

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendments to the Pennsylvania Rules of Professional Conduct; No. 30 Disciplinary Rules; Doc. No. 1

Amended Order

Per Curiam:

And Now, this 23rd day of August, 2004, it is ordered, pursuant to Article V, Section 10, of the Constitution of Pennsylvania, that:

1. The Pennsylvania Rules of Professional Conduct are amended by adding new Rules 1.0, 2.4 and 6.5, deleting Rules 2.2 and 7.6, and making the other amendments set forth at 34 Pa.B. 4818 (September 4, 2004).

2. This Order shall be processed in accordance with Pa.R.J.A. 103(b). New Rules 1.0, 2.4 and 6.5, the deletion of Rules 2.2 and 7.6, and the amendments to other rules set forth at 34 Pa.B. 4818 shall take effect on January 1, 2005 and shall govern matters thereafter commenced and, insofar as just and practicable, matters then pending.

Mr. Justice Saylor joins this Order, and also favors conformance of the revised rules with the provisions of the Model Rules of Professional Conduct which would expressly permit the rules to be used as evidence of the applicable standard of conduct in appropriate cases outside the disciplinary arena.

[Pa.B. Doc. No. 04-1703. Filed for public inspection September 17, 2004, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Authorization to Stamp Court Orders when Judges are not Physically Present; 04-2814, 85 MI 04, 04-9303

Administrative Order No. 21-2004

And Now, this 30th day of August, 2004, it is hereby

Ordered and Decreed that, effective immediately, only the Judges' Secretary, Domestic Relations Director and the District Court Administrator are hereby *Authorized* to use a Judge's signature stamp on court orders and commitments, but, *Only* after obtaining the verbal or written approval of the Judge. The facsimile signature used on scheduling orders and non-dispositive orders is hereby *Authorized*.

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

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Criminal Procedural Rules Committee.

4. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.

5. File one (1) certified copy with the Pennsylvania Orphans' Court Procedural Rules Committee.

6. File one (1) certified copy with the Pennsylvania Juvenile Procedural Rules Committee.

7. Forward one (1) copy for publication in the *Carbon County Law Journal*.

8. Forward one (1) copy to the Carbon County Law Library.

9. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office, Clerk of Court's Office, Juvenile Court Office, Children and Youth Office, Domestic Relations Office and Orphans' Court Office.

By the Court

RICHARD W. WEBB,
President Judge

[Pa.B. Doc. No. 04-1704. Filed for public inspection September 17, 2004, 9:00 a.m.]

MONROE COUNTY

Amendments of Local Rules of Civil Procedure; Administrative Order No. 9; 7344 CV 2004

Order

And Now, this 2nd day of September, 2004, the following amendments to the Monroe County Rules of Civil Procedure are hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d). In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order and Local Rules shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies and diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania. One (1) copy shall be forwarded to the *Monroe County Legal Reporter* for publication. Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator and the Monroe County Law Library.

By the Court

RONALD E. VICAN,
President Judge

Rule 205.2—Filing Legal Papers with the Prothonotary

No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the prothonotary based on a requirement of a local rule of civil procedure or judicial administration, including local Rules 205.2(a) and 205.2(b). All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.

(a)(1) No pleading, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8 1/2" × 11" in size.

(a)(2) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed, or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address, telephone number and I.D. number of the attorney filing it or the name, address and telephone number of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(a)(3) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(a)(4) All papers and other documents shall be securely affixed at the top.

(a)(5) A proposed order shall accompany all motions or other requests for relief.

(a)(6) No original documents shall be faxed to the prothonotary's office without prior leave of court.

Rule 205.3—Removing Papers

(a) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.

(b) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

(c) The delivery provisions of this Rule do not apply to Judges, Judge's staff, Court Administrator and members of Court Administrator's staff.

