civil Procedure; Administrative Order Number 20 of 2022

##### Order of Court

*And Now*, this 27th day of December, 2022, in recognition of the County changing its website address, the Court hereby modifies the following Rules of the Adams County Rules of Civil Procedure:

##### **Rule 236. Notice of Order or Judgment. Economic hardship.**

When the Prothonotary is required by general or local rule to give notice to any party of any hearing, order, judgment or other matter, it shall be the duty of the moving party to furnish the Prothonotary with sufficient copies of such documents. If the document is to be mailed, the moving party shall also furnish the postage, pre-paid envelope with the name and address of the recipient set forth thereon. The Prothonotary shall note the date that the notice was sent on the file copy. If sufficient copies are not provided, the Prothonotary shall make sufficient copies and charge the moving party a fee established by administrative order. The current fee schedule shall be

posted by the Prothonotary and available for review at [ <http://www.adamscounty.us/Dept/Prothonotary/Pages/default.aspx> ] <https://www.adamscountypa.gov/departments/prothonotary>. Additionally, the Prothonotary may assess postage fees against any moving party who fails to furnish a pre-paid envelope as required by this rule.

##### **Rule 1910.11. Office Conference. Subsequent Proceedings. Order.**

(c) *Demand for Hearing De Novo*. Any party may seek review by the court of the order entered following the office conference by filing a Demand for Hearing De Novo. The “Demand For Hearing De Novo” form shall be used to make such a request. An electronic fill-in version of this form is available [ **on the Adams County Court’s self-help website** ] under the Domestic Relations Services link **of the Adams County website** at [ [www.adamscounty.us](http://www.adamscounty.us) ] <https://www.adamscountypa.gov/courts/domesticrelationssection/documentcenter>. All Demands for Hearing De Novo shall be filed at the Domestic Relations Section located at 525 Boyds School Road, Suite 600, Gettysburg, Pennsylvania 17325.

##### **Rule 1915.4-3.1. Custody Presentation.**

(a) *General*.

(Sample Form “B”—Directive for Custody Conciliation Conference)

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

Plaintiff, : No.  
v. :  
 :  
Defendant, : ACTION IN CUSTODY

#### DIRECTIVE FOR CUSTODY CONCILIATION CONFERENCE

And now, upon consideration of the attached Complaint/Petition for Modification/Petition for Intervention/or Petition for Contempt, it is hereby ORDERED that the parties and their respective counsel appear before a Custody Conciliation Officer in Conference Room 307 located on the third floor of the Adams County Courthouse, 117 Baltimore Street, Gettysburg, Pennsylvania, on \_\_\_\_\_, 20\_\_ at \_\_.m.

At the conference, an effort will be made to conciliate and resolve the issues in dispute; or if this cannot be accomplished, to define and narrow the issues to be heard by the Court. Children should not attend the conference unless specifically requested by the Custody Conciliation Officer.

IF YOU FAIL TO APPEAR AT THE CUSTODY CONCILIATION CONFERENCE AS PROVIDED BY THIS ORDER, WITHOUT PROPER CAUSE SHOWN, THE CUSTODY CONCILIATOR SHALL REFER THE MATTER TO THE COURT FOR FURTHER PROCEEDINGS, WHICH MAY INCLUDE A CONTEMPT HEARING WHICH CAN RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING FINES, ATTORNEYS FEES AND COSTS.

If you have not already done so, you must complete and file with the Prothonotary a Criminal/Abuse History Verification regarding you and all persons living in your household on or before the time of the custody conciliation conference. The form is available on the Court’s self-help page at [ [www.adamscounty.us](http://www.adamscounty.us) under the “Courts” link ] <https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter> and at the Adams County Law Library.

You must serve a copy of the completed form on all other parties. No party may make a change in the residence of a child which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

If any party to this custody action is incarcerated at any stage of the proceedings, the custody conciliation officer or the judge will make reasonable efforts to arrange for the incarcerated party to participate by telephone or video conference. Incarcerated persons may make a request to appear in this manner through the Court Administrator’s Office at 717-337-9846, 117 Baltimore Street, 4th floor, Gettysburg, PA 17325.

If you or any other party needs an interpreter, please contact the Court Administrator's Office at 717-337-9846 as soon as possible. Failure to make a timely request may delay the proceedings.

BY THE COURT:

\_\_\_\_\_  
JUDGE

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Adams County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's Office at 717-337-9846. All arrangements must be made at least 72 hours prior to any proceeding.

