

CHAPTER 1300. ARBITRATION

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Source

The provisions of this Chapter 1300 adopted March 16, 1981, effective May 15, 1981, 11 Pa.B. 1078, unless otherwise noted.

(Editor's Note: Chapter 1300 reorganized at 36 Pa.B. 693 (February 11, 2006).)

Subchapter A. COMPULSORY ARBITRATION

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Rule 1301. Scope.

These rules apply to actions which are submitted to compulsory arbitration pursuant to local rule under Section 7361 of the Judicial Code, 42 Pa.C.S. § 7361.

**Official Note:** This continues the existing practice under which in the absence of a rule of the Supreme Court each common pleas court may determine whether there shall be arbitration in its judicial district, the kind of cases to be arbitrated and the jurisdictional amount within the limits fixed by Section 7361(b) of the Judicial Code.

Rule 1302. List of Arbitrators. Appointment to Board. Oath.

(a) A list of available arbitrators shall be prepared in the manner prescribed by local rule. The list shall consist of a sufficient number of members of the bar

actively engaged in the practice of law primarily in the judicial district in which the court is situated so as to be fairly representative thereof.

(b) The board of arbitrators shall consist of three members of the bar appointed from the list of available arbitrators as prescribed by local rule.

(c) The board shall be chaired by a member of the bar admitted to the practice of law for at least three years.

(d) Not more than one member or associate of a firm or association of attorneys shall be appointed to the same board.

(e) A member of a board who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator.

(f) Each arbitrator shall take an oath of office in conformity with Section 3151 of the Judicial Code.

**Official Note:** Arbitrators shall be compensated pursuant to Section 3544(a)(1) of the Judicial Code.

### **Rule 1303. Hearing. Notice.**

(a) (1) The procedure for fixing the date, time and place of hearing before a board of arbitrators shall be prescribed by local rule, provided that not less than thirty days' notice in writing shall be given to the parties or their attorneys of record.

**Official Note:** See Rule 248 as to shortening or extending the time for the giving of notice.

(2) The local rule may provide that the written notice required by subdivision (a)(1) 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.”

**Official Note:** A party is present if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

(b) When the board is convened for hearing, if one or more parties is not ready the case shall proceed and the arbitrators shall make an award unless the court

(1) orders a continuance, or

(2) hears the matter if the notice of hearing contains the statement required by subdivision (a)(2) and all parties present consent.

**Official Note:** It is within the discretion of the court whether it should hear the matter or whether the matter should proceed in arbitration. If the court is to hear the matter, it should be heard on the same date as the scheduled arbitration hearing.

In hearing the matter, the trial court may take action not available to the arbitrators, including the entry of a nonsuit if the plaintiff is not ready or a non pros if neither party is ready. If the defendant is not ready, it may hear the matter and enter a decision.

For relief from a nonsuit, see Rule 227.1 governing post-trial practice. See also Rule 3051 governing relief from a judgment of non pros.

Following an adverse decision, a defendant who has failed to appear 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.

#### Source

The provisions of this Rule 1303 amended July 30, 1998, effective January 1, 1999, 28 Pa.B. 3930. Immediately preceding text appears at serial page (227308).

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

(a) Except as otherwise prescribed by these rules, the board of arbitrators shall conduct the hearing in conformity with Rule 1038(a). A voluntary nonsuit may be taken by a plaintiff as permitted by Rule 230. If the plaintiff fails to appear or if, at the conclusion of the plaintiff's case, the board deems the evidence insufficient to support an award in favor of the plaintiff, it shall enter an award in favor of the defendant. If the board does not do so, the defendant may proceed to offer evidence.

(b) The board shall have the power to administer oaths or affirmations to witnesses and to adjourn an uncompleted hearing from day to day.

(c) A stenographic record or a recording of the hearing shall not be made unless a party does so at his or her own expense. If a party has a stenographic record or a recording made, he or she shall upon request furnish a copy to any other party upon payment of a proportionate share of the total cost of making the record or recording.