Rule 206.1 Petition. Content. Form

(a) As used in this chapter, "petition" means

(1) an application to open a default judgment or a judgment of non pros;

(2) a petition may also be used to bring before the court any proper matter for which no other specific procedure is authorized or in which only a petition is prescribed as the authorized procedure for bringing such matter before the court for disposition.

NOTE: A petition for relief from a judgment by confession is governed by Rule 2959. Motions are governed by Rule 208.1 et seq.

(b) A petition shall specify the relief sought and state the material facts which constitute the grounds therefor.

(c) A petition shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

(e) All petitions shall contain a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the petition.

(f) All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary. Counsel's signature upon a petition shall constitute a certification that counsel has read the petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. The prothonotary shall deliver daily a petitions list with accompanying petitions to the court administrator to monitor and assign to a judge.

(g) All petitions and answers thereto, shall comply with these provisions.

(h) Failure to comply with any provision of this rule may constitute sufficient grounds for the court to dismiss the petition and/or deny any requested relief.

Rule 206.2 Answer

(a) An answer shall state the material facts which constitute the defense to the petition.

(b) An answer to a petition shall be divided into paragraphs, numbered consecutively, corresponding to the numbered paragraphs of the petition.

(c) If no answer is filed on or before the return date, the moving party may file a motion to make the rule absolute. A motion to make the rule absolute shall evidence compliance with the service requirements of Pa.R.C.P. 440 setting forth the time, place and nature of service. No rule shall be made absolute without certification that the petition and rule to show cause have been served in compliance with Pa.R.C.P. 440. Counsel or the moving party shall make such certification under oath or in conformance with Pennsylvania Rules of Civil Procedure.

Rule 206.3 Verification

(a) A petition or an answer containing an allegation of facts which does not appear of record shall be verified.

Rule 206.4 Rule to Show Cause. Discretionary Issuance. Stay. Form of Order

(a) A petition shall proceed upon a rule to show cause.

(b) The rule to show cause procedures prescribed by this rule shall apply if

(1) the relief sought by the petition is the opening of a default judgment or a judgment of non pros, or

(2) the petition is of a type authorized by local rule to be determined pursuant to a rule to show cause, or

(3) the court, upon its own motion or the request of a party, has determined the issuance of a rule to show cause as to the particular petition will serve the interests of justice.

(c) The issuance of a rule to show cause shall be discretionary with the court. If the petition is within the scope of subdivision (a), is properly pleaded, and states prima facie grounds for relief, the court may enter an order issuing a rule to show cause and may grant a stay of the proceedings.

(d) A petitioner seeking the issuance of a rule to show cause shall attach to the petition a proposed order in the form prescribed by subdivision (d)(1) and give notice to all other parties of the intention to request the court to issue the rule.

(1) The form of order required by subdivision (d) shall be substantially in the following form:

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

(Plaintiff's Name) : (NO. CIVIL)
 :
 Plaintiff :
 :
 vs. :
 :
 (Defendant's name) :
 :
 Defendant : (SUBJECT)

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the foregoing petition, it is hereby ordered that:

- (1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;
- (2) the respondent shall file an answer to the petition within ____ days of this date;
- (3) the petition shall be decided under Rule 206.7;
- (4) an evidentiary hearing on disputed issues of material fact shall be held on _____, ____ in Courtroom _____, of the Monroe County Courthouse;
- (5) notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:
 _____ J.

(2) The court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

(3) The court, in its discretion, may permit forms of discovery other than depositions.

(4) The court may provide in the order for the filing of briefs.

(5) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition, upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days from the date of the order setting the rule with the prothonotary.

Rule 206.7 Procedure After Issuance of Rule to Show Cause

(a) If an answer is not filed, all averments of fact in the petition may be deemed admitted for the purposes of this subdivision and the court shall enter an appropriate order.

(b) If an answer is filed raising no disputed issues of material fact, the court on request of the petitioner shall decide the petition on the petition and answer.

