

# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Mental Health Procedures Act Designation of Hearing Site; Administrative Doc. No. 001 of 2000

##### Order

*And Now*, this 12th day of May, 2000, upon review and consideration of the request made by Friends Hospital, located at 4641 Roosevelt Boulevard, in the City and County of Philadelphia, to be designated as a Hearing Site for Mental Health Hearings conducted pursuant to the Mental Health Procedures Act of 1976, as amended, the Court is satisfied that the facilities meet the Court's criteria, and *It Is Hereby Ordered and Decreed* that Friends Hospital is designated as a Hearing Site for Mental Health Hearings.

The scheduled day(s) and time(s) of Mental Health Hearings at the site shall be as directed by the Court from time to time. Friends Hospital shall comply with rules of Court and directions issued from time to time by the Coordinator of Mental Health Program.

This Order is issued in accordance with Phila. R.Civ.P. No. 7109, as adopted May 21, 1997, Phila. R.Civ.P. No. ★51 and Pa.R.C.P. No. 239 and shall become effective immediately. As required by Pa.R.C.P. No. 239, the original Order shall be filed with the Prothonotary in an Administrative Docket maintained for Orders issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedure Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

*By the Court:*

ALEX BONAVITACOLA,  
*President Judge*

[Pa.B. Doc. No. 00-932. Filed for public inspection June 2, 2000, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DELAWARE COUNTY

#### Adoption and Clarification of Local Civil Rule 1303; Misc. Doc. No. 004516

##### Order

*And Now*, this 3rd day of May, 1999, it is hereby *Ordered and Decreed* that Local Rule 1303 is clarified from our previous Order of February 9, 1999, as paragraphs (b) through (f) remain unchanged from the previous Rule, and adopted as follows:

#### Rule 1303. Hearing. Notice. Continuances.

(a)(1)(i) All arbitration cases will be assigned a date and time for hearing at the time of the initial filing by the plaintiff or appellant from a judgment by a District Justice. The hearing date shall be the first available date no less than two hundred seventy (270) days from the date of initial filing.

(ii) A notice prepared and attached by the Office of Judicial Support shall indicate the hearing time and date, which notice shall be attached at the time of initial filing. The aforementioned notice shall be affixed both to the original and all service copies of the complaint or praecipe for writ of summons or, in the case of appeal from District Justice judgments, the notice of appeal.

(iii) The notice attached by the Office of Judicial Support to the original filing shall also include the following statement:

"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."

(iv) In the case of a joinder complaint, the moving party shall provide to the parties being joined a copy of the original notice setting forth the time, place and location of the arbitration hearing, as well as a copy of the notice referred to in (a)(1)(iii).

(v) In no event shall less than thirty (30) days' written notice of the date, time and place of hearing be given to the parties or their attorneys of record.

(b) Applications for continuance shall be filed with the Court Administrator on continuance forms available in the Court Administrator's office and accompanied by a self-addressed, stamped envelope. All information required on the continuance form must be supplied. It is the responsibility of the moving party to notify promptly all other parties of the result of the application. Any application for continuance not complying with the requirements of this section will not be processed.

(b)(2) Should the court decide to hear the matter pursuant to Pa.R.C.P. 1303(b)(2), the trial court may choose to

(i) enter a judgment of nonsuit if the plaintiff is not ready or fails to appear; or

(ii) enter a judgment of non pros if neither party is ready or appears; or

(iii) hear the matter and make a decision, if the defendant is not ready or fails to appear.

(b)(3) Should a nonsuit be entered under this Rule, it is subject to the filing of a motion under Rule 227.1(a)(3) for post-trial relief to remove the nonsuit.

(b)(4) Should a judgment of non pros be entered under this Rule, it is subject to the filing of a petition under Rule 3051 for relief from a judgment of non pros.

(b)(5) Should an adverse judgment be entered under this Rule against a defendant who failed to appear, that defendant may file a motion for post-trial relief which may include a request for a new trial on the ground of a satisfactory excuse for the defendant's failure to appear.

(c) When the amount in controversy, exclusive of interest, costs and delay damages, is reduced to a sum not in excess of Fifty Thousand Dollars (\$50,000.00) in accordance with the provisions of Rule \*1301(b), the case shall forthwith be assigned a hearing date no less than sixty (60) days from the date on which the stipulation is filed or the date of the court's order. The plaintiff shall promptly notify all other parties of the hearing date and time assigned by the Court Administrator.

(d) The plaintiff may apply to the court to have a case originally filed as an arbitration matter certified as a non-arbitration matter. Such application shall be by motion filed in accordance with the provisions of Rule \*206B1.

(e) In the event a case is settled or otherwise concluded it shall be the plaintiff's responsibility to give prompt written notification thereof to the Court Administrator in the form of an order to settle, discontinue and end or an application for continuance pending consummation of the settlement.

(f) All motions, with the exception of applications for continuance, must be filed no later than thirty (30) days before the hearing date.

*By the Court:*

JOSEPH F. BATTLE,  
*President Judge*

[Pa.B. Doc. No. 00-933. Filed for public inspection June 2, 2000, 9:00 a.m.]

