

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Adoption of Philadelphia Court of Common Pleas Civil Rules \*4002.1 and \*4003.8; President Judge General Court Regulation; No. 4 of 2024

##### Order

*And Now*, this 23rd day of February, 2024, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 15, 2024, to adopt Philadelphia Court of Common Pleas Civil Rules \*4002.1, and \*4003.8 as follows to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Civil Procedural Rules Committee has reviewed the following local rules, has determined that Rules \*4002.1, and \*4003.8 are not inconsistent with applicable statewide rules, and has authorized their promulgation.

*Now*, therefore, it is hereby *Ordered* and *Decreed* that Philadelphia Court of Common Pleas Civil Rules \*4002.1, and \*4003.8 are adopted, as follows, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was submitted to the Supreme Court of Pennsylvania Civil Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the local rule is not inconsistent with any general rule of the Supreme Court. This Order and the following local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://www.courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court*

HONORABLE NINA WRIGHT-PADILLA,  
*President Judge*  
*Court of Common Pleas*

#### Rule \*4002.1. Deposition Procedure in Mass Tort Cases.

All plaintiffs in cases assigned to the Mass Tort Program shall be made available for deposition in Philadelphia unless otherwise agreed by all parties or upon motion and for good cause shown.

*Note:* See also General Court Regulation No. 2024-04. Effective April 8, 2024.

## PROPOSED PHILADELPHIA CIVIL RULE \*4003.8. PRE-COMPLAINT DISCOVERY.

### Rule \*4003.8. Pre-Complaint Discovery.

As authorized by Pa.R.C.P. Nos. 4003.8, a request for pre-complaint discovery, or an objection thereto, whether in the nature of discovery for preparation of pleadings (see Pa.R.C.P. No. 4001(c)), or in the nature of written interrogatories and depositions for the purpose of preparing a complaint (see Pa.R.C.P. Nos. 4005(a) and 4007.1(c)) must comply with all requirements of Discovery Motions as set forth in Phila.Civ.R. \*208.3(a)(4).

*Explanatory Note:* Pa.R.C.P. No. 4003.8 authorizes pre-complaint discovery. In order to create a full record, requests for pre-complaint discovery as well as objections to pre-complaint discovery commenced without court approval shall be drafted and assigned for disposition pursuant Phila.Civ.R. \*208.3(a)(4), the local rule which governs discovery motions. This ensures uniformity in that requests for pre-complaint discovery, motions for protective orders and other pre-judgment discovery motions are assigned to discovery court.

*Note:* Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008, amended on April 8, 2024.

[Pa.B. Doc. No. 24-292. Filed for public inspection March 8, 2024, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Rule of Judicial Administration of the Court of Common Pleas; No. AD-2024-67-PJ

##### Order of Court

*And Now*, this 28th day of February, 2024, it is hereby *Ordered* that the attached proposed Local Rules of Judicial Administration of the Court of Common Pleas of Allegheny County, Pennsylvania, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

ALLEGHENY COUNTY RULES OF JUDICIAL ADMINISTRATION 5101.1—5103.1. CIVIL DIVISION: CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

ALLEGHENY COUNTY RULES OF JUDICIAL ADMINISTRATION 5101.2—5103.2. ORPHANS' COURT DIVISION: CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

ALLEGHENY COUNTY RULES OF JUDICIAL ADMINISTRATION 5101.3—5103.3. CRIMINAL DIVISION: CUSTODY OF EXHIBITS IN COURT PROCEEDINGS

*By the Court*

SUSAN EVASHAVIK DiLUCENTE,  
*President Judge*

**Allegheny County Rules of Judicial Administration.  
Civil Division: Custody of Exhibits in Court Proceedings.**

**Rule 5101.1. Civil Division Custody of Exhibits. Definitions.**

(a) The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

1. *“Court proceeding.”* Any trial, hearing, argument or similar event before a judge, panel, or hearing officer where evidence, if entered, is on the record. It does not include a proceeding before a Magisterial District Court, a non-record proceeding before a judicial arbitration matter pursuant to Pa.R.Civ.P. 1301 et sec., or any other proceeding excluded by Local Rule of Judicial Administration 5103.1(e);

2. *“Custodian.”* The person or persons designated by local rule of judicial administration to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall be the proponent of the exhibit. Custodian shall also include the custodian’s designee. However, where circumstances occur that that the proponent is unable to serve as custodian, a member of court staff, court reporter, clerk of court, and/or hearing officer may serve as custodian;

3. *“Exhibit.”* A document, record, object, photograph, model, or similar item offered into evidence whether or not admitted, in a court proceeding;

4. *“Proponent.”* A party seeking the admission of an exhibit into the record in a court proceeding; and

5. *“Records office.”* the Allegheny County, Department of Court Records, Civil/Family Division (“Department of Court Records”) will serve as the records office for the Allegheny County Court of Common Pleas Civil Division.