#### Source

The provisions of this Rule 1304 amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2266. Immediately preceding text appears at serial page (246965).

### **Rule 1305. Conduct of Hearing. Evidence.**

(a) Except as prescribed by this rule, the rules of evidence shall be followed in all hearings before arbitrators. Rulings on objections to evidence or on other issues which arise during the hearing shall be made by a majority of the board.

(b)(1) The following documents shall be admitted into evidence if at least twenty days' notice of the intention to offer them was given to every other party accompanied by a copy of each document to be offered:

- (i) Bills or other documents evidencing charges incurred;

**Official Note:** The board of arbitrators may find a bill authentic, necessary and reasonable without extrinsic evidence but is not required to do so.

(ii) records of businesses, government departments, agencies or offices, subject to statutory restrictions, provided that these are records which would otherwise be admissible if authenticated by a custodian of records;

**Official Note:** The restrictions on the admissibility of evidence under this subparagraph are unique to the records specified and are not found elsewhere in subdivision (b).

(iii) records and reports of hospitals and licensed health care providers;  
(iv) expert reports and descriptions of expert qualifications;  
(v) written estimates of value, damage to, cost of repair of or loss of property; and

(vi) reports of rate of earnings and time lost from work or lost compensation prepared by an employer.

(2) If twenty days' advance notice of intention to offer documents in evidence was not given but copies of the documents were provided to the other parties at least twenty days in advance of the hearing or during discovery, the admissibility of the documents without authentication shall be in the discretion of the arbitrators upon a finding of the absence of prejudice.

(3) A document which is received into evidence under subparagraphs (1) or (2) may be used for only those purposes which would be permissible if the person whose testimony is waived by this rule were present and testifying at the hearing. The arbitrators shall disregard any portion of a document so received that would be inadmissible if the person whose testimony is waived by this rule were testifying in person.

(4) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the hearing and any adverse party may cross-examine the person as to the document as if the person were a witness for the party offering the document. The party issuing the subpoena shall pay the reasonable fees and costs of the person subpoenaed to testify, including a reasonable expert witness fee if applicable.

(c) A written estimate of value, damage to, cost of repair of or loss of property shall be accompanied by a statement of the party offering it whether the property was repaired and, if it was, whether the repairs were made in full or in part and by whom, together with the bill therefor.

(d) A party may offer in evidence, without the certification required by Sections 5328 and 6103 of the Judicial Code, an official weather or traffic signal report or a standard United States Government life expectancy table. A party may also offer any other official record kept within the Commonwealth without such certification if the provisions of subdivision (b) are followed.

**Source**

The provisions of this Rule 1305 amended September 5, 1997, effective January 1, 1998, 27 Pa.B. 4826. Immediately preceding text appears at serial page (227309).

**Rule 1306. Award.**

The board shall make an award promptly upon termination of the hearing. The award shall dispose of all claims for relief and shall be substantially in the form set forth in Rule 1312. If damages for delay are awarded under Rule 238, the amount shall be separately stated. The award shall be signed by the arbitrators or a majority of them. A dissenting vote without further comment may be noted thereon. The award shall be filed with the prothonotary immediately after it is signed.

**Rule 1307. Award. Docketing. Notice. Judgment. Molding the Award.**

- (a) The prothonotary shall
  - (1) enter the award of record upon the proper docket,
  - (2) immediately send by ordinary mail a copy of the award, with notice of the date and time of its entry on the docket and the amount of arbitrators' compensation to be paid upon appeal, to each party's attorney of record, or to the party if the party has no attorney of record, and
  - (3) note in the docket the date of mailing the notice.
- (b) Rescinded.
- (c) If no appeal is taken within thirty days after the entry of the award on the docket, the prothonotary on praecipe shall enter judgment on the award.

**Official Note:** Rule 3021(a)(3) requires the prothonotary to immediately enter in the judgment index a judgment entered on praecipe of a party.

