



ALLEGHENY COUNTY
CIVIL AND FAMILY COURT RULES

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**LOCAL RULES OF THE CIVIL AND FAMILY DIVISIONS OF THE
COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

The Court of Common Pleas

Local Rule 1 Structure of the Court of Common Pleas of Allegheny County.

- (1) The Court of Common Pleas of Allegheny County consists of the following divisions:
 - (a) Civil Division: which includes General Docket ("GD"), Arbitration ("AR"), Landlord-Tenant ("LT") and Property Assessments ("BV").
 - (b) Family Division, which includes the Adult and Juvenile Court sections;
 - (c) Orphans' Court Division; and
 - (d) Criminal Division.
- (2) Each Division of the Court is managed by an Administrative Judge, who is appointed by the Supreme Court of Pennsylvania.
- (3) The Office of the Clerk of the Court of Common Pleas (as defined at 42 Pa.C.S. § 2701 et seq.) includes three county officials:
 - (a) Prothonotary, who serves the Civil Division (which is divided into sections for General Docket and Arbitration matters) and the Family Division;
 - (b) Register of Wills, who is also the Clerk of Court of the Orphans' Court Division; and
 - (c) Clerk of Court of the Criminal Division.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 2 Notice by Publication.

- (1) In all actions where notice is required to be given by advertisement in a newspaper, proof of publication shall be made by the affidavit of the owner,

publisher or the designated agent thereof and filed of record before the entering of any final order, decree or judgment.

(2) The Pittsburgh Legal Journal is designated as the newspaper of this Court for the publication of legal notices. All notices which are required to be advertised in a newspaper shall also be advertised in the Pittsburgh Legal Journal.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 3 Money Deposited in Court.

(1) Any officer or person distributing money in proceedings in this Court shall have the docket in the proper office receipted, or shall have received an acknowledged receipt and release for such sums paid.

(2) Except as hereinafter provided, all money deposited with the Prothonotary shall be deposited by the Prothonotary in an institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. All deposits with the Prothonotary in excess of Five Thousand Dollars (\$5,000.00) shall be deposited by the Prothonotary in interest-bearing accounts, or may be invested in United States Government obligations or United States Government guaranteed obligations.

(3) All interest accrued on deposits, other than deposits of costs, made for a period of three (3) months or more in excess of Five Thousand Dollars (\$5,000.00) shall be paid to the party or parties ultimately determined to be entitled to the fund.

(4) All accrued interest not distributed pursuant to subdivision (3) of this local rule shall be paid to the county treasurer.

(5) The Prothonotary shall charge for the benefit of the county a commission equal to one-half of one percent (0.5%) on all deposits of less than One Thousand Dollars (\$1,000.00) and one-fourth of one percent (0.25%) on all deposits and interest accrued on deposits of One Thousand Dollars (\$1,000.00) or more.

(6) The Prothonotary shall maintain a record of all moneys deposited, and paid out, setting forth the names of the parties from whom the money was received and to whom the money was paid, and the commissions charged pursuant to subdivision (5) of this rule.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Business of Courts

Local Rule 76 Definitions.

"**Board of Judges**" shall mean all members of the Court, excluding Senior Judges.

"**Court**" shall mean all divisions of the Court of Common Pleas of Allegheny County.

"**Local Rule**" shall mean any rule regulating practice or procedure promulgated by the Court of Common Pleas of Allegheny County pursuant to Section 323 of the Judicial Code (42 Pa.C.S. § 323).

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 105 Bonds.

(1) **Bonds — Property.**

All bonds, bail and security except those of approved surety companies, shall have endorsed or attached an affidavit showing the value of the property given as surety, and the liens upon it. The affidavit shall state whether the same property has been used as security for any other purpose and, if so, all details. The person liable for the debt shall not be qualified to act as surety for himself or herself.

(2) **Bonds — Corporate Surety.**

No corporation may act as sole surety or guarantor on bonds or undertakings in this Court unless it has been approved by the Orphans' Court Division of this Court.

(3) **Bonds — Prohibited Sureties.**

No attorney, Sheriff, Prothonotary, their deputies or Court personnel shall be admitted as surety in any action.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 198 Actions Between Family Members.

(1) All cases between spouses, former spouses, or persons living as spouses shall be filed in the Family Division. Cases between other family members shall be filed in the Civil Division.

- (2) The Administrative Judge of the Division in which a case is filed has the authority, in consultation with the other Administrative Judge, to transfer a case to the other Division.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 200 Representation by an Attorney.

- (1) Individuals may represent themselves or be represented by an attorney.
- (2) Except as otherwise provided by subdivision (3), a corporation, partnership and unincorporated association must be represented by an attorney.
- (3) A corporation, partnership or unincorporated association may be represented by an officer or by a partner in the following actions:
 - (a) a civil action brought in or appealed to this Court in which the relief sought is monetary damages which do not exceed the jurisdictional limit for an action before a Magisterial District Judge.
 - (b) an appeal from a judgment entered in a Magisterial District Judge Court in an action for the recovery of the possession of real property.

Note: A corporation must be represented by an attorney regardless of the amount in controversy if the lawsuit involves a dispute between shareholders or officers of the same corporation.

Note: See the opinion of Strassburger, J. in Hammond Press, Inc. v. Verzinskie, AR02-000702 (C.P. Allegheny 5/6/03).

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 205.2(a) Requirements Governing the Physical Characteristics of Pleadings, Petitions, Motions, and Other Legal Papers. Cover Sheets.

- (1) **Basic Requirements.**
 - (a) Footnotes shall be single-spaced.

Note: See Pa.R.C.P. 204.1 for other requirements.
 - (b) All attachments, supporting documents, and exhibits shall be on eight and one-half inches by eleven inches paper at the time of filing with the Prothonotary.

(i) A smaller document shall be reproduced, if possible, on eight and one-half inches by eleven inches paper.

(ii) A larger document shall be reduced and reproduced to eight and one-half inches by eleven inches size, provided it will still be legible.

(iii) If it is not possible to obtain a legible photocopy of the document or exhibit because of unique characteristics or inherent limitations, e.g., maps, surveys, computer printouts, data processing cards, drafter's plans, tracing paper, red pencil marks, colored paper, tape recordings, cassettes, movies, etc., the filing party shall present the document or material to the Prothonotary to be stamped, docketed, and filed. Each such special filing shall be accompanied by one (1) cover sheet.

(c) In any case where a reproduced document under subdivision (b) above has been included in the pleadings or where a filing has been made under subdivision (b), and such reproduced document is not legible, an exact recitation of the contents of the document or evidence or, by agreement of the parties, the material sections of the same, shall be typed on white paper, eight and one-half inches by eleven inches in size, in twelve point type with double-spacing and margins of one inch on each side and the top and bottom of the page. This retyped document shall bear a certification of accuracy by counsel for the filing party.

Note: Local Rule 205.2(a) does not affect the provisions of Pa.R.C.P. 1019(i), requiring that copies of certain writings be attached to pleadings.

(2) Proposed Orders of Court.

Every preliminary objection, petition and motion shall include a proposed order of court which shall be the last page of the preliminary objection, petition or motion.

(3) Other Filing Requirements.

(a) Every document shall be attached only at the top left corner of the pages with one staple or, if the document is too thick for a staple, then at the top of the pages with a metal fastener (not a binder clip).

(b) Cloth tape is prohibited and shall not be used to cover the staple or metal fastener.

(c) "Bluebacks" shall not be used.

Note: It is recommended that the case number be entered at the top or bottom right corner on every page of every filing because of the possibility that pages of a filing may come apart.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 205.2(b) Cover Sheet.

- (1) (a) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below). If needed, a second page may be attached and numbered “Cover Sheet 2” at the bottom of the page.
 - (b) The lettering shall be in a font of no smaller than twelve point size or an equivalent, and shall substantially follow the format in Form of Cover Sheet (FORM 205.2(b)) (see subsection (3) below).
 - (c) The cover sheet on the document commencing the action (Praecipe or Complaint), shall have a margin at the top of three (3) inches, for the Prothonotary’s stamp.
- (2) The information required includes:

- (a) (In capital letters from left to right margins)

"IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA"

- (b) (In capital letters on left side of center) the complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

- (c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

- (i) The specific DIVISION, i.e., CIVIL, FAMILY, CRIMINAL, or ORPHANS' COURT;

- (ii) The docket number;

- (iii) The issue number, if assigned and the date the case is listed for trial, if assigned;

- (iv) The name of the pleading, in bold face and all capital letters;

(v) For Civil Division cases, the docket code which most accurately characterizes the primary cause of action (see Local Rule 205.2(b)(4) below);

(vi) If the action is filed as a class action, then "CLASS ACTION" shall be set forth on the line following the Civil Division docket code;

(vii) If the action involves real estate, then the address, municipality, ward if applicable, lot and block number shall be set forth;

(viii) The completed statement: "Filed on behalf of _____ (party's name, party's relationship to case)";

(ix) The completed statement: "Counsel of Record: _____ (attorney's name and Pennsylvania Identification Number, firm name, firm number per the list in the Allegheny County Prothonotary's Office, address and telephone number)"; and

(x) In cases in which a party is represented only by out-of-county counsel, the following notice shall appear: "Party Represented by Out-of-County Counsel Only."

Note: This notice is required to alert court personnel to the need to mail a notice of earliest trial date, pursuant to Local Rule 212.1(3). See also FORM 214, Praecepto to Place Case at Issue, paragraph 6, Local Rule 214(1)(b).

(xi) Every pleading, petition and motion must include a Certificate of Service which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made.

(3)

FORM 205.2(b) Cover Sheet

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JOHN DOE,

CIVIL DIVISION

Plaintiff,

GD No. _____

(Use AR or LT No. for Arbitration Cases and BV No. for Assessment Appeals.)

vs.

TITLE OF DOCUMENT

BIG CORPORATION, INC.,
and JANE DOE,

Code: (See Local Rule 205.2(b)(4).)

CLASS ACTION (If

applicable.)

Defendants.

Real Estate Involved:

600 Grant Street, Pittsburgh, PA 15219

(Address, municipality, ward if applicable, lot and
block number required in all cases involving real
estate.)

Issue No. _____ (If assigned.) (Required
after case is placed at issue. See Local Rule
214(1).)

Date on GD Trial List _____ (Required after
case appears on a published trial list for GD cases.)

Filed on behalf of Plaintiff, JOHN DOE

Counsel of Record for

this Party:

Henry Smith, Esquire

Pennsylvania I.D. #12345

Smith & Jones

Firm I.D. #5678

667 Fort Pitt

Boulevard, Suite 121

Pittsburgh,

Pennsylvania 15219-3456

412-281-1234

412-281-5678 (fax)

(Optional. See Pa.R.C.P. 440(a)(1)(ii).)

smtt@acba.org

(Optional. See Pa.R.C.P.

205.4(g)(2).)

JURY TRIAL DEMANDED (Optional. See
Pa.R.C.P. 1007.1.)

[New page] CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing [**Title of Document**] has been served upon all other parties at the address(es) below via _____, this _____ day of _____, 20__.

[Name and address of counsel]

[signature]_____

(4) Civil Division Docket Codes.

- Code 001 - Trespass-Motor Vehicle
- Code 002 - Trespass-Other Traffic
- Code 003 - Trespass-Against Property Owner
- Code 004 - Trespass-Products Liability
- Code 005 - Trespass-F.E.L.A.
- Code 006 - Trespass-Assault and Battery
- Code 007 - Trespass-Medical/Hospital Negligence
- Code 008 - Trespass-Defamation
- Code 009 - Trespass-Other
- Code 010 - Assumpsit
- Code 011 - Assumpsit/Trespass
- Code 020 - Equity
- Code 030 - Appeal from Award of Viewers
- Code 040 - Complaint in Ejectment
- Code 060 - Mechanics Lien Complaint
- Code 070 - Mandamus
- Code 080 - Quiet Title
- Code 090 - Quo Warranto
- Code 100 - Replevin
- Code 120 - Tax Assessment Appeal
- Code 140 - Mortgage Foreclosure
- Code 180 - Declaratory Judgment Petition
- Code 200 - Execution (at issue only)

Note. If there is no code listing for a case or action, insert: “Code ___”.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 205.4. Electronic Filing of Legal Papers in Allegheny County.

Note: This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, "If a court permits or requires the electronic filing of legal papers with the prothonotary, the court must promulgate a local rule designated Local Rule 205.4 which sets

forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule."

(a)(1) Except as noted in the subsections below, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter "DCR") electronic filing system is permissive for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court.

Note: A "legal paper" is defined in Pa.R.C.P. 205.4(2) as "a pleading or other paper filed in an action, including exhibits and attachments."

A. Use of the DCR's electronic filing system is mandatory for all actions and proceedings involving personal injury or death allegedly caused by asbestos.

B. Use of the DCR's electronic filing system is not permitted for the following Civil Division Filings:

1. Initial filings in Petitions for Name Change;

Note: Secondary filings in Petitions for Name Change may be filed electronically.

2. Initial filings for Exemplification of Records;

Note: Secondary filings involving Exemplification of Records may be filed electronically.

3. The following secondary filings in General Docket Cases: (i) preliminary objections, (ii) motions for judgment on the pleadings, or (iii) motions for summary judgment.

Note: The matters described in subsection (a)(1)(B)(3) are excluded from electronic filing because of the existing procedure under which these matters are presented to the Chief Motions Clerk or Calendar Control for scheduling prior to filing in the Office of the DCR.

4. The following secondary filings in compulsory arbitration cases: (i) preliminary objections, (ii) petitions, or (iii) motions.

Note: The matters described in subsection (a)(1)(B)(4) are excluded from electronic filing because of the practice of furnishing an argument date to the party filing the matter at the time of filing.

5. Filings under seal.

6. Praecipes for writ of execution in a mortgage foreclosure proceeding.

C. Use of the DCR's electronic filing system is not permitted for the following Family Division Filings:

1. Legal papers relating to Protection From Abuse matters which must be processed with the PFA Office in Family Division before they can be filed.

2. Legal papers relating to custody, partial custody or visitation matters which must be processed through the Generations office before they can be filed.

3. Legal papers relating to spousal or child support must be processed through Family Division before they can be filed.

4. Legal papers relating to divorce which contain or address counts or counterclaims for support, alimony pendente lite, alimony or custody, partial custody and visitation, must be processed through the offices to which reference is made in (C)(1), (2) or (3) of this subsection.

Note: Divorce pleadings which do not include or address any of the counts enumerated above may be filed electronically, including but not limited to, § 3301(c) or § 3301(d) affidavits of consent, counter-affidavits, waiver of notice of intention to request entry of a decree, notice of intention to request a divorce decree, and praecipe to transmit the record.

5. Any and all legal papers which must be presented to a Family Division Judge in motions before filing with the Office of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx), WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx).

[(c)(1) There is no Section (c)(1).]

(c)(2) The DCR's electronic filing website is dcr.alleghenycounty.us ("www" does not appear before and ".com" does not appear after this web address). Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the Court. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID.

(d)(1) The following credit and debit cards may be used on the DCR's electronic filing website to pay filing-related fees: Visa, MasterCard, Discover, and American Express. Such fees may also be paid by depositing in advance sufficient funds with the DCR. The DCR may also accept payments by electronic checking/ACH (Automatic Clearing House). See the DCR website for additional information.

[(d)(2) There is no Section (d)(2).]

[(d)(3) Intentionally omitted as Allegheny County has not designated a third party to operate the electronic filing system.]

(f)(1) When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledgement page and shall transmit to the filer an initial e-mail confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an e-mail stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.

(f)(2) The DCR shall maintain an electronic and a hard copy file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923. The DCR is not required to maintain a hard copy file for the following legal papers when filed electronically:

Allegheny County Bar Association Fee Dispute Judgment

Annual Audit

Assurance of Voluntary Compliance

Bond of Tax Collector

Cemetery Report

Commercial Broker Lien

Commonwealth Tax Lien

Condominium Lien

Declaration of Covenant Lien

Environmental Resources Lien

Federal Judgment Lien

Foreign Execution

Foreign Judgment

Foreign Judgment/Execution

Foreign State Tax Lien

Health Department Judgment

Housing Court Judgment

Judgment Roll

Liens/Scire Facias

Mechanics' Lien

Municipal Lien

No Lien Agreement

Oath of Office

Orphans' Court Judgment

Pennsylvania Agency Judgment

Pension Benefit Lien

PHEAA Judgment

Planned Community Lien

Scire Facias sur Municipal Lien

Scire Facias sur Tax Lien

Tax Collector Report

Unemployment Compensation Lien

Workers' Compensation Judgment

[(f)(3) There is no Section (f)(3).]

(f)(4) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR website: [website: dcr.alleghenycounty.us](http://www.dcr.alleghenycounty.us) (www. does not appear before and ".com" does not appear after this web address).

[(f)(5) There is no Section (f)(5).]

Editor's Note: Adopted April 5, 2012, effective February 22, 2013

[Local Rule 1930.1 Electronic Filing in Family Division Matters.

[Rescinded in its entirety.]

Note: See Local Rule 205.4 for information regarding e-filing of Family Division matters.]

Local Rule 206.4(c) Procedures for the Disposition of Petitions.

(1) **Scope.**

This local rule describes the procedures for an application to open a default judgment or a judgment of non pros governed by Pa.R.C.P. 206.1 et seq.

Note: This court has not promulgated a local rule, numbered Local Rule 206.1(a)(2), which provides for any other application to be governed by Rule 206.1 et seq.

(2) **General Docket Cases - Opening a Default Judgment.**

(a) A petition to open a default judgment shall be presented to the Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

Note: The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the Motions Judge is hearing motions and petitions. See Civil Division link on the Website of the Common Pleas Court of Allegheny County (www.alleghencourts.us) for the name and courtroom of the judge who is sitting as the Motions Judge and the times that matters which have not been scheduled with the court may be presented. Ordinarily, unscheduled matters may be presented each day at 9:30 A.M. and 1:30 P.M.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule to show cause is entered, the court order issuing the rule shall set the time within which the answer to the petition shall be filed and the time within which depositions shall be completed. If the court order does not set an argument date, at any time after the date by which the depositions were to be completed, any party may order the cause for argument before the Motions Judge by

delivering to the Chief Motions Clerk a praecipe to set a date and time for the final argument. The party obtaining the time and date for the final argument shall promptly serve written notice thereof upon all other parties to the proceedings.

Note: The Chief Motions Clerk will be in the Courtroom of the Motions Judge.

(c) Depositions and other evidence that a court may consider shall be filed at least fourteen (14) days before the argument date.

(d) Briefs are required. The brief of the moving party shall be filed with the Prothonotary and served on all other parties at least fourteen (14) days prior to the argument. The brief of the party opposing the petition shall be filed at least seven (7) days prior to the argument.

(3) General Docket Cases - Opening a Judgment of Non Pros.

(a) A petition to open a judgment of non pros shall be presented to the Special Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

Note: See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name of the judge who is sitting as the Special Motions Judge and the times matters may be presented. Ordinarily, the Special Motions Judge will be available on Fridays.

The moving party may obtain an argument date and time for the presentation by contacting the Assignment Room (Room 700 of the City-County Building, 412-350-5463) on Mondays through Fridays between 1:30 P.M. and 4:30 P.M. Or the moving party may, after giving appropriate notice to all parties, place the matter on the 2:00 P.M. Add-On List, located in the Courtroom of the Special Motions Judge, at any time after 8:30 A.M. on the Friday on which it will be presented.

If the case is on the trial list, the petition shall be presented to the Calendar Control Judge. See Local Rule 208.3(a)(3).

(b) If, upon presentation of the petition, a rule is issued, the court order issuing the rule shall set forth the time within which the answer to the petition shall be filed and within which depositions shall be completed, and the date of the final argument before the Special Motions Judge.

(c) Briefs are not required unless the court order issuing the rule provides for the filing of briefs.

(4) Arbitration Cases - Opening Default Judgments and Judgments of Non Pros.

(a) The original and a copy of the petition to open a default judgment or a judgment of non pros shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the petition a date and time (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Prothonotary and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument.

(b) The petitioner shall notify an Arbitration Department Clerk (412-350-5625) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 208.3(a) Procedures for the Disposition of Motions.

(1) Scope.

(a) (i) As used in this rule, "motion" means any application to the court made in any civil action or proceeding except as provided by subdivisions (b)(1) and (2) of Pa.R.C.P. 208.1

Note: The term "motion" as used in Pa.R.C.P. 208.1 and in this local rule does not include preliminary objections (governed by Local Rule 1028(c)), motions for judgment on the pleadings (governed by Local Rule 1034(a)), motions for summary judgment (governed by Local Rule 1035.2(a)), or petitions to open a default judgment or a judgment of non pros (governed by Local Rule 206.4(c)).

(ii) This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motions.

(iii) This local rule does not govern motions filed in eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and 1041.2), class actions, cases designated as

complex, and any other cases specially assigned by an order of court to a single judge.

(2) **General Docket Cases - General Provisions.**

(a) Motions described in Local Rule 208.3(a)(3) shall be presented to the Calendar Control Judge, motions described in Local Rule 208.3(a)(4) shall be presented to the Motions Judge, and motions described in Local Rule 208.3(a)(5) shall be presented to the Special Motions Judge. Litigants may contact the Chief Motions Clerk (412-350-5644) if they are uncertain as to which of the judges should hear a particular motion.

(b) A motion may be presented only after service of the copy of the motion and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the date of presentation shall be at least ten (10) days after service of a copy of the motion and the notice of the date of presentation.

Note: The court does not schedule the date and time of presentation. The petitioner selects a date and time at which the appropriate judge is scheduled to hear motions. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name and courtroom of the judge who is sitting as the Calendar Control Judge, Motions Judge, or Special Motions Judge and the times at which unscheduled matters may be presented. Ordinarily, motions may be presented each day to the Motions Judge at 9:30 A.M. and 1:30 P.M.; motions may be presented to the Calendar Control Judge at 1:30 P.M. on days on which there is a call of the list and at 9:30 A.M. on other days on which motions are being heard; and motions may be presented to the Special Motions Judge only on a Friday (see subsections (5)(c) and (6)(b) below).

(c) There is no requirement for the filing of a response or the filing of briefs prior to presentation. However, the parties are encouraged to submit briefs when it is anticipated that the court will wish to consider briefs before deciding the issue.

(3) **Calendar Control Judge.**

(a) Motions in any case that has been listed for trial on a published trial list shall be presented to the Calendar Control Judge. This includes all motions that would otherwise have been heard by the Motions Judge or the Special Motions Judge.

Note: The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to prothonotary.county.allegheny.pa.us (no www. and no .com) and click on "Case Search" (in upper right corner).

(b) In any case, including a case that is not on a published trial list, all motions relating to the following matters shall be presented to the Calendar Control Judge:

(i) the compromise, settlement, and discontinuance of an action to which a minor is a party; and

Note: See Local Rule 2039 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2039.

(ii) the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party.

Note: See Local Rule 2064 for the procedures governing a petition presented pursuant to Pa.R.C.P. 2064.