(b) For any words and phrases not defined by these rules, meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an application body of law.

**Rule 5102.1. Civil Division Custody of Exhibits. General Provisions.**

(a) In all Civil Division court proceedings, as defined by Local Rule 5101.1, all parties must designate an individual who shall serve as that party’s custodian of exhibits throughout the court proceedings and until which time as the court proceedings concludes.

1. The custodian of exhibits shall be identified at the outset of the court proceedings, and all parties’ custodian’s names shall be placed on the record.

2. The Court shall identify a court custodian whose role during the court proceedings shall be limited to locking the Courtroom at the conclusion of each day of the court proceedings and opening the Courtroom at the beginning of each day of the court proceedings.

3. If the Court determines that a pro se party is unable to perform the duties of a custodian, the court custodian shall assume the duties of the custodian during and after the trial, including all duties identified in this local rule.

(b) During and throughout the court proceedings, the custodian(s) shall secure and maintain all exhibits, including breaks and recesses, unless otherwise provided in Pa.R.J.A. 5103(c)-(d).

(c) After court proceedings the custodian(s) shall:

1. Retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings;

2. File all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Department of Court Records office within five (5) business days of the conclusion of the court proceedings unless otherwise directed by the court.

a. The custodians filing exhibits shall include an index of exhibits.

b. The index shall identify the exhibit using the number or letter used by the proponent during the court proceedings to refer to that exhibit, whether the exhibit was admitted or rejected from evidence, and a description or identification of the exhibit.

3. Secure and maintain all other non-documentary exhibits as directed by the Court, or as agreed by the parties.

4. After the court proceedings the court custodian shall confirm that the proponent-custodian(s) filed all exhibits with the Department of Court Records.

a. If a proponent-custodian determines that another party’s proponent-custodian has not filed the exhibits pursuant to this rule within five (5) business days, the complying party or parties may seek appropriate relief with the court regarding the non-compliant proponent-custodian’s failure to file their exhibits.

*Note:* The Parties may benefit from working collaboratively to stipulate to those unobjectionable trial exhibits, prior to trial, and file said stipulation(s) with accompanying index of exhibits, and exhibits, with the Department of Court Records.

**Rule 5103.1. Civil Division Custody of Exhibits. Special Provisions.**

(a) Oversized exhibits and large photographs exceeding 8 1/2 × 11 inches shall be reduced in size and/or photographed so that the copy or photograph of the physical exhibit can be photocopied/scanned on to 8 1/2” × 11” inch paper for filing.

1. In addition to photocopying the oversized physical exhibit (e.g. medical device, tire, axel, blueprint, map, large photograph etc.), the party seeking to admit said physical exhibit shall be responsible for maintaining said physical exhibit until the conclusion/completion of the trial, all post-trial events, appeals and appellate procedures.

2. A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction to transfer to digital media.

(b) *Use of Digital Media.* A proponent shall ensure that an exhibit in digital format entered into the record is in a format acceptable to the court.

(c) *Duplicates.* The court may direct that the original item, and not a duplicate, be entered into the record.

(d) *Exhibits Under Seal.* If an exhibit offered into evidence contains confidential information or confidential documents as defined by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”), the proponent shall file a copy of the exhibit and a certification prepared in compliance with the Policy,

and the Department of Court Records requirement, with the Department of Court Records.

1. Any exhibit sealed by the court during the court proceedings shall not be accessible to the public.

(e) *Exclusion.* This rule does not apply to record hearings that may be appealed de novo to the court of common pleas or upon which exceptions or objections can be filed to a court of common pleas, such as hearings before the Board of Viewers and/or arbitration hearings where a party elects to have the arbitration hearing recorded.

(f) Parties shall provide copies of exhibits to the trial Judge, at the time of the trial;

(g) The Court of Common Pleas, Civil Division will not store or maintain exhibits following the conclusion of the trial or court proceedings for which the exhibits were used.

**Allegheny County Rules of Judicial Administration.  
Orphans' Court Division: Custody of Exhibits in  
Court Proceedings.**

**Rule 5101.2. Orphans' Court Division Custody of  
Exhibits. Definitions.**

(a) The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

1. "*Court proceeding.*" Any trial, hearing, argument or similar event before a Judge or Master where evidence, if entered, is on the record;

2. "*Custodian.*" The person or persons designated by local rule of judicial administration to safeguard and maintain exhibits offered into evidence in a court proceeding. The custodian shall be the proponent of the exhibit. Custodian shall also include the custodian's designee. However, in circumstances where the proponent is unable to serve as custodian, a member of the court staff may serve as custodian;

3. "*Exhibit.*" A document, record, object, photograph, model, or similar item offered into evidence whether or not admitted, in a court proceeding;

4. "*Proponent.*" A party seeking the admission of an exhibit into the record in a court proceeding; and

5. "*Records office.*" The Allegheny County, Department of Court Records, Wills/Orphans' Court Division ("Department of Court Records") shall serve as the Records Office for the Allegheny County Court of Common Pleas Orphans' Court Division.