(d) Where the record and the award disclose an obvious and unambiguous error in the award mathematics or language, the court, on application of a party within the thirty-day period allowed for appeal, may mold the award to the same extent and with the same effect as the court may mold the verdict of a jury. The filing of such an application shall stay all proceedings including the running of the thirty-day period for appeal until disposition of the application by the court. Any party may file a notice of appeal within the thirty-day appeal period prescribed by Rule 1308(a) or within ten days after disposition of the application, whichever is later.

**Source**

The provisions of this Rule 1307 amended March 11, 1991, effective July 1, 1991, 21 Pa.B. 1284; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2266; amended December 19, 2003, effective July 1, 2004, 34 Pa.B. 22; amended November 2, 2007, effective January 1, 2008, 37 Pa.B. 6201. Immediately preceding text appears at serial pages (317017) to (317018).

**Rule 1308. Appeal. Arbitrators' Compensation. Notice.**

- (a) An appeal from an award shall be taken by
- (1) filing a notice of appeal in the form provided by Rule 1313 with the prothonotary of the court in which the action is pending not later than thirty days after the day on which the prothonotary makes the notation on the docket that notice of entry of the arbitration award has been provided as required by Rule 1307(a)(3), and
  - (2) payment to the prothonotary of the compensation of the arbitrators not exceeding fifty percent of the amount in controversy, which shall not be taxed as costs or be recoverable in any proceeding; provided that the court, in an appropriate case, upon petition may permit the appellant to proceed in forma pauperis.

**Official Note:** Subdivision (a)(1) incorporates the holding of *Stellar Construction Inc. v. Ronald Sborz et al, individually and trading as Keystone Meats*, 748 A.2d 667 (Pa. 2000) with respect to the date upon which the appeal period begins to run.

(b) The appellant shall provide the prothonotary with the required notice for mailing and properly stamped and addressed envelopes. The prothonotary shall give notice to each other party of the taking of the appeal. Failure to give the notice shall not invalidate the appeal.

(c) The appellant shall not be required to post any bond, recognizance or other security or to pay any record costs which have accrued in the action. All record costs shall abide the event.

**Source**

The provisions of this Rule 1308 amended November 28, 2000, effective January 1, 2001, 30 Pa.B. 6423. Immediately preceding text appears at serial page (255248).

**Rule 1309. Parties to Appeal.**

An appeal by any party shall be deemed an appeal by all parties as to all issues unless otherwise stipulated in writing by all parties.

**Rule 1310. Discontinuance.**

No appeal may be discontinued except by leave of court after notice to all parties or upon the filing of the written consent of all parties.

**Rule 1311. Procedure on Appeal.**

- (a) The trial shall be de novo.

**Official Note:** Except as otherwise provided by Rule 1311.1, the provisions of Rule 1305 governing conduct of hearing shall not apply on appeal.

(b) An arbitrator may not be called to testify as to what transpired before the arbitrators.

**Source**

The provisions of this Rule 1311 amended April 30, 2003, effective September 1, 2003, 33 Pa.B. 2359. Immediately preceding text appears at serial pages (271790) to (271791).

**Rule 1311.1. Procedure on Appeal. Admission of Documentary Evidence.**

(a) *Election.* The plaintiff may elect an amount equal to the jurisdictional limit for compulsory arbitration of the judicial district in which the action was filed as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The election shall be filed and served upon every other party at least 30 days from the date the appeal is first listed for trial. The election may be withdrawn at any time by agreement of the parties. If the parties cannot agree, upon plaintiff's motion to withdraw the election, the court may grant the withdrawal of the election upon good cause shown.

(b) *Offer of Documents at Trial.* If the plaintiff has filed and served an election as provided in subdivision (a), any party may offer at trial the documents set forth in Rule 1305(b)(1). The documents offered shall be admitted if the party offering them has provided written notice to every other party of the intention to offer the documents at trial at least 20 days from the date the appeal is first listed for trial. The written notice shall be accompanied by a copy of each document to be offered.