(c) If an answer is filed raising disputed issues of material fact, the petitioner may take depositions on those issues, or such other discovery as the court allows, within the time set forth in the order of the court. If the petitioner does not do so, the petition shall be decided on petition and answer and all averments of fact responsive to the petition and properly pleaded in the answer shall be deemed admitted for the purposes of this subdivision.

(d) The respondent may take depositions, or such other discovery as the court allows.

Rule 207.1 Motion to Exclude Expert Testimony which Relies Upon Novel Scientific Evidence

(a) If a party moves the court to exclude expert testimony which relies upon novel scientific evidence, on the basis it is inadmissible under Pa.R.E. 702 or 703,

- (1) the motion shall contain:
 - (i) the name and credentials of the expert witness whose testimony is sought to be excluded,
 - (ii) a summary of the expected testimony of the expert witness, specifying with particularity that portion of the testimony of the witness which the moving party seeks to exclude,

(iii) the basis, set forth with specificity, for excluding the evidence,

(iv) the evidence upon which the moving party relies, and

(v) copies of all relevant curriculum vitae and expert reports;

(2) any other party need not respond to the motion unless ordered by the court;

(3) the court shall initially review the motion to determine, in the interest of justice, the matter should be addressed prior to trial. The court, without further proceedings, may determine that any issue of admissibility of expert testimony be deferred until trial; and

(4) the court shall require that a response be filed if it determines that the matter should be addressed prior to trial.

Rule 208.1 Motion. Definition. Scope

(a) As used in this chapter, "motion" means any application to the court for an order made in any civil action or proceeding as provided in subdivision (b)(1) and (2).

(b)(1) The rules of this chapter shall not apply to the following matters:

- (i) preliminary objections (Rule 1028);

(ii) motions for judgment on the pleadings (Rule 1034) and for summary judgment (Rule 1035.1 et seq.);

(iii) requests for special relief, including preliminary injunctions;

(iv) motions relating to the conduct of the trial, including motions for nonsuit pursuant to Rule 218, motions relating to jury selection, motions to exclude expert testimony pursuant to Rule 207.1, motions in limine, and motions made during the course of the trial;

(v) motions for post-trial relief (Rule 227.1);

(vi) motions for delay damages (Rule 238);

(vii) petitions (Rule 206.1); and

(viii) petitions for relief from a judgment of confession (Rule 2959).

(2) The rules of this chapter shall not apply to motions arising in the following actions or proceedings:

(i) asbestos litigation and cases otherwise designated by the court for special management (Rules 1041.1 and 1041.2);

(ii) actions in replevin (Rule 1071 et seq.);

(iii) class actions (Rule 1701 et seq.);

(iv) family law actions (Rules 1901 through 1940.9); and

(v) proceedings in Orphan's Court.

(c) The rules of this chapter shall not modify the provisions of any other general rule governing a particular motion.

Rule 208.2 Motion. Form. Content

(a) All motions shall

(1) be in writing and be filed in the Office of the Prothonotary;

(2) contain a caption setting forth the name of the court, the number of the action, the name of the motion, and the name of the moving party; and

(3) be divided into paragraphs numbered consecutively.

(4) set forth with particularity material facts constituting grounds on which they are based, precisely state the relief being sought, and include a proposed order;

(5) include a certificate of service which sets forth the manner of service including the name of an attorney of record for each party that is represented by counsel, the party whom the attorney represents, a "pro se" designation for each party that is unrepresented, and the address at which service was made; and

(6) be signed and endorsed, indicating the signing attorney of record has read the motion and that, to the best of his or her knowledge, information and belief, there are good grounds to support such motion and it is not interposed merely for delay.

(b) A motion need not be verified unless verification is required by general rule governing the particular motion or by order of court.

(c) All motions shall include a brief statement of the applicable statute, case, or procedural rule authorizing the grant of such relief.

(d) All motions shall contain a certification by counsel for the moving party that concurrence in the motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of oppos-

ing counsel shall be attached to the motion. Failure to comply with this provision shall constitute sufficient grounds for the court to deny the motion.