(b) For any words and phrases not defined by these rules, meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an applicable body of law.

**Rule 5102.2. Orphans' Court Division Custody of  
Exhibits. General Provisions.**

(a) In all Orphans' Court Division proceedings, all parties must designate an individual who shall serve as that party's custodian of exhibits throughout the court proceedings and until such time as the court proceedings concludes.

1. The custodian of exhibits shall be identified at the outset of the court proceedings, and all parties' custodian's names shall be placed on the record.

2. The Court shall identify a Court custodian, whose role during the court proceedings shall be limited as set forth in (3) below.

3. If the Court determines that a pro se party is unable to perform the duties of a custodian, the Court custodian shall assume the duties of that party only during and after the trial, including all duties identified in this local rule.

(b) During and throughout the court proceedings, the custodian(s) shall be responsible for securing and maintaining all documentary exhibits, photographs, and photographs of non-documentary exhibits, including breaks and recesses, unless otherwise provided in Pa.R.J.A. 5103(c)-(d).

(c) After court proceedings the custodian(s) shall:

1. Take custody of and retain all documentary exhibits, photographs, and photographs of non-documentary exhibits offered into evidence, whether admitted or not admitted, during the court proceedings;

2. File all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Department of Court Records within five (5) business days of the conclusion of the court proceedings, unless otherwise directed by the court, including an index of exhibits stating the following:

a. The exhibit number or letter used by the proponent to refer to the exhibit;

b. A description of the exhibit; and

c. Whether the exhibit was admitted into evidence.

3. Secure and maintain all non-documentary exhibits as directed by the Court, or as agreed by the parties.

4. After the court proceedings, the Court custodian shall confirm that the custodian designated by each party has complied with subsections (c)(1), (2), (3). If the custodian designated by each party has failed to comply, the Court custodian shall promptly notify the Court, who may impose sanctions.

*Comment:* The Parties may benefit from working collaboratively to stipulate to those unobjectionable trial exhibits prior to trial, and file said stipulation(s) with accompanying index of exhibits and exhibits, with the Department of Court Records.

**Rule 5103.2. Orphans' Court Custody of Exhibits.  
Special Provisions.**

(a) Oversized exhibits and large photographs exceeding 8 1/2 × 11 inches shall be reduced in size and/or photographed so that the copy or photograph of the physical exhibit can be photocopied/scanned on to 8 1/2" × 11" inch paper for filing.

1. The actual oversized exhibit or large photograph shall be maintained by the party seeking to admit it until the conclusion/completion of the trial, all post-trial events, appeals and appellate procedures.

2. A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction to transfer to digital media.

(b) *Use of Digital Media.* A proponent shall ensure that an exhibit in digital format entered into the record is in a format acceptable to the court.

(c) *Duplicates.* The court may direct that the original item, and not a duplicate/photocopy, be entered into the record.

(d) *Exhibits Under Seal.* If an exhibit offered into evidence contains confidential information or confidential documents as defined by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania (“Policy”), the custodian shall file the exhibit and a certification prepared in compliance with the Policy, and the Department of Court Records requirement, with the Department of Court Records. Any exhibit sealed by the court during the court proceedings shall not be accessible to the public.

(e) Parties shall provide copies of exhibits to the Court at the time of the proceeding; however, the Court shall not be responsible for filing the exhibits, except if the Court custodian is acting on behalf of a pro se party.

(f) The Court of Common Pleas, Orphans’ Court Division will not store or maintain exhibits following the conclusion of the proceeding for which the exhibits were used.

**Allegheny County Rules of Judicial Administration.  
Criminal Division: Custody of Exhibits in Court Proceedings.**

**Rule 5101.3. Criminal Division Custody of Exhibits. Definitions.**

(a) The following words and phrases when used in these rules shall have the following meanings, unless the context clearly indicates otherwise, or the particular word or phrase is expressly defined in the chapter in which the particular rule is included:

1. “*Court proceeding.*” Any trial, hearing, argument or similar event before a judge, panel, or hearing officer where evidence, if entered, is on the record. It does not include a proceeding before a Magisterial District Court.

2. “*Custodian.*” The custodian shall be the proponent of the exhibit. Custodian shall also include the custodian’s designee. However, where circumstances occur that the proponent is unable to serve as custodian, either a member of court staff, court reporter, clerk of court, and/or hearing officer may serve as custodian, as designated by the presiding judge, consistent with Rule of Judicial Administration 5103(d).

3. “*Exhibit.*” A document, record, object, photograph, model or similar item offered into evidence whether or not admitted, in a court proceeding.

4. “*Proponent.*” A party seeking the admission of an exhibit into the record in a court proceeding.

5. “*Records office.*” The Allegheny County Department of Court Records, Criminal Division (“Department of Court Records”) will serve as the records office for the Allegheny County Court of Common Pleas Criminal Division.