(4) **Motions Judge.**

(a) For any General Docket case that is not on a published trial list, motions and petitions relating to the following matters shall be presented to the Motions Judge:

(i) opening or striking default and confessed judgments;

(ii) requests for preliminary or special injunctive relief;

Note: Enforcement of a court order providing preliminary or special injunctive relief shall be presented to the judge who issued the court order.

(iii) relief provided for in replevin actions under Pa.R.C.P. 1075.1 to 1086;

(iv) relief provided for in the Rules of Civil Procedure governing enforcement of money judgments (Pa.R.C.P. 3101 to 3291) except for discovery in aid of execution which is presented to the Special Motions Judge;

Note: These matters are presented to the Motions Judge for all General Docket cases, including cases that have appeared on a published trial list.

(v) requests to proceed in forma pauperis in General Docket and Arbitration proceedings; and

(vi) continuances of any arguments on the General Argument List.

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) or to the Motions Judge (see subdivision (4)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

(5) Special Motions Judge.

(a) For any General Docket case that is not on a published trial list, motions relating to the following matters shall be presented to the Special Motions Judge:

(i) discovery;

(ii) pleadings (other than preliminary objections) including amendments, joinder of parties, late joinder of additional defendants;

(iii) preliminary objections filed by an additional defendant if the Special Motions Judge entered an order permitting the late joinder;

(iv) withdrawal and disqualification of counsel;

(v) discontinuances, consolidation, severance, coordination of actions in different counties (Pa.R.C.P. 213.1), placing/striking cases at issue;

(vi) entry and opening of judgments of non pros;

(vii) transfers between Arbitration and General Docket;

(viii) certificates of merit (Pa.R.C.P. 1042.1 et seq.); and

(ix) dismissal upon affidavit of noninvolvement (Pa.R.C.P. 1036).

(b) In any General Docket case that is not on a published trial list, any motions that are not required to be presented to the Motions Judge (see subdivision (4)(a) of this Local Rule) or to the Special Motions Judge (see subdivision (5)(a) of this Local Rule) may be presented to either the Motions Judge or the Special Motions Judge.

(c) All uncontested matters may be presented to the Special Motions Judge on Fridays at 10:00 A.M., 12:00 Noon, and 2:00 P.M. For contested motions, the moving party may obtain a Friday argument date and time, in person or by telephone, from the Assignment Room (700 City-County Building, 412-350-5463) between 1:30 P.M. and 4:30 P.M.; or the moving party may place the matter on a 2:00 P.M. Add-On List any time after 8:30 A.M. on the Friday on which it will be argued. The Add-On List is located in the Courtroom of the Special Motions Judge.

Note: There is no limit on the number of cases that can be placed on the Add-On List. Consequently, a party may schedule an argument by giving at least ten (10) days notice to the other parties that a matter will be placed on the Add-On List.

(6) **Arbitration Cases.**

(a) (i) Except as provided in the following subdivisions (a)(ii), (a)(iii), and (a)(iv), all motions involving arbitration cases shall be heard by the Special Motions Judge.

(ii) In forma pauperis petitions will be presented to the Motions Judge.

(iii) Requests for the continuance of an arbitration case will be presented to the Calendar Control Judge. The party seeking a continuance will present to the Calendar Control Judge an Adjournment of Hearing Form (FORM 208.3(a))(see subsection (6)(c) below), which may be obtained from an Arbitration Department Clerk in Room 536 of the Allegheny County Courthouse.

Note: If all parties agree to the continuance, the Chief Arbitration Clerk has the authority to sign the Adjournment of Hearing "Green Sheet" continuing the case (FORM 208.3(a)) (see subsection (6)(c) below)

(iv) Motions filed after an arbitration award has been appealed shall be presented to the Special Motions Judge unless they affect the timing of the trial of the case, in which event they shall be presented to the Calendar Control Judge.

(b) The original and a copy of any motion shall be taken to an Arbitration Department Clerk (room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the motion a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Prothonotary and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Arbitration Office's scheduling a motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to paragraph (6)(a)(iii) of this Local Rule.

(c)

FORM 208.3(a) Adjournment of Hearing "Green Sheet"

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ARBITRATION SECTION

vs.

No. _____, 20 ____

Presently listed _____

No. of Times Continued _____

Landlord/Tenant Action _____

ADJOURNMENT OF HEARING

On _____, 20 ____, on order of court, the date of hearing herein is adjourned to _____, ____

Stipulation

BY THE COURT

REASON FOR CONTINUANCE:

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 210 Requirements Governing the Form and Content of a Brief.

All briefs in excess of ten (10) pages shall contain a table of contents and a table of citations.

Note: See Local Rule 1028(c)(1)(b)(iii) which imposes page limits for briefs addressing preliminary objections.

See Pa.R.C.P. 204.1 and Local Rules 205.2(a) and 205.2(b) for requirements governing the physical characteristics of pleadings and other legal papers (including briefs) and cover sheets.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 212.1 Pre-Trial Procedure for All Actions in the Civil Division of the Court of Common Pleas of Allegheny County. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

(1) Pa.R.C.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury and non-jury, to be tried in the Civil Division, with the exception of appeals from Compulsory Arbitration.

(2) **Definitions.**

In these rules, the following words shall have the following meanings:

(a) **"pre-trial conference"** - a conference scheduled by the Court in accordance with Pa.R.C.P. 212.3 in which, in addition to matters set forth in Pa.R.C.P. 212.3, the Court shall:

(i) determine whether the parties have complied with this local rule; and

(ii) attempt an amicable settlement of the case.

(b) **"Conciliating Judge"** - the Judge assigned to conduct the pre-trial conference.

(3) **Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.**

Notices required by Pa.R.C.P. 212.1 shall be given by publication in the Pittsburgh Legal Journal, and notice shall be provided to unrepresented parties and to those out-of-county counsel identified in paragraph 6 of the Praecepto to Place the Case at Issue (see FORM 214, Local Rule 214(1)(b)).

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: prothonotary.county.allegheny.pa.us (www. and no .com). Additionally, published trial lists are also available on the Civil Division's website at: www.alleghencourts.us.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 212.2 Pre-Trial Statement.

- (a) Each party shall file and serve upon all other parties a written pre-trial statement in conformity with the requirements of Pa.R.C.P. 212.2, except as set forth in (b) below.
- (b) For cases which will be tried by the jury, each party or group of parties with joint representation by one counsel shall be entitled to make a voir dire statement and to propose no more than five additional voir dire questions which are not duplicative of the voir dire already covered in Local Rule 220.1 and the Juror Questionnaire. If the party or group of parties wishes to avail itself of this opportunity, the following shall be included in the pre-trial statement:
 - (i) Verbatim text of the voir dire statement of 200 words or fewer, which will be given by counsel at the outset of voir dire; and
 - (ii) Not more than five proposed additional voir dire questions, which shall be handled in accordance with Local Rule 220.1(c).
- (c) Disputes as to the propriety of any party's proposed voir dire statement or proposed voir dire questions shall be raised with the Calendar Control Judge during the conciliation which is scheduled immediately after the Call of the List. Each party shall bring to the conciliation an extra set of copies of their proposed voir dire statement and proposed additional voir dire questions.

Editor's note: Amended October 14, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Each party shall file and serve upon all other parties a written pre-trial statement in conformity with the requirements of Pa.R.C.P. 212.2.

Note: The deadline for each party to file and serve its pre-trial statement is published with the trial list in the Pittsburgh Legal Journal. Generally, Plaintiffs are required to fulfill the requirements of Pa.R.C.P. 212.2 forty-five (45) days prior to the commencement of the trial term in which the case is listed, and all other parties are required to fulfill the requirements of Pa.R.C.P. 212.2 thirty (30) days prior to the commencement of the trial term in which the case is listed.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 212.3 Conduct of Pre-Trial Conference.

- (1) The conduct of the pre-trial conference shall be in conformity with Pa.R.C.P. 212.3.
- (2) Notice of the time, date and Conciliating Judge for the pre-trial conference shall be provided by publication in the Pittsburgh Legal Journal, and notice shall be provided to unrepresented parties and to those out-of-county counsel who submitted notice of their address to the Calendar Control section of the Civil Division at the time the case was placed at issue.

Note: The dates and times of pre-trial conciliations are also available on the Civil Division's website at: www.alleghencourts.us.

- (3) Any application for rescheduling a pre-trial conference shall be addressed to the Conciliating Judge before whom the pre-trial conference is scheduled.

Note: See Local Rule 214(5)(f) regarding petitions to continue the trial of cases on the General Docket.

- (4) Unless excused by the Conciliating Judge, each party with a financial interest and each non-party with a financial interest (such as insurers) shall be present with full authority to settle the case. However, parties without a financial interest need not attend.

- (5) The Judge presiding at the pre-trial conference may impose such sanctions as are deemed appropriate against counsel and/or the party(ies) for failure to comply with this rule.

Note: Pre-trial conferences and other pre-trial procedures in cases assigned for trial to a particular Judge may be conducted according to the procedures directed by that Judge.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 213 Petitions for Consolidation. Survival Actions.

- (1) Petitions for Consolidation shall bear the captions of each case as to which consolidation is requested, including all issue numbers.
- (2) At the time of presentation of a petition for consolidation of cases, counsel shall bring sufficient copies of the petition, so that there will be one copy of the petition for the Court file of every case as to which consolidation is requested.
- (3) Transfer and consolidation of survival actions and related wrongful death actions are governed by Pa.R.C.P. 213.

Note: As to settlement of survival actions, see Local Rule 2206 and Orphans' Court Local Rule 12.16F.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 214 Issue Docket, Trial Lists and Trials.

- (1) **Issue Docket - General Docket ("GD") Cases.**
 - (a) After the expiration of sixty (60) days from the date of service of the original complaint upon each defendant, and after all of the pleadings

in a case are closed, any of the parties may file a praecipe to place the case at issue, thereby signifying that the case is ready to be listed for trial. The Praecipe to Place the Case at Issue shall be in the same form as FORM 214 (see subsection (b) below). Cases placed at issue receive consecutive numbers ("issue numbers") which are used to track the placement of cases on a trial list. After an issue number is assigned to a case, it shall be included on the caption and cover sheet of all subsequent filings. The Prothonotary shall keep an issue docket of cases placed at issue. The Calendar Control Office of the Court of Common Pleas shall create the civil trial lists from those cases which have been placed at issue.

Note: The Court has provided a mandatory form of Praecipe to Place Case at Issue, FORM 214 (see subsection (b) below), which requires that counsel provide the Court with certain information regarding the case, to facilitate the orderly assembly of trial lists.

Note: See Local Rule 4003.5(7)(a) regarding priority on trial lists for professional liability and product liability cases which meet certain criteria. The form to be used to obtain priority placement on trial lists for such cases is found at FORM 4003.5D at Local Rule 4003.5(10)(d). This form is filed, at the appropriate time, in addition to the Praecipe To Place Case At Issue.

(b)

FORM 214 Form of Praecipe to Place Case at Issue

[CASE CAPTION, INCLUDING DOCKET NUMBER]

PRAECIPE TO PLACE CASE AT ISSUE

The undersigned party hereby certifies the accuracy of the following information to the Court, and requests that the Prothonotary assign an issue number to this case, list this case on the issue docket, and place it in order on the next available trial list:

1. At least sixty days have passed since the service of the original complaint on all defendants.
2. All pleadings have been filed.
3. All preliminary motions and objections have been disposed of.
4. There are _____ plaintiffs and _____ defendants remaining in the case. Plaintiffs remaining in the case, and their counsel, are: [list the parties and their counsel]. Defendants who have actually been served and who remain in the case, and their counsel, are: [list the parties and their counsel].
5. According to documents filed in the case, the following parties are not presently represented by counsel and should be provided with notice of earliest trial date pursuant to Local

Rule 212.1(3) at the following addresses: [list unrepresented parties and their mailing addresses].

Alternative 5. According to documents filed in the case, there are no unrepresented parties in this case at this time.

6. According to documents filed in the case, the following parties are presently represented only by out-of-county counsel. Such counsel should be provided with notice of earliest trial date pursuant to Local Rule 212.1(3): [list party, their out-of-county counsel, and counsel’s mailing address].

Alternative 6. According to documents filed in the case, there are no parties in this case who are represented only by out-of-county counsel.

7. I estimate that the following number of days will be required for the trial of this case, including the time required for jury selection, closing arguments and charge:

- No more than 1 trial day
- 2 to 3 trial days
- 4 to 6 trial days
- 7 to 10 trial days
- 11 to 15 trial days
- More than 15 trial days

8. A jury trial has/has not [circle one] been requested in this case.

9. If this is a civil action that raises only claims for equitable relief, see Local Rule 1001 and FORM 1001 at Local Rule 1001(3).

Respectfully submitted,

Dated: _____

By: _____
[Identification of pro se party or counsel]

[Address and telephone number of pro se party or counsel]

(2) Exceptions to Issue Docket.

The following types of cases need not be placed at issue or otherwise certified ready for trial:

- (a) cases pending on the Compulsory Arbitration docket (AR) and (LT);
- (b) appeals from Compulsory Arbitration;
- (c) cases originally filed in the general docket (GD) and transferred to Compulsory Arbitration; and
- (d) cases in which a new trial has been granted by either the court of original or appellate jurisdiction.

Note: In cases in which a new trial has been granted, prompt written notice of the granting of such relief should be given by plaintiff to the Calendar Control Office of the Civil Division.

(3) Removal From The Issue Docket.

Cases which have been stricken from the issue docket shall receive new issue numbers after full compliance with this local rule and the filing of a subsequent Praecipe to Place Case at Issue.

(4) Trial Terms.

Civil Division trial terms are generally scheduled for five or six week periods commencing each January, March, May, September and November.

(5) Trial Lists. Call of The List. Date of Trial.

- (a) **Initial Publication of Trial Lists.** The trial dates for each term and the cases scheduled to be tried during that term are published approximately one hundred and twenty (120) days prior to the beginning of each of the trial terms in the Pittsburgh Legal Journal. It shall be the responsibility of in-county counsel to monitor the Pittsburgh Legal Journal for the initial listing of a case on a trial list. Publication of trial lists in the Pittsburgh Legal Journal is the only form of notice given to in-county counsel of the listing of a case for trial. Unrepresented parties and out-of-county counsel who submit notice of their address to the Calendar Control Office of the Civil Division (see Local Rule 212.1(3)) are mailed a notice of earliest trial date.

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: prothonotary.county.allegheny.pa.us (no www. and no .com). Additionally,

published trial lists are also available on the Civil Division's website at: www.alleghencourts.us.

(b) **Pre-trial Discovery Deadlines.** Deadlines for the completion of discovery are published with the trial list in the Pittsburgh Legal Journal. Any party initiating discovery must do so within such time as to permit the responding party the full time allowed for response by the Pennsylvania Rules of Civil Procedure, so that the response may be served on or before the date set for completion of discovery.

Note: Generally, discovery is required to be completed sixty (60) days prior to the commencement of the trial term in which the case is listed for trial.

(c) **Call of the List.** Each day during the trial term at 9:00 a.m., the Calendar Control Judge calls the daily trial list. Counsel for each party in each case listed for the first time on that date shall appear at said time, personally or through a representative, and shall advise the Court, when the case is called:

- whether counsel for each party is ready for trial (each party, in turn, advises the court);
 - the expected time required to try the case;
- and/or
- of any settlements which have occurred.

Counsel shall be prepared to commence trial on and after the date of the Call of the List. Counsel shall be prepared to engage in conciliation immediately after the Call of the List, or at such other time as the Court may thereafter direct. Cases not commenced on the date listed will be called again the following day and each day thereafter, until the case is commenced, removed from the list by motion or settlement, or the trial term ends. Cases not commenced during the trial term are placed on a future trial list.

(d) **Daily Publication of Updated Trial List.** During each trial term, daily trial lists, updated to reflect settlements, continuances, cases called for trial, or other dispositions of cases, are published daily in the Pittsburgh Legal Journal. It is the responsibility of all parties to monitor the status of their cases on the updated trial list. Written notice of updates will not be sent.

Note: Updated trial lists are also available on the Civil Division website at: www.alleghencourts.us.

(e) **Date of Trial.** The dates for which cases are listed for trial are intended to serve as close estimates as to when each case will be reached for trial.

(f) **Trial Policy.**

(i) When the list of cases is first published, trial counsel must ascertain the readiness of their cases as to bills, reports, etc. and the availability of witnesses, doctors, experts, etc. involved in the case.

(ii) When it is ascertained that any person necessary for the trial of the case may not be available during the trial term, the deposition of that person for use at trial must be taken forthwith.

(iii) Requests for continuances or adjustments of the trial date should be made as soon as possible after the initial publication of the trial list. Last-minute requests for continuances ordinarily will not be granted to accommodate counsel, clients or witnesses for business trips, vacations or any absence during trial terms or for failure to comply with any of the trial policy rules.

(iv) Counsel, as listed for the case, must be available and ready to try the case at the time it is called.

(v) If listed counsel are not available, absent compelling reasons, substitute counsel must be available.

(vi) A law firm not having sufficient trial counsel may be required to obtain substitute trial counsel.

(vii) If listed counsel is not available and no substitute counsel is provided, the case will proceed without counsel.

(viii) When called to select a jury, unless excused by the Court, counsel must appear within fifteen (15) minutes; if not present when so called, a clerk will select the jury and the case will be ordered to trial notwithstanding the absence of counsel.

(ix) The trial policy rules will be applied regardless of the directions or desires of clients.

Note: As to motions relating to cases appearing on a published trial list, see Local Rule 208.3(a)(3) regarding the Calendar Control Judge. As to pre-trial statements, see Local Rule 212.2.

(6) **Exception to Trial Lists.** Cases which have been assigned to an individual judge do not appear on a trial list; rather, such cases proceed to trial as ordered by the individual assigned judge. Local Rule 220.1 Voir Dire.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 220.1. Voir Dire.

In all civil actions to be tried before a jury, the parties shall be provided with the responses to the "Juror Questionnaire" completed by the members of the panel at the time that they report for jury duty (see Form), and the members of the panel shall be asked the questions set forth in this Local Rule (except those which all parties shall agree in advance to strike as inappropriate for the type of case involved). The questions shall be propounded by an Assignment Room Clerk, in the presence of all counsel. The voir dire process is open to the public.

The following questions shall be asked in a standard civil lawsuit, that is, one that is something other than a medical malpractice or asbestos case.

(a) *To be Addressed to the Group:*

1) *Clerk*—"This case is expected to last ____ days. Does that impose a serious hardship for anyone?"

2) *Clerk*—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? *[Insert name of company(ies).]*

Clerk—"This lawsuit concerns ____." *[Insert a description —products liability, motor vehicle accident, fall down, construction, contract, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys.

You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) *Clerk*—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(b) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) *Clerk*—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages?"

a. *Clerk*—"If so, what are those feelings or opinions?"

b. *Clerk*—"Do you think those feelings or opinions might affect your judgment in this case?"

2) *Clerk*—"This case involves a claim for money damages and is the type commonly called a ____ [*products liability, motor vehicle accident, breach of contract, etc.*] lawsuit."

a. *Clerk*—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?"

b. *Clerk*—"If so, what are those feelings?"

c. *Clerk*—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) *Clerk*—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) *Clerk*—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

The following questions shall be asked in medical malpractice cases:

(c) *To be Addressed to the Group:*

1) *Clerk*—"This case is expected to last ____ days. Does that impose a serious hardship for anyone?"

2) *Clerk*—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? *[Insert name of company(ies).]*

Clerk—"This case is a Medical Malpractice lawsuit." *[Insert a description—along with a time period or date and place, if applicable.]*

3) *Clerk*—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) *Clerk*—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(d) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) *Clerk*—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. *Clerk*—"If so, what are those feelings or opinions?"

b. *Clerk*—"Do you think those feelings or opinions might affect your judgment in this case?"

2) *Clerk*—"This case involves a claim for money damages and is the type commonly called a Medical Malpractice lawsuit."

a. *Clerk*—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor either the patient or the healthcare provider?"

b. *Clerk*—"If so, what are those feelings?"

c. *Clerk*—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) *Clerk*—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) *Clerk*—"Do you have any feelings or opinions about whether medical malpractice lawsuits affect the costs or availability of medical services?"

"If so, what are those feelings or opinions?"

5) *Clerk*—"Do you feel it is wrong to sue a [*Insert appropriate provider, e.g. doctor, nurse, hospital, nursing home . . .*] even in circumstances where the [*Insert as before.*] was careless in providing medical care to a patient and caused harm to that patient?"

6) *Clerk*—"Do you believe that just because the patient suffered a complication, did not get better, or even died, that the [*Insert appropriate provider, e.g. doctor, nurse, hospital, nursing*

home . . .] must have done something wrong so that the patient or family is entitled to compensation?"

7) *Clerk*—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

The following questions shall be asked in asbestos cases:

(e) *To be Addressed to the Group:*

1) *Clerk*—"This case is expected to last ____ days. Does that impose a serious hardship for anyone?"

2) *Clerk*—"The attorneys in this lawsuit will now introduce themselves, their law firms, and the parties they represent."

[Attorneys proceed with introductions.]

Clerk—"Have you had any social, business or professional contact with any of these attorneys or their law firms?"

Clerk—"Do you know or have you had any social, business or professional contact or employment with any of the parties, or are any of you stockholders in ____? *[Insert name of company(ies).]*

Clerk—"This lawsuit concerns ____." *[Insert a description-products liability, negligence, etc.—along with a time period or date and place, if applicable.]*

3) *Clerk*—"The attorneys are now permitted to give you a brief statement about the case.

In their statement, each attorney will say what they believe the evidence will show at trial. You will not hear the actual evidence until the witnesses testify when the trial begins.

You are not to form any conclusions based upon the statements of the attorneys. You cannot make your decision until the end of the trial."

[Attorneys proceed, in turn, to deliver their approved voir dire statements.]

[If no party elects to deliver a voir dire statement, then the Clerk proceeds as set forth below.]

Clerk—"Does anyone know anything about this case?"

4) *Clerk*—"The attorneys will now identify for you all of their possible witnesses in this case."

[Attorneys proceed in turn to identify the names and addresses of all their potential witnesses, including expert witnesses. This list should include all non-party witnesses listed in each party's pre-trial statement, unless all parties have agreed otherwise.]

Clerk—"Do you know or have you had any association, either yourself or through any member of your family, with any of these individuals?"

(f) *To be Asked Individually:*

Clerk—"We will begin questioning. Juror #1, will you please step forward?"

1) *Clerk*—"Based on anything you have read, seen or heard, do you have any feelings or opinions about a lawsuit seeking money damages for personal injuries?"

a. *Clerk*—"If so, what are those feelings or opinions?"

b. *Clerk*—"Do you think those feelings or opinions might affect your judgment in this case?"

2) *Clerk*—"This case involves a claim for money damages and is the type commonly called a ____ [*Insert a description-products liability, negligence, etc.*] lawsuit."

a. *Clerk*—"Do you have any feelings about this kind of case, or the parties involved in this kind of case, that would tend to make you favor one party or the other; that is, the person bringing the lawsuit or the person being sued?"

b. *Clerk*—"If so, what are those feelings?"

c. *Clerk*—"Will that influence your judgment in this case so that you may not be able to be fair and impartial?"

3) *Clerk*—"Do you have any feelings or opinions as to whether there should be a minimum or maximum amount of money that can be awarded to an injured party?"