(e) All motions relating to discovery shall include a certification signed by counsel for the moving party certifying that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action.

(f)(1) For cause shown, any moving party may request expedited disposition of any motion filed with the prothonotary. If expedited disposition is requested, a praecipe shall be filed with the motion explaining the grounds for requesting such expedited disposition. Upon receipt of a praecipe for expedited disposition, the court administrator shall promptly notify the moving party of the judicial assignment. It shall be the responsibility of the moving party to arrange a teleconference among the judge and all other counsel interested in the subject of the motion within three business days of the time the motion is presented.

(2) The order required by paragraph (1) shall be substantially in the following form:

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

(Plaintiff's Name) : (NO. CIVIL)
:
Plaintiff :
:
vs. :
:
(Defendant's name) :
:
Defendant : (SUBJECT)

PRAECIPE

TO THE COURT ADMINISTRATOR:

Expedited Disposition of attached motion is requested for the following reasons:

ATTORNEY FOR (Plaintiff or Defendant)

FOR COURT ADMINISTRATOR ACTION ONLY

_____ MOTION OR PETITION ASSIGNED TO JUDGE

_____ COUNSEL FOR MOVING PARTY NOTIFIED OF JUDICIAL ASSIGNMENT

Rule 208.3 Motion. Procedures

(a) The court shall initially consider a motion without written responses or briefs. For a motion governed by this subdivision, the court may not enter an order that grants relief to the moving party unless the motion is presented as uncontested or the other parties to the proceeding are given an opportunity for argument.

NOTE: Rule 208.3(a) does not prevent a court from denying the moving party's request for relief without the opportunity for argument where the motion is procedurally defective, is untimely filed, or fails to set forth adequate grounds for relief.

Parties may choose to submit responses and briefs at the time of the presentation, provided copies have been served on every other party. However, parties are not required to do so.

(b) A response shall be filed by any party opposing a motion even if there are no contested issues of fact. Responses to motions shall be filed within 20 days of the filing of the motion. The twenty-day response period may only be extended or reduced by special order of court. If no response is filed, the court may treat the motion as uncontested and grant the relief sought therein.

Rule 208.4 Initial Consideration of Motion. Court Orders. Issues of Disputed Fact

(a) At the initial consideration of a motion, the court may enter an order that

- (1) disposes of the motion, or
- (2) sets forth the procedures the court will use for deciding the motion which may include one or more of the following:
 - (i) the filing or initial or supplemental responses,
 - (ii) the filing of initial or supplemental briefs,
 - (iii) the filing of affidavits, depositions and the like,
 - (iv) the issuance of a rule to show cause pursuant to subdivision (b) of this rule,
 - (v) the holding of an evidentiary hearing, and
 - (vi) the entry of an order providing for any other procedure for developing the record.

(b)(1) If the moving party seeks relief based on disputed facts for which a record must be developed, the court, upon its own motion or the request of any party including the moving party, may enter an order in the form set forth in paragraph (2) providing for the issuance of a rule to show cause. The procedure following issuance of the rule to show cause shall be in accordance with Rule 206.7.

(2) The order required by paragraph (1) shall be substantially in the following form:

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

<i>(Plaintiff's Name)</i>	:	<i>(NO. CIVIL)</i>
	:	
Plaintiff	:	
	:	
vs.	:	
	:	
<i>(Defendant's name)</i>	:	
	:	
Defendant	:	<i>(SUBJECT)</i>

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the foregoing motion, it is hereby ordered that

- (1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;
- (2) the respondent shall file an answer to the motion within ____ days of this date;
- (3) the motion shall be decided under Rule 206.7;

(4) an evidentiary hearing on disputed issues of material fact shall be held on _____ in Courtroom ____ of the Monroe County Courthouse;

(5) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT:

_____ J.

(3) The court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

(4) The court, in its discretion, may permit forms of discovery other than depositions. The court may provide in the order for the filing of briefs.

(5) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition, upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days from the date of the order setting the rule with the prothonotary.