(b) For any words and phrases not defined by these rules, meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in an application body of law.

**Rule 5102.3. Criminal Division Custody of Exhibits. General Provisions.**

(a) In all Criminal Division court proceedings, the trial judge must designate an individual who shall serve as that party’s custodian of exhibits throughout the court proceedings and until such time as the court proceedings conclude.

1. The custodian of exhibits shall be identified at the outset of the court proceedings, and all parties’ custodian’s names shall be placed on the record. The default

custodian shall be the trial for each party who enters an appearance in the particular proceeding.

2. The Court shall identify a Court custodian whose role during the court proceedings shall be limited to locking the Courtroom at the conclusion of each day of the court proceedings and opening the Courtroom at the beginning of each day of the court proceedings. The default court custodian shall be the courtroom tipstaff.

3. If the Court determines that a pro se party is unable to perform the duties of a custodian, stand-by counsel will serve as the custodian. In the event that stand-by counsel has not been appointed, the Public Defender’s Office will be appointed as custodian.

(b) During and throughout the court proceedings, including breaks and recesses, the custodians shall secure and maintain all exhibits, unless otherwise provided in Pa.R.J.A. 5103(c)-(d).

(c) The trial court judge shall maintain a paper record of all exhibits along with an index, using the number or letter used by the proponent, noting whether the exhibit was admitted or rejected.

(d) After court proceedings the exhibit custodian(s) shall:

1. Retain or take custody of all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings. All other physical evidence, including but not limited to weapons, drugs and biological material will remain in the custody of the affiant.

2. File all documentary exhibits, photographs, and photographs of non-documentary exhibits with the Department of Court Records office within five (5) business days of the conclusion of the court proceedings unless otherwise directed by the Court;

a. Prior to the filing, the exhibit custodians shall reconcile the exhibit index with the Court.

b. The custodians filing exhibits shall include an index of exhibits.

c. The index shall identify the exhibit using the number or letter used by the proponent during the court proceedings, whether the exhibit was admitted or rejected from evidence, and provide a description of the exhibit.

d. A stamped copy of the filed index of exhibits shall also be provided to the court custodian after filing with the Department of Court Records.

3. Secure and maintain all other non-documentary exhibits as directed by the Court, or as agreed to by the parties.

4. If one or both parties fails to file the exhibit index, the Court, sua sponte or at the behest of either party, may issue an order granting appropriate relief and/or schedule a hearing.

a. If a custodian determines that another party’s custodian has not filed the exhibits pursuant to this rule within five (5) business days, the complying party or parties may seek appropriate relief with the Court regarding the non-compliant custodian’s failure to file their exhibits.

*Comment:* The Parties may benefit from working collaboratively to stipulate to those unobjectionable trial exhibits, prior to trial, and file said stipulation(s) with accompanying index of exhibits, and exhibits, with the Department of Court Records.

**Rule 5103.3. Criminal Division Custody of Exhibits. Special Provisions.**

(a) Oversized exhibits and large photographs exceeding 8 1/2 x 11 inches shall be reduced in size and/or photographed so that the copy or photograph of the physical exhibit can be photocopied/scanned on to 8 1/2" x 11" inch paper for filing. This shall be done by the custodian of such exhibits.

1. In addition to photocopying the oversized physical exhibit the party seeking to admit said physical exhibit shall be responsible for maintaining said physical exhibit until the conclusion/completion of the trial, all post-trial events, appeals and appellate procedures.

2. A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) *Use of Digital Media.* A proponent shall ensure that an exhibit in digital format entered into the record is in a format compatible with court equipment.

(c) *Duplicates.* The Court may direct that the original item and not a duplicate, be entered into the record.

(d) *Exhibits Under Seal.* If an exhibit offered into evidence contains confidential information or confidential documents as defined by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania ("Policy"), the proponent shall file a copy of the exhibit and a certification prepared in compliance with the Policy, and Department of Court Records requirements, with the Department of Court Records.

1. Any exhibit sealed by the Court during the court proceedings shall not be accessible to the public.

(e) *Exclusion.* This Rule does not apply to record hearings that may be appealed de novo to the Court of Common Pleas, Criminal Division.

(f) Parties shall provide copies of exhibits to the trial judge, at the time of the trial, however, neither the Court custodian of the exhibits, nor the trial judge shall be responsible to file exhibits.

(g) The Court of Common Pleas, Criminal Division will not store or maintain exhibits following the conclusion of the trial or court proceedings for which the exhibits were used.