4) *Clerk*—"Have you or any member of your household or immediate family ever suffered from:

a) Any type of cancer?

b) Asbestosis?

c) Emphysema?

d) Silicosis?

e) Chronic bronchitis?

f) Black lung?

g) Mesothelioma

h) Any other lung or respiratory disease?"

5) *Clerk*—"Have you or any member of your household or immediate family ever been employed by a business engaged in manufacturing, supplying, or removing insulation products containing asbestos?"

6) *Clerk*—"Have you or any member of your household or immediate family ever worked or been exposed to products which you understood to contain asbestos or silica?"

7) *Clerk*—"Have you been exposed to any information from the internet, newspapers, radio, television, or from other people, discussing alleged health problems with asbestos or silica?"

8) *Clerk*—"Have you ever smoked:

a) Cigarettes?

b) Cigars?

c) Pipe?"

9) *Clerk*—"If yes, what year did you stop smoking:

a) Cigarettes?

b) Cigars?

c) Pipe?"

10) *Clerk*—"Is there any reason why you feel you cannot serve as a fair and impartial juror in this case?"

(g) Up to five additional proposed voir dire questions may be submitted by each party or group of parties with joint representation by one counsel. Disputes as to the propriety of these questions shall be handled as set forth in Local Rule 212.2(c). At the time of voir dire, those proposed additional voir dire questions which were permitted by the Calendar Control Judge will be propounded by the Assignment Room Clerk, in the presence of all counsel, individually to each member of the panel.

(h) At the conclusion of individual questions to each member of the panel as set forth in parts (b), (d), (f) and (g) above, counsel will be permitted to ask reasonable follow-up questions regarding each panel member's responses to prior questions and responses to the Juror

Questionnaire. In the absence of agreement by all parties to the contrary, the order of follow-up questioning shall proceed as the parties appear in the caption of the case.

FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

**COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY
CIVIL DIVISION—JUROR QUESTIONNAIRE**

1) Full Name: _____ Maiden Name (if any): _____

2) Age: _____ Place of Birth: _____

3) Neighborhood or Municipality in which you live: _____ Zip Code: _____

Length of time at current address: _____ Rent or Own: _____

4) Single Married Divorced Widowed Separated

Spouse's Name: _____ Spouse's Maiden Name (if any): _____

5) Your Employment/Occupation:

Present Job Employer Time at this Job

If Retired:

Last Employer Last Held Position Time at this Job

What prior occupations and employers have you had?

6) Please indicate your highest level of education: Elementary Jr. High/Middle School
 High School (did not graduate) High School Graduate GED
Technical/Vocational Training College (did not graduate) College Graduate
Advanced Degree

College or University Degree, Diploma, or Certificate Attained Major Course of Study

7) Have you ever served in the military? Yes [] No []

If so, in what branch? _____ Years _____ to _____

What did you do? _____ Final Rank _____

Honorable Discharge? Yes [] No []

8) Have you or any members of your family been involved as a plaintiff, defendant, witness or juror in a civil or criminal lawsuit or court case? Yes [] No []

1. Who was involved? _____

2. What was the nature of the lawsuit? _____

3. Were you or your family member the Plaintiff, Defendant, witness or juror? _____

4. What was the outcome? _____

9) Have you ever been involved in an automobile accident? Yes [] No []

10) Are you licensed to drive a motor vehicle? Yes [] No []

11) Do you own or lease a motor vehicle? Yes [] No []

12) Please list your family doctor and/or any other doctors that have treated you in the past two years: _____

13) Please provide the following information about the following people:

Name	Age	Level of Education	Current Occupation & Employer	Do they reside
------	-----	--------------------	-------------------------------	----------------

**with
you?**

Your Mother:

Your Father:

Your Spouse:

Child/Stepchild 1:

Child/Stepchild 2:

Child/Stepchild 3:

Child/Stepchild 4:

Child/Stepchild 5:

Child/Stepchild 6:

Other Adult

Member of
Household 1:

Other Adult

Member of
Household 2:

Other Adult

Member of
Household 3:

14) If you have brothers or sisters, what do they do for a living? _____

15) Do you or any members of your family have a friendship or association with anyone who is a police officer, judge, lawyer, or employee of the court system? If so, please explain: _____

16) Have either you or members of your family ever worked for or done business with the insurance industry or owned stock in an insurance company? Yes [] No []

17) Have either you, members of your family, or any close friends ever worked for or done business with the medical or healthcare field? Yes [] No []

18) Do you have any physical or mental condition or other situation which could affect your ability to serve on a jury? Yes [] No []

I VERIFY, SUBJECT TO THE PENALTIES OF SECTION 4904 OF THE CRIMES CODE (18 Pa.C.S. § 4904) RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, THAT THE FACTS SET FORTH IN THIS QUESTIONNAIRE ARE TRUE AND CORRECT.

Dated: _____ Signature: _____

Editor's Note: Adopted October 29, 2012, effective November 17, 2012..

Local Rule 227.1 Post-Trial Motions. Filing of Appeals. Request for Transcript, Certification and Waiver Forms.

(1) Post-Trial Motions.

(a) Post-Trial Motions shall be filed in the Office of the Prothonotary and a copy shall be delivered to the Trial Judge. Argument shall be scheduled by the Trial Judge without praecipe.

(b) On all Motions for Post-Trial Relief, only those portions of the testimony relating to the questions raised need be transcribed. If counsel cannot agree on the evidence to be transcribed, the matter may be submitted to the Trial Judge. The reporter shall arrange the transcript so that omitted portions may be inserted in the event this becomes necessary. A moving party desiring to rely wholly or in part on a transcript of the testimony or on the charge of the Court shall file in the Office of the Prothonotary a certificate from the court reporter, stating that the testimony relied upon or the charge has been ordered and is being transcribed. Such certificate shall be filed within a period of ten days from the filing of the Motion for Post-Trial Relief. Upon failure to file such certificate within the time prescribed, it shall be conclusively presumed a transcript of said testimony is not necessary and is waived.

(c) Unless accompanied by an affidavit stating the names of all witnesses expected to testify, and the substance of the testimony they are expected to offer, no Motion for a New Trial will be entertained on the grounds of after-discovered evidence.

(d) Upon the filing of any Motion for Post-Trial Relief, the Court may, on its own motion or on the motion of any interested party, hold a post-trial hearing and/or conciliation.

Note: See Pa.R.C.P. 106 regarding computation of time and Local Rule 252 regarding video records.

(2) Appeals.

When filing documents necessary to effectuate an appeal of a Civil Division matter in accordance with the Pennsylvania Rules of Appellate Procedure and specifically Pa.R.A.P. 905 and 906, filings with this Court are made in the appropriate office of the Clerk of Court of Common Pleas as follows:

- If appeal is being taken from a matter which is pending in the Civil Division, including General Docket ("GD") or Arbitration ("AR"), documents are filed with the Prothonotary;
- If appeal is being taken from a matter which is pending in the Family Division, documents are filed with the Prothonotary; and
- If appeal is being taken from a matter which is pending in the Orphan's Court Division, documents are filed with the Register of Wills.

(a) **Filing and Request for Transcript, Certification and Waiver Form.**

(i) At the time of filing a Notice of Appeal in the Court of Common Pleas, and pursuant to Pa.R.A.P. 906, whether or not a transcript or waiver has already been filed, the appellant shall attach to all copies of the Notice of Appeal a copy of the completed and acknowledged Request for Transcript, Certification and Waiver, FORM 227.1A (see subsection (d)(i) below) (which is available at the office of the Manager of Court Reporters).

(ii) The Request for Transcript, Certification and Waiver must be completed by the party placing the order, signed by a Judge, if required by Pa.R.A.P. 1922(b), and delivered to the Manager of the Court Reporters to place an order for a transcript for any purpose.

(iii) FORM 227.1A also shall be prepared and filed to demonstrate waiver of a transcript or portion thereof in connection with an appeal.

(iv) The Manager of Court Reporters shall insert the date the Request form is received and shall acknowledge said receipt by signature.

(v) A copy of the form, as acknowledged by the Manager of Court Reporters, shall be satisfactory proof of a transcript order or waiver.

(vi) When a transcript is ordered, the Manager of Court Reporters shall obtain the signature of the court reporter and distribute copies of the Request form to the designated persons.

(b) **Notice of Proof of Filing or Delivery of the Transcript.**

(i) The Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) (see subsection (d)(ii) below) shall be filed with the Prothonotary, a copy faxed to the judge's chambers, and distributed to the designated persons by the Manager of the Court Reporters.

(ii) If a requisite transcript or portion thereof has already been filed with the Prothonotary, a photocopy of the Request for Transcript, Certification and Waiver (FORM 227.1A) and the Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) may be attached to the Notice of Appeal.

(c) Transcripts of testimony may not be photocopied.

(d) Forms

(i)

FORM 227.1A Request for Transcript, Certification and Waiver

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Civil Division
_____ Case No.: _____

Request for Transcript, Certification and Waiver

Plaintiff Nature of Proceeding: _____
v. Date: _____
_____ Court Reporter: _____
_____ Judge: _____
_____ *Order Waive*
_____ Complete Proceeding _____
Defendant Plaintiff's Case _____

Requested by:

Defendant's Case _____

Charge _____

Closing Argument _____

Other _____

Telephone: _____

 Signature of Judge if less than entire transcript is ordered.
 Pa. R. A. P. 1922(b)

Copies: Judge/Prothonotary/Manager of Court Reporters/Attorney/Other

DEPOSIT RECEIVED _____

CASH _____ CHECK # _____ AMOUNT _____

(ii)

FORM 227.1B Notice of Proof of Filing or Delivery of the Transcript

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Civil Division

Case No.: _____

NOTICE OF PROOF OF FILING OR DELIVERY OF THE TRANSCRIPT

Proceeding: _____

Complete Case _____

Plaintiff's Case _____

Date: _____

Defendant's Case _____

Judge: _____ Charge _____
 _____ Closing Argument _____
 _____ Other _____

I hereby certify that I have filed and/or delivered the above-described transcript with/to the following:

Date	Signature
Prothonotary _____	_____
Attorney _____	_____
	Court Reporter

If no objections are made to the text of the transcript within five (5) days after such notice, the transcript will become part of the record.

Copies: Judge/Prothonotary/Manager of Court Reporters/Attorney/Other

Note: See Local Rule 252 regarding video records.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 234.1 Subpoena.

- (1) The copy of any subpoena (the original of which issued from this Court) left with a witness who has been subpoenaed shall have endorsed on said copy the caption, the number and term of the case, and the name, office address and telephone number of the attorney causing the subpoena to be issued and served.
- (2) The original subpoena shall be filed in the Prothonotary's office with return of service.
- (3) Subpoenas requiring production of hospital records shall not be deemed to apply to x-rays or other data not strictly a part of a hospital record unless they are specifically requested in the subpoena.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 237.1 Entry of Default Judgment, Military Service.

In all cases in which a party to an action has appeared but subsequently defaults, before any decree or judgment shall be entered, the opposing party shall file an affidavit stating that the

defaulting party is not in the military service of the United States, or if the information is not available, the affidavit shall state what efforts have been made to obtain the facts.

Note: This local rule is mandated by the "Servicemembers Civil Relief Act," Title 50 App. U.S.C. Section 501 et seq.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 239 Local Rules.

(1) Adoption of Local Rules.

(a) In the absence of special circumstances, the Administrative Judge of the Civil Division shall notify the Allegheny County Bar Association Court Rules Committee of any proposed local rule change, to solicit comments and input regarding the proposed local rule change.

(b) No local rule shall be adopted, amended or repealed except by a majority vote of the members of the Court present at a regular or special meeting of the Board of Judges. Action on proposed local rule changes may be taken by the Board of Judges only if the members of the Board of Judges have received at least seventy-two hours' notice of the proposed rule change.

(c) Every local rule shall be promulgated in accordance with these procedures.

(2) Construction of Local Rules.

All rules of construction adopted by the Supreme Court of Pennsylvania shall apply to local rules adopted by the Court of Common Pleas of Allegheny County, Pennsylvania. Without limiting the generality of the foregoing, definitions contained in Pa.R.C.P. 76 shall apply to all local rules heretofore and hereafter adopted which govern procedure in the Civil Division and in the Family Division.

(3) Citation to Local Rules.

These Rules may be known as the "Allegheny County Local Rules." Citations to these rules shall be: "Allegheny County Local Rule ____."

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 240 In Forma Pauperis.

(1) A party seeking in forma pauperis status shall apply to the Court for such status. The application shall include as an attachment the party's affidavit demonstrating inability to pay the costs of litigation.

Note: See affidavit form in Pa.R.C.P. 240. Application forms for pro se litigants are available in the office of the Prothonotary.

Note: For presentation to the Court, see Local Rule 208.3(a)(4).

Note: For indigent divorce cases, see Local Rule 1920.62.

(2) Counsel employed by or affiliated with Neighborhood Legal Services are authorized to file a praecipe for in forma pauperis status.

(3) The Prothonotary shall accept for filing by a party, a praecipe as provided by Pa.R.C.P. 240, or an application under this rule, without charge to the party.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 249 Special Assignments Among Judges. Commerce and Complex Litigation Center. Asbestos Judge. Class Action Judge. Elections Judge. Real Estate Tax Appeals Judge. Zoning.

(1) **Commerce and Complex Litigation Center.**

(a) Creation. Administrative Order No. 13 of 2007 (AD07-000013) established a Commerce and Complex Litigation Center. This Center is within the Civil Division of the Court.

(b) Assignment of Cases to the Center.

(i) A description of the type of cases handled by the Center and of the procedures for assignment of cases to the Center is set forth in a *Description of the Docket and Procedures of the Commerce and Complex Litigation Center* prepared by the judges assigned to the Center.

(ii) The *Description* may be obtained from the Allegheny County Court of Common Pleas website at www.alleghenycourts.us by selecting civil and then selecting commerce and complex litigation center.

Editor's Note: Effective February 4, 2008. This Local Rule 249(1) replaces Local Rule 249(1) that was adopted on October 4, 2006, effective December 4, 2006. There are no changes to Local Rule 249(2) - (8).

(2) **Asbestos Judge.**

Actions for personal injury or property damage caused by asbestos, upon filing shall be assigned to the Asbestos Judge, prior to the case being assigned to a general trial list.

(3) **Class Action Judge.**

Class action cases, upon filing, shall be assigned to the Class Action Judge in accordance with Pa.R.C.P. 1701 et seq.

(4) **Elections Judge.**

Except with respect to matters of an emergency nature arising on an election day, actions relating to elections, upon filing, shall be assigned to the Elections Judge.

Note: See Local Rule 501 regarding Election Day Judges.

(5) **Real Estate Tax Appeals Judge.**

Real estate tax assessment appeals and real estate tax exemption appeals shall be assigned to the Real Estate Tax Appeals Judge.

(6) **Zoning.**

Zoning appeals shall be assigned to the Zoning Appeals Judge.

(7) **Assignment of Certain Actions Seeking Equitable Relief to Individual Judge.**

The placing of a case at issue involving only claims for equitable relief, Quiet Title, Quo Warranto and Mandamus results in assignment to an individual judge.

(8) **Discretionary Assignment of Cases to An Individual Judge.**

At the discretion of the Administrative Judge or the Calendar Control Judge, in the interests of efficiency and justice, the Court may assign cases to individual judges for any purpose, including pre-trial proceedings and trial.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 252 Rule Authorizing and Providing for the Use of Video Records.**(1) Use by Court.**

(a) **Authorization:** The Judges of the Court of Common Pleas shall be authorized to use a Video Recording System to provide for the preservation of the official proceedings.

(b) **Responsibilities:** Any Judge using a Video Recording System shall designate operational and functional responsibilities of the system to members of that Judge's staff. Policies and procedures for using the system shall be developed and adopted by the Court and shall provide for the integrity of the video record.

(c) **Parties:** Parties taking part in proceedings where a Video Recording System is being used shall adhere to the policies and procedures authorized in section (1)(b) of this local rule and adopted by the Court.

(2) Video Records.

(a) **Scope:** The provisions of this local rule shall apply to any proceedings presided over by a Court of Common Pleas Judge in which the official record is the video of the proceedings. The official video shall be produced, retained and distributed pursuant to the following sections:

(i) **Video Recordings:** Two video recordings shall be made of each Court proceedings unless otherwise directed by the Court. The records shall be made simultaneously, and the videos resulting from the records shall serve as the official record of the Court proceedings. These tapes shall be labeled and hereinafter referred to as the "A" and "B" recordings.

(ii) **Custody of Videos:** Both the "A" and "B" recordings shall be deemed the property of the Court and shall be retained in accordance with adopted storage guidelines. The "A" recording shall be filed with the Prothonotary of the Court of Common Pleas and maintained as the official record. The "B" recording shall be retained by Court staff designated with such responsibility and shall be used in the production of transcripts as set forth in "Transcription of the Video Record" section below.

(iii) **Identification:** For identification purposes, personnel assigned video responsibilities within the courtroom shall designate on each of the two video recordings the Judicial District, Judge's name, the case file number and caption, the date of the recording, a number that uniquely identifies the recording and either the letter "A" if the video is recorded from the first

video recording deck or the letter "B" if recorded from the second video deck.

In the event several short matters related to different cases are recorded on one video, Court personnel may modify this requirement according to procedures developed in consultation with the Prothonotary. A label designed and printed by the Administrative Office of the Allegheny County Courts for use with videos shall be used for tape identification purposes.

The tape recorded in the "A" recording deck shall be the tape on file with the Prothonotary. The tape recorded in the "B" recording deck shall be maintained by the Court.

(iv) **Additional Original Recordings:** Two additional videos, designated "C" and "D," shall be made at the time the official recordings of all evidentiary proceedings are made, labeled as copies and certified by the operator to be true and complete copies of the official record. These tapes shall be available for purchase by parties to the case. Requesting parties shall be charged a fee to be established by Court policy for each tape purchased, except in cases where the requesting party has been declared indigent. All payments for certified copies of video records must be made prior to obtaining the videos.

If the "C" and "D" tapes have not been requested within thirty days of the recorded proceeding, the tapes shall be erased by the Court and subsequently used to make original "A" and "B" video records. In the event such occurs, parties may still obtain a reproduction of the original. Court personnel will reproduce the requested material using the "A" or "B" copies.

(v) **Official Log:** Court personnel assigned video responsibility in the courtroom shall keep a written trial log or assure the video system produces an automatic trial log for all proceedings where the video is the official record. A manual trial log form shall be developed and authorized by the Court. One copy of the log shall be retained by the Court and one copy shall accompany the video filed with the Prothonotary. A copy of the trial log shall also be provided with each duplicated video made for requesting parties.

(vi) **Certification:** As soon as practicable after the close of each day's Court proceedings, the Court shall certify that each "A" and "B" recording is the official record of the Court

proceedings. Original recordings labeled "C" and "D" shall also be certified as true copies of the original record, or portions thereof.

(b) **Transcription of the Video Record:** The following provisions govern the production and use of typewritten transcripts made from videos of Court proceedings:

(i) **Tape Reference:** All transcripts produced from a video shall include, at the top or bottom of each typewritten page, a tape reference which includes a tape identification number, date, and hour, minute and second corresponding to the beginning or end of each page. For example, TAPE NO. 001; 1/2/94; 10:15:45.

(ii) **Requests for Transcripts:** Parties requesting transcripts of proceedings where video recording is the official record shall complete a Transcript Request Form as developed and authorized by the Court and forward it to the Court's designee. Upon receipt of the transcript request, an estimated cost of transcription shall be determined and provided to the requesting party. All costs must be paid prior to the transcription of the record.

(iii) **Authorized Transcription Services:** The Court shall establish an authorized transcription agency to provide the official transcripts of video proceedings, and upon completion of same, shall certify the transcript as a true and correct copy of the video record. Agencies must have and maintain the necessary equipment consistent with the Court's video system to produce transcripts upon demand. Parties choosing to produce the transcript without using the Court's authorized agency will not have the transcript certified.

Note: Local Rule 252 is intended to prescribe the general practice for requesting and securing the transcripts from the Video Record. The designated transcription service must have and maintain the proper transcription equipment compatible with the Court's system to produce daily, expedited, ordinary and hourly copies upon demand.

(3) **Post-Trial Relief. Transcript of Testimony.**

Parties filing Post-Trial Motions shall complete a Transcript Request Form setting forth the relevant portions of the record. If no portion is indicated, transcription of the record shall be deemed unnecessary to the disposition of the record.

(4) **Transcription of the Record on Appeal.**

(a) **Record on Appeal:** Transcripts of proceedings in which the Video Recording System is used as the official record shall be filed and served in the same manner as other transcripts as required by the Pennsylvania Rules of Appellate Procedure relating to the provisions of the record.

(b) **Transcripts:** All transcripts required to be part of the record on appeal where a video recording is the official record shall be provided pursuant to Local Rule 252(2)(b).

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 253 Taxation of Costs.

(1) **Costs After Judgment.**

Costs shall be taxed by the Prothonotary. Objections shall be presented to the Motions Judge or, if the case was tried, to the Trial Judge.

(2) **Costs After Settlement.**

In Civil Division cases, absent an agreement to the contrary at the time of a settlement requiring the payment of monetary damages, the paying party or parties shall reimburse the recipient the record costs incurred by that party. Where there are multiple payors, the reimbursement of record costs shall be prorated.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Habeas Corpus

Local Rule 301 Formal Requirements.

Any request for issuance of a writ of habeas corpus shall be in writing by petition and in accordance with the following:

(1) The caption shall contain the name of the Commonwealth at the relation of the petitioner in whose behalf the relief is requested, and name as respondent the person who exercises the alleged unlawful restraint, as well as the capacity in which such restraint is asserted, if any.

- (2) The petition shall contain allegations of fact and shall be signed and verified by petitioner. If petitioner is unable to sign and verify the petition, the reason shall be set forth.
- (3) When the person restrained is an incapacitated person or a minor, the petition shall be brought on behalf of the person restrained by that person's next friend, parent or guardian.
- (4) Where the restraint arises out of arrest and incarceration, for any summary or criminal offense, a notice of presentation and a copy of the petition for habeas corpus shall be given forthwith to the District Attorney of Allegheny County.
- (5) A proposed preliminary order shall be attached to the petition.
- (6) Petitions alleging restraint by law enforcement authorities shall be filed in the Criminal Division; petitions alleging restraint pursuant to an order of Court shall be filed in the Division of Court which issued the order; other petitions shall be filed in the appropriate division of the court.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 302 Contents of Petition.

The petition for the issuance of the writ of habeas corpus shall contain allegations of fact as follows:

- (1) The basis for the jurisdiction and venue of the Court shall be set forth, as well as the place of confinement or restraint. If the place of confinement or restraint is unknown, this shall be alleged.
- (2) Facts must be alleged that show precisely the alleged illegal restraint and the identity of the person in whose custody the person is restrained.
 - (3) (a) Any prior or pending legal proceeding pertaining to the restraint shall be referred to specifically. Any basis or authority for the restraint shall be specifically set forth. If the basis or authority for the restraint is unknown, this shall be alleged.
 - (b) When the restraint is a result of a commitment by an issuing authority, a statement of the proceedings before the issuing authority shall be attached.
- (4) The facts upon which the right to relief is based must be alleged and a succinct statement of the reasons why the restraint is unlawful shall be set forth without extended argument.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 303 Procedure.