**Rule 1915.4-4. Pre-trial Procedures.**

(b) *Pre-trial Statement.*

(3) The Court may require the parties to submit a parenting plan to aid in resolution of the dispute. The form of the parenting plan shall be in substantial compliance with 23 Pa.C.S.A. § 5331. This form is available at the Adams County Court of Common Pleas' self-help web page [ (<http://www.adamscounty.us>) ] <https://www.adamscountypa.gov/courts/courtadministration/selfhelpcenter>.

The modifications to these rules shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to [RulesCommittees@pacourts.us](mailto:RulesCommittees@pacourts.us).

b. Upon notification from the AOPC that the local rule is not inconsistent with State Rules, file two (2) certified copies of this Order together with one (1) electronic copy in a Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

d. A copy of the proposed local rule(s) shall be published on the 51st Judicial District 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(s) shall be 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

MICHAEL A. GEORGE,  
*President Judge*

[Pa.B. Doc. No. 23-101. Filed for public inspection January 27, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LACKAWANNA COUNTY

#### Adoption of Lacka.Co.R.C.P. 175 and Amendments to Lacka.Co.R.C.P. 208.3(a), 211(c), 214(e), 214.2(a) and (c), 1028(c), 1034(a), 1035.2(a) and 4000.1(a) Governing the Use of Advanced Communication Technology (ACT) in Civil Proceedings; No. 23 CV 1

#### Order

*And Now*, this 12th day of January, 2023, in accordance with Pa.R.Civ.P. 239 and Pa.R.J.A. 103(d), and inasmuch as (1) Pa.R.J.A. 103(d)(4) requires all proposed local rules to "be submitted in writing to the appropriate Rules Committee for review," and provides that the adopting court may "not proceed with the proposed local rule until it receives written notification from the appropriate Rules Committee that the proposed local rule is not inconsistent with any general rule of the Supreme Court," (2) the following local rules were submitted by the Court of Common Pleas of Lackawanna County to the Supreme Court of Pennsylvania Civil Procedural Rules Committee for its review and approval, and (3) on January 11, 2023, the Court of Common Pleas of Lackawanna County received written notification from the Supreme Court of Pennsylvania Civil Procedural Rules Committee that the following "local rules are not inconsistent with the State-wide rules and are approved for publication pursuant to Pa.R.J.A. 103(d)(5)", it is hereby *Ordered* and *Decreed* that the following Lackawanna County Rules of Civil Procedure are adopted and amended as follows:

1. New Lacka.Co.R.C.P. 175 is adopted as reflected in the following Rule 175 which appears in bold type and italics for ease of reference;

2. Lacka.Co.R.C.P. 208.3(a), 211(c), 214(e), 214.2(a) and (c), 1028(c), 1034(a), 1035.2(a), and 4000.1(a) are amended as reflected in the following Rules with the amended language appearing in bold type and italics for ease for reference;

3. Pursuant to Pa.R.J.A. 103(d)(5) and (6), the following Local Rules shall be disseminated and published in the following manner:

(a) One (1) copy of the following Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) paper copies of the following Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) The Legislative Reference Bureau shall also be provided with a copy of the following Local Rules on a computer diskette, CD-ROM, or other agreed upon alternative format that complies with the requirements of 1 Pa. Code § 13.11(b);

(d) A copy of the following Local Rules shall be published on the website of the Court of Common Pleas of Lackawanna County which is maintained by the County of Lackawanna;

(e) The following Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish any requesting person with a copy of following Local Rules; and

(f) A copy of the following Local Rules shall be distributed to the Lackawanna Bar Association for publication in the *Lackawanna Jurist* and on the website of the Lackawanna Bar Association.

4. The adoption of Lacka.Co.R.C.P. 175 and the amendments to Lacka.Co.R.C.P. 208.3(a), 211(c), 214(e), 214.2(a) and (c), 1028(c), 1034(a), 1035.2(a), and 4000.1(a) shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* in compliance with Pa.R.J.A. 103(d)(5)(iii); and

5. Pursuant to Pa.R.J.A. 103(d)(6)(iii), the Court of Common Pleas of Lackawanna County shall incorporate the following Local Rules in the complete set of the Lackawanna County Rules of Civil Procedure no later than thirty (30) days following their publication in the *Pennsylvania Bulletin*.