#### DELAWARE COUNTY

#### Adoption of Local Rule 223 Concerning Custody and Storage of Trial Exhibits in Jury Trial; Misc. Doc. No. 004516

##### Order

*And Now*, to wit, this 3rd day of May, 2000, it is hereby *Ordered and Decreed* that Civil Rule \*223 is hereby *Adopted* and shall read as follows:

##### Rule \*223—Custody and Storage of Trial Exhibits.

(a) The moving party shall keep custody of and be responsible for all non-documentary material submitted into evidence at trial. That material shall not be left in the courtroom after the conclusion of the trial of the case.

(b) All trial exhibits which are larger than 8.5 x 11 shall remain in the custody of and be the responsible of the moving party. The moving party shall submit an original or copy of the trial exhibit no larger than 8.5 x 11 to the Court Clerk, which copy shall be marked and filed of record.

(c) Notwithstanding the above-provisions, any party may petition the Court to retain custody of the Exhibit.

*By the Court:*

JOSEPH F. BATTLE,  
*President Judge*

[Pa.B. Doc. No. 00-934. Filed for public inspection June 2, 2000, 9:00 a.m.]

#### DELAWARE COUNTY

#### Adoption of Local Rule 1038 Concerning Custody and Storage of Trial Exhibits in Trial Without Jury; Misc. Doc. No. 004516

##### Order

*And Now*, to wit, this 3rd day of May, 2000, it is hereby *Ordered and Decreed* that Civil Rule \*1038 be and same is hereby *Adopted* and shall read as follows:

##### Rule \*1038—Custody and Storage of Trial Exhibits.

(a) The custody and storage of trial exhibits in a trial without a jury shall be dealt with in the same manner as in a jury trial, pursuant to Local Rule \*223.

*By the Court:*

JOSEPH F. BATTLE,  
*President Judge*

[Pa.B. Doc. No. 00-935. Filed for public inspection June 2, 2000, 9:00 a.m.]

#### DELAWARE COUNTY

#### Amendment of Civil Rule 1531; Misc. No. 004516

##### Order

*And Now*, to wit, this 5th day of May, 2000, it is hereby *Ordered and Decreed* that Local Rule 1531 be amended to read as follows:

(a) In non-emergency cases already assigned to a judge, applications for preliminary injunctions shall be governed by the provisions of Rule \*206(B)(2).

(b) In non-emergency cases not yet assigned to a judge, applications for preliminary injunctions shall be by petition, in conformity with Rule 206(B)(2), which shall be filed with the Office of Judicial Support to be time-stamped and docketed and then brought to the Court Administrator by the applicant to obtain a hearing date. Thereafter, the applicant will be notified of the scheduled hearing date by the Court. The applicant, once notified, will thereafter notify all interested parties of the scheduled hearing date and time.

(c) Where petitioner seeks a preliminary or special injunction prior to notice or hearing, his petition shall have an appropriate order attached thereto. The Court Administrator will determine the appropriate judge to whom the petitioner shall promptly present the matter.

(d) Where a party against whom a preliminary injunction has been granted prior to notice or hearing shall move to dissolve it prior to the date set by the court for hearing, either for insufficient security or for any other cause, he shall give such notice of the hearing on his application to the petitioner as the court may direct. This notice shall set forth the grounds for the application to dissolve.

*By the Court:*

JOSEPH F. BATTLE,  
*President Judge*

[Pa.B. Doc. No. 00-936. Filed for public inspection June 2, 2000, 9:00 a.m.]

## DELAWARE COUNTY

Media Equipment Access to Delaware County  
Courtthouse; No. 004516

## Order

*And Now*, to wit, this 17th day of May, 2000, the Order of February 8, 1996 is hereby *Amended* as follows:

Under the direction and supervision of the Sheriff of Delaware County, only one photographer and/or only one videographer will be allowed to take photographs or videotape in the tunnel in the basement of the Court-house. The location being designated by the Sheriff of Delaware County. The photographer and/or videographer will represent their respective mediums and will pool their work with other news organizations.

Media representatives are to contact the Sheriff directly for the aforementioned purpose.

JOSEPH F. BATTLE,  
*President Judge*

[Pa.B. Doc. No. 00-937. Filed for public inspection June 2, 2000, 9:00 a.m.]

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## DELAWARE COUNTY

Recission and Adoption of Local Rule 241; Misc.  
Doc. No. 004516

## Order

*And Now*, to wit, this 3rd day of May, 2000, it is hereby *Ordered* and *Decreed* that Local Rule 241 is *Rescinded* as currently existing. It is to be replaced with the following new Local Rule 241:

(a) When suit is commenced, the Plaintiff shall complete and file with the Office of Judicial Support, in duplicate, a Civil Cover Sheet and Entry of Appearance form. [A copy of the Civil Cover Sheet and Entry of Appearance form is attached to this Rule as Exhibit "A".] In asbestos cases, a special case information form shall be used instead of the Civil Cover Sheet and Entry of Appearance form.

(b) The Court Administrator shall assign the case to a trial judge, who shall thereafter dispose of all further matters in connection therewith, to include scheduling of the case for trial.

(c) Assessment of damage cases may be certified as ready for trial at any time by sending a Certificate of Readiness to all other parties and filing two (2) copies of the Certificate and one (1) copy of a Certification of Service with the Court Administrator.

The aforementioned Rule shall be effective thirty (30) days from the date of this Order.

*By the Court:*

JOSEPH F. BATTLE,  
*President Judge*

[Pa.B. Doc. No. 00-938. Filed for public inspection June 2, 2000, 9:00 a.m.]

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