Rule 209—Praecept for Argument

All praecipies for argument shall be listed on the first argument date occurring more than thirty days following the filing of the motion, petition or exceptions to the recommendation of the master.

Praecipies requesting the scheduling of argument outside the parameters of this rule are prohibited.

Rule 210—Briefs. Form. Content. Filing

(a) *Form.* Each brief shall be typewritten, printed or otherwise duplicated, endorsed with the name of the case, the Court, the term and number, and the name, address and telephone number of the attorney or the party if not represented by an attorney.

(b) *Content.* The brief shall include a statement of the facts, a statement of the question involved, and the argument.

(1) The statement of the facts shall, depending upon the nature of the case, consist of an abstract of the testimony or of the pleadings or both, and shall include a procedural history of the case showing how the issue is made up and how the case arises before the Court.

(2) The statement of questions involved must be so drawn that the Court may quickly determine all the legal questions to be decided.

(3) The argument shall be divided into as many parts as there are questions involved. Citations of authority shall be accurately designated, shall set forth the volume and page number where they appear, and shall set forth the exact citation of the principles for which they are cited. Whenever a Pennsylvania statute is cited, the pertinent title and section number of Purdon's Statutes shall also accompany said citation.

(4) Whenever testimony is abstracted or referred to, it must contain reference to the pages of the transcript where the supporting evidence may be found.

(c) *Filing.* Fifteen (15) days before the date set for argument, the moving party shall deliver a copy of his

brief to the adverse party and file a copy with the Prothonotary. The respondent shall deliver his brief to the moving party and file a copy with the Prothonotary five (5) days before the date for argument. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

(d) In all other proceedings scheduled for hearing before the Court, all counsel shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these Rules or by Order of Court.

(e) *Penalty for Noncompliance.* Failure to substantially comply with any requirement of this rule shall constitute a default for which the cause may be continued or stricken off the list or the application of the parties in default refused, as the Court may deem just and proper.

(f) *Informal Letter Briefs.* Notwithstanding this Rule, the Court may in any case allow counsel to file an informal letter brief.

Rule 1028—Preliminary Objections

(c)(1) Preliminary objections shall be filed with the Prothonotary. At the time of filing such motions with the Prothonotary, the moving party shall also file a Praecipe, pursuant to Rule 211, to place the matter on the first Argument List occurring more than 30 days following the date of filing the motion or petition.

(2) Upon filing preliminary objections, the moving party shall file a brief, pursuant to Rule 210, in support of such motion within ten (10) days and shall serve a copy thereof upon all opposing counsel and any unrepresented party at their respective addresses of record. When filed, the brief shall be accompanied by a certificate indicating that such has been served upon the moving party.

(3) All parties who wish to contest the preliminary objections or the motion shall within thirty (30) days from the filing of such preliminary objections or motion file a reply brief and a certificate such has been served on the moving party.

(4) Disposition of preliminary objections shall be made after oral argument. The parties may agree to submit the matter on briefs only with appropriate notice to the Court Administrator of such agreement.

(5) The judge to whom the preliminary objections have been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

(6) Failure to comply with these provisions may be sufficient basis for the court to deny the motion or deem such motion uncontested.

Rule 1034—Motion for Judgment on the Pleadings

(c)(1) A Motion for Judgment on the Pleadings shall be filed with the Prothonotary. At the time of filing such motions with the Prothonotary, the moving party shall also file a Praecipe, pursuant to Rule 211, to place the matter on the first Argument List occurring more than 30 days following the date of filing the motion or petition.

(2) Upon filing a Motion for Judgment on the Pleadings, the moving party shall file a brief, pursuant to Rule 210, in support of such motion within ten (10) days and shall serve a copy thereof upon all opposing counsel and any unrepresented party at their respective addresses of

record. When filed, the brief shall be accompanied by a certificate indicating that such has been served upon the moving party.

(3) All parties who wish to contest a Motion for Judgment on the Pleadings shall within thirty (30) days from the filing of such Motion file a reply brief and a certificate such has been served on the moving party.