*By the Court*

PATRICIA CORBETT,  
*President Judge*

**THE BUSINESS OF THE COURT**

**Rule 175. Use of Advanced Communication Technology (ACT).**

**(a) ACT includes any communication equipment that is used as a link between the court and others in physically separate locations, such as any system providing for two-way simultaneous communication of both video and sound, or telephone or internet-based audio communication in which all parties can hear and be heard.**

**(b) Consistent with past practice, the court has the discretion to schedule and conduct certain court proceedings by Advanced Communication Technology (“ACT”), subject to any limitation imposed under the Pennsylvania Rules of Civil Procedure, Pennsylvania law, or these rules.**

**(c) ACT shall not be used to conduct jury selection, jury trials, final pre-trial conferences, settlement conferences, or any type of proceeding involving the presentation of documentary or testimonial evidence, except as otherwise provided below.**

**(d) The court has the discretion to utilize ACT to conduct initial status conferences, scheduling conferences, the presentation of uncontested motions or petitions, oral arguments on contested motions or petitions, or uncontested hearings involving court approval of settlements.**

**(e) Any party may request to participate in any proceeding under Rule 175(d) in person or by ACT, and shall state in the request whether each party opposes or concurs with that request. The presiding judge has the discretion to grant or deny the request.**

**(f) The court shall provide counsel and self-represented litigants with notice of the date and time of the proceeding and shall furnish them with the log-in or call-in information and access codes for the ACT proceeding.**

**(g) The public shall be permitted access to court proceedings conducted via ACT, unless such access is prohibited or limited by statute of rule, or the presiding judge has closed the proceeding to the public in conformity with the applicable law.**

**PRACTICE AND PROCEDURE GENERALLY**

**Rule 208.3(a). Motion Procedure.**

A party seeking relief from the court by way of motion shall serve all counsel and unrepresented parties with a copy of the motion, together with notice that the motion will be presented to the court on a date certain, at least (3) business days (excluding Saturdays, Sundays and holidays) prior to the date of presentation. Except for discovery motions which are governed by Lacka.Co.R.C.P. 4000, 4000.1, 4012, 4013 and 4019, any motion defined by Pa.R.Civ.P. 208.a shall be presented in Motions Court which shall be held daily by the designated Motions Court judge. **Uncontested or stipulated motions or petitions shall be presented for consideration by emailing the motion or petition, together with a proposed Order for execution by the Motions Court judge, to CivilMotion@lackawannacounty.org.**

**The original uncontested or stipulated motion or petition must be filed by the moving or petitioning party with the Clerk of Judicial Records. Contested or opposed motions or petitions shall be presented in-person to the designated Motions Court judge in the assigned courtroom on Monday through Friday at 9:00 a.m. and by the court en banc on the last Friday of the month at 9:30 a.m. Counsel and pro se litigants who desire to present an opposed or contested motion or petition in Motions Court shall write their names legibly in the motion book maintained for such purposes. Unless otherwise directed by the Motions Court judge, all opposed or contested motions or petitions shall be heard in order in which the names appear in the motion book. Motion court involving domestic relations and orphans’ court matters shall be held by judges assigned to the family court division and the orphans’ court division. [at the times and on the days designated by the Court Administrator]. Whenever practicable, emergency motions shall likewise be presented in Motion Court pursuant to Lacka.Co.R.C.P. 208.3(a). In the event that an emergency motion cannot be presented in Motion Court, the party or counsel presenting an emergency motion shall submit the motion to the Court Administrator who will assign the emergency motion to an available judge under Pa.R.Civ.P. 249 for disposition. The Motions Court judge may dispose of the motion at the time of initial consideration or may defer any ruling and, in the interim, either (i) set forth procedures for disposition of the motion pursuant to Pa.R.Civ.P. 208(4)(a)(2) or (b)(1), or (ii) direct the parties to proceed under Lacka.Co.R.C.P. 211.**

\* \* \* \*

**Rule 211. Disposition of Motions and Petitions.**

(a) To assign a motion or petition to a judge for disposition or to schedule a motion or petition for argument where a rule returnable does not set a schedule, a party shall file with the Clerk of Judicial Records and the Court Administrator a praecipe for assignment. See Appendix, Form 2.

(b) Prior to filing a praecipe of assignment, the moving or petitioning party shall contact counsel for all other parties of record to determine whether an opposing party or lawyer wishes to present oral argument. The moving or petitioning party shall indicate on the praecipe for assignment whether the matter is being submitted on briefs and without the necessity of oral argument or is to be scheduled for argument by the Court Administrator. No praecipe for assignment will be accepted by the Clerk of Judicial Records or the Court Administrator unless the



moving or petition party has indicated in writing whether the matter is to be submitted on briefs or scheduled for oral argument.

(c) The Court Administrator shall assign motions and petitions to the judges of the court on a rotating basis and shall establish a briefing schedule for the parties. **The notice of assignment shall state whether the oral argument will be conducted in person or by ACT pursuant to Lacka.Co.R.C.P. 175(c). No oral argument will be transcribed by a court reporter unless a party or counsel specifically requests such transcription at least one week prior to the scheduled argument by contacting the Chief Court Reporter in writing in order to make advance arrangements for the physical or remote presence of an assigned court reporter to transcribe the oral argument.**

(d) The original of a party's brief shall be filed with the Clerk of Judicial Records and copies shall be provided to the assigned judge and all opposing counsel in accordance with the schedule set by the Court Administrator.