[Pa.B. Doc. No. 24-293. Filed for public inspection March 8, 2024, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**CRAWFORD COUNTY**

**In the Matter of the Modification of Local Civil Rules of Procedure; No. AD 2008-1807**

**Order**

*And Now*, February 26, 2024, the Court *Orders* as follows:

1. Local Rule of Civil Procedure 51 (concerning the title and purpose of the local rules of civil procedure), is amended in the form presented as follows, in which an addition to the rule is shown in bold type and underlined;

2. Local Rule of Civil Procedure 1028(c) (concerning preliminary objections and briefs), is amended in the form presented as follows, in which deletions are shown in bold and brackets, and additions are shown in bold and underlined;

3. Exhibit 1034(a) to Cra.R.Civ.P. 1034 (Motion for Judgment on the Pleadings), is hereby replaced by Exhibit 1034(a) in the form as follows hereto;

4. Exhibit 1035.2(a) to Cra.R.Civ.P. 1035.2(a) (Motion for Summary Judgment) is hereby replaced by Exhibit 1035(a) in the form as follows hereto; and

5. This Order shall be processed in accordance with Pa.R.J.A. 103(d), and effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. SPATARO,  
*President Judge*

**Rule L51. Title of Rules. Purpose.**

These Local Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They may be cited as "Cra.R.Civ.P. \_\_\_\_."

**Rule L1028(c). Preliminary Objections. Briefs [ Scheduling Order ].**

Preliminary objections shall be processed and disposed of in accordance with the rule governing arguments and argument lists, **except that no praecipe for argument may be filed within twenty days after service of a copy of preliminary objections.** Briefs shall conform to Cra.R.Civ.P. 210 and Cra.R.Civ.P. 307 [ **Cra.R.C.P. 210 and 307 are published at: County Local Rules Home** ].

**EXHIBIT 1034(a)**

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

**CIVIL ACTION**

\_\_\_\_\_,  
Plaintiff(s),  
v.  
\_\_\_\_\_,  
Defendant(s),  
No. \_\_\_\_\_ 20 \_\_\_\_ - \_\_\_\_\_

SCHEDULING ORDER

AND NOW, \_\_\_\_\_, 20\_\_\_\_, upon receipt of a motion for judgment on the pleadings filed by \_\_\_\_\_, argument on said motion shall be set on the next available argument list.

Any responding party must file a brief no less than **five** business days prior to the date set for argument, and promptly serve a true and correct copy of said brief on all other parties and the court.

FOR THE COURT,

\_\_\_\_\_  
Court Administrator

EXHIBIT 1035.2(a)

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
CIVIL ACTION

\_\_\_\_\_  
Plaintiff(s) , :  
 :  
v. : No. \_\_\_\_\_ 20\_\_\_\_ - \_\_\_\_\_  
 :  
\_\_\_\_\_  
Defendant(s) , :  
 :

SCHEDULING ORDER

AND NOW, \_\_\_\_\_, 20\_\_\_\_, upon receipt of a motion for summary judgment filed by \_\_\_\_\_, argument on said motion shall be set on the next available argument list.

Any responding party must file a brief no less than **five** business days prior to the date set for argument, and promptly serve a true and correct copy of said brief on all other parties and the court.

FOR THE COURT,

\_\_\_\_\_  
Court Administrator

[Pa.B. Doc. No. 24-294. Filed for public inspection March 8, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

GREENE COUNTY

Office of President Judge Administrative Order;  
Court Administration Doc. No. 3 of 2024

Order

Local Rules G5102 and G5103 Custody of Exhibits

And Now, this 23rd day of February, 2024, it is hereby Ordered that Local Rule G5102 and Rule G5103 of the Rules of Judicial Administration of the Court of Common Pleas of the 13th Judicial District of Pennsylvania, Greene County, is to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

It is further Directed that the District Court Administrator of Greene County shall comply with all publishing requirements set forth in PA.R.J.A. 103. One (1) copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) paper copies and one (1) electronic copy shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. A copy of this Order shall be published on the Greene County Court's website and the local rule shall be incorporated into the complete set of Greene County Local Rules. Filing one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

So Ordered and Decreed

LOUIS DAYICH,  
President Judge

Local Rules G5102 and G5103—JUDICIAL ADMINISTRATION—CUSTODY OF EXHIBITS.

Rule G5102. Custody of Exhibits. General Provisions.

Unless otherwise provided by the presiding judge, the docketing office where the action is filed is now designated as the "Custodian," as defined by Pa.R.J.A. 5101(a)(2), for all exhibits accepted or rejected during court proceedings.

(a) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the Court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

Rule G5103. Custody of Exhibits. Special Provisions.

Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, the Custodian shall retain all non-documentary evidence for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

[Pa.B. Doc. No. 24-295. Filed for public inspection March 8, 2024, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**LANCASTER COUNTY**

**Addition of Local Rule of Judicial Administration  
Rules 5102—5104; Order No. 24-01441 AD 2024**

**Administrative Order**

And Now, this 28th day of February 2024, it is hereby Ordered that the following Local Rules of Judicial Administration of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, are adopted 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.lancastercountypa.gov.
4. Incorporation of the local rule into the set of local rules on www.court.lancastercountypa.gov 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 5102. Custody of Exhibits. General Provisions.**  
*During Court Proceedings*

(a) The custodian(s) shall be the proponent seeking the admission of an exhibit during the court proceeding. Exhibits for contiguous hearings/trials may remain in the assigned locked courtroom or the custodian may retain possession. Exhibits for non-contiguous hearings/trials remain with the custodian and must be returned at the continuation of the hearing/trial.