(c) *Permissible Use of Documents.* A document which is received into evidence under subdivision (b) may be used for only those purposes which would be permissible if the person whose testimony is waived by this rule were present and testifying at the hearing. The court shall disregard any portion of a document so received that would be inadmissible if the person whose testimony is waived by this rule were testifying in person.

(d) *Other Parties.* Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as if the person were a witness for the party offering the document. The party issuing the subpoena shall pay the usual and customary fees and costs of the person subpoenaed to testify, including a usual and customary expert witness fee if applicable.

(1) If another party subpoenas or otherwise arranges for the attendance at trial of the person whose testimony is waived by this rule, the document may be presented to the judge or jury as direct examination as if the person has not been subpoenaed by another person, or the plaintiff may conduct a direct examination of the witness.

(2) Any party, or the person subpoenaed, may require that the testimony be given by deposition pursuant to Rule 4020(a)(5). The party issuing the subpoena shall pay the witness's usual and customary fee for such testimony.

(e) *Election Form.* The election required by subdivision (a) shall be substantially in the following form:

**(Caption)**

Election to Limit Monetary Recovery  
Pursuant to Pa.R.Civ.P. 1311.1

To: \_\_\_\_\_  
(Name of Party/Parties)

\_\_\_\_\_, plaintiff, elects \$\_\_\_\_\_ as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

\_\_\_\_\_  
(Name of Plaintiff)

\_\_\_\_\_  
(Attorney for Plaintiff)

\_\_\_\_\_  
Date

Note: The term “plaintiff” includes a defendant who is the plaintiff in a counterclaim.

A plaintiff may include in a single document the election and the notice of intent to offer documents.

(f) *Notice Form.* The notice required by subdivision (b) shall be substantially in the following form:

**(Caption)**

Notice of  
Intent to Offer Documentary Evidence  
Pursuant to Pa.R.Civ.P. 1311.1

To: \_\_\_\_\_  
(Name of Party/Parties)

\_\_\_\_\_, (Plaintiff, Defendant, Additional Defendant), intends to offer the documents attached hereto at the trial of the appeal from the award of arbitrators, in the manner provided by Rule 1311.1. The following documents are attached (list all documents to be offered):

- 1. \_\_\_\_\_ .
- 2. \_\_\_\_\_ .

\_\_\_\_\_  
(Name of Party)

\_\_\_\_\_  
(Attorney for Party)

\_\_\_\_\_  
Date

**Comment:**

Rule 1311.1 governs procedure with respect to the admission of documentary evidence at the trial of an appeal from the award of arbitrators in compulsory arbitration. It incorporates into the arbitration appeal before the court of common pleas the concept of Rule 1305, which permits specified



documents to be admitted into evidence at the arbitration hearing upon notice by the party offering the documents to every other party, accompanied by a copy of the documents.

The maximum jurisdictional limit for compulsory arbitration is set forth in 42 Pa.C.S. § 7361. Each judicial district may, by local rule, set an arbitration amount up to its maximum jurisdictional limit. *See generally* Pa.R.Civ.P. 1301. Under Rule 1311.1, a plaintiff, which includes a defendant who is a plaintiff in a counterclaim, may elect as the maximum amount of damages an amount equal to the compulsory arbitration limit set by the judicial district in which the action was filed. Rule 1311.1(a) also permits an election to be withdrawn either by agreement of the parties or court order for good cause shown.

In return for electing a maximum amount of damages, the party may offer at trial those documents set forth in Rule 1305(b)(1), which include, particularly, expert reports and descriptions of expert qualifications. However, the documents are not admissible for all purposes. *See* Pa.R.Civ.P. 1311.1(c).

The deadline for providing notice of the intention to use the procedures of subdivision (b) may be altered by the court upon cause shown, provided that no party is prejudiced.