The procedure for issuance of a writ of habeas corpus shall be as follows:

- (1) The petition shall be presented with an appropriate order. The order signed at the time application for relief is made may deny the requested relief, set a hearing date, grant a rule or grant any other appropriate relief.
- (2) When the Court directs the release of a relator upon any conditions of bail pending hearing on the petition, the order shall contain the amount and type of bail and the office in which bail shall be posted.
- (3) Upon the direction of the Court that a writ be issued, the order shall be filed with the Prothonotary, and a proper writ of habeas corpus shall be procured from the Prothonotary and served on the respondent as the Court may direct.

Note: It is expected that where the petitioner proceeds upon petition and rule that the order of Court granting the rule shall also provide a direction of notice to the appropriate parties.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Service

Local Rule 440 Certificate of Service.

- (1) Copies of all legal papers other than original process that are required to be served on each party to the action pursuant to Pa.R.C.P. 440, shall include a Certificate of Service, which sets forth the date and manner of service.
- (2) The Certificate of Service shall set forth the name of an attorney of record for each of the parties that is represented by counsel and the address at which service was made.

Note: The mere statement "Service upon all counsel of record" is not acceptable.

- (3) If any parties are not represented by counsel, the Certificate of Service shall identify the party as being unrepresented by using a "pro se" designation and shall set forth the address at which service was made.
- (4) The address listed in the Certificate of Service may be an e-mail address or telephone number used for a facsimile transmission where service was made in this fashion provided that such service is authorized under the Pennsylvania Rules of Civil Procedure.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Miscellaneous

Local Rule 501 Election Day Overseers and Judges.

- (1) **Election Overseers.** Applications for the appointment of election overseers shall be presented to the Court at least three days before any primary or election, and reasonable notice shall be given of the proposed appointment to other political parties.
- (2) **Judges on Election Days.** In advance of each election day, the President Judge shall enter an administrative order designating which judges of the Court shall be available in the Assignment Room throughout the day to handle matters of an emergency nature relating to the election.

Note: See Local Rule 249(4) regarding Elections Judge for non-emergency matters relating to elections.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 502 Appeals From Decisions of the Board of Property Assessment Appeals and Review.

- (1) Tax assessment appeals from decisions of the Board of Property Assessment Appeals and Review shall be governed by Local Rule 503.
- (2) Tax exemption appeals from decisions of the Board of Property Assessment Appeals and Review shall be governed by Local Rule 504.

Note: Under the former Local Rule 502, there was some confusion regarding whether Local Rule 502 applied both to tax assessment appeals and to tax exemption appeals from the Board of Property Assessment Appeals and Review. New Local Rules 503 and 504 have been adopted to address the different procedures that apply to tax assessment and tax exemption appeals. New Local Rule 502 incorporates Local Rules 503 and 504 and sets forth the procedures that apply when both a tax assessment appeal and a tax exemption appeal will be or have been filed with respect to the same subject property.

- (3) When the Board of Property Assessment Appeals and Review has decided both the tax exempt status and the assessed value of the subject property, a party or parties may appeal both of these decisions to the Court of Common Pleas by filing two separate appeals. The tax assessment appeal shall refer to the separately filed tax exemption appeal and shall be governed by Local Rule 503. The tax exemption appeal shall refer to the separately filed tax assessment appeal

and shall be governed by Local Rule 504. The tax assessment appeal shall be stayed until such time as the Court has entered a final order with respect to the tax exemption appeal.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 502.1 Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.

- (1) If at any time during the course of an appeal filed pursuant to Local Rules 503 or 504 ownership of the property at issue is transferred, changed, or altered in any way, the property owner listed of record in the appeal is required to file notice of the transfer/change/alteration with the Department of Court Records, Civil Division (FORM 502.1) (see subsection (2) below). The Notice shall provide the following information:
- (a) The name(s) and address(es) of the new owner(s) of the property;
 - (b) The type of transfer/change/alteration (*e.g.*, property sold, joint tenant added); and
 - (c) The date of the transfer/change/alteration.

Note: An appeal to the Board of Viewers is an appeal to the Court of Common Pleas. See Local Rule 503(9). See Pa.R.C.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.C.P. 440 and Local Rule 440 for requirements of service of legal papers.

- (2) **FORM 502.1 Change of Ownership. Change of Address.**

NOTICE

Department of Court Records, Civil Division
First Floor, City County Building
414 Grant Street
Pittsburgh, PA 15219

Re: [ORIGINAL CASE CAPTION AND DOCKET NUMBER]

- (1) The names(s) and address(es) of the new owner(s) of the property is (are):
-
-

(2) The ownership of the property that is the subject of the referenced assessment appeal has been changed, as follows (e.g., property sold, joint tenant added, etc.):

(3) The date of the transfer/change/alteration was: _____

Dated: _____ Signed: _____

Editor's Note: Adopted June 5, 2008, effective July 28, 2008.

Local Rule 503 Appeals From Real Estate Tax Assessment.

The following provisions shall govern all tax assessment appeals from the Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review:

Note: Under the former Local Rule 502, there was some confusion regarding whether Local Rule 502 applied both to tax assessment appeals and to tax exemption appeals from the Board of Property Assessment Appeals and Review. New Local Rule 503 applies only to tax assessment appeals. For procedure governing tax exemption appeals, see Local Rule 504.

(1) **Parties.**

- (a) The following parties must be listed in the caption of the appeal:
 - (i) owner(s) of the real estate and/or taxable property;
 - (ii) the municipality in which the property is located;
 - (iii) the school district in which the property is located; and
 - (iv) the County of Allegheny.
- (b) Any entity other than those set forth in subsection (1)(a) of this local rule must file a Petition to Intervene with the Real Estate Tax Appeals Judge in accordance with the Pennsylvania Rules of Civil Procedure to become a party.

(2) **Caption.**

- (a) The party filing the appeal shall be designated as the petitioner. All other parties shall be designated as respondents or interested parties.
- (b) The caption and cover sheet shall clearly state whether the appeal involves commercial or residential property.

(3) **Time For and Content of Appeals.**

- (a) An appeal from the Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review must be filed with the Department of Court Records, Civil Division, within thirty (30) days of the date of mailing by the Board of the notice of its Disposition of Appeal from Real Estate Assessment.
- (b) An appeal shall be in substantially similar form as set forth in Petition for Assessment Appeal (FORM 503(3)) (see subsection (20)(a) below) and shall contain the following:
 - (i) the names of the parties;
 - (ii) an identification of the property by address, lot and block number;
 - (iii) whether the property is residential or commercial; and
 - (iv) the name of the party that appealed to the Board of Property Assessment Appeals and Review.

Note: The Petitioner, in filing a Petition for Appeal from Disposition of the Board of Property Assessment Appeals and Review, is deemed to have raised all challenges to the assessment that the law permits.

(4) **Notice. Service.**

Petitioner shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of Property Assessment Appeals and Review, within seven (7) days of the filing of the appeal, and shall file proof of service thereof.

(5) **Action Required of Department of Court Records, Civil Division.**

- (a) Upon the docketing of any appeal from a Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review, the Department of Court Records, Civil Division, shall obtain the information contained in the Board of Property Assessment Appeals and Review's Disposition of Appeal from Real Estate Assessment.
- (b) Upon obtaining the information contained in the Board of Property Assessment Appeals and Review's Disposition of Appeal from Real Estate Assessment, the Department of Court Records, Civil Division, shall place this information in the court file in hard copy form, and make it available on the Department's publicly accessible website in electronic form.

(6) **Filing of Appeals.**

The filing of an appeal by any party shall act as an appeal by all parties.

(7) **Withdrawal of Appeals.**

No appeal may be withdrawn without the consent of all other parties or leave of court. Any party who fails to appear at the conciliation without prior notice to the Board of Viewers shall be deemed to have consented to the withdrawal of the appeal.

(8) **Motions.**

All motions in real estate tax assessment appeals shall be presented to the Real Estate Tax Appeals Judge.

(9) **Board of Viewers.**

All tax assessment appeals from a Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review shall be assigned to a Board of Viewers appointed by the Administrative Judge of the Civil Division pursuant to 72 P. S. § 5020-518.1.

(10) **Discovery.**

- (a) In all cases involving non-residential property, the taxing bodies may serve a copy of Tax Assessment Appeal Discovery Requests, (FORM 503(10)) (see subsection (20)(b) below) on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests within forty-five (45) days after receipt thereof.
- (b) No party may seek additional discovery through Interrogatories, Request for Production of Documents or otherwise until discovery has been sought through the Tax Assessment Appeal Discovery Requests. Parties seeking additional discovery or any discovery in cases involving residential property must petition the Real Estate Tax Appeal Judge for discovery, who may refer the petition to the Administrative Chair of the Board of Viewers for recommendation.
- (c) Any discovery disputes, including without limitation any Motion(s) for Protective Order or Motion(s) to Compel, shall be presented upon proper notice to the Real Estate Tax Appeal Judge.
- (d) Discovery shall conclude sixty-five (65) days prior to the date scheduled for conciliation.

(11) **Conciliation.**

- (a) All appeals shall be conciliated prior to a hearing by the panel of the Board of Viewers assigned to hear the appeal.

- (b) At the time of conciliation, all parties or their counsel shall be present with full authority to effectuate a settlement of the appeal.

Note: Parties and counsel are advised to pay particular attention to the notice of conciliation. In appropriate cases, the conciliation and hearing may be scheduled on the same day. In such instances, the parties must appear at the conciliation ready to move directly into a hearing if the conciliation does not result in settlement.

- (c) If any party fails to comply with the provisions of this local rule, the Board of Viewers may include in their report a recommendation for the imposition of appropriate sanctions, including but not limited to, attorneys' fees and costs against the party or parties failing to comply.

(12) **Pre-Trial Statement in Non-Residential Tax Assessment Appeal.**

- (a) Sixty (60) days prior to the date scheduled for conciliation of a non-residential tax assessment appeal, the petitioner shall distribute to all counsel of record, or if counsel have not entered an appearance on the party(ies), and to the panel of the Board of Viewers assigned to the case a pre-trial statement. The pre-trial statement shall incorporate the following information or documents:
 - (i) a description of the user of the real estate and the nature of the real estate;
 - (ii) a list of all persons who will give testimony in the trial of this appeal;
 - (iii) a list of all exhibits which the party intends to use at trial;
 - (iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

Note: Former Local Rule 502 required only the owner of non-residential property to file a conciliation statement. Local Rule 503 has been redrafted to require, in an appeal of non-residential property, both the taxpayer and the taxing bodies to file pre-trial statements. In conjunction with the change from a "conciliation" statement to a "pre-trial" statement, new Local Rule 503 shifts the focus of the parties' anticipated evidence at trial and eliminates the need to list information that will not be part of the party's case at trial. Local Rule 503 also requires parties to include in the pre-trial statement any expert reports and/or appraisals. By its terms, this subsection (12) does not apply to residential tax assessment appeals.

- (b) Twenty (20) days prior to the date scheduled for conciliation of a non-residential tax assessment appeal, the respondent(s) shall distribute to all counsel of record, or if counsel have not entered an appearance on the party(ies), and to the panel of the Board of Viewers assigned to the case a pre-trial statement. The pre-trial statement shall incorporate the following information or documents:
 - (i) a description of the use of the real estate and the nature of the real estate;
 - (ii) a list of all persons who will give testimony in the trial of this appeal;
 - (iii) a list of all exhibits which the party intends to use at trial;
 - (iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.
- (c) All interested parties whose interests are aligned with the petitioner shall distribute their Pre-Trial Statement in accordance with subsection (12)(a) of this local rule. All interested parties whose interests are aligned with the respondent(s) shall distribute their Pre-Trial Statement in accordance with subsection (12)(b) of this local rule.
- (d) The failure to comply with subsections (12)(a), (12)(b) and (12)(c) of this local rule shall result in appropriate relief, which may include the exclusion or limitation at trial of testimony or evidence which was not provided in the pre-trial statement or a recommendation for the imposition of attorneys' fees and costs against the party or parties failing to comply.

(13) **Hearing.**

- (a) The Board of Viewers shall schedule a hearing and shall provide notice of the hearing to all parties and/or counsel of record. The notice shall be sent by regular mail and shall state that if any party fails to appear at the hearing it will proceed without them or the appeal will be dismissed with prejudice.

Note: Parties and counsel are advised to pay particular attention to the notice of hearing. In appropriate cases, the conciliation and hearing may be scheduled on the same day. In such instances, the parties must appear at the conciliation ready to move directly into a hearing if the conciliation does not result in settlement.

- (b) The hearing shall be recorded by a court reporter.
- (c) The Board of Viewers, at its discretion, may continue the hearing.

(14) **Report.**

Following the hearing, the Board of Viewers shall file its written Special Masters Report and Recommendation with the Department of Court Records, Civil Division. This Special Masters Report along with a Notice in substantially similar form as set forth in Notice (FORM 503(14)) (see subsection 20(c) below), shall be mailed to all counsel or parties if not represented by counsel.

(15) **Objections. Trial Transcript.**

- (a) The parties may file objections to the Special Masters Report and Recommendation within ten (10) days of receipt of the Special Masters Report and Recommendation and Notice. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the court reporter and paid for. Copies of the objections and certification shall be filed with the Department of Court Records, Civil Division, and served on all counsel of record or party(ies) if unrepresented, and the Board of Viewers.
- (b) If no trial transcript is filed within ninety (90) days of the date the Objections were filed, the Administrative Chair of the Board of Viewers shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within that time period, then a court order will be issued overruling the objections with prejudice. (FORMS 503(15A) and 503(15B)) (see subsections 20(d) and 20(e) below).

Note: If, through no inaction on the part of the objecting party the court reporter is unable to meet the deadline set for filing of the transcript in the letter from the Administrative Chair, the objecting party may ask for an extension of time from the Administrative Chair.

(16) **Briefs on Objections.**

- (a) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall file a Brief in Support of Objections and shall serve a copy on all counsel of record or if counsel have not entered their appearance on the party(ies), and the Board of Viewers. The Brief in Support of Objections shall refer to transcript page numbers where possible.
- (b) If no brief is filed within twenty (20) days of the date the transcript is filed, the Administrative Chair of the Board of Viewers shall send the objecting party a letter, with copies to all counsel or parties not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling

the objections with prejudice. (FORMS 503(16A) and 503(16B)) (see subsections (20)(f) and (20)(g) below).

Note: If a Brief in Support of Objections has been filed by a taxing body, other taxing bodies may rely on that brief, and in such event the Administrative Chair will not send a FORM 503(16A) letter to the other taxing bodies.

(17) **Opposing Briefs.**

- (a) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, responding parties shall file their Briefs in Opposition to Objections and serve a copy on all counsel of record or on the party(ies) if unrepresented, and the Board of Viewers.
- (b) If no Brief in Opposition is filed and served within twenty (20) days, the Administrative Chair of the Board of Viewers shall send the opposing party(ies) a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter. (FORM 503(17)) (see subsections (20)(h) below).

Note: If a Brief in Opposition has been filed by a taxing body, other taxing bodies may rely on that brief, and the Administrative Chair will not send a FORM 503(17) letter to the other taxing bodies.

(18) **Decision.**

After the filing date set for Briefs in Opposition to Objections has passed, the objecting party shall notify the Board of Viewers that the matter is ripe for decision by filing a Notice That Matter is Ripe for Decision (FORM 503(18)) (see subsection (20)(i)(below). The objecting party shall serve a copy of this Notice on all counsel of record or if counsel have not entered their appearance on the party(ies), and upon the Board of Viewers. Upon the filing of this Notice, the Court shall schedule oral argument or decide the objections on the briefs without oral argument.

(19) **Final Order.**

In the event that none of the parties files Objections as described above, the Special Masters Report and Recommendation shall become the final Order of Court. The Administrative Judge of the Civil Division, or another judge assigned by the Administrative Judge, will enter an Order of Court to this effect.

(20) **Forms**

(a)

FORM 503(3) Petition for Assessment Appeal

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

(Name),

CIVIL DIVISION

Petitioner,

No. BV _____

v.

(Name or Names),

COMMERCIAL / RESIDENTIAL
(choose one)

Respondents.

REAL ESTATE INVOLVED

INTERESTED PARTIES (if applicable):

Petition for Appeal from Disposition
of the Board of Property Assessment
Appeals and Review

(Names)

**PETITION FOR APPEAL FROM DISPOSITION OF
THE BOARD OF PROPERTY ASSESSMENT APPEALS AND REVIEW**

This Petition for Appeal from Disposition of the Board of Property Assessment Appeals and Review is filed pursuant to Local Rule 503(3) by (name):

1. The owner of this commercial/residential (choose one) real estate and/or taxable property is (name), and the address of this real estate is (address) (the "Property"). The Property has been assigned lot and block number (fill in).
2. The County of Allegheny, the municipality (fill in) and the school district (fill in) are the taxing bodies interested in the taxable status of the Property.
3. The Office of Property Assessments made an assessment of the Property. (Name) appealed from this assessment to the Board of Property Assessment Appeals and Review (the "Board") asking that the assessment be reduced/raised (choose one). The Board is authorized pursuant to the Administrative Code of Allegheny County to hear all appeals from assessments made by the Office of Property Assessments.
4. Following a hearing, a Disposition of Appeal from Real Estate Assessment was mailed by the Board. The information contained in the Board's Disposition of Appeal from Real Estate Assessment shall be placed in the court records, both in paper and electronic form, by the Department of Court Records, Civil Division.

5. Petitioner is filing this appeal to the Common Pleas Court of Allegheny County.

WHEREFORE, Petitioner requests this Honorable Court to set the assessment to such amount as may be right and proper.

Date: _____
_____ (Signature)

NOTE: Under Pennsylvania law the Court of Common Pleas of Allegheny County can increase or decrease the assessment, no matter who appealed.

(b)

FORM 503(10) Tax Assessment Appeal Discovery Requests

[CASE CAPTION, INCLUDING DOCKET NUMBER]

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 503(10), all applicable responses to these Requests must be furnished within forty-five (45) days after the receipt of these Requests.

REQUESTS FOR DOCUMENTS

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.
2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.
3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.
4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.
5. Any and all leases, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.
6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.
7. Any and all soil tests or mineral evaluations, permit requests, permits, requests relative to zoning variance, or similar applications or requests to any governmental body

within the past three years concerning the subject property and the result of any such applications or requests.

8. Any and all federal and state Income Tax Returns and audited financial statements with respect to the subject property within the last three years.

9. Any and all corporate or partnership prospectus or private placement memorandum that contain any reference to the value of the subject property within the last three years.

10. Any and all insurance policies and/or binders covering the subject property, its building contents, buildings or any business located thereon from the last three years.

11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.

12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvements and the completion date(s).

13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

INTERROGATORIES

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date: _____
_____ (Signature)

(c)

FORM 503(14) NOTICE

NOTICE

Pursuant to the provisions of 72 P.S. § 5020-518.1(c) and Local Rule 503(9), attached is the Report of the Special Master.

Any party objecting to the Report shall file Objections at the Secondary Desk of the Department of Court Records, Civil Division, on the First Floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219, with ten (10) days of the receipt of this Notice. Objections must be accompanied by a certification of counsel or of the objecting party, if

unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Reporter’s Office (Room 415, County Office Building, 412-350-5414) and paid for by the objecting party. Copies of the Objections and certification shall be served on the Administrative Chair of the Board of Viewers (Room 811, City-County Building) and on all counsel of record or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the Special Master will be adopted as the final Order of Court.

DATED: _____ ADMINISTRATIVE CHAIR
BOARD OF VIEWERS

(d)

FORM 503(15A) Letter

Re: [case name and docket number]

Dear [Objecting Party],

It has been ninety (90) days since you filed your Objections to the Masters Report in the subject case and no trial transcript has been filed with the Department of Court Records, Civil Division. You must contact the court reporter and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 503(15).

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 503(15)(b) WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,
Administrative Chair, Board of Viewers

(e)

FORM 503(15B) Court Order

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20____, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated _____ was mailed by the Board of Viewers’ Administrative Chair to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter; and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 503(15)(b) the objections in this case are overruled with prejudice.

BY THE COURT:

(f)

FORM 503(16A) Letter

Re: [case name and docket number]

Dear [Objecting Party],

It has been twenty (20) days since the transcript in the referenced case was filed with the Department of Court Records, Civil Division. Pursuant to Local Rule 503(16)(a), your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 503(16)(b) WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,
Administrative Chair, Board of Viewers

(g)

FORM 503(16B) Court Order

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

On this _____ day of _____, 20____, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated _____ was mailed by the Board of Viewers' Administrative Chair to the objecting party; this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief,

IT IS ORDERED THAT, pursuant to Local Rule 503(16)(b) the objections in this case are overruled with prejudice.

BY THE COURT

_____ J. _____

(h)

FORM 503(17) Letter

Re: [case name and docket number]

Dear [Opposing Party]:

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.

(i)

FORM 503(18) Notice That Matter Is Ripe for Decision

[CASE CAPTION, INCLUDING DOCKET NUMBER]

NOTICE THAT MATTER IS RIPE FOR DECISION

AND NOW, comes (name) and notifies this Honorable Court pursuant to Local Rule 503(18) that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections _____ has _____ has not (please check appropriate line) been filed.

Date: _____

 (Signature)

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended June 5, 2008, effective July 28, 2008.

Local Rule 504 Appeals From Real Estate Tax Exemption.

The following provisions shall govern tax exemption appeals from decisions of the Board of Property Assessment Appeals and Review:

Note: Under the former Local Rule 502, there was some confusion regarding whether Local Rule 502 applied both to tax assessment appeals and to tax exemption appeals from the Board of Property Assessment Appeals and Review. Local Rule 504 has been added to specifically address procedures governing tax exemption appeals. For procedure governing tax assessment appeals, see Local Rule 503.

(1) **Parties.**

- (a) The following parties must be listed in the caption of the appeal:
- (i) owner(s) of the real estate and/or taxable property;
 - (ii) the municipality in which the property is located;
 - (iii) the school district in which the property is located;
- and

(iv) the County of Allegheny.

(b) Any entity other than those set forth in subsection (1)(a) of this local rule must file a Petition to Intervene with the Real Estate Tax Appeal Judge in accordance with the Pennsylvania Rules of Civil Procedure to become a party.

(2) **Caption.**

(a) The party filing the appeal shall be designated as the appellant. All other parties shall be designated as appellees or interested parties.

(b) The caption and cover sheet shall clearly state that it is a tax exemption appeal.

(3) **Time For and Content of Appeals.**

(a) An appeal from the decision of the Board of Property Assessment Appeals and Review must be verified pursuant to Pa.R.C.P. 206.3 and filed as a General Docket case with the Prothonotary within thirty (30) days of the date of mailing of the notice by the Board.

(b) An appeal shall contain the following:

(i) names of the parties;

(ii) identification of the property by address, deed book volume and page, and lot and block numbers;

(iii) a concise statement of the reasons for the appeal; and

(iv) a copy of the decision of the Board of Property Assessment Appeals and Review.