(e) If the moving or petitioning party fails to timely file and serve a brief, or fails to appear at oral argument, if requested, the matter may be dismissed by the court as of course. The judge to whom supplemental briefing by the parties.

(f) If any party other than the moving or petitioning party fails to timely file and serve a brief, that party may be deemed not to oppose the motion or petition and may not be allowed to present oral argument.

(g) No case listed for argument will be continued except for good cause shown to the satisfaction of the court.

\* \* \* \*

**Rule 214. Listing Cases for Hearing or Trial.**

(a) The Court Administrator shall assign a case for hearing or trial upon the filing of a Certificate of Readiness in the form attached to the Appendix of these Local Rules as Form 7. The Certificate of Readiness should identify the judge who has decided any case dispositive motions under Lacka.Co.R.C.P. 1028, 1034, or 1035.2 and whenever practicable, the Court Administrator shall assign the case for hearing or trial to the judge who has decided that case dispositive motion.

(b) No Certificate of Readiness may be filed until all discovery in the case has been completed and all depositions for use at trial have been scheduled or completed, nor may a Certificate of Readiness be filed if any case dispositive motion is pending for disposition by the court. The filing of a Certificate of Readiness shall constitute a verification that no case dispositive motions are pending nor does any party or attorney contemplate filing such a case dispositive motion.

(c) No Party or lawyer may file more than one Certificate of Readiness on any single day.

(d) At least fifteen (15) days prior to the filing of a Certificate of Readiness, the party or lawyer seeking to certify the case for trial must advise all counsel of record and self-represented parties of the intention to file a Certificate of Readiness. If no counsel or party objects to the filing of a Certificate of Readiness within that fifteen (15) day period, the Certificate of Readiness may be filed as provided by paragraphs (b) and (c) above. In the event that an attorney or party objects to the filing of a Certificate of Readiness and the attorney or party seeking to certify the case for trial believes that the objection is

frivolous or being asserted for an improper purpose such as to unnecessarily delay the disposition of the litigation, the attorney or party seeking to certify the case for trial shall present a motion to the Motion Court judge pursuant to Lacka.Co.R.C.P. 208(a) requesting leave of court to file a Certificate of Readiness over the objection of the opposing party or counsel.

**(e) Upon the filing of a Certificate of Readiness, the Court Administrator shall promptly schedule a status conference before the assigned judge and forward notice of the conference to all counsel and unrepresented parties. The assigned judge shall determine, and the notice shall state, whether the status conference will be conducted in person or by ACT pursuant to Lacka.Co.R.C.P. 175(c). During the status conference, the assigned judge will schedule dates certain for trial and the final pre-trial conference.**

\* \* \* \*

**Rule 214.2. Assignment of Medical Professional Liability Actions and Protracted Cases.**

(a) Following the filing of a Complaint by the plaintiff pursuant to Pa.R.Civ.P. 1042.2 and the entry of appearance by the defendant(s) or defense counsel pursuant to Pa.R.Civ.P. 1012(a) or Lacka.Co.R.C.P. 200.1(a) in all medical professional liability actions subject to the reporting requirements set forth in Pa.R.Civ.P. 1042.51(c), the Court Administrator shall assign the case to the judges of the court on a rotating basis and shall promptly schedule a status conference before that judge and forward notice of the conference to all counsel and unrepresented parties. **The notice shall state whether the status conference will be conducted in person or by ACT pursuant to Lacka.Co.R.C.P. 175(c).** During the status conference, the assigned judge will establish deadlines for the completion of discovery, the exchange of expert witness reports and the filing of case dispositive motion, and schedule dates certain for trial and the final pre-trial conference. All preliminary objections, motions for judgment on the pleadings, motions for summary judgment, and other case dispositive motions, discovery motions, and other pre-trial motions will be addressed to, served upon and decided by the assigned judge.

(b) Any other case that will require at least eight (8) days of total trial time, including jury selection, may be designed as a protracted case and assigned to a judge of the court on a rotating basis for pre-trial and trial purposes. A case may be designed as a protracted case upon the filing of a Certification of Protracted Case Designation, subject to the provisions of Pa.R.Civ.P. 1023.1 and 1023.4 with the concurrence of all counsel of record and unrepresented parties in the form attached to the Appendix of these Local Rules as Form 7A. In the event that all counsel and unrepresented parties do not concur with the designation of a case as a protracted case, the party seeking such designation may present a motion to the Motions Court Judge pursuant to Lacka.Co.R.C.P. 208.3(a) requesting the designation of the case as a protracted case. The motion requesting designation as a protracted case must set forth with specificity, and subject to Pa.R.Civ.P. 1023.1 to 1023.4, the reason(s) why the case warrants designation as a protracted case.