#### Source

The provisions of this Rule 1311.1 adopted April 29, 2003, effective September 1, 2003, 33 Pa.B. 2359; amended May 16, 2006, effective July 1, 2006, 36 Pa.B. 2629; amended April 8, 2013, effective May 8, 2013, 43 Pa.B. 2135; amended May 19, 2022, effective July 1, 2022, 52 Pa.B. 3213. Immediately preceding text appears at serial pages (366477) to (366478).



**Rule 1312. Form of Oath. Award and Notice of Entry of Award.**

The oath, award of arbitrators and notice of entry shall be in substantially the following form:

(Caption)

OATH

We do solemnly swear (or affirm) that we will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that we will discharge the duties of our office with fidelity.

\_\_\_\_\_  
Chair  
\_\_\_\_\_  
\_\_\_\_\_

AWARD

We, the undersigned arbitrators, having been duly appointed and sworn (or affirmed), make the following award: (Note: If damages for delay are awarded, they shall be separately stated.)

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

\_\_\_\_\_ Arbitrator, dissents. (Insert name if applicable.)

Date of Hearing: \_\_\_\_\_  
\_\_\_\_\_  
Chair  
\_\_\_\_\_  
\_\_\_\_\_

Date of Award: \_\_\_\_\_

NOTICE OF ENTRY OF AWARD

Now, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ .M., the above award was entered upon the docket and notice thereof given by mail to the parties or their attorneys.

Arbitrators' compensation  
to be paid upon appeal: \_\_\_\_\_  
\$ \_\_\_\_\_ By: \_\_\_\_\_  
Prothonotary  
Deputy

1300-9

Source

The provisions of this Rule 1312 amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2266. Immediately preceding text appears at serial pages (227311) to (227312).

**Rule 1313. Form of Notice of Appeal.**

(a) The notice of appeal shall be in substantially the following form:

(Caption)  
NOTICE OF APPEAL  
FROM AWARD OF BOARD OF ARBITRATORS

TO THE PROTHONOTARY:

Notice is given that \_\_\_\_\_  
appeals from the award of the board of arbitrators entered in this case on  
\_\_\_\_\_.

A jury trial is demanded . [Check box if a jury trial is demanded. Otherwise jury trial is waived.]

I hereby certify that

- (1) the compensation of the arbitrators has been paid,
- or
- (2) application has been made for permission to proceed in forma pauperis.  
(Strike out the inapplicable clause.)

\_\_\_\_\_  
Appellant or Attorney for Appellant

**Official Note:** The demand for jury trial on appeal from compulsory arbitration is governed by Rule 1007.1(b).

(b) No affidavit or verification is required.

**Rule 1314. Suspension of Acts of Assembly. Abolition of Practice and Procedure under Repealed Statutes.**

After the effective date of these rules:

- (1) all Acts or parts of Acts of Assembly inconsistent with these rules are suspended to the extent of such inconsistency; and
- (2) the practice and procedure provided in all former Acts of Assembly governing compulsory arbitration, which have been repealed by the Judiciary Act Repealer Act (JARA), Act of April 28, 1978, No. 53, and which are now part of the common law of the Commonwealth by virtue of Section 3(b) of JARA, are hereby abolished and shall not continue as part of the common law of the Commonwealth.

**Subchapter B. PROCEEDING TO COMPEL ARBITRATION AND  
CONFIRM AN ARBITRATION AWARD IN A  
CONSUMER CREDIT TRANSACTION**

1326. Definitions. Scope.  
 1327. Confirming Arbitration Award.  
 1328. Motion to Confirm Arbitration Award as an Original Proceeding.  
 1329. Civil Action to Compel Arbitration. Motion to Confirm Arbitration Award as Ancillary to a Civil Action.  
 1330. Notice Required by Rule 1329(d)(1).  
 1331. Notice Required by Rules 1328(b) and 1329(e)(2). Form.

**Rule 1326. Definitions. Scope.**

(a) As used in this chapter,

“arbitration” means statutory arbitration pursuant to Section 7301 et seq. of the Judicial Code, 42 Pa.C.S. § 7301 et seq., known as the Uniform Arbitration Act, or common law arbitration pursuant to Section 7341 et seq. of the Judicial Code, 42 Pa.C.S. § 7341 et seq;

“arbitrator” includes a board of arbitrators;

“consumer credit transaction” means a credit transaction in which the party to whom credit is offered or extended is a natural person and the money, property or services which are the subject of the transaction are primarily for personal, family or household purposes.