(c) No Order of Court is required to file a timely appeal.

(4) **Notice.**

Appellant shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of Property Assessment Appeals and Review, within seven days of the filing of the appeal and shall file proof of service thereof.

(5) **Filing of Appeals.**

The filing of an appeal by any party shall act as an appeal by all parties.

(6) **Withdrawal of Appeals.**

No appeal may be withdrawn without the consent of all other parties or leave of court.

- (7) In all other respects, tax exemption appeals from decisions of the Board of Property Assessment Appeals and Review shall be governed by the Pennsylvania Rules of Civil Procedure and the Allegheny County Local Rules governing civil actions assigned to an individual judge.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 505 Change of Name of a Natural Person.

- (1) All proceedings for a change of name pursuant to 54 Pa.C.S. §§ 701-705 shall be brought in the Civil Division, except where an adoption proceeding is commenced in the Orphans' Court Division, in which case the Orphans' Court Division shall adjudicate any change of name ancillary to that proceeding. In cases where an adoption has been concluded in any other court and the only judicial relief sought in Allegheny County is a change of name, the Petition shall be filed in the Civil Division.

Note: See 23 Pa.C.S. § 2904. See also Supreme Court Orphans' Court Rule 15.5(e) where the adopted person has attained majority.

- (2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).
- (3) Requirements for Filing a Petition.
 - (a) The Petition shall contain two proposed Orders designated as follows:
 - (i) Either
 - (A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or
 - (B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor)(FORM 505B(ii)) (see subsection (3)(b)(ii) below); and
 - (ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).
 - (b) The following is required by the Prothonotary:

- (i) Petition and one (1) extra copy. If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may describe why under paragraph 6, reason for name change.
- (ii) A completed fingerprint card (if applicable – children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.
- (iii) A stamped 8-1/2" x 11" envelope addressed to:
 - PA State Police
 - Central Repository
 - 1800 Elmerton Avenue
 - Harrisburg, PA 17110
- (iv) A stamped letter size envelope addressed to:
 - Prothonotary of Allegheny County
 - First Floor City-County Building
 - 414 Grant Street
 - Pittsburgh, PA 15219
 - ATTENTION: Second Deputy
- (v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.
- (vi) The filing fee applicable to a Petition for a name change.

Note: A current listing of the fees charged by the Prothonotary can be found on the Prothonotary's web site:
prothonotary.county.allegheny.pa.us (no www and no com).

- (c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take the Petition in the Prothonotary's file to the Chief Motions Clerk.

Note: The Chief Motions Clerk will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghenycourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge.

- (d) The Motions Judge shall schedule the time and date for a hearing.
- (e) Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the

Petitioner shall provide the Court with an envelopes affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

- (i) The District Attorney of Allegheny County
Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219
- (ii) to any other District Attorney of any county in which Petitioner was convicted of a felony.
- (iii) Office of the Attorney General
Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120
- (f) In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor’s Petition.

(3) FORMS:

(a)

FORM 505A Petition for a Name Change

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

In Re the Petition of: DOCKET No. GD _____

_____ (Print Your Current Name)

For a Name Change to:

_____ (Print Your New Name)

VERIFIED PETITION FOR A NAME CHANGE

And now comes Petitioner(s), _____

by _____

this Petition, and upon being duly sworn, respectfully represents and shows this Court:

1. That the Petitioner(s) is of full legal age and is a bona fide resident of the County of Allegheny, Commonwealth of Pennsylvania, whose residence address is

Petitioner(s) has been a bona fide resident of Allegheny County, Commonwealth of Pennsylvania for _____ year(s) immediately prior to filing this Petition. Petitioner(s)

was born on the _____ day of _____, _____ in the County of

_____, State of _____, and Country of _____.

2. Petitioner's(s') present name is _____.

3. Petitioner(s) is not married or is married to _____.

4. Petitioner(s) is the Father and/or Mother of the following minor children:

None

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Petitioner(s) has resided at the following address(es) over the last five (5) years:

6. Petitioner(s) requests the change of name for the following reasons (describe in detail):

7. The proposed change in the Petitioner(s) name, if granted, will not be detrimental to the interests of any other person and is not against the public interest.

8. This Petition is not filed to defraud creditors.

Wherefore, the Petitioner(s), intending to change his/her name, requests that by an Order of this Court, made and entered herein, the Petitioner's(s') name be changed to and decreed to be:

Respectfully submitted,

(Sign Your Current Name)

Address: _____

City, State, Zip: _____

Telephone: _____

[New Page] VERIFICATION

I, (_____), verify that the statements made
(Print Your Current Name)
in the foregoing Petition are true and correct to the best of my knowledge or information and belief.

I understand that this verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn fabrication to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

Date: _____

(Sign Your Current Name)

(b) (i)

FORM 505B(i) Order Scheduling Hearing on Name Change
(used if Petition is brought by a person(s) of full legal age)

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of

CIVIL DIVISION

GD No. _____

Petitioner(s).

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20____, upon hearing of
the within motion of _____ Esquire/pro se, attorney for the Petitioner(s)
above named, it is ORDERED and DECREED that the within Petition be heard on the
_____ day of _____, 20____ at _____ before the Motions Judge.
Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during
the last five (5) years. It is further Ordered, that the Petitioner(s) shall advertise once in the
Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,

_____, J.

(b) (ii)

FORM 505B(ii) Order Scheduling Hearing on Name Change
(used if Petition is brought on behalf of a Minor(s))

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of

CIVIL DIVISION

GD No. _____

Petitioner(s)

ORDER SCHEDULING HEARING ON NAME CHANGE

AND NOW, this _____ day of _____, 20____, upon hearing of the within motion of _____, Esquire/pro se, attorney for the Petitioner(s) above named, it is ORDERED and DECREED that the within Petition be heard on the _____ day of _____, 20____ at _____ before the Motions Judge. Petitioner(s) shall obtain a judgment search from all counties in which he/she has resided during the last five (5) years.

IT IS FURTHER ORDERED, that Petitioner(s) shall obtain an affidavit of consent from the non-petitioning parent and/or serve a copy of this scheduling order by certified and regular mail forthwith.

IT IS FURTHER ORDERED, that the Petitioner(s) shall advertise once in the Pittsburgh Legal Journal, and once in a newspaper of general circulation in Allegheny County.

BY THE COURT,

_____, J.

(c)

FORM 505C Decree for Change of Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

In Re: Petition of

CIVIL DIVISION

GD No. _____

Petitioner(s)

DECREE FOR CHANGE OF NAME

AND NOW, this _____ day of _____, 20____, upon hearing on the within Petition and upon motion of _____, Esquire/pro se, attorney for Petitioner(s), with proof of publication and proof that there are no judgments or decrees of record or any other matter of like effect against Petitioner(s), and it appearing that there are no legal objections to the granting of the prayer of the Petition, it is ORDERED and DECREED that the name(s) of the Petitioner(s) be and are, from and after this date changed to

_____ .

BY THE COURT,

_____ J.

(d)

FORM 505D Case Transfer Order

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

In Re: Petition for Change of Name of:

_____ GD No. _____

_____ FD No. _____

(a) minor(s)

Petitioner(s): _____

CASE TRANSFER ORDER

AND NOW, the _____ day of _____, 20_____, the Court makes the following findings:

1. The subject of the Petition for a Change of Name is

_____ who (is a) (are) minors.

2. The non-petitioning parent has filed an objection to the proposed Petition for Change of Name or has appeared before the Court and opposes the Petition.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. Pursuant to Local Rule 505(3)(f) this matter is hereby transferred to the Family Division for all further proceedings with respect to the Petition for Change of Name.

2. The Prothonotary shall conduct a search of its records to determine if the family involved in this contested name change has an existing Family Division docket number. If there is an existing Family Division docket number, this Petition shall be matched to the existing file

and transferred to the Family Division. If there is no existing Family Division docket number, the Prothonotary shall assign a Family Division docket number and open a case file. In either event, the above-referenced General Division docket number shall be cross-referenced with the Family Division docket number.

3. The party who filed the Petition for Change in Name shall be responsible for serving the Family Division scheduling order on the opposing party in a manner consistent with the Rules of Civil Procedure.

4. The party who filed the Petition for Change of Name shall provide the following information:

A. Name(s), Address(es) and Date(s) of Birth of the minor(s) involved:

Name	Address	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Name of the father of the minor child(ren) _____

Address and telephone number of the father _____

Date of Birth of the father _____

C. Name of the mother of the minor child(ren) _____

Address and telephone number of the mother _____

Date of Birth of the mother _____

D. List any prior Family Court involvement and case numbers: (Examples of these cases include: Protection from Abuse, Child Support, Child Custody, and Divorce.) _____

BY THE COURT:

_____, J.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Eminent Domain

Local Rule 600 Eminent Domain. Scope.

The rules of this chapter shall be construed consistent with the provisions of the Eminent Domain Code, 26 P.S. § 1-101 et seq., and shall apply to all eminent domain and assessment of benefits proceedings, including but not limited to:

- (1) All preliminary objections to a declaration of taking, including the objection that there was an earlier *de facto* taking;
- (2) Petitions for the appointment of viewers on claims for compensation where no declaration of taking property has been filed;
- (3) Preliminary objections to a petition for the appointment of viewers;

- (4) Petitions for the appointment of viewers to ascertain just compensation, including special damages;
- (5) Petitions for the appointment of viewers to assess benefits or to assess benefits and ascertain just compensation where statutes permit municipalities to assess the properties benefited for the costs, damages and expenses of public improvements; and
- (6) Appeals from Board of Viewers' awards of damages or assessments of benefits whether or not objections other than or in addition to the amount of the award are raised by the appeal.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 601 Definitions.

- (1) Appeal — an action contesting the decision, report or recommendation of the Viewers, which is filed with the Prothonotary and a courtesy copy delivered to the Board of Viewers.
- (2) Applicable trial term — the first term assigned by the Court of Common Pleas during which the trial is scheduled to be conducted.
- (3) Board of Viewers — the administrative body designated by the Court of Common Pleas to hear eminent domain and assessment of benefits proceedings.
- (4) Hearing — the mechanism by which the Viewers shall hear testimony and receive evidence.
- (5) Hearing date — the first date scheduled by the Viewers for a hearing, without regard to any request for a continuance, unless otherwise ordered by the Viewers.
- (6) Trial — the mechanism by which the Court of Common Pleas shall hear testimony and receive evidence in an appeal.
- (7) View — the date and time scheduled for the parties and the Viewers to inspect the subject property.
- (8) Viewers — the panel of the Board of Viewers which shall preside at the View and Hearing and shall issue the decision, report or recommendation of the Board of Viewers.
- (9) Viewers' Plans — the plan or any supplemental plan required under Section 1-509 of the Eminent Domain Code.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 602 Administrator.

- (1) The Administrative Judge shall appoint one (1) of the members of the Board of Viewers to serve as Administrator for a term of two (2) years. The Administrator may be reappointed.
- (2) The Administrator shall be primarily responsible to the Court for the efficient and prompt administration and disposition of the matters before the Board of Viewers. The Administrator shall keep records and submit such data to the Court as may be required.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 603 Preliminary Objections.

Preliminary objections to a declaration of taking or to a petition for the appointment of viewers shall not be subject to any other local rules and shall be governed by the following procedures:

- (1) No brief shall be required upon the filing of the preliminary objections.
- (2) The filing of preliminary objections shall stay all other proceedings as to only the parcel or parcels that are the subject of the preliminary objections.
- (3) Preliminary objections shall be filed with the Prothonotary upon which the Prothonotary shall stamp the date and time on which the preliminary objections were filed. The party filing the preliminary objections immediately shall take the stamped preliminary objections and the Prothonotary's file to the Administrative Judge.
- (4) Upon receiving the stamped preliminary objections and the Prothonotary's file for the captioned matter, the Administrative Judge shall either hear the preliminary objections or designate another judge to hear the preliminary objections.
- (5) The judge assigned to hear the preliminary objections shall schedule a status conference, which shall take place as soon as practicable after the date stamped on the preliminary objections. At the status conference, the judge shall determine whether the parties shall submit evidence in support of or in opposition to the preliminary objections by deposition, by hearing, or by a combination thereof, and shall schedule a date and time for the submission of all evidence and for the submission of briefs. The judge may consider such other issues as are raised by the parties.

- (6) Unless mutually extended by the parties or otherwise ordered by the presiding judge for good cause shown, all discovery relating to the preliminary objections, including all depositions, must be completed no later than sixty (60) days after the date stamped on the preliminary objections.
- (7) Pursuant to Section 1-406 of the Eminent Domain Code, the parties must present in one pleading, and the Court shall consider, all preliminary objections at one time.
- (8) A party, either by filed consent of all parties or by leave of court for good cause shown, may amend that party's preliminary objections.
- (9) After the submission of evidence, the presiding judge shall promptly decide all preliminary objections.
- (10) The parties shall not file post-trial motions. The order of court ruling upon the preliminary objections is the final order from which an appeal may be taken.

Note: This rule recognizes Pa.R.A.P. 311(e), which provides for an appeal as of right following a court order ruling upon preliminary objections in eminent domain cases.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 604 Petitions for the Appointment of Viewers. Notices of Special Damages. Claims Before Board of Viewers.

- (1) Each petition for the appointment of viewers, whether filed by a condemnee or by the condemnor and whether including one or more than one property, shall be assigned a new docket number.
- (2) Where a declaration of taking has been filed, a petition for the appointment of viewers shall include in the caption as a “Sur No.” a reference to the docket number at which the declaration of taking was filed, as follows:

 No. _____20_____
 Sur No. _____20_____
- (3) A petition for the appointment of viewers shall include all information required to be set forth by Section 1-502 of the Eminent Domain Code.
- (4) A condemnee who desires to claim special damages shall set forth the type of special damages sought either in the petition for appointment of viewers or in a written notice to be served upon all other parties and the Board of Viewers at least forty days before the hearing date.

- (a) If any petitioner is seeking the determination of any damages or benefits payable under Article VIA of the Eminent Code, the petition for appointment of viewers must clearly set forth which of those damages or benefits are to be litigated before the Viewers. If the petitioner fails to comply with the terms of this paragraph, any damages or benefits payable under Article VIA of the Eminent Domain Code shall not be litigated before the Viewers.
- (b) Documents in support of or in opposition to damages or benefits payable under Article VIA of the Eminent Domain Code which properly have been designated under subsection (1) of this local rule as issues to be litigated before the Viewers shall be admitted into evidence at the Viewers' Hearing without the necessity of calling a witness to authenticate the document or to testify about the document's contents, provided that at least twenty (20) days' notice of the intention to offer such documents was given to every other party accompanied by a copy of each document to be offered.
- (5) Before presentation of a petition for the appointment of viewers to the Administrative Judge, or such other Judge as the Administrative Judge may designate, the petitioner shall file a copy of the petition with the Chief Clerk of the Board of Viewers. The Chief Clerk shall thereupon designate the particular members of the Board of Viewers to serve in the case by completing Appointment of Viewers (FORM 604) (see subsection (8) below).
- (6) A copy of any petition filed by a condemnee shall be sent promptly by registered or certified mail, return receipt requested, postage prepaid to the adverse party or parties as required by Section 1-502(f) of the Eminent Domain Code and to all other condemnees known to the condemnee filing the petition to have an interest in the property.
- (7) A copy of any petition filed by a condemnor shall be sent promptly by registered or certified mail, return receipt requested, postage prepaid to all condemnees known to the condemnor to have an interest in the property.
- (8)

FORM 604 Appointment of Views

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN THE MATTER OF:

CIVIL DIVISION

CONDEMNATION OF

No. GD _____

Plaintiff,

vs.

Defendant.

ORDER OF COURT

AND NOW, this ____ day of _____, 20__, the within Petition having been presented in open court in consideration thereof, it is ORDERED THAT

are appointed as Viewers as provided by law to view the property and to ascertain such damages as they may find to have been caused to Plaintiff's property by reason of the condemnation and taking by Defendant as set forth in the within Petition.

_____ J.

BOARD OF VIEWERS

Administrative Chair

Date of View _____

Date and Time of Exceptions Hearing _____

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 605 Viewers' Plans.

- (1) The condemnor, in cases where a declaration of taking has been filed, or the municipality (including a municipal authority), in cases of municipal improvement assessment proceedings, shall furnish Viewers' Plans to the Viewers and to the condemnees or to the abutting property owners within thirty (30) days after being served with the petition for the appointment of viewers or within thirty

- (30) days of filing the petition if the condemnor or municipality is the petitioner or within thirty (30) days following receipt of a written request from a condemnee or an abutting owner.
- (2) If no declaration of taking has been filed, the condemnor shall furnish Viewers' Plans to the Viewers and to the condemnees within sixty (60) days of an adjudication that there has been a taking or that the condemnor is liable for consequential damages in cases where the condemnor contests its liability or within sixty (60) days of service upon it of a petition for the appointment of viewers where it does not file preliminary objections to the petition.
 - (3) If the condemnor or the municipality fails to furnish Viewers' Plans within the time specified, the Administrative Judge or such other Judge as the Administrative Judge may designate, upon petition of the condemnee or abutting owner, may permit the condemnee or abutting owner to have Viewers' Plans made and order that the cost thereof be charged to the condemnor or municipality. In such a case, the Viewers shall determine and award reasonable amounts for professional engineering services and related costs.
 - (4) Viewers' Plans shall indicate the entire property involved, the improvements thereon, the extent and nature of the condemnation and such other physical data, including grades, as any may be necessary for the proper determination of just compensation.
 - (5) Plans of municipal improvements shall indicate the location and names of owners of affected properties. Each property shall be identified by a Viewers' number beginning with "V-1" and running consecutively. Street improvement plans shall also show the cuts and fills resulting from change of grade in the center line as well as at the property lines on each side of stations fifty feet apart. Sewer improvement plans shall show frontal and depth dimensions of affected property, and where the whole of any property cannot be served by the sewer, the drainage line shall be shown on the plan.
 - (6) If, in the opinion of the Viewers, the plans are insufficient, the Viewers may require revisions or the submission of supplemental plans. If the condemnor or the municipality fails to furnish adequate Viewers' Plans within the time specified by the Viewers, the provisions of subdivision (3) of this Rule may be invoked.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 606 Notices of View. Directions to Viewers and Access to Property.

- (1) The Viewers shall schedule a view and shall give notice of the view as required by Section 1-504, 1-505 and 1-506 of the Eminent Domain Code.

- (2) At least three (3) days before the scheduled View of the property involved, the petitioner shall provide the Viewers and all parties with written directions to the property.
- (3) At the time of the View, the persons in possession of the property shall provide access to the interior of all buildings on the property.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 607 Notices of Additional Condemnees and Mortgagees.

Within twenty (20) days after service of a petition for the appointment of viewers, each condemnee shall furnish to the Viewers and to the condemnor a notice containing the information required by Sections 1-502(a)(4) and 1-506(a) of the Eminent Domain Code regarding the names, addresses and type of interest of all mortgagees and all other known condemnees who have an interest in the property and have not been identified in the petition.

Note: "All other known condemnees" may include, but is not limited to, tenants or other occupants of the property as of the date of condemnation. Family members of the owner generally need not be listed. "Type of interest" may include, but is not limited to, such things as whether an occupancy was under an oral or written lease, whether the lease contains clause(s) intended to terminate the leasehold in the event of condemnation, and whether there is an easement or right of way.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 608 Discovery Prior to Hearing Before Board of Viewers.

- (1) All discovery disputes shall be presented upon proper notice to the Administrative Judge, or to such other Judge as the Administrative Judge may designate to preside over the case.
- (2) Discovery shall close ten (10) days prior to the Hearing unless otherwise mutually agreed by the parties or ordered by the Court.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 609 Hearings and Continuances. Notice.

- (1) The Viewers shall schedule a Hearing and shall give notice of the Hearing date as required by Sections 1-504, 1-505 and 1-506 of the Eminent Domain Code.

- (2) If a party who has been given reasonable notice of a scheduled hearing does not appear at the hearing, the Viewers may proceed to hear the case ex parte.
- (3) Scheduled hearings shall not be continued except by order of the Viewers.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 610 Findings of Fact and Conclusions of Law.

- (1) A party may request the Viewers to specifically include in their report specific findings of fact. A party must orally make this request known to the Viewers and to opposing parties no later than the conclusion of the Hearing and shall file and serve written proposed findings of fact within ten days of the conclusion of the Hearing.
- (2) The Viewers shall include in their report a written adoption or rejection of any requests for specific findings of fact made in accordance with subsection (1) of this Rule.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 611 Settlements.

If a case is settled by the parties, notice of the settlement shall be given to the Viewers.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 612 Exceptions Before Viewers in Municipal Improvement Assessment Proceedings.

In municipal improvement assessment proceedings, exceptions to the schedule of proposed awards and assessments shall be filed in writing with the Chief Clerk of the Board of Viewers within ten (10) days following the exhibition of the schedule. Exceptions shall be heard on the date set forth in the schedule and shall be decided by the Viewers.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 613 Appeals to Court of Common Pleas.

- (1) A party may appeal the Viewers' report to the Court of Common Pleas.
- (2) An appeal shall set forth the information required by Section 1-516 of the Eminent Domain Code.

- (3) No answer need be filed to an appeal.
- (4) Appeals shall automatically be placed at issue upon filing.
- (5) Appeals, except in municipal improvement assessment proceedings, shall be filed at the same docket number as the hearing before the Viewers and shall include in the caption as a “Sur No.” a reference to the docket number at which the declaration of taking, if any, was filed in the manner set forth in Local Rule 604(2).
- (6) Appeals in municipal improvement assessment proceedings shall be assigned new docket numbers. Reference to the docket number of the Viewers' Hearing shall be set forth in a separately numbered paragraph of such appeals.
- (7) The caption of an appeal shall identify the condemnee or the property owner as plaintiff and the condemnor or municipality as defendant.
- (8) The appealing party shall serve a copy of the appeal on all other parties and upon the Board of Viewers within five (5) days after filing. The appellant shall file proof of service of a copy of the appeal upon all parties.
- (9) An appeal raising objections other than or in addition to the amount of damages shall state in the caption under the designation of the docket number the following phrase in capital letters: INVOLVES OBJECTIONS OTHER THAN OR IN ADDITION TO AMOUNT OF AWARD.
- (10) A party filing an appeal raising an objection other than or in addition to the amount of damages, shall obtain at the time of filing from the Administrative Judge's Clerk, or the Clerk of any such Judge as the Administrative Judge may designate a date for argument of the legal questions raised by the appeal. The legal argument shall be heard by the Administrative Judge or such other Judge as the Administrative Judge may designate. The appealing party shall promptly serve notice of the date obtained upon all other parties.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 614 Discovery On Appeal to Court of Common Pleas.

- (1) Discovery after an appeal is taken to the Court of Common Pleas shall be governed by the Pa.R.C.P. 4001 et seq. relating to discovery.
- (2) Discovery shall close twenty (20) days prior to the first day of the applicable trial term unless otherwise mutually agreed by the parties or ordered by the Court.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 615 Pre-Trial Statements On Appeal Before Court of Common Pleas.