(c) A Certification for Protracted Case Designation (Form 7A) or a motion requesting the designation of a case as a protracted case may be filed following the filing of a complaint by the plaintiff and entry of appearance by all defense counsel and unrepresented parties pursuant to

Pa.R.Civ.P. 1012(a) and Lacka.Co.R.C.P. 200.1(a). Once a Certification for Protracted Case Designation or an Order of the Court designating a case as a protracted case has been filed, the Court Administrator shall assign the case for a judge of the court on a rotating basis and shall promptly schedule a status conference before the assigned judge and forward notice of that conference to all counsel of record and unrepresented parties. **The notice shall state whether the status conference will be conducted in person or by ACT pursuant to Lacka.Co.R.C.P. 175(c).** During the status conference, the assigned judge will establish deadlines for the completion of discovery, the exchange of expert witness reports and the filing of a case dispositive motions, and schedule dates certain for trial and the final pre-trial conference. After a case has been designated as a protracted case and assigned to a judge, all case dispositive motions, discovery motions, and other pre-trial motions in a protracted case will be addressed to, served upon and decided by the assigned judge.

\* \* \* \*

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

A party filing preliminary objections shall file the original preliminary objections with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka.Co.R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka.Co.R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of preliminary objections, and scheduling of oral argument, if necessary, shall be governed by Lacka.Co.R.C.P. **175(c) and 211(c)—(g).**

\* \* \* \*

**Rule 1034. Motion for Judgment on the Pleadings.**

(a) A party filing a motion for judgment on the pleadings shall file the original motion for judgment on the pleadings with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with the praecipe for assignment in accordance with Lacka.Co.R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka.Co.R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of motion for judgment on the pleadings, and scheduling of oral argument, if necessary, shall be governed by Lacka.Co.R.C.P. **175(c) and 211 (c)—(g).**

\* \* \* \*

**Rule 1035.2. Motion for Summary Judgment.**

(a) A party filing a motion for summary judgment shall file the original motion for summary judgment with the Clerk of Judicial Records and shall deliver a copy of the same to the Court Administrator together with a praecipe for assignment in accordance with Lacka.Co.R.C.P. 211. The party filing a praecipe for assignment shall comply with the requirements of Lacka.Co.R.C.P. 211(b) prior to filing the praecipe for assignment. The filing of briefs, assignment of motion for summary judgment and scheduling of oral argument, if necessary, shall be governed by Lacka.Co.R.C.P. **175(c) and 211(c)—(g).**

\* \* \* \*

**Rule 4000.1. Discovery Motion Court.**

(a) Except for medical professional liability actions and protracted cases governed by Lacka.Co.R.C.P. 214.2, all discovery motions shall be presented to the Discovery

Motions Court judge. **Uncontested or stipulated discovery motions or petitions shall be presented for consideration by emailing the motion or petition, together with a proposed Order for execution by the Discovery Motions Court judge, to Discovery Motion@lackawannacounty.org. The original uncontested or stipulated discovery motion or petition must be filed by the moving or petitioning party with the Clerk of Judicial Records. Contested or opposed discovery motions or petitions shall be presented in-person** to the Discovery Motions Court judge who shall hear motions in the Lackawanna County Courthouse on Monday and Thursday at 9:30 AM in the courtroom designated by the Court Administrator, unless otherwise agreed by counsel or the Discovery Motions Court judge or by order of the Discovery Motions Court judge.

(b) In the event that the Discovery Motions Court Judge is unavailable on Monday or Thursday at 9:30 AM, and unless otherwise agreed by counsel for the Discovery Motions Court judge, discovery motions shall be presented to the Motions Court judge in compliance with Lacka.Co.R.C.P. 208.3(a).

[Pa.B. Doc. No. 23-102. Filed for public inspection January 27, 2023, 9:00 a.m.]