*After Court Proceedings*

(b) Absent agreement of the parties to the contrary and such agreement being filed with the court, the custodian(s) designated in section 5102(a) shall remain the custodian after the court proceeding. In the event of the departure or death of the custodian/proponent from the firm or office, the firm or office shall retain exhibits. Upon agreement of the parties, one custodian can agree to retain custody of one or all of the exhibits. Documentation of this must be included on the index of exhibits.

*Custodian*

(ii) Records office requirements: Prothonotary Office requires all exhibits and custody of exhibits forms be electronically filed. Clerk of Courts Office requires all exhibits and custody of exhibits forms be brought to their office for filing. Each office will indicate in docket entries that an index of exhibits has been filed.

*Index of Exhibits*

(2) Index of exhibits. Index of exhibits form must be completed, signed, and submitted to the appropriate Records office with all exhibits sized at 8-1/2 x 11 inch documents.

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA**  
**CIVIL—CRIMINAL**

vs.

:  
:  
:  
:  
:  
:

Docket No:

**INDEX OF EXHIBITS**

<i>Hearing Date(s)</i>	<i>Filing Office (circle one):</i>	<i>Judge:</i>
	Clerk of Courts      Prothonotary	
<i>Custodian / Proponent Name:</i>		<i>Custodian / Proponent / Firm / Office Address:</i>
<i>Company / Firm Name:</i>		<i>Phone number:</i>

<i>Exhibit</i>	<i>Description</i>	<i>Admitted</i>	<i>Rejected</i>







*Relief*

**(4) Upon the failure of the custodian/proponent to comply with filing the exhibits, any interested party may file a petition for a show cause hearing to be held.**

**Rule 5103. Custody of Exhibits. Special Provisions.**

**(g) Absent agreement of the parties, a court order is required before destruction of any exhibits, which includes non-documentary exhibits. The parties' agreement to destroy exhibits shall be filed with the court. All interested parties should be given notice of the request for an order to destroy the exhibits.**

**Rule 5104. Local Rule. Prohibition.**

*Optional Provision*

**(b) The following hearings are excluded from this provision; Support, De Novo, Dependency, Orphan's Court, and Delinquency with the exception of Contested Adjudication Hearings.**

[Pa.B. Doc. No. 24-296. Filed for public inspection March 8, 2024, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

**Rules of Judicial Administration 5102—5104; No. 2024-J-0029**

#### Administrative Order

*And Now*, this 26th day of February, 2024;

*It Is Ordered* that Lehigh County Rule of Civil Procedure 223.1 is rescinded and replaced with the following Lehigh County Rules of Judicial Administration 5102—5104, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that the Court Administrator of Lehigh County shall:

1. File one (1) copy of the Order and Lehigh County Rules of Judicial Administration 5102—5104 with the Administrative Office of Pennsylvania Courts via e-mail to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. Mail one (1) copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and e-mail another copy in Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us).

3. Publish the local rules on the court's website.

4. Incorporate the local rules into the set of local rules on the court's website no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

5. File one (1) copy with the Lehigh County Clerk of Judicial Records for public inspection and copying.

*By the Court*

J. BRIAN JOHNSON,  
*President Judge*

**Rule 5102. Custody of Exhibits. General Provisions.**

(a) *During Court Proceedings Before Judge.*

(1) The Court Reporter/Court Monitor shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits accepted or rejected during the court proceedings.

(b) *After Court Proceedings Before Judge.* The Court Reporter/Monitor shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits after court proceedings have concluded.

(1) The Court Reporter/Monitor shall:

(ii) file all documentary exhibits, photographs, photographs of non-documentary exhibits, and corresponding Index of Exhibits with the Clerk of Judicial Records within five (5) business days of the conclusion of the court proceeding unless otherwise directed by the court. In accordance with Lehigh County Rules of Civil Procedure 205.4, the Court Reporter/Court Monitor may also electronically file all exhibits, if practical to do so, via File and Serve. Electronic filing of the exhibits is at the discretion of the Court Reporter/Court Monitor.

(2) The Index of Exhibits shall be prepared and maintained by the Court Reporter/Court Monitor and shall include all of the following information in conformity with the form attached as Appendix I:

(i) the case number;

(ii) the title of the court proceeding;

(iii) initial start date of the court proceeding and of each successive session;

(iv) the name of the presiding judge;

(v) the exhibit number;

(vi) a written description of each exhibit;

(vii) the proponent of each exhibit;

(viii) the date on which the exhibit was offered, admitted, or not admitted into evidence; and

(ix) the name of the Court Reporter/Court Monitor.