- (1) Thirty (30) days prior to first day of the applicable trial term, the condemnor(s) and condemnee(s) shall serve the opposing party or parties with a pre-trial statement, which contains the following:
 - (a) A list of the names and addresses of all persons who may be called as witnesses, classifying them as liability or damage witnesses. Witnesses may be described by title or representative capacity.
 - (b) A list of all exhibits which the party intends to use at trial.
 - (c) The written report of any expert (on value or otherwise) who may be offered as a witness at trial.

Note: Expert reports may include, without limitation, appraisals, machinery, environmental and engineering reports.
- (2) The exhibits listed pursuant to subsection (1) of this local rule, or copies thereof, shall be made available to the opposing party or parties.
- (3) In the event of non-compliance with subdivisions (1) or (2), the trial judge may, in his or her discretion, grant appropriate relief, which may include:
 - (a) the preclusion or limitation of the testimony of
 - (i) any witness whose identity is not disclosed in the Pre-Trial Statement, or
 - (ii) any expert witness whose opinion have not been set forth in the report submitted with the Pre-Trial Statement or otherwise summarized in the Pre-Trial Statement as provided by subsection (1)(c) of this local rule, and
 - (b) the preclusion of exhibits not listed in the Pre-Trial Statement and made available.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 616 Special Rules for Sewer Cases.

In all cases involving the construction, installation or renovation of sewers, the following additional procedures shall be followed. These local rules shall be read in para materia with the

Eminent Domain Code and the Second Class Counties Code. To the extent this local rule conflicts with any portion of Local Rules 600-615, this local rule shall govern; to the extent this local rule does not conflict with any portion of Local Rules 600-615, then they shall also apply.

(1) **Declaration of Taking.**

The condemnor shall file a declaration of taking, which lists the affected property(ies) by name and address of owner and by Lot and Block number.

(2) **Petition for Appointment of Viewers.**

After a declaration of taking has been filed, the condemnor or any condemnee may file a Petition for Appointment of Viewers (FORM 616) (see subsection (13) below). Attached to any Petition filed on behalf of the condemnor shall be:

- (a) a copy of the Viewers' Plan on which each property shall be identified by a viewers' number beginning with "V-1," running consecutively and corresponding to the owners' name and Lot and Block number;
- (b) street improvement plans, which shall show the cuts and fills resulting from any change of grade in the center line as well as the property lines on each side of stations fifty feet apart;
- (c) sewer improvement plans, which shall show frontal and depth dimensions of affected property, and where the whole of any property cannot be served by the sewer, the sewer improvement plan shall show the drainage line; and
- (d) if benefits are to be determined, a certified copy of all hard and soft construction costs.

(3) **Presentation of Petition for Appointment of Viewers to Board of Viewers. Proposed Scheduling Order.**

Before presenting a Petition for Appointment of Viewers (FORM 616) (see subsection (13) below) to the Administrative Judge, or such other judge as the Administrative Judge may designate, the petitioner shall file a copy of the petition with the Chief Clerk of the Board of Viewers. At the time of filing, the Chief Clerk of the Board of Viewers shall complete a proposed scheduling order which the petitioner must present to the Administrative Judge, or such other judge as the Administrative Judge may designate along with the petition for appointment of viewers. The Petition and shall state:

- (a) the names of the Viewers to be appointed;
- (b) the date and time of the View;

- (c) the date after which the Viewers' initial report should be available in the office of the clerk of the municipality in which the property or properties are located;
- (d) the last date upon which the affected parties may file written exceptions to the Viewers' initial report; and
- (e) the date and time of the Exceptions Hearing.

Note: The Proposed Scheduling Order Form will be available from the Chief Clerk of the Board of Viewers.

(4) Presentation of Petition for Appointment of Viewers to Court.

After obtaining the proposed scheduling order from the Chief Clerk of the Board of Viewers, the petitioner shall present the petition for appointment of viewers, along with the proposed scheduling order, to the Administrative Judge, or such other Judge as the Administrative Judge may designate. After the Administrative Judge or such other Judge as the Administrative Judge may designate has approved the appointment of Viewers and has entered the scheduling order, the petitioner must:

- (a) If the petitioner is the condemnee, the petitioner must serve a copy of the petition for appointment of viewers and the scheduling order on the condemnor by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service.
- (b) If the petitioner is the condemnor, the petitioner must serve a copy of the Petition for Appointment of Viewers and the scheduling order on all condemnees affected by the petition by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service. In addition, the condemnor shall advertise the scheduling order in a publication of general circulation, and shall file a copy of the scheduling order in the office of the clerk of the municipality where the property(ies) is located.

(5) Condemnor's Obligations When Petition for Appointment of Viewers is Filed by Condemnee.

Within ten (10) days after receiving a copy of the scheduling order entered after presentation of a Petition for Appointment of Viewers filed on behalf of a condemnee, the condemnor shall file with the Viewers a copy of those documents which Local Rule 616(b) requires the condemnor to attach to a Petition for Appointment of Viewers filed on behalf of a condemnor and shall serve a copy on all affected parties or their counsel of record.

(6) Certification of Notice -- Petition for Appointment of Viewers and Scheduling Order.

At least ten (10) days before the date of the View, the petitioner shall certify in writing to the Viewers that the petition and scheduling order have been served, advertised, and/or posted in accordance with subsection (4) of this Rule.

(7) Viewers' Initial Report.

Within twenty (20) days after the View, the Viewers shall deliberate and determine benefits and/or damages on each V-numbered parcel set forth in the petition for appointment of viewers and shall submit an initial report containing an itemized award of benefits and/or damages. Attached to the Viewers' initial report shall be a notice, which shall contain the following:

- (a) a brief and concise statement listing the Lot and Block numbers affected and informing the parties that the Viewers have issued an initial report which contains an itemized award of benefits and/or damages;
- (b) a statement informing the affected parties of their right to file exceptions to the initial report;
- (c) a statement informing the affected parties that they will not be heard at the scheduled exceptions hearing unless they have timely filed written exceptions; and
- (d) an announcement that the full text of the initial report shall be made available by the condemnor in the office of the clerk of the municipality where the property or properties are located.

Note: All parties will have received by way of the scheduling order notice of the latest date on which the Viewers' initial report will issued. See Local Rule 616(3) and (4). Accordingly, all parties are responsible for making sure that they obtain a copy of the Viewers' initial report prior to the date on which written objections to that report must be filed.

(8) Service of Viewers' Initial Report.

The Viewers shall mail a copy of their initial report (with the notice attached) to the condemnor or its counsel of record. The condemnor shall immediately post a copy of the initial report in the office of the clerk of the municipality where the property or properties are located. Within ten (10) days of the date of the Viewers' initial report, the condemnor shall serve all affected condemnees with a copy of the Viewers' initial report and the attached notice by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service.

(9) Certification of Notice -- Viewers' Initial Report.

At least ten (10) days before the date of the exceptions hearing, the condemnor shall certify in writing to the Viewers that the initial report and attached notice have been served and posted in accordance with subsection (8) of this local rule.

(10) Exceptions Hearing.

An exceptions hearing shall be held on the date and time set forth in the scheduling order. Only those condemnees who have timely submitted their written objections to the Viewers' initial report shall be heard by the Viewers at the exceptions hearing. The Viewers shall consider the exceptions of the condemnees and make any adjustments the Viewers deem necessary to their initial award of damages and/or benefits.

(11) Viewers' Final Report.

Within twenty (20) days after the exceptions hearing, the Viewers shall serve a copy of their final report on all parties. Attached to the report shall be a notice advising the parties of their right to appeal the Viewers' decision to the Court of Common Pleas. Within five (5) days of the date of the Viewers' final report, the condemnor shall post the Viewers' final report with the notice attached in the office of the clerk of the municipality where the property or properties are located. Within five (5) days of the date of the Viewers' final report, the condemnor also shall make arrangements to advertise in the next available issue of a publication of general circulation a notice in the following form:

The Board of Viewers has issued its final report, which contains an itemized award of benefits and/or damages for the following Lot and Block numbers: [list]. The full text of the report may be obtained at the [municipality office and address]. Your rights as a property owner may be affected by this report.

(12) Appeals to Court of Common Pleas.

Appeals to the Court of Common Pleas shall be governed by the Eminent Domain Code, the Second Class Counties Code and Local Rules 613, 614, and 615.

(13)

FORM 616 Appointment of Viewers – Sewer Cases

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN THE MATTER OF:

CIVIL DIVISION

CONDEMNATION OF

No. GD _____

Plaintiff,

vs.

Defendant.

ORDER OF COURT

AND NOW, this ___ day of _____, 20___, the within Petition having been presented in open court in consideration thereof, it is ORDERED THAT

are appointed as Viewers as provided by law to view the property and to ascertain such damages as they may find to have been caused to Plaintiff's property by reason of the condemnation and taking by Defendant as set forth in the within Petition.

_____ J.

BOARD OF VIEWERS

Administrative Chair

Date of View _____

Date Initial Report Available _____

Last Date for Filing Exceptions _____

Date and Time of Exceptions Hearing _____

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Equitable Relief

Local Rule 1001 Civil Actions Raising Claims for Relief Heretofore Asserted in an Action in Equity.

- (1) A civil action that raises only claims for relief heretofore asserted in equity shall be assigned to an individual judge when the case has been placed at issue pursuant to Local Rule 214.

Note: A request for assignment to an individual judge may be made to Calendar Control using FORM 1001 (see subsection (3) below).

- (2) A civil action that raises claims for relief heretofore asserted in an action in equity and claims for relief heretofore asserted in the action of assumpsit and/or the action in trespass will not be assigned to an individual judge prior to trial without a court order entered pursuant to a motion or by the court sua sponte.

Note: A motion for the assignment of a case to an individual judge shall be presented to the Special Motions Judge if the case is not on a published trial list and to the Calendar Control Judge if the case is on a published trial list.

- (3)

FORM 1001 Request for Assignment of Equity Claims to an Individual Judge

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

(CAPTION)

(CASE NUMBER)

TO: Calendar Control Clerk
734 City-County Building
414 Grant Street
Pittsburgh, PA 15219

REQUEST FOR ASSIGNMENT OF EQUITY CLAIMS TO AN INDIVIDUAL JUDGE

This is a nonjury case that raises only claims for relief heretofore asserted in equity. A copy of this request has already been furnished to all other parties.

DATED: _____

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1007 Conformity to Civil Action at Law. Description of Real Estate.

When an action is commenced by a praecipe for a writ of summons under Pa.R.C.P. 1007(l), the praecipe shall not constitute lis pendens as to any real estate not identified or described in the praecipe.

Note: In accordance with Local Rule 205.2(b)(2)(c)(vii), a description of the real estate involved must also be included on the cover sheet.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Actions at Law / Civil Action / Pleadings

Local Rule 1018.1 Notice to Defend Form.

(1) The agency to be named in the notice to defend accompanying complaints filed in the Court of Common Pleas of Allegheny County, Pennsylvania shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

(2) The agency to be named in the notices required by Pa.R.C.P. 237.1, 237.4, 237.5, 430, 1910.25, 1910.27, 1915.12, 1915.15, 1915.16, 1920.71, 1920.73, 3146 and 3252 shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1028(c) Procedures for the Disposition of Preliminary Objections.

(1) **General Docket Cases.**

(a) (i) Preliminary objections shall be taken to the Chief Motions Clerk.

Note: The Chief Motions Clerk (telephone number 412-350-5644) will be in the Courtroom of the Motions Judge. See "Civil Division" on the Website of the Common Pleas Court of Allegheny County (www.alleghencourts.us) for the name and Courtroom of the judge who is sitting as the Motions Judge.

(ii) Except for preliminary objections raising a question of venue, which is governed by subdivision (d) of this local rule, the Chief Motions Clerk shall schedule the time and date for an argument before the Motions Judge.

Note: If preliminary objections are filed to preliminary objections, these preliminary objections will be scheduled for argument at the same time as the argument for the preliminary objections which are the subject of the preliminary objections.

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another defendant files preliminary objections, the Chief Motions Clerk will not schedule an argument on these preliminary objections sooner than sixty (60) days after filing.

(iii) The Chief Motions Clerk will file the preliminary objections with the Prothonotary.

(iv) The party filing the preliminary objections shall promptly serve copies of these preliminary objections on all other parties with notice of the date and time of the argument, if such has been set.

(b) (i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), and preliminary objections raising a question of venue, which are governed by subdivision (d), a brief and proposed order of court, each separately tabbed under the same cover sheet, shall be attached to all preliminary objections. No preliminary objections will be accepted by the Chief Motions Clerk until a brief is attached. Failure to attach a brief shall be cause for denial of the preliminary objections.

(ii) Any party opposing preliminary objections shall file a brief in opposition to the preliminary objections at least seven (7) days prior to the argument.

(iii) A brief shall not exceed ten (10) double-spaced pages except in cases designated complex or where permitted by order of court entered pursuant to a motion presented to the Motions Judge.

(c) (i) Where preliminary objections contain grounds raising issues of fact under Pa.R.C.P. 1028(a)(1), (5), or (6), they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Fact"; shall be endorsed with a notice to plead; shall not have a brief attached; and will be scheduled for argument not sooner than ninety (90) days after filing.

(ii) All evidence that the parties wish the court to consider shall be filed with the Prothonotary at least twenty (20) days prior to the argument.

(iii) The party that filed the preliminary objections shall file its brief at least fourteen (14) days prior to the argument; the parties opposing the preliminary objections shall file their briefs at least seven (7) days prior to argument.

(d) (i) If the preliminary objections include the ground of improper venue, they: shall be titled on the cover sheet "Preliminary Objections Raising Questions of Venue"; shall be endorsed with a notice to plead; shall be accompanied by a brief and proposed order of court, as provided for in paragraph (1)(b) of this local rule; and shall include all preliminary objections as required under Pa.R.C.P. 1028(b).

Note: If the preliminary objections raise only improper venue, a brief is not required.

(ii) Preliminary objections raising questions of venue will be decided by the Calendar Control Judge. The Chief Motions Clerk shall notify the Calendar Control Judge of the filing of the preliminary objections raising a question of venue and the Calendar Control Judge shall instruct the parties as to how these preliminary objections will be resolved.

(iii) The Calendar Control Judge will rule only on the venue preliminary objections. If there are jurisdictional preliminary objections, the Calendar Control Judge may also decide these. If the preliminary objections are overruled, the Calendar Control Judge will issue a court order which directs the parties to obtain an argument date before the Motions Judge on the remaining preliminary objections.

(e) This local rule does not govern preliminary objections filed in eminent domain proceedings, asbestos litigation and cases otherwise designated by the Court for special management (Pa.R.C.P. 1041.1 and

1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

(2) **Arbitration Proceedings.**

(a) The original and a copy of the preliminary objections shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the preliminary objections a time and date (usually a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Prothonotary and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument.

Note: The filing of preliminary objections or the Arbitration Office's scheduling the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) If the preliminary objections raise issues of fact, at the initial argument the Special Motions Judge shall issue an order describing the manner in which any factual disputes will be resolved.

(c) There are no requirements for the filing of briefs.

(d) (i) The moving party, after contacting all other parties, shall notify an Arbitration Department Clerk prior to the argument (412-350-5625) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

(ii) The moving party, after a discussion with other parties, shall notify an Arbitration Clerk if the preliminary objections are moot because of the filing of an amended pleading.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1034(a) Procedures for the Disposition of a Motion for Judgment on the Pleadings.

(1) **General Docket Cases.**

(a) (i) The original and a copy of the motion for a judgment on the pleadings shall be taken to the Calendar Control

Office (Room 734 of the City-County Building). A member of the staff shall place on the original and a copy of the motion the date of the argument list on which the motion will be argued.

Note: Motions for judgment on the pleadings filed before 2:00 P.M. on the fortieth (40th) day before the next argument list will be placed on that list. Motions filed fewer than forty (40) days before the date of the next argument list will be placed on the following argument list. No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge. See Note to Local Rule 208.3(a)(2)(b) for the Courtroom and procedures for presenting matters to the Calendar Control Judge.

(ii) The original copy of the motion shall be returned to the moving party who shall immediately file the motion with the Prothonotary.

(iii) After the motion has been filed with the Prothonotary, the moving party shall promptly serve copies of the motion for judgment on the pleadings on all other parties with notice of the date of the argument list on which the motion will be argued.

Note: Argument lists are placed under "Civil Division" on the Website of the Common Pleas Court (www.alleghenycourts.us) at least thirty (30) days before the date scheduled for argument. The list will identify the judge who will hear the argument.

(iv) If the motion has been resolved, the moving party shall promptly notify the court. Prior to the publication of the argument list, notice shall be given to the Calendar Control Clerk (412-350-5417). After publication of the argument list, notice shall be given to the secretary of the judge to whom the argument has been assigned.

(v) The brief of the moving party and proposed order of court shall be attached to the motion under the same cover and separately tabbed. Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned.

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.C.P. 1041.1 and 1041.2), class

actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

(2) **Arbitration Proceedings.**

(a) The original and a copy of the motion for judgment on the pleadings shall be taken to an Arbitration Department Clerk (Room 536, Allegheny County Courthouse). The clerk will place on the original and the copy of the motion a time and date (usually on a Friday at 10:00 A.M.) for an argument before the Special Motions Judge. The clerk will file the original with the Prothonotary and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.

Note: The Arbitration Office's scheduling a motion for judgment on the pleadings for an argument on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

(b) There are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(c) The moving party, after contacting the other parties, shall notify an Arbitration Department Clerk (412-350-5625) if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1035.2(a) Procedures for the Disposition of a Motion for Summary Judgment.

(1) **General Docket Cases.**

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(1), and in addition a response in opposition to the motion shall be filed as provided for in Pa.R.C.P. 1035.3.

(2) **Arbitration Proceedings.**

The procedures for the disposition of a motion for summary judgment are identical to the procedures for the disposition of a motion for judgment on the pleadings described in Local Rule 1034(a)(2).

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1038 Trial Without Jury.

- (1) One or more judges, as required, will be assigned to hear non-jury cases during the period scheduled for jury trials.
- (2) Parties who elect to have their case tried without a jury after a demand for jury trial has been filed shall enter into and file the following written stipulation:

"The undersigned parties in the above captioned case at law hereby agree that it shall be tried by a Judge without a jury in accordance with Pa.R.C.P. 1038."

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1042.26(b) Medical Professional Liability Actions. Expert Reports.

In this jurisdiction, unless there is a case-specific Order to the contrary or a published trial list with contrary deadlines, the provisions of Pa.R.C.P. 1042.26 through 1042.38 apply to medical professional liability actions.

Note: If deadlines set forth in a published trial list appear to contradict deadlines otherwise calculated in these rules, the earlier deadline will prevail.

Note: See Local Rule 4003.5 as to expert reports in professional and product liability actions.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Compulsory Arbitration

Local Rule 1301 Scope.

- (1) The following civil actions shall first be submitted to and heard by a Board of Arbitrators:
 - (a) Civil actions, proceedings and appeals or issues therein where the demand is for \$35,000 or less (exclusive of interest and costs);
 - (b) Replevin without bond and replevin with bond once bond has been set by the Court;
 - (c) Appeals from final judgments of Magisterial District Judges; and

(d) Matters transferred to Compulsory Arbitration by the Court even though the original demand may have exceeded \$35,000.

(2) The following civil actions are not subject to Compulsory Arbitration as set forth, above:

(a) Actions seeking only an accounting;

Note: In an action seeking both money damages and an accounting, a Board of Arbitrators may award money damages but may not order an accounting.

(b) Actions seeking only equitable relief; and

Note: In an action seeking both money damages and equitable relief, a Board of Arbitrators may award money damages but may not order equitable relief.

(c) Actions in which the Commonwealth is a party defendant or an employee of the Commonwealth is a party defendant under the provisions of 42 Pa.C.S., Chapter 85B (relating to actions against Commonwealth parties).

(3) A Board of Arbitrators may not enter an award in favor of any party in excess of \$35,000 (exclusive of interest and costs).

Note: While a Board of Arbitrators may hear a lawsuit in which any party claims an amount in excess of \$35,000, the award of the Board of Arbitrators to any party may not exceed \$35,000 (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitrators may award up to the amount agreed upon in excess of \$35,000 if all parties also agree that the arbitration award is final and cannot be appealed to Court.

(4) If a party files a counterclaim or a cross-claim seeking an award in excess of \$35,000 (exclusive of interest and costs), any party may file a petition to transfer the entire case to the General Docket. At the discretion of a judge, such a counterclaim or cross-claim may be severed and transferred to the General Docket.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1301.1 Discovery in Compulsory Arbitration Proceedings (Except Small Claims).

(1) For any personal injury claim filed in Compulsory Arbitration , the plaintiff may serve arbitration discovery requests (see FORM 1301.1A)(see subsection (8)(a) below) either together with the copy of the Complaint served on the defendant or thereafter.

(2) The defendant shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(3) For any personal injury claim filed in Compulsory Arbitration, any defendant may serve arbitration discovery requests (see FORM 1301.1B) (see subsection (8)(b) below) either together with a copy of the Answer served on the plaintiff or thereafter.

(4) The plaintiff shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(5) (a) A party may not seek additional discovery through interrogatories or requests for production of documents until that party has sought discovery through the arbitration discovery requests described herein.

(b) A party may not include any additional interrogatories or requests for production of documents in the arbitration discovery requests provided for in this local rule.

(6) This local rule applies to additional defendants.

(7) The local rule does not apply to claims that do not exceed the sum of \$3,000.00 (exclusive of interest and costs) wherein the parties' right to discovery for Small Claims shall be governed by Local Rule 1320.

Note: While this local rule does not bar additional discovery in arbitration proceedings, it is anticipated that depositions, additional interrogatories or additional requests for the production of documents will be unreasonably burdensome in most arbitration proceedings involving personal injury claims.

Note: This local rule does not affect the right to discovery provided by Pa.R.C.P. 4001-4020 for Compulsory Arbitration cases which are appealed pursuant to Pa.R.C.P. 1308-1311.

(8) (a)

FORM 1301.1A Plaintiff's Arbitration Discovery Requests for Personal Injury Claims

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____,) AR _____
 Plaintiff)
)
 vs.)
)
 _____,)
 Defendant)

PLAINTIFF'S ARBITRATION DISCOVERY
 REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to _____

Within thirty (30) days of service of these discovery requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth you full name and address. _____

INSURANCE

2. (a) Is there any insurance agreement that may provide coverage to you for this incident?

Yes _____ No _____

(b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses, and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witness, including any plaintiff?

Yes_____ No_____

(b) If you answered yes, attached any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have_____ have not_____ fully complied with request 4(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial or that may otherwise pertain to this lawsuit?

Yes_____ No_____

(d) If you answered yes, attach each of these writings.

I have_____ have not_____ fully complied with request 4(c).

MEDICAL DOCUMENTS

5. (a) Do you have any medical documents relating to the plaintiff?

Yes_____ No_____

(b) If you answered yes, attach each of these documents.

I have_____ have not_____ fully complied with request 4(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit?

Yes_____ No_____

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.

Defendant verifies that the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa. C. S. § 4904 relating to unsworn falsifications to authorities.