(b) The rules of this chapter shall govern proceedings to compel arbitration and confirm an arbitration award entered in a claim arising from a consumer credit transaction.

**Source**

The provisions of this Rule 1326 adopted December 28, 2005, effective February 1, 2006, 36 Pa.B. 174.

**Rule 1327. Confirming Arbitration Award.**

Any party may file a motion to confirm an arbitration award which was entered by an arbitrator only if

(1) the party against whom an arbitration award is sought to be confirmed either

(i) attended a hearing before the arbitrator, or

(ii) signed a writing after the claim that is the basis for the arbitration award was filed with the arbitrator, agreeing to submit the claim to the arbitrator, or

**Official Note:** The writing under subparagraph (1)(ii) may provide for the arbitrator to decide the claim in a proceeding that does not involve a personal appearance before the arbitrator, such as a proceeding in which the hearing before the arbitrator involves only a review of documents submitted by the parties.

See Rule 1328 for the procedure to confirm an arbitration award entered as provided by either subparagraph (1)(i) or (ii).

(2) The arbitration award was entered following a court order or docket entry staying proceedings pending arbitration as provided by Rule 1329.

**Official Note:** See Rule 1329 for the procedure to compel arbitration and to confirm the arbitration award.

**Source**

The provisions of this Rule 1327 adopted December 28, 2005, effective February 1, 2006, 36 Pa.B. 174.

**Rule 1328. Motion to Confirm Arbitration Award as an Original Proceeding.**

(a) Any party may file as an original proceeding a motion to confirm an arbitration award if the arbitration award was entered pursuant to Rule 1327(1). The motion to confirm such an award shall be filed in the county in which the defendant resides or has a place of business or, if there is no such county, then in the county in which the arbitration hearing was held.

(b) The motion shall begin with a notice substantially in the form prescribed by Rule 1331 and shall be served in the manner provided for service of original process in a civil action.

**Official Note:** Section 7317 of the Judicial Code, 42 Pa.C.S. § 7317, provides that, unless the parties otherwise agree, notice of an initial application for an order of court shall be served in the manner provided by law for the service of a writ of summons in a civil action.

(c) The motion shall contain factual allegations establishing that the arbitration award was entered pursuant to Rule 1327(1).

(d) A responding party who opposes the motion shall file an answer to the motion within thirty days after service of the motion.

(e) If the responding party does not file an answer, the prothonotary, upon praecipe of the moving party filed after the answer was due, shall enter judgment upon the arbitration award.

(f) If the responding party files an answer, the motion shall be decided pursuant to the court's procedures for deciding motions.

**Source**

The provisions of this 1328 adopted December 28, 2005, effective February 1, 2006, 36 Pa.B. 174.

**Rule 1329. Civil Action to Compel Arbitration. Motion to Confirm Arbitration Award as Ancillary to a Civil Action.**

(a)(1) A plaintiff seeking to compel arbitration of a claim shall commence a civil action against the defendant. Except as otherwise provided by this rule, the procedure in the action shall be in accordance with the rules governing a civil action, including service of original process and venue.

**Official Note:** A defendant who seeks to compel arbitration of a claim for which a plaintiff is not seeking arbitration shall proceed by preliminary objection or a motion to compel arbitration.

(2) The complaint shall include an allegation that the claims raised in the complaint are subject to an agreement to submit these claims to arbitration.

(b) If the defendant fails to file a responsive pleading, the plaintiff may obtain a default judgment pursuant to Rules 237.1 and 1037.

(c)(1) If the defendant files an answer admitting that the claims are subject to arbitration, either party, within twenty days, may file a praecipe directing the prothonotary to enter on the docket a stay of proceedings pending arbitration.