**Rule 5103. Custody of Exhibits. Special Provisions.**

(a) *Documentary Exhibits.*

(1) If a proponent offers into evidence an exhibit that is larger than 8-1/2 × 11 inches or a photograph, the proponent shall ensure that a copy of the document reduced to 8-1/2 × 11 inches is entered into the record. Items larger than 8-1/2 × 11 inches may be used for illustration during the court proceedings.

(2) A proponent who provides a reduced copy of an oversized exhibit or a copy of a photograph shall ensure that the reproduced exhibit or photograph is clear and capable of further reproduction or transfer to digital media.

(3) If a proponent offers into evidence a deposition of a witness via digital media, the digital media shall be marked as an exhibit. The submission of same must be accompanied by a transcript of the deposition, which shall also be marked as an exhibit and retained in the record of the proceedings.



Appendix II
TRANSFER OF EXHIBITS DURING COURT PROCEEDING
Acknowledgement of Receipt by Successor Custodian

Leh.R.J.A. 5102(a)(3)

Case Caption: \_\_\_\_\_ No. \_\_\_\_\_

Name of Delivering Custodian: \_\_\_\_\_

Name of Successor Custodian: \_\_\_\_\_

On this date I accepted from the Delivering Custodian:

[ ] Index of Exhibits of Court Proceeding begun: \_\_\_\_\_

[ ] Exhibits: (list all exhibits by Proponent and Number)

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

Signature of Successor Custodian

Appendix III
TRANSFER OF EXHIBITS AT CONCLUSION OF COURT PROCEEDING
Acknowledgement of Receipt by Clerk of Judicial Records Staff

Leh.R.J.A. 5102(b)(1)(i.)

Case Caption: \_\_\_\_\_ No. \_\_\_\_\_

Name of Delivering Custodian: \_\_\_\_\_

Name of Receiving Clerk of Judicial Records Staff: \_\_\_\_\_

On this date I accepted the following from Delivering Custodian for e-filing pursuant to Leh.R.J.A. 5103(b)(1)(i.):

[ ] Index of Exhibits of Court Proceeding begun: \_\_\_\_\_ and completed on \_\_\_\_\_ ;

and

[ ] Exhibits: (list all exhibits by Proponent and Number)

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

Signature of Receiving Clerk of Judicial Records staff

[Pa.B. Doc. No. 24-297. Filed for public inspection March 8, 2024, 9:00 a.m.]

Title 255—LOCAL COURT RULES

McKEAN COUNTY

Adoption of Local Rules of Criminal, Juvenile, Civil and Orphan’s Court Procedure Custody of Exhibits; 5 AD 2024

Order of Court

And Now, this 26th day of February 2024, effective March 1, 2024 or thirty (30) days after publication in the Pennsylvania Bulletin, in accordance with Pa.R.J.A. 5101—5105, which address Exhibit Retention and were issued by an Order of the Pennsylvania Supreme Court (to take effect on April 1, 2024), the Local Rules of the McKean County Court of Common Pleas are hereby amended to include the new local rules 5102 and 5103 which are set forth as follows.

The McKean County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to admin.rules@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 McKean County Court website at www.mckeancountypa.gov.

4. Incorporation of the local rule into the set of McKean County local rules 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

JOHN H. PAVLOCK,
President Judge

CHAPTER II. CUSTODY OF EXHIBITS.

Rule 5102. General Provisions.

Local Rules 5102 and 5103 are issued to align McKean County Court of Common Pleas practice and procedure with Pa.R.J.A. 5101—5105. Reference to Pa.R.J.A. 5102—5105 shall be made when interpreting McKean County Local Rules 5102 and 5103 and when determining the procedure and practice for Exhibit Retention in McKean County.

The court recorder/monitor or court reporter for all, or a portion, of a court proceeding shall be designated as the “Custodian,” as defined by Pa.R.J.A. 5101(a)(2), for all

documentary exhibits, photographs, and photographs of non-documentary exhibits accepted during the court proceeding.

(a) If only one custodian is involved with a proceeding, they shall file with the appropriate records office (Prothonotary/Clerk of Courts or Orphan's Court) all submitted exhibits, with the exception of non-documentary exhibits, and index of exhibits within 5 business days of the conclusion of the proceeding.

(b) The proponent shall assure that document evidence is in a format, including size and material, that is compatible with being filed and easily stored by the records office. If, due to the nature of the proceeding and the requirement that an oversized or undersized document exhibit be entered into evidence that is not easily capable of storage by the records office, then the records office may request that alternate measures be undertaken for storage of this document evidence, including that the proponent retain custody in conformance with Rule 5103 for physical evidence.

(c) If multiple custodians are involved with a proceeding, the first custodian shall provide the subsequent custodian (and so on, if more than two custodians) with the submitted exhibits and index of exhibits. The custodian at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within 5 business days of the conclusion of the proceeding.