**Title 25—LOCAL COURT RULES**

**MONROE COUNTY**

**Local Rule of Civil Procedure on Arbitrations; 2 AD 2023; 5 CV 2023**

**Amended Order**

*And Now*, this 6th day of January, 2023, it is *Ordered* that Monroe County Rules of Civil Procedure (Monroe Co.R.Civ.P.) 1301 and 1302 are amended and Monroe Co.R.Civ.P. 1303, 1304, and 1305 are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the District Court Administrator shall:

1. File one (1) electronic copy of this Rule with the Administrative Office of Pennsylvania Courts via email to [civilrules@pacourts.us](mailto:civilrules@pacourts.us).
2. File two (2) paper copies of this Order and Rule with the Legislative Reference Bureau and one (1) electronic copy in Microsoft Word format only via email to [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*.
3. Arrange to have this Rule published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).
4. Arrange to have this Rule, as well as all local rules, published on the 43rd Judicial District website at [www.monroepacourts.us](http://www.monroepacourts.us).
5. Keep this Rule, as well as all local rules of this Court, continuously available for public inspection and copying in the respective Monroe County filing office.

a. Upon request and payment of reasonable cost of reproduction and mailing, the respective filing office shall furnish to any person a copy of any local rule.

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

**Compulsory Arbitration**

**Rule 1301. Scope.**

1. *Types of Cases for Compulsory Arbitration*—All civil cases where the amount in controversy (exclusive of interest and costs) is Fifty Thousand (\$50,000.00) Dollars or less shall first be submitted to a Board of Arbitrators, except those cases involving title to real estate, equity cases, mandamus, quo warranto, and mortgage foreclosure, in accordance with 42 Pa.C.S. § 7361.

2. *Amount in Controversy*—The amount in controversy shall be determined from the pleadings or by agreement of counsel.

3. *Cases on a Trial List*—The Court may of its own motion, or upon the motion of any party, strike from the trial list and certify for arbitration any case which should have been submitted for Compulsory Arbitration in the first instance.

4. *Timing of Arbitration*—No case shall be scheduled for arbitration until

a. the expiration of 30 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; AND

b. unless counsel for the moving party certifies at the time of filing the Praeceptum for arbitration that:

i. All preliminary objections have been finally determined;

ii. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay hearing;

iii. The moving party and witnesses are available and ready to proceed to hearing.

5. *Form*—A case shall be listed for arbitration when a party files a Praeceptum for Arbitration on the form attached to this rule.

6. *Notice*—Notice of the date, time and place of arbitration shall be provided to counsel for the parties via electronic mail or, if unrepresented, to the party directly via certified and regular mail by the Court Administrator, or her/his designee, and shall include the following provision pursuant to Pa.R.C.P. 1303(a)(2):

“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

Form—Praeceptum for Arbitration

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_  
\_\_\_\_\_  
VS.  
\_\_\_\_\_

NO: \_\_\_\_\_  
PRAECEPTUM FOR ARBITRATION  
43 J.D.R.C.P. 1301

TO THE PROTHONOTARY OF SAID COURT:

- Appoint arbitrators in the above case
- ( ) Amount in controversy is \$50,000 or less.
- ( ) The case has been at issue more than thirty days.
- ( ) Order of the Court.
- ( ) Judgment has been entered Sec Leg. Assessment of Damages only.
- ( ) Estimated time required for hearing is \_\_\_\_\_ hours.
- ( ) There is Companion Case No. \_\_\_\_\_ .
- ( ) Other

The case is to be tried by and notices sent to:

\_\_\_\_\_  
\_\_\_\_\_  
Attorney(s) for Plaintiff(s) or Pro Se Plaintiff  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone Number  
\_\_\_\_\_  
Email

\_\_\_\_\_  
\_\_\_\_\_  
Attorney(s) for Defendant(s) or Pro Se Defendant  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone Number  
\_\_\_\_\_  
Email

I CERTIFY that all preliminary objections have been finally determined; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed.

I CERTIFY that a copy of this Praecipe has been served on the following by the moving party.

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

Dated: \_\_\_\_\_

Attorney for the \_\_\_\_\_

**Rule 1302. Selection, Replacement, and Compensation of Arbitrators.**

1. *Arbitrators*—Attorneys admitted to the Monroe County Bar shall constitute a list of members qualified to act as arbitrators. The Court Administrator shall select from said list three (3) arbitrators for each action; the Chairperson shall have been a member of the Bar of this Court admitted to the practice of law for a minimum of three (3) years. Not more than one member or associate of a firm or association of attorneys shall be appointed to the same board.

2. *Replacement as an Arbitrator*—If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall request replacement on the form that follows by email to Arbitrations@monroepacourts.us a minimum of seven (7) days prior to the scheduled arbitration hearing, except where excused by the Court for good cause shown. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of his appointment by the Court Administrator, the attorney may be subject to sanctions.

3. *Notice of Appointment*—The Court Administrator shall email a copy of the notice of appointment to each attorney of record and to each arbitrator appointed. In the event that any party is not represented by an attorney, the Court Administrator shall send such copy to the party at his last known address by certified and regular mail. The address and if known, email address of any unrepresented party is to be furnished to the Court Administrator by the party filing the Praecipe for arbitration.