(2) If the defendant files either preliminary objections or an answer denying that the claims are subject to arbitration, the plaintiff may within twenty

days file a motion for a rule to show cause why arbitration should not be compelled. Except as otherwise provided by subdivision (d), the motion shall be governed by Rule 208.1 et seq.

**Official Note:** Rule 208.1 et seq. governs motion practice.

(d)(1) The motion for a rule to show cause why arbitration should not be compelled shall begin with a notice substantially in the form prescribed by Rule 1330 and shall be served pursuant to Rule 440. In the absence of a court order otherwise, the timely filing of the motion stays proceedings pending resolution of the motion.

(2) A defendant shall file an answer to the motion within twenty days after service of the motion. The answer shall set forth all of the defendant's objections to the arbitration including absence of a valid agreement to arbitrate the claims, lack of jurisdiction over the person of the defendant, improper venue or improper service of original process.

(3) If the defendant does not file an answer to the motion, the plaintiff, after the answer was due, may file a praecipe directing the prothonotary to enter on the docket a stay of proceedings pending arbitration.

(4) If the defendant files an answer, the motion shall be decided pursuant to the court's procedures for deciding motions. If the court grants the motion to compel arbitration, the court shall enter an order compelling the parties to proceed with arbitration and staying proceedings pending arbitration.

(e)(1) Any party may file a motion to confirm an arbitration award entered following a court order or docket entry staying proceedings pending arbitration. The motion to confirm shall be filed as an ancillary proceeding to the pending civil action.

**Official Note:** The motion to confirm will be filed with the court at the number of the action required by Rule 1329.

(2) The motion shall begin with a notice substantially in the form prescribed by Rule 1331 and shall be served pursuant to Rule 440.

(3) A responding party who opposes the motion shall file an answer to the motion within thirty days after service of the motion.

(4) If the responding party does not file an answer, the prothonotary, upon praecipe of the moving party filed after the answer was due, shall enter judgment upon the arbitration award.

(5) If the responding party files an answer, the motion shall be decided pursuant to the court's procedures for deciding motions.

#### Source

The provisions of this Rule 1329 adopted December 28, 2005, effective February 1, 2006, 36 Pa.B. 174.

### **Rule 1330. Notice Required by Rule 1329(d)(1). Form.**

The notice required by Rule 1329(d)(1) shall be substantially in the following form:

1300-13

(321807) No. 383 Oct. 06

(Caption)

Notice to File Answer

The motion attached to this notice asks the court to enforce an agreement to submit claims to arbitration. If you oppose submission of this claim to arbitration, you must file an answer to the motion with the Prothonotary within twenty (20) days of mailing or other service of this notice. If you fail to respond, this case will proceed to arbitration and may result in the entry of a money judgment against you.

**Official Note:** A court may by local rule require the notice to be repeated in one or more designated languages other than English.

Source

The provisions of this Rule 1330 adopted December 28, 2005, effective February 1, 2006, 36 Pa.B. 174; amended July 14, 2006, effective immediately, 36 Pa.B. 3979. Immediately preceding text appears at serial pages (317025) to (317026).

**Rule 1331. Notice Required by Rules 1328(b) and 1329(e)(2). Form.**

The notice required by Rules 1328(b) and 1329(e)(2) shall be substantially in the following form:

(Caption)

Notice to File Answer

A party to these proceedings has filed a motion to confirm an arbitration award. If you oppose the motion, you are required to file an answer to the motion within thirty (30) days from the date below setting forth your objections to the motion. If you fail to file an answer, a money judgment based on the arbitration award may be entered against you without further notice. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

Date of mailing or other service:

\_\_\_\_\_  
Party Filing Motion



ARBITRATION

**231 Rule 1331**

**Official Note:** A court may by local rule require the notice to be repeated in one or more designated languages other than English.

**Source**

The provisions of this Rule 1331 adopted December 28, 2005, effective February 1, 2006, 36 Pa.B. 174.

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1300-16

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