#### **Rule 5103. Custody of Exhibits. Special Provisions.**

(a) The proponent (party that moved Exhibit into evidence) shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding. The court may issue an order in exceptional circumstances for the court to retain said exhibits.

(1) These non-documentary exhibits must be photographed by the proponent, converted to a letter sized document, and appropriately marked and produced during the court proceeding for inclusion in the documentary record.

(2) Digital media such as CDs, thumb drives, etc. shall also be retained by the records office.

(3) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping.

(4) Document exhibits shall be retained by the records office in accordance with existing authority for record retention.

(5) Non-documentary exhibits such as, but not limited to, knives, firearms, drugs, car parts, etc., shall be held by the proponent until an appropriate order such as: Order for Forfeiture; Order for Destruction; Order for Return, etc. is obtained. When addressing such a request the court will consider the nature of the action, the status of the proceedings including whether there is an active appeal or the potential for future litigation and the position of the opposing party.

(b) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record

on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in Pa. Access Policy § 8.0 shall include a Confidential Document Form so that the document can be properly sealed by the record office.

#### *iii. Exceptions:*

Excluded from the requirements of these Exhibit Retention Local Rules are record hearings that may be appealed de novo to a court of common pleas or upon which exceptions or objections can be filed to a court of common pleas from the provisions of this chapter, such as: proceedings before hearing officers in divorce, custody, support, delinquency, and dependency matters.

[Pa.B. Doc. No. 24-298. Filed for public inspection March 8, 2024, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **WARREN AND FOREST COUNTIES**

#### **Custody of Exhibits During and After Court Proceedings; No. 25 of 2024**

##### **Administrative Order**

*And Now*, this 28th day of February, 2024, it is hereby Ordered and Decreed that the Warren/Forest County Court of Common Pleas adopts Local Rule of Judicial Administration Rule R.J.A. L5102 and Rule R.J.A. L5103 governing the Custody of Exhibits effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Warren/Forest 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](mailto:adminrules@pacourts.us).

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

3. Publish these Rules on the Warren/Forest County Court website at [www.warrenforestcourt.org](http://www.warrenforestcourt.org).

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

*By the Court*

MAUREEN A. SKERDA,  
*President Judge*

#### **Rule R.J.A.L5102. Custody of Exhibits. General Provisions.**

(a) *During Court Proceedings before Judge.*

(1) The Official Court Reporter shall be designated as the custodian of all documentary exhibits and photographs of non-documentary exhibits accepted or rejected during the court proceedings.

(2) The Official Court Reporter shall maintain the Index of Exhibits and shall use a form which shall be in the following format:

Index of Exhibits

<i>Exhibit No.</i>	<i>Description / Title</i>	<i>Proponent</i>	<i>Marked</i>	<i>Rejected</i>	<i>Admitted</i>	<i>Confidential Information Sheet (If required)</i>
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(3) If the Official Court Reporter is not present during court proceedings, the Court or a designated tipstaff shall secure all exhibits accepted or rejected during the court proceedings and file them with the Official Court Reporter.

(4) If the court proceedings are audio-recorded, the Court or a designated tipstaff shall secure all exhibits accepted or rejected during the court proceedings and file them with the Official Court Reporter.

(b) *After Court Proceedings before Judge.*

(1) The Official Court Reporter shall:

(a) Secure and maintain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings, and;

(b) Secure and maintain all non-documentary exhibits as directed by the Court or agreed to by the parties.

(2) The Official Court Reporter shall file a copy of the Index of Exhibits with copies of the exhibits in the Prothonotary's Office

(c) *Proceedings before the Court Hearing Officer:*

(1) In proceedings before the Court Hearing Officer, the Hearing Officer shall be the custodian of the documentary exhibits.

(2) The Court Hearing Officer shall retain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceedings.

(3) The Court Hearing Officer shall prepare the Index of Exhibits and secure and maintain the Index of Exhibits with the exhibits.

**Rule R.J.A.L5103. Custody of Exhibits. Special Provisions.**

(a) *Documentary Exhibits: Generally.*

(1) If a document is larger than 8 1/2 × 11 inches, the Official Court Reporter shall be provided with a copy of the same sized 8 1/2 × 11 inches. Items larger than 8 1/2 × 11 inches may be used for illustration during the court proceedings.

(2) Original depositions presented at trial shall remain in the proponent's possession. The proponent shall simultaneously submit copies of depositions as an exhibit.

(b) *Non-documentary Exhibits: Generally.*

(1) If the exhibit is oversized or bulky, the proponent shall maintain custody of the exhibit. A photograph shall be taken by the proponent of the oversized or bulky exhibit and submitted to the Official Court Reporter either before or during the court proceedings.

(2) Copies of audio and/or video recordings presented during the court proceedings shall be submitted to the Official Court Reporter either before or during the court proceedings.

[Pa.B. Doc. No. 24-299. Filed for public inspection March 8, 2024, 9:00 a.m.]