Date: _____
Defendant

(b)

FORM 1301.1B Defendant’s Arbitration Discovery Requests for Personal Injury Claims

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____,) AR _____
Plaintiff)
)
vs.)
)
_____,)
Defendant)

**DEFENDANT'S ARBITRATION DISCOVERY
REQUESTS FOR PERSONAL INJURY CLAIMS**

These discovery requests are directed to _____

Within thirty (30) days of service of these discovery requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF PLAINTIFF(S)

- 1. Set forth you full name and address, age, employer and type of employment.

WITNESSES

- 2. List the names, present addresses, and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including any defendant?

Yes_____ No_____

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have_____ have not_____ fully complied with request 3(b).

(c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial?

Yes_____ No_____

(d) If you answered yes, attach each of these documents.

I have_____ have not_____ fully complied with request 3(c).

MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes_____ No_____

(b) If you answered yes, list the name of the hospitals, the names and addresses of the attending physicians, and the dates of the hospitalizations.

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes_____ No_____

(d) If you answered yes, list the names and addresses of each chiropractor and the dates of treatment.

(e) Have you received any other medical treatment for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes _____ No _____

(f) If you answered yes, list the name and address of each physician or other treatment provider and the dates of the treatment.

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in 4(b), 4(d), and 4(f) or authorizations for these records.

I have _____ have not _____ fully complied with request 4(g).

OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five years prior to the incident to the present date. _____

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five years prior to the incident to the present date?

Yes _____ No _____

(c) If you answered yes, attach a separate sheet which lists the name of the hospital, the date of each treatment, the reason for the treatment, and the length of the hospitalization.

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of you claim in this lawsuit within the period from five years prior to the incident to the present date?

Yes _____ No _____

(e) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the chiropractor's name and address.

(f) Within the period of from five years prior to the incident to the present date, have you received any other medical treatment for injuries that are not part of your

claim in this lawsuit?

Yes _____ No _____

(g) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the name and address of the treatment provider.

I have _____ have not _____ fully complied with request 5(b), 5(c), and 5(f).

WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?

Yes _____ No _____

(b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

7. If a claim is being made for lost income, state the name and address of your employer at the time of the incident, the name and address of your immediate supervisor at the time of the incident, your rate of pay, the dates of work loss due to the injuries from this accident and the total amount of your work loss claim.

REQUESTS 8 AND 9 APPLY ONLY TO PERSONAL INJURY CLAIMS ARISING OUT OF A MOTOR VEHICLE ACCIDENT.

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workmen's Compensation or any program, group contract, or other arrangement for payment of benefits as defined by 75 P.S. § 1719(b)?

(b) If you answered yes, set forth the type and amount of these benefits.

INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in 75 P.S. § 1705(a) and (b)?

___ Limited Tort Option (no claim made for non-monetary damages)

___ Limited Tort Option (claim is made for non-monetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P.S. § 1705(d)(I)-(3) applies)

___ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option.") Describe each vehicle (make, model, and year) in your household.

(c) (Applicable only if you checked "Full Tort Option".) Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have _____ have not _____ fully complied with request 9(c).

Plaintiff verifies that the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of Pa. C. S. § 4904 relating to unsworn falsifications to authorities.

Date: _____

 Plaintiff

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1302 List of Arbitrators. Appointments to Board. Oath.

- (1) Subject to approval by the Special Motions Judge or the Calendar Control Judge of the Civil Division of the Court, lawyers who are actively engaged in the practice of law in Allegheny County shall be appointed to serve as arbitrators.
- (2) Only lawyers who are "active" on the rolls of The Disciplinary Board of the Supreme Court of Pennsylvania are to be treated as lawyers "actively engaged in the practice of law" for purposes of subsection (1).
- (3) An Arbitration Clerk shall appoint to each Board of Arbitrators three (3) lawyers summoned from the list of approved lawyers, according to the directions of the Special Motions Judge of the Civil Division.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1303 Arbitration Hearing. Notice.

- (1) The Prothonotary shall affix the date, time and place of hearing before a Board of Arbitrators by placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties.
- (2) Every Complaint (except for Small Claims - see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).
- (3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

(4)

FORM 1303 Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

_____	ARBITRATION DOCKET
_____	NO. _____
vs. Plaintiff,	HEARING DATE _____

Defendant.	

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost 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 OR CANNOT AFFORD ONE, 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.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association
11th Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania 15219, on _____, _____ at 9:00 A.M. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

DUTY TO APPEAR AT ARBITRATION HEARING

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.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1303(a)(2) Failure to Appear for Hearing.

- (1) If a party fails to appear for a scheduled arbitration hearing, the matter may, if all present parties agree, be transferred immediately to a Judge of the Court of Common Pleas for an ex parte hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

Note: This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1.

- (2) A non-jury verdict entered at a hearing held pursuant to Local Rule 1303(a)(2)(1) shall not exceed \$25,000 (exclusive of interest and costs) to any party.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1306 Award. Delay Damages.

Any party seeking damages under Pa.R.C.P. 238 (relating to award of damages for delay in an action for bodily injury, death or property damage) shall submit a photocopy of any written offer of settlement made by a party against whom damages are demanded or set forth in writing the fact that no written offer has been made and shall seal the photocopy of the written offer or the written statement that no offer has been made in an envelope bearing the caption and number of the case being arbitrated and shall deliver the same to the arbitrators and opposing counsel at the conclusion of the hearing. The arbitrators shall not open said envelope until they have reached their basic award. The envelope and the writing contained therein shall be filed with the papers in the case.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1308 Appeal. Arbitrators' Compensation. Notice.

- (1) In addition to satisfying the requirements of Pa.R.C.P. 1308(a), a party appealing an award shall also pay to the Prothonotary any fee required for filing the appeal.
- (2) A member of a Board of Arbitration who has signed an award or filed a minority report in each of the cases heard before that Board shall receive compensation of \$150 per diem after the filing of that member's reports/awards. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Special Motions Judge of the Civil Division, on petition of the members of the Board and for cause shown, may allow additional compensation.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1320 Small Claims Procedure.

The following procedure shall govern Small Claims, which include appeals from Magisterial District Judges where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs), and civil actions where the damages claimed do not exceed the sum of \$3,000 (exclusive of interest and costs).

- (1) The Complaint may be simplified to contain only the names and addresses of the parties, a statement indicating concisely the nature and amount of the claim, the signature of the plaintiff or the plaintiff's attorney (Pa.R.C.P. 1023), an endorsement (Pa.R.C.P. 1025), a Notice of Hearing Date and three copies of a Notice of Intention to Appear as set forth in subparagraph (3) hereof.
- (2) Every Complaint filed in Compulsory Arbitration as a Small Claim, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend, and Notice of Duty to Appear at Arbitration Hearing (FORM 1320A) (see subsection (9)(a) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.C.P. 1018.1(b).
- (3) The filed Notice of Intention to Appear shall be a sufficient answer to the Complaint (FORM 1320B) (see subsection (9)(b) below).
- (4) A counterclaim which qualifies as a "Small Claim" as defined herein may be set forth in either the filed Notice of Intention to Appear or a separate pleading, by a statement indicating concisely the nature and amount of same. The counterclaim filed as a separate pleading shall be in substantially the same form as the Complaint, without the Notice of Hearing or Notice of Intention to Appear.
- (5) No reply to a counterclaim shall be required. If one is filed, it may be limited to a general denial.

(6) The provisions of Local Rules 212.1, 212.2 and 212.3 shall not apply to actions involving only Small Claims as defined herein.

(7) Except as otherwise provided by order of the Special Motions Judge upon good cause shown, in Small Claims proceedings, there shall be no discovery by deposition upon oral examination or upon written interrogatories under Pa.R.C.P. 4005 and 4007 or requests for admissions under Pa.R.C.P. 4014.

(8) The Prothonotary, on praecipe of the plaintiff accompanied by a certificate as required by Pa.R.C.P. 237.1(a)(2), shall enter judgment against the defendant for failure to file either a responsive pleading or a copy of the Notice of Intention to Appear within twenty (20) days from service thereof, with damages to be assessed in the manner provided by the rules.

(9) (a)

FORM 1320A Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

	ARBITRATION DOCKET
Plaintiff,	No. _____
vs.	HEARING DATE _____
Defendant.	

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the attached copy of the suit papers, YOU MUST complete and detach two of the copies of the attached "Notice of Intention To Appear." One completed copy of the "Notice of Intention to Appear" must be filed or mailed to the Prothonotary's Office, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

within TWENTY (20) days from the date these papers were mailed. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lost 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.

LAWYER REFERRAL SERVICE, The Allegheny County Bar Association
11th Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on _____, _____ *[Insert date and year]* at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

DUTY TO APPEAR AT ARBITRATION HEARING

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.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

(b)

FORM 1320B Notice of Intention to Appear

NOTICE OF INTENTION TO APPEAR

(Three copies required)

To the Plaintiff or the
Plaintiff's Attorney

Case Caption _____
Hearing Date _____

I intend to appear at the hearing scheduled for the above date and defend against the claim made against me.

I do not owe this claim for the following reasons:

I certify that I have mailed a copy of this Notice to the Plaintiff or the Plaintiff's attorney.

Date: _____ Sign here: _____

Address: _____

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 1331 Consumer Credit Transaction.

The agency to be named in any notice required by Pa.R.C.P. 1328(b) and 1329(3)(2) shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue

Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Judicial Administration

Local Rule 1901 Prompt Disposition of Matters; Termination of Inactive Cases – Civil Division Matters Only

AND NOW, pursuant to the suspension of Pa.R.C.P. 230.2 by the Pennsylvania Supreme Court as of April 23, 2014, the Civil Division of the Court of Common Pleas of Allegheny County employs Rule 1901 of the Pennsylvania Rules of Judicial Administration and this local rule of Judicial Administration to terminate on this Court's docket stale claims which appears to have been abandoned or resolved by the parties without notice to the Court.

- (1) At the direction of the District Court Administrator, the Department of Court Records (DCR) shall prepare lists of civil matters that have been dormant for more than two (2) years beginning with the oldest filings.
- (2) Notice of the proposed termination of these cases shall be published in the Pittsburgh Legal Journal. Case listings shall be available at the websites of the Department of Court Records – Civil/Family Division (<http://dcr.alleghenycounty.us>) and the Fifth Judicial District (www.alleghenycourts.us). Further, copies of the lists shall be made available for inspection at the DCR – Civil/Family Division, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and Court Administration, 300 Frick Building, 437 Grant Street, Pittsburgh, PA 15219.
- (3) If no action is taken or no written objection is docketed as to any listed case within thirty (30) days after notice is published, all identified cases will be administratively terminated by an order of court and so reflected on the docket.
- (4) All matters so terminated may not be reinstated except upon written motion to the Calendar Control Judge.

Actions for Support

Local Rule 1910.5 Complaint. Order of Court

- (1) The complaint shall be on a pre-printed form provided by the Intake Office of the Domestic Relations Section of the Court, substantially in the form provided by Rule 1910.26(a).

Local Rule 1910.6 Entry of Appearance.

(1) Any attorney who files and/or serves a legal paper or appears on behalf of a client in any cause of action in Family Division—Adult Section must complete, file, and serve a praecipe for appearance, substantially in the form set forth in (2), identifying the cause or causes of action in which he/she will be acting as counsel and identifying by name the party who the attorney is representing.

(2) Form.

PRAECIPE FOR APPEARANCE

Kindly enter my appearance as counsel for _____

Name of Party* _____

in the above-captioned cases in the following:

- _____ All matters
- _____ Divorce (and all claims raised pursuant thereto) Only
- _____ Support Only
- _____ Custody Only
- _____ Protection From Abuse Only
- _____ Other: _____

Once my appearance is entered, I understand that I must appear at all proceedings and accept service for my client unless I obtain Court permission to withdraw my appearance.

Supreme Court #: _____

Name: _____

Address: _____

Phone #: _____

Date: _____ Signature: _____

* Your client must be identified by name, not solely as Plaintiff or Defendant.

(3) Praecipe of appearance forms shall be available from Domestic Relations Officers, Hearing Officers, Judges’ staff, Room 4020, and the Office of the Prothonotary on the 1st floor of the City-County Building.

(4) The attorney must appear at all Family Division proceedings and receive service

on behalf of his/her client with respect to all causes of action in which the attorney has indicated on the praecipe for appearance he/she is representing his/her client. If the attorney fails to appear, the court may impose sanctions including but not limited to fines and counsel fees.

- (5) Entering an appearance or filing any legal paper in a divorce action obligates the attorney to represent the client in any and all claims or counterclaims which are raised pursuant to the divorce action.
- (6) No pro se motions will be accepted involving a cause of action in which a litigant is represented by counsel.
- (7) Each attorney shall file and serve a praecipe for appearance with respect to each of his/her cases which are pending as of January 1, 2002.

transcript of testimony unless the parties stipulate to the contrary or unless the exceptions are not based on the testimony contained in the record.

- (3) Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed to be waived.
- (4) A legible copy of the Hearing Officer's Recommendations and a copy of the transcript order from or stipulation that the transcript is not necessary or a statement that the exceptions are not based on the testimony contained in the record shall be attached to the exceptions.
 - (i) Exceptions shall be placed on the next available "Support Argument List" occurring more than 13 days after the transcript of testimony and the exceptant's brief are filed with the Exceptions Clerk. The court shall serve notice on all parties of the date and place of the argument. If the respondent files a brief, it shall be filed at least seven calendar days prior to argument, with the Hearing Officer's Secretary in room 616, City-County Building. If cross-exceptions are filed, the cross-exceptant's brief must be filed at least seven calendar days prior to argument and may respond to the first exceptant's brief. The party filing the first exceptant's brief may file a second brief, in response to the cross-exceptant's brief, at least four calendar days prior to argument. No brief for either party shall exceed 10 pages.
 - (j) Exceptions must be scheduled for argument no more than 45 days after exceptions are filed. Failure to schedule will result in an automatic termination of the exceptions on grounds of unreasonable inactivity. The exceptant will not be permitted to reinstate exceptions without written application to the Court for good cause shown.
 - (k) If exceptions are filed to the Recommendation of Hearing Officer recommending that the exceptant be held in contempt, the exceptions shall immediately be placed on the next "Support Argument List" occurring more than five days after the filing of exceptions. The party filing exceptions shall title them "Contempt Exceptions" and serve notice on all other parties, and the court reporter, of the date and time of argument. The court reporter's fees shall be posted and the transcript prepared immediately after exceptions are filed. For purposes of this subsection the exceptant shall file a brief at least three days prior to argument. If the respondent files a brief, it shall be filed at least one day prior to argument.
 - (l) No exceptions may be filed to a recommendation of a Hearing Officer labeled "interim." The interim recommendation shall be entered as a temporary support order pending the entry of a final recommendation and order.

Editor's note: Amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1910.15 Paternity. [Rescinded]

Note: Procedure for obtaining genetic testing is set forth in Pa.R.C.P. 1910.15.

Local Rule 1910.19 Support Order. Modification. Termination.

(c)*(1) The following procedure shall be used to modify or terminate an existing support order:

- (A) Where there is a material and substantial change of circumstances, any party may schedule before the domestic relations counselor a conference to request an increase, reduction, modification, or suspension of an award. Both parties and their counsel shall attend this conference. If an agreement is not reached at the conference, the counselor may schedule the matter for a hearing before a Hearing Officer, which shall be conducted in accordance with the procedures set forth in Rule 1910.12.
- (B) The Hearing Officer may recommend the modification or termination of the existing order in any appropriate manner based on the evidence presented.

Action for Custody, Partial Custody and Visitation of Minor Children**Local Rule 1915.1(a)(1) Scope.**

This rule shall be applicable to all actions for custody, partial custody and visitation whether filed as an independent cause of action or as a count in a related proceeding.

- i. All individuals with standing to pursue an action for custody, partial custody or visitation with children from birth to age 17 shall complete the custody education program for adults.
- ii. All children ages 6 to 15 who are in the care of a party or parties shall participate in an interactive group program for children.
- iii. Parties also shall participate in the mediation orientation program. Additionally, step-parents, step-children, grandparents and others closely involved with the custody of children may also participate in the education programs, upon consent of the parties.

Local Rule 1915.1(b) Definitions.

- i. "Generations" means the education programs for adults and children, the mediation orientation program operated by the Allegheny County Family Division pursuant to 23 Pa.C.S. 3901-3904. The "Generations Center" is located at Suite 400, 4th Floor, Allegheny Building, Pittsburgh, Pennsylvania, 15219, telephone (412) 350-4311, and serves as the Family Division Administrative Office for the Generations Program.
- ii. "Generations education" means the custody education program for adults pursuing claims for custody and the interactive education program for children ages 6 to 15.
- iii. "Generations Mediation Orientation" means the custody mediation program for adults pursuing claims for custody.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Rule 1915.3(b)*(1) Scheduling of Hearing Date

Editor's note: Rescinded April 2, 1998, effective May 25, 1998.

Rule 1915.3(c) Commencement of Action.
Complaint. Waiver. Fees. Refunds

- i. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, shared custody, partial custody or visitation, or any other court papers seeking to initiate or reinstate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to the Generations Center. The Center shall immediately provide the moving party with an order of court ("Scheduling Order") setting forth the dates when the adults and children shall attend the education programs and Mediation Orientation, a Domestic Violence Waiver Form, and program descriptions. The Scheduling Order shall also specify the location for the adult and children's educational programs. The Mediation Orientation shall always take place in the "Center." This Scheduling Order is then attached to the original complaint or petition for filing.
- ii. Any custody matter in which there has been no activity, as reflected by the docket, for 120 days shall be deemed a new action for purposes of this rule.
- iii. Parties to an action to modify or enforce a final order of court for custody, partial custody or visitation, as well as parties to an action deemed to be new, must complete the Generations program, if they have not already done so, before they will be permitted to praecipe for any proceeding before the court.
- iv. Notwithstanding the parties previous completion of the Generations program, all parties to actions referenced in (iii) of this local rule shall be required to participate in another mediation orientation, as provided by these rules, before they will be permitted to praecipe for any proceeding before the court.
- v. Prior to the filing of any divorce complaint containing a count for custody or any complaint for custody, partial custody or visitation, or any other court papers seeking to initiate any proceeding to compel, modify, terminate or otherwise affect contact between children and parties, the moving party shall deliver the original of the court paper initiating the custody action to the Generations Center. The Center shall immediately provide the moving party with an order ("Scheduling Order") setting forth the dates and times when the parties and children shall attend Lighthouse, Sandcastles, Generations Mediation/Orientation (the "Programs"), a Domestic Violence Waiver form and program descriptions. The Scheduling Order shall also specify the location for the adult and children's educational programs, Lighthouse and/or Sandcastles. The mediation program, Generations, shall always take place in

- the “Center.” This Scheduling Order is then attached to the original complaint or petition for filing.
- vi. Within six days of filing, the moving party shall provide the Center with a time-stamped copy of the court paper initiating the action and the Scheduling Order.
 - vii. The moving party shall be solely responsible for insuring that any court paper filed during this process is filed at the same docket number as any previously filed Family Division action involving the same parties, or if necessary, to consolidate separate cases under the oldest number.
 - viii. No party shall be compelled to attend any portion of these Programs with the opposing party, or to participate in the mediation orientation, in cases where either party, or a child or either party, is or has been the subject of domestic violence or child abuse allegedly perpetrated by the opposing party at any time within the past 24 months. In such cases, appropriate arrangements for separate sessions for the education programs should be made with the Center. The Center shall also be notified personally or by mail through the use of a domestic violence waiver form that the victim of abuse elects not to attend the mediation orientation session. The opposing party shall have the opportunity to contest the cancellation of the mediation orientation through Motions Court. If mediation does not occur, the case will be set down promptly for a custody/partial custody conciliation before a Domestic Relations Officer.
 - ix. All other requests to waive attendance at any portion of the Programs will require an order of court which may be sought through Motions Court. Waivers will be granted only in exigent circumstances. The moving party shall be responsible for filing any order entered in response to such request, and for service upon the Generations Center and the opposing party.
 - x. All moving parties who are required to participate in the education and mediation orientation shall pay all fees required for those Programs.
 - xi. The moving party shall pay all of his or her fees for the education and mediation orientation programs prior to receiving a Scheduling Order.
 - xii. Upon receipt of the Scheduling Order, the responding party shall pay fees seven days prior to the scheduled session.
 - xiii. The fee for adult education is \$40 for each party. The fee for children’s education is \$30 for each child. Each party shall pay one-half of each child’s total fee. The fees for education shall be payable to the Allegheny County Treasurer by certified check or money order. No cash or personal checks will be accepted.

- xiv. The fee for mediation orientation shall be \$100 for each party. The fee for mediation orientation shall be made payable to the Allegheny County Treasurer by cashiers' check or money order. No cash or personal checks will be accepted.
- xv. Under exigent circumstances, the court will consider waiver, reduction or assessment of fees to the other party for those unable to pay. Any such request must be presented through Motions Court and must be accompanied by a verified affidavit of indigence or other proof of economic hardship in accordance with Pa.R.C.P. 240 and 1920.62.
- xvi. Under no circumstances will any party or child be permitted to participate in any of the Programs absent timely payment of fees.
- xvii. In accordance with the Generations Program Description and Instruction Package, which are available at the Generations Center, fees for the education/mediation program are non-refundable with the following exceptions:
 - a. The parties are excused from participation in mediation orientation because a Domestic Violence Waiver has been filed by either or both parties.
 - b. A signed Custody Consent Order is filed and served on the Generations Center seven days before the scheduled education program or the scheduled mediation orientation.
 - c. Petitioner withdraws the pleadings seven days prior to the scheduled education or mediation orientation.
 - d. Respondent's fees are refunded when Petitioner fails to appear for education and/or mediation.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.3(d) Confirmation of Custody

- i. An order confirming custody to formalize a de facto custody arrangement to which there is no contest or opposition may be established through this Court's Motion Court procedure for represented and unrepresented parties.
- ii. Any party(ies) may seek confirmation of their current arrangement as a legal and/or physical custody of any child(ren) as follows:
 - a. A Complaint for Custody must be prepared properly in accordance with Pa.R.C.P. 1915.3 and 1915.15. All of the information required by Rule 1915.15 must be provided. Additionally, a copy of the most recent custody order relating to the child or children must be attached, if any exists.
 - b. All parties must be served in accordance with Pa.R.C.P. 1930.4 with movant's Complaint for Confirmation of Custody together with the exhibits. The complaint is deemed filed when notice of its presentation is given.
 - c. All parties are to be provided seven days notice of the date and time of presentation of movant's petition.

- d. If no party appears to oppose movant's petition, the court will grant interim relief confirming custody in movant without prejudice to any party's right to seek reconsideration or modification at any time.
- e. If this court has granted such relief, the prothonotary shall accept for filing the Complaint for Custody without a Scheduling Order from the Generations Center if the Complaint for Custody is accompanied by the Petition of Confirmation of Custody together with exhibits and a signed Order of Court confirming Custody in the movant. Filing fees charged by this Court's prothonotary for the Complaint for Custody and any other document in reference therein, must be paid unless the party has sought waiver of the fees through the court's established procedure to secure an in forma pauperis status.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.3(e) Grandparents. Third Parties.