4. *Arbitrator Compensation*—The amount of compensation for each member of the Board of Arbitrators, which shall be paid by the County, shall be established from time to time by the President Judge by Administrative Order. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon request by the Chairperson under subsection 8 of this Rule.

Form—Replacement of Arbitrator

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

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

\_\_\_\_\_  
VS.  
\_\_\_\_\_

REQUEST FOR REPLACEMENT OF ARBITRATOR

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

Chairperson: \_\_\_\_\_  
(Include Firm)

Arbitration Panelists: \_\_\_\_\_  
(Include Firm)

Reason for Request: \_\_\_\_\_  
\_\_\_\_\_

Substitute Panelist: \_\_\_\_\_  
(Include Firm)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

**Rule 1303. Continuance of Arbitration.**

1. *Form of Application for Continuance*—The President Judge or her/his designee shall have the authority to grant continuances and all requests for continuances shall be by motion as set forth in Pa.R.C.P. 206.1(a), Pa.R.C.P. 208.2(d), and Monroe County Local Rule of Civil Procedure 208.2(d).

2. *Timing of Motion for Continuance*—All motions for continuance of an arbitration must be filed a minimum of seven (7) business days prior to the date of the hearing. Prior to filing a motion for continuance, the moving party shall confer with opposing counsel and all arbitration panelists on a date for the continued hearing. The moving party shall include any agreed-upon dates in their motion and attach certificates of concurrence.

**Rule 1304. Conduct of Hearing, Generally.**

1. *Failure to Appear for Arbitration*—If a party fails to appear for the hearing, no default judgment shall be entered. The arbitrators shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence.

2. *Complying with State Rules*—The arbitrators and parties shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305, 1306. When making an award pursuant to Pa.R.C.P. 1306, the arbitrators shall complete and sign the form provided by Court Administration as prescribed by Pa.R.C.P. 1312. The Chairperson shall send the completed form by email to Arbitrations@monroepacourts.us no more than three business (3) days following the arbitration.

3. *Additional Day(s) of Hearing*—When more than one hearing becomes necessary, the Chairperson shall notify Court Administration by filling out the form that follows and emailing same to Arbitrations@monroepacourts.us. The Chairperson must certify on the form that all participants are in concurrence with the request for additional time and shall set forth a hearing date mutually agreed upon by counsel, the parties, and the arbitrators.

Form—Additional Hearing Day

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

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

\_\_\_\_\_  
VS.

\_\_\_\_\_

\_\_\_\_\_

REQUEST FOR ADDITIONAL HEARING DAY

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

Chairperson: \_\_\_\_\_

Arbitration Panelists: \_\_\_\_\_

Counsel for Plaintiff: \_\_\_\_\_

Counsel for Defendant: \_\_\_\_\_

Reason for Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Agreed-Upon Date(s): \_\_\_\_\_



\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Name\_\_\_\_\_  
Firm\_\_\_\_\_  
Email\_\_\_\_\_  
Telephone**Rule 1305. Default Judgment and Settlement.**

1. *Default Judgment*—If a default judgement is entered on a case that is scheduled for arbitration, the filing party must notify Court Administration simultaneously with the filing of the default judgement by email to Arbitrations@monroepacourts.us. Thereafter, a copy of the timestamped default judgement must be sent to Court Administration by email a minimum of three (3) business days prior to the arbitration.

2. *Settlement*—If the parties to a case scheduled for arbitration reach a settlement, they must file a Joint Motion to Cancel the Arbitration and notify Court Administration simultaneously with the filing of the Joint Motion by email to Arbitrations@monroepacourts.us. Thereafter, a copy of the timestamped Joint Motion must be sent to Court Administration by email a minimum of three (3) business days prior to the arbitration. If no Praecipe to Discontinue/Settle and End has been filed with the Joint Motion, the Plaintiff will be ordered to file one within thirty (30) days.

[Pa.B. Doc. No. 23-103. Filed for public inspection January 27, 2023, 9:00 a.m.]

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## Title 25—LOCAL COURT RULES

### SOMERSET COUNTY

#### Administrative Order; Administrative Order 1 of 2023

#### Administrative Order

*And Now*, this 5th day of January 2023, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, it is hereby ordered that this Administrative Order is hereby adopted to read as follows hereto.

The Court Administrator's office is directed as follows:

- (1) Distribute two (2) copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference bureau for publication in the *Pennsylvania Bulletin*.
- (2) Email copy to the Administrative Office of Pennsylvania Courts: adminrules@pacourts.us.
- (3) One certified copy shall be sent to the Somerset County Law Library and the Editor of the *Somerset Legal Journal*.
- (4) Publish a copy of the local Rule on the County Website.