(4) Disposition of a Motion for Judgment on the Pleadings shall be made after oral argument. The parties may agree to submit the matter on briefs only with appropriate notice to the Court Administrator of such agreement.

(5) The judge to whom a Motion for Judgment on the Pleadings has been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

(6) Failure to comply with these provisions may be sufficient basis for the court to deny the motion or deem such motion uncontested.

Rule 1035.2—Motion for Summary Judgment

(c)(1) A Motion for Summary Judgment shall be filed with the Prothonotary. At the time of filing such motions with the Prothonotary, the moving party shall also file a Praecipe, pursuant to Rule 211, to place the matter on the first Argument List occurring more than 30 days following the date of filing the motion or petition.

(2) Upon filing a Motion for Summary Judgment, the moving party shall file a brief, pursuant to Rule 210, in support of such motion within ten (10) days and shall serve a copy thereof upon all opposing counsel and any unrepresented party at their respective addresses of record. When filed, the brief shall be accompanied by a certificate indicating that such has been served upon the moving party.

(3) All parties who wish to contest a Motion for Summary Judgment shall within thirty (30) days from the filing of such Motion file a reply brief and a certificate such has been served on the moving party.

(4) Disposition of a Motion for Summary Judgment shall be made after oral argument. The parties may agree to submit the matter on briefs only with appropriate notice to the Court Administrator of such agreement.

(5) The judge to whom a Motion for Summary Judgment has been assigned for disposition may in the exercise of judicial discretion grant additional time to file briefs, require additional briefs to be filed, or make such other order as shall be appropriate for the disposition of the matter.

(6) Failure to comply with these provisions may be sufficient basis for the court to deny the Motion or deem such Motion uncontested.

Rule 4012—Protective Orders

Motions for Protective Orders are governed by Pennsylvania Rule of Civil Procedure 4012 and Monroe County Rule of Civil Procedure 208.1 et seq.

Rule 4019—Sanction

Motions for Sanctions are governed by Pennsylvania Rule of Civil Procedure 4019 and Monroe County Rule of Civil Procedure 208.1 et seq.

[Pa.B. Doc. No. 04-1705. Filed for public inspection September 17, 2004, 9:00 a.m.]

NORTHAMPTON COUNTY**Administrative Order 2004-3—Criminal Case Pre-Trial Conference****Administrative Order**

And Now, this 1st day of September, 2004, it is hereby ordered that Administrative Order # 2003-6 is amended in the following respect: When an application for A.R.D. has been filed, the defense counsel is not required to attend the arraignment/pre-trial conference. However, the defendant must attend. In all other respects, Administrative Order # 2003-6 shall remain in effect.

By the Court

ROBERT A. FREEDBERG,
President Judge

Comment: Defense Counsel's attendance at the pre-trial conference is not required if an A.R.D. application has been completed and filed. An intention to file for A.R.D. or an agreement to file for A.R.D. is not sufficient to excuse counsel's attendance.

[Pa.B. Doc. No. 04-1706. Filed for public inspection September 17, 2004. 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 29, 2004, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 28, 2004 for Compliance Group 3 due December 31, 2004.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Michael B. Adelhock
Little Falls, NJ

Keith D. Barrack
Morristown, NJ

Werten F. W. Bellamy Jr.
Washington, DC

Victor Charles Bolden
Altadena, CA

Hung H. Bui
Washington, DC

Wallace L. Butler
Alexandria, VA

Tara Siobhan Crean
New York, NY

Robert J. Dehney
Wilmington, DE

Marvin Isaac Droz
Cleveland, OH

Mechelle Evans
South Orange, NJ

Ernest George Foundas
New Orleans, LA

Christopher Henry Frick
Roseland, NJ

Benjamin S. Friedman
Haddonfield, NJ

Charles Joseph Harrington III
Jersey City, NJ

R. Gregory Henniger
New York, NY

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