*By the Court*

D. GREGORY GEARY,  
*President Judge*

IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY  
PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE:

INCREASE IN FEES FOR  
COURT-APPOINTED GUARDIANS  
OF MEDICAID RECIPIENT  
INCAPACITATED PERSONS

NO. Administrative Order 1-2023

#### Administrative Order

*And Now*, this 5 day of January, 2023, *It Is Hereby Ordered* that, effective January 9, 2023, all currently serving Somerset County court-appointed professional guardians who had previously been court authorized to receive monthly monetary compensation (e.g., \$100.00 per month) from Medicaid in Somerset County guardianship cases, are now authorized to receive \$300.00 per month from Medicaid in those cases, without the need to file a petition seeking the fee

increase. The Somerset County Court Administrator shall post notice of this order on the Somerset County Court of Common Pleas website as soon as reasonably possible. The Somerset County Clerk of the Orphans' Court shall also post notice of this order on its official website.

By the Court

D. GREGORY GEARY,  
President Judge

[Pa.B. Doc. No. 23-104. Filed for public inspection January 27, 2023, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**SOMERSET COUNTY**

**Administrative Order; Criminal Division; Administrative Order 1 of 2023**

**Administrative Order**

And Now, this 5th day of January 2023, pursuant to Rule 103 of the Pennsylvania Rules of Judicial Administration, it is hereby ordered that this Administrative Order is hereby adopted to read as follows hereto.

The Court Administrator's office is directed as follows:

- (1) Distribute two (2) copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference bureau for publication in the *Pennsylvania Bulletin*.
- (2) Email copy to the Administrative Office of Pennsylvania Courts: adminrules@pacourts.us.
- (3) One certified copy shall be sent to the Somerset County Law Library and the Editor of the *Somerset Legal Journal*.
- (4) Publish a copy of the local Rule on the County Website.

By the Court

D. GREGORY GEARY,  
President Judge

IN THE MATTER OF:	)	IN THE COURT OF COMMON PLEAS OF
	)	SOMERSET COUNTY, PENNSYLVANIA
	)	
ASSIGNMENT OF TRAFFIC CASES	)	
ARISING ON THE PENNSYLVANIA	)	
TURNPIKE WITHIN THE	)	
BOUNDARIES OF SOMERSET	)	
TOWNSHIP, SOMERSET COUNTY,	)	
PENNSYLVANIA.	)	ADMINISTRATIVE ORDER 1-2023
	)	

**Administrative Order**

And Now, this 5 day of January, 2023, pursuant to the administrative authority granted president judges by Rule 605(A)(5) of the Pennsylvania Rules of Judicial Administration, *It Is Ordered*, effective January 6, 2023 at 12:01 a.m., all traffic citations filed as a result of violations occurring on the Pennsylvania Turnpike within the boundaries of Somerset Township, Somerset County, Pennsylvania shall be filed in Magisterial District 16-3-05. This is a reassignment of a class of cases from Magisterial District 16-3-03 to Magisterial District 16-3-05, to remain in effect pending further order of Court. This Order supersedes Administrative Order 11-2022, filed of record on November 16, 2022.

By the Court

D. GREGORY GEARY,  
President Judge

[Pa.B. Doc. No. 23-105. Filed for public inspection January 27, 2023, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### YORK COUNTY

#### Increase in Fees for Court-Appointed Guardian of Medicaid Recipient Incapacitated Persons; No. 6723-0115

##### Administrative Order

*And Now*, this 12th day of January, 2023, in consideration of the recent increase in permitted maximum monthly guardianship fees in Medicaid cases from \$100.00 per month to \$300.00 per month effective January 1, 2023, it is hereby *Ordered* and *Decreed* that, effective January 1, 2023, all currently serving York County court-appointed professional guardians who had previously been court authorized to receive monthly monetary compensation (e.g. \$100.00 per month) from Medic-

aid in York County guardianship cases, are now authorized to receive \$300.00 per month from Medicaid in those cases, without the need to file a petition seeking that fee increase.

The York County Orphans' Court shall post notice of this order on the York County Orphans' Court webpage as soon as reasonably possible and send copies of this order to all known professional/corporate court-appointed guardians. The York County Clerk of the Orphans' Court shall also post notice of this order in its office and forward a copy to the York County Bar Association.

*By the Court*

MARIA MUSTI COOK,  
*President Judge*

[Pa.B. Doc. No. 23-106. Filed for public inspection January 27, 2023, 9:00 a.m.]