- i. A grandparent who wishes to pursue custody or partial custody should refer to eh statutory provisions found in 23 Pa.C.S. 5311-5314, and should carefully review these provisions to ensure that he or she has standing to bring an action.
- ii. The partial custody claims of grandparents or other third party shall not be scheduled for education, mediation or for a conference/hearing without an Order from a Family Division judge though regular or pro se motions. Grandparents/third parties who are not represented by an attorney may obtain assistance on how to prepare, serve, and file a motion if they meet financial eligibility requirements from the pro se volunteer attorney program

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.4(a) Service. Rescheduling.

- i. The moving party shall be solely responsible for serving the responding party(ies) with true and correct copies of the court's papers initiating the custody action, the Scheduling Order, the Domestic Violence Waiver and the Program descriptions within five days of the date of the Scheduling Order.
- ii. The moving party shall also file a Proof of Service indicating the date, time and manner of such service with the court's prothonotary and the Generations Center.
- iii. Rescheduling of the education seminar date and/or time for any of the Programs should be sought only when necessary.
- iv. No case will be rescheduled for a date longer than 70 days after the issuance of the Scheduling Order, except upon order of court, which shall be granted only in exigent

circumstances. Requests to reschedule a date after expiration of the 70 days should be made through Family Division's motions court.

- v. Any party seeking to reschedule the education sessions must contact the Center at 412-350-4311 to determine available dates
- vi. Any party seeking to reschedule the Generations mediation session must seek rescheduling through Motions Court.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Rule 1915.4-3

Orientation. Mediation. Confidentiality. Mediator. Qualifications. Conciliation. Psychological Evaluation and Home Study.

- i. Mediators shall have a college degree and either an advanced degree or equivalent experience. Additionally, all mediators without exception shall take a basic 40-hour domestic mediation training seminar conducted by trainers who have been approved by the American Academy of Family Mediators and a basic domestic violence training seminar which has been approved by the American Academy of Family Mediators. All mediators shall carry liability insurance. Mediators shall adhere to the standards of practice adopted by the American Academy of Family Mediators and the American Bar Association.
 - a. If at any time prior to or during any mediation session, it becomes apparent to the mediator or parties that the mediator has an actual conflict, the mediation shall be discontinued immediately, and a new mediator shall be assigned.
 - b. No one shall act as a mediator if he or she has provided legal representation, counseling or therapy for the parties or children. Subsequent to the mediation, no mediator shall act as legal counsel or as a therapist or expert for parties who took part in the mediation or children who were the subject thereof.
- ii. All mediation conducted through Generations shall be "closed." Accordingly, the contents of such mediation shall be confidential. If both parties provide written consents, mediators may, but shall not be required, to discuss such contents with counsel or others. Disclosure by the mediator of anything learned during the mediation process shall be controlled by 42 Pa.C.S. 5949.
- iii. No one except the parties shall be permitted in the Generations Center's office at the time set for mediation.
- iv. At the conclusion of the mediation session, if an agreement is reached, the mediator shall write a Memorandum of Understanding ("Memorandum"). The Memorandum

- shall not be legally binding upon the parties. Should parties have counsel, they shall be referred to counsel to reduce the Memorandum to a Parenting Agreement and/or Order of Court. Should parties not have counsel, they shall be referred to the Allegheny County Bar Association Lawyer Referral Service (“Lawyer Referral”). Lawyer Referral shall provide each party with the name of an attorney who has agreed to represent the party. Such counsel shall reduce the Memorandum to a mutually agreeable Parenting Agreement and/or order of court for a flat fee of \$100 per party. Counsel shall be responsible for no other action on behalf of the party and need not enter an appearance with this Court.
- v. In the event no resolution results from the mediation, the parties may consent to continue to mediate with the same mediator, or by consent the parties may choose a different Generations mediator. Up to an additional six hours of mediation may be scheduled for a fee of \$100 per hour at \$50 per party. Absent consent to an alternative arrangement or Order of Court, each party shall be responsible for their own fee.
 - vi. If at any time during these six additional hours of mediation the parties are able to reach a Memorandum of Understanding, which, in turn, is reduced to a Parenting Agreement and/or Order of Court, or should the mediator in his or her sole discretion declare that the mediation is at a permanent and irrevocable impasse and should be terminated, the mediator shall refund to each party \$50 for each full hour not used during the mediation.
 - vii. Parties who elect to litigate the custody issue shall be required to present a praecipe to schedule a conciliation with on to the court’s custody Domestic Relations Officers (“DROs”). This praecipe must be presented to eh Generations Center and must have a copy of the certificate of completion of mediation attached.
 - viii. Partial custody establishments, modification and contempts which are not settled by the DROs will be listed for hearing.
 - ix. Custody cases which are not resolved by the DROs may be referred by the DRO for psychological evaluations. After the evaluation is completed, the parties may praecipe for conciliation before a judge.
 - x. Parties who did no elect to pursue litigation at the completion of their mandatory mediation orientation session and who subsequently determine that they may need to return to litigation, may obtain by filing a praecipe, a copy of the certificate of completion of mediation, and a copy of the underlying pleading with the Generations Center.
 - xi. Parties who have never been though the Programs and wish to proceed directly to conciliation must obtain an order permitting them to do so from the judge in either regular or pro se motions.

- xii. Where the parties have gone to education but not to mediation (i.e. because the mediation was canceled because the parties had a consent order, or the parties were previously waived from mediation by a judge and a court order was issued following conciliation/hearing, etc.) the case will automatically be scheduled for mediation orientation only, and the petitioner will be provided an appropriate Scheduling Order. Petitioner and Respondent will pay fees as stated above in the usual case.
- xiii. For parties who attended mediation orientation more than one year ago, whether they now have a new action (i.e., the case that initially brought them to mediation was establishment and now they seek modification or enforcement) or they need to resolve finally the action that originally brought them to mediation orientation (i.e., they initially mediated the issue of establishment but never turned the memorandum into a consent order), they will automatically be scheduled for mediation orientation as set forth above.
- xiv. For parties who attended mediation orientation less than one year ago, they may file a praecipe for conciliation and proceed through the court process.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.9(a) Pre-Trial Procedures.

- i. Preliminary objections shall be argued in conformity with Local Rule 1930(b).
- ii. Pre-Trial Statements
 - a. In all actions for full and partial custody, the parties shall be in conformity with the pre-trial order issued by the assigned judge.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.12(a)(1) Civil Contempt for Disobedience of Custody Order, Petition, Service, Order.

- i. The agency to be named in the notice accompanying a petition for civil contempt shall be:

Lawyer Referral Service
 920 City-County Building
 Pittsburgh, PA 15219
 Telephone: (412) 261-0518

Editor's note: Original Rule 1915.12(a)*1 adopted March 5, 1982. Current rule promulgated April 2, 1998, effective May 25, 1998.

Local Rule 1915.14(a) Noncompliance. Contempt. Arrest.

- i. If the moving party fails to pay fees as specified, fails to appear for education and/or mediation orientation or fails to insure that any child within their physical custody appears for education, the custody action shall be dismissed without prejudice, and any fees paid by the moving party shall be forfeited.
- ii. If the non-moving party fails to pay fees as specified, fails to appear for education and/or mediation orientation or fails to insure that any child within their physical custody appears for education, an immediate rule to show cause why the non-moving party should not be held in contempt shall issue from this court. Such rule will be returnable on a date certain within 14 days.

Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.15(a)(1) Form of Complaint. Caption. Order.

- i. The agency to be named in the Order of Court accompanying the complaint shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's note: Former local rule 1915.15(a)(1) rescinded and new local rule 1915.15(a)(1) adopted October 17, 2006, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.16(c) Form of Order and Notice, Joinder Intervention.

- i. The agency to be named in the Order of Court and notice under this rule shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's note: Former local rule 1915.16(c) rescinded and new local rule 1915.16(c) adopted October 17, 2006, effective 30 days after publication in the Pennsylvania Bulletin.

Local Rule 1915.17**Appointment of Parenting Coordinator.**

- (a) In cases involving repeated or intractable conflict affecting implementation of a Final Custody Agreement, Parenting Plan or Order, concerning custodial parenting time or responsibility, the Court may, on the application of either party or its own motion, appoint a Parenting Coordinator to assist the parties in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order and in resolving related parenting issues about which they do not agree. Appointment of a Parenting Coordinator shall occur when this Court concludes that such action serves the best interests of the child(ren).
- (b) The Parenting Coordinator shall discuss relevant parenting issues with both parties and other persons as needed, and shall attempt to facilitate a mutually accepted resolution.
- (c) If the parties are unable to resolve the issue(s), the Parenting Coordinator is authorized (but is not required) to decide the issue.
- (d) The Parenting Coordinator has the authority to decide issues concerning partial physical custody and visitation to the extent set forth in the Custody Agreement/Parenting Plan/Order appointing the Parenting Coordinator. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority:
 - a. A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;
 - b. A change in primary physical custody (residential parenting time) as set forth in the Custody Agreement/Parenting Plan/Order;
 - c. A change in the court-ordered custody schedule (parenting time) that substantially reduces or expands the child(ren)'s time with one or both parents;
 - d. A change in the geographic residence of the child(ren)'s (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;
 - e. Determination of financial issues, other than allocation of the Parenting Coordinator's fees.

The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon written agreement of the parties

- (e) The Parenting Coordinator shall be either:
 - a. A licensed mental health professional with a master's degree (or equivalent or higher degree) who has practiced at least 5 years; or
 - b. A licensed attorney practicing family law for at least 5 years.
- (f) The Parenting Coordinator's qualifications shall include, at a minimum:
 - a. Training or expertise in family dynamics, childhood development, custody, separation and divorce; and
 - b. Training in the parenting coordination process and family law as established by the Pennsylvania Supreme Court; and
 - c. Forty hours of mediation training under Pa.R.C.P. 1940.4, excluding mediation supervision under Pa.R.C.P. 1940.4(a)(4); and
 - d. Completion of at least ten continuing education credits in any topic related to Parenting Coordination in each two year period.
- (g) Protocols for the Parenting Coordination process shall be set forth in the Order appointing the Parenting Coordinator and/or by separate agreement between the parties and the Parenting Coordinator. In cases where abuse (as defined under 23 Pa.C.S. 6102) is alleged, the protocols should include measures for the safety and protection of the participants, unless the Court deems the measures unnecessary.
- (h) A Court-appointed Parenting Coordinator is an officer of the Court, and has quasi-judicial immunity.
- (i) Communications with the Parenting Coordinator are not confidential
- (j) The Parenting Coordinator's decisions may be provided to the parties verbally, but shall be communicated in writing as soon as practicable and filed in the prothonotary's office at the parties' custody docket.
- (k) Decisions made by the Parenting Coordinator shall be binding upon the parties pending further Order of Court.
- (l) Any party seeking judicial review of the Parenting Coordinator's decision must file a Petition for de novo hearing within 20 days of the filing of the decision stating specifically the issue(s) to be reviewed and attaching a copy of the decision. The Petition must be served on the other party(ies) and the Parenting Coordinator, in accordance with the Rules of Civil Procedure. The hearing before the Court shall be de novo. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Tule 1915.4.

- (m) The parties shall share the cost of the Parenting Coordinator pursuant to the parties' respective financial circumstances or as the Parenting Coordinator or Court may otherwise direct.
- (n) In allocating costs, the Parenting Coordinator or Court may consider whether one party has caused a disproportionate need for the services of the Parenting Coordinator.
- (o) In review proceedings under subsection (l), the Court may elect to impose counsel fees and/or the Parenting Coordinator's fees upon the non-prevailing party, upon cause shown.
- (p) The Court may maintain a roster of individuals it deems qualified to serve as Parenting Coordinators, and may establish training and grievance procedures if it deems them appropriate.
- (q) The Order entered pursuant to this Rule shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS
 _____, COUNTY, PENNSYLVANIA

Plaintiff	:		
	:		
vs.	:		:
	:	NO. _____	
Defendant	:		
	:		

CIVIL ACTION---CUSTODY
 [AGREEMENT, PARENTING PLAN AND] ORDER
 FOR PARENTING COORDINATION

AND NOW, [the above-captioned Parties agreeing and] the Court finding that it is in the best interest of the child(ren), [NAMES OF CHILDREN, DOB] that a Parenting Coordinator be appointed to assist in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order dated _____ and in resolving related parenting issues about which they do not agree, the following is [STIPULATED AND] ORDERED.

1. APPOINTMENT AND TERM:

_____ is appointed as the Parties' Parenting Coordinator for a term of [___] months, or until the resignation of the Parenting Coordinator or termination of the appointment by the Court, whichever occurs first. The Parenting Coordinator's Terms of Engagement are attached hereto and are incorporated into this [Custody

Agreement/Parenting Plan/Order]. The Court shall have authority to sanction a party for non-compliance with the Parenting Coordinator's Terms of Engagement.

Legal counsel for _____[or either party, if pro-se] shall provide copies of all Orders, Pleadings and Custody Evaluations in this case to the Parenting Coordinator within ten (10) days of the date hereof.

2. ROLE OF THE APRENTING COORDINAOR

A. Parenting Coordination involves two components:

- 1) The Parenting Coordinator shall attempt to resolve issues arising out of the custody order/court approved agreement/parenting plan through facilitation, mediation, consultation, coaching and education, all of which are non-decision-making functions;
- 2) If it is apparent to the Parenting Coordinator that the continued similar efforts are unlikely to resolve the issue(s), the Parenting Coordinator shall have the authority to resolve the dispute by providing a Decision for the parties on the issue(s).

B. The Parenting Coordinator will not function as the psychotherapist, counselor, attorney or advocate for the parties, or the parties' child(ren), or family. However, the Parenting Coordinator is permitted and encouraged to facilitate communication and agreement between the parties whenever possible, and shall always act in a manner conducive to the best interests of the child(ren).

3. PARENTING COORDINATOR'S AUTHORITY

The Parenting Coordinator, in order to implement the custodial arrangement set forth in the custody agreement/parenting plan/order and resolve related issues about which they do not agree, is authorized to make decisions about issues that may include, but are not limited to, the following:

- A. Dates, times, places and conditions for transitions between households;
- B. Temporary variation from the schedule for a special event or particular circumstance;
- C. Minor adjustments to the physical custody schedule as set forth in the Custody Order/Agreement/Parenting Plan;
- D. School issues, apart from school selection;
- E. Child[ren]'s participation in recreation, enrichment, and extracurricular activities, programs travel;
- F. Child care arrangements
- G. Clothing, equipment, toys and personal possessions of the child[ren];
- H. Behavioral management of the child[ren];
- I. Information exchange (school, health, social, etc.) and communication with or about the child[ren];

- J. Coordination of existing or court-ordered services for either of the parties or child[ren] (e.g. Psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management, parenting classes, etc.);
- K. Other related custody issues that the parties mutually agree, in writing, to submit to the Parenting Coordinator.

4. EXCLUSIONS FROM PARENTING COORDINATOR'S AUTHORITY:

A. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority, except as provided in subparagraph (B) hereinbelow:

- 1) A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;
- 2) A change in primary physical custody (residential parenting time) set forth in the Custody Agreement/Parenting Plan/Order;
- 3) A change in the Court-ordered custody schedule (parenting time) that substantially reduces or expands the child[ren]'s time with one or both parties;
- 4) A change in the geographic residence of the child[ren]'s (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;
- 5) Determination of financial issues, other than allocation of the Parenting Coordinator's fees;
- 6) Other: _____.

B. The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon the written agreement of the parties.

5. NON-CONFIDENTIALITY OF COMMUNICATIONS:

No communications of the parties and/or their lawyers with the Parenting Coordinator are confidential. The Parenting Coordinator may communicate in writing with the Court regarding any matter, and shall send contemporaneous copies of any such communications to [the parties (if pro se)] legal counsel.

6. SOURCES OF INFORMATION:

Each party shall provide the Parenting Coordinator with all information that the Parenting Coordinator requests, including signed HIPPA releases and other forms requested. The Parenting Coordinator is authorized to contact any professional or other individual as the Parenting Coordinator deems necessary (e.g. the children, therapists, physicians, childcare providers, teachers, family members, etc.).

7. COMMUNICATION WITH THE PARENTING COORDINATOR:

A. Protocol:

The Parenting Coordinator shall determine the protocol of all communications, interviews, and sessions, including who shall or may attend the sessions (including the children), and whether the sessions will be conducted in person or by other means. Where domestic violence or abuse, as defined under 23 Pa.C.S. 6102, is alleged, the protocols should include measures addressing the safety of all participants, unless the Court deems the measures unnecessary.

B. Oral or Written Communications With the Parenting Coordinator

The parties and their attorneys shall have the right to receive, but not to initiate, oral ex-parte (one-sided) communications from the Parenting, but the fact of such communication shall be known to the other party. Any party or legal counsel may communicate in writing with the Parenting Coordinator provided a copy is sent to the other party simultaneously. Any documents, tape recordings or other material which one party gives to the Parenting Coordinator must also be made available to the other party or his/her legal counsel for inspection and copying. In accordance with paragraph 5 hereinabove, no such communications are confidential.

C. Written Communications Between Parenting Coordinator and Appointing Judge

- (1) The Parenting Coordinator will have the ability to initiate written communication with the Appointing Judge, and shall contemporaneously send copies to both attorneys
 - (a) in the event of non-compliance of a party with any provision of the Appointment Order (including provisions relating to the compensation of the Parenting Coordinator); and/or
 - (b) detailing the Parenting Coordinator's reasons for withdrawing from service in this case.
- (2) Absent an emergency affecting the child[ren]'s health or welfare, any communication from the Parenting Coordinator to the court shall be in writing, and shall be copied simultaneously to the parties (or, if represented, counsel). If the Parenting Coordinator has communicated only orally with the Court on an emergency basis, the Parenting Coordinator promptly shall communicate to the parties (or, if represented, counsel) in writing the substance of the oral communication.

8. PARENTING COORDINATION DECISION-MAKING PROCESS

- A. Prior to the Parenting Coordinator making a Decision, the Parenting Coordinator shall provide a notice and opportunity for each of the parties to be heard, unless exigent circumstances render contact with both parties impracticable or

potentially dangerous to a party and/or the child[ren]. In the event a party is given advance written notice of a session but does not attend, the Parenting Coordinator may make a Decision despite that party's absence.

B. Decisions:

- 1) The Parenting Coordinator's Decisions may be communicated to the parties orally, but must be confirmed in writing as soon as practicable and filed in the prothonotary's office at the parties' above captioned custody docket;
- 2) The Parenting Coordinator's Decision shall be binding upon the parties unless and until revised by Court Order.

9. JUDICIAL REVIEW:

A. Review of Decisions:

Any party seeking judicial review of a Parenting Coordinator's Decision must file a Petition for a de novo hearing within 20 days of the filing of the Decision, specifically stating the issue(s) and attaching a copy of the Decision. The Petition must be served on the other party(ies) and Parenting Coordinator in accordance with the Rules of Civil Procedure. The hearing before the Court shall be de novo. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Rule 1915.4.

B. New Court Proceedings:

Prior to filing any new motions, petition or complaint with the Court involving non-emergency custody or parenting of the child[ren] within the scope of the Parenting Coordinator's authority, the parties shall participate in no fewer than two sessions with the Parenting Coordinator to attempt resolution of the specific disputed issue[s] (and to permit a Decision to be made to the extent authorized by paragraph 3 hereinabove).

- C. The procedures set forth in this Section 9 are mandatory, and may not be waived by the parties.

10. QUASI-JUDICIAL IMMUNITY

In accordance with Pa.R.C.P. 1915.17, the Court-appointed Parenting Coordinator is an Officer of the Court, and has quasi-judicial immunity. As such the Parenting Coordinator cannot be sued based on his/her actions performed within the scope of this [Custody Agreement/Parenting Plan/Order].

11. CHILD ABUSE REPORTING:

The Parenting Coordinator is a person required to report suspected child abuse pursuant to 23 Pa.C.S.A. 6311.

12. TESTIMONY:

The Parenting Coordinator cannot be compelled to testify in any proceeding absent a Court Order. In the event the Parenting Coordinator elects or is required to testify, he/she shall be compensated commensurate with his/her rate by one or both of the parties as the Court deems appropriate.

13. ALLOCATION OF FEES:

The parties will share the obligation to pay the fees of the Parenting Coordinator: _____% Mother, _____% Father. Fees may be reallocated by the Court or the Parenting Coordinator if he/she determines that one party has disproportionately caused the need for the service. The Parenting Coordinator may, in his/her discretion charge parties for missed sessions or sessions cancelled less than 24 hours prior to the scheduled session.

14. TERMINATION/WITHDRAWAL OF PARENTIN COORDINATOR

- A. Neither party may unilaterally terminate the Parenting Coordinator's services without Court approval, nor may the parties do so by mutual agreement without Court approval.
- B. The Parenting Coordinator may withdraw from service at any time, upon ten days written notice to [the parties], all counsel of record, and the Court.
- C. Dissatisfactions with the Parenting Coordinator's Decisions is not grounds for termination. The opposing party and Parenting Coordinator shall be given notice of any petition for termination. The court may rule on the petitions[s] submitted, or may schedule argument or an evidentiary hearing.

15. ACCEPTANCE

- A. The parties acknowledge that each has reviewed this agreement and had the opportunity to consult with legal counsel.
- B. Each party agrees that the appointment of _____ as Parenting Coordinator, and agrees to fully cooperate with the Parenting Coordinator in compliance with this Custody Agreement/Parenting Plan/Order.

16. This Custody Agreement, Parenting Plan/Order shall not be effective until accepted by the Parenting Coordinator as evidenced by his/her/ signature below:

[SIGNATURES]

Mother:

Father:

Date: _____

Date: _____

Attorney for Mother:

Attorney for Father:

Other Party (if any):

Date: _____

I agree to my appointment as the Parenting Coordinator for the parties as set forth above.

Date

Parenting Coordinator

ORDER

[The above Agreement is entered as a Court Order]

SO ORDERED.
BY THE COURT:

_____, Judge

Distribution:

Plaintiff [Attorney for Plaintiff]:

Defendant [Attorney for Defendant]:

Parenting Coordinator:

**Action of Divorce or for
Annulment of Marriage
Complaint. Contents and Filing.**

Local Rule 1920.12

(a) The Complaint

- (1) The plaintiff in the complaint and the defendant in the answer, counterclaim or other petition shall set forth each claim as a separate count.
- (2) If a claim is made by either party to the action for custody, partial custody, or visitation, the relevant count in the pleading must comply with the requirements of the applicable rules.
- (3) If a claim is made by either party to the action for alimony pendente lite, alimony, or support, the party shall attach to the pleading as an exhibit the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet. These sheets may be obtained from the Intake Office or the Screening Window in the Family Division.

(b) Filing the Complaint.

- (1) All divorce and annulment complaints shall be filed and the filing fee paid in the Prothonotary's Office (Suite 200, Allegheny Building) where they will be assigned a docket number. The number given to the divorce will also be assigned to any other claim contained in the divorce complaint or other pleadings subsequently filed in this action. If there is a prior action between the parties, the case shall be docketed in conformity with Local Rule 1930(f).
- (2) A party filing any secondary pleading to the divorce action (answer, counterclaim or other petition) shall file such pleadings at the Family Division Prothonotary on the second floor of the Allegheny Building, 429 Forbes Avenue.
- (3) If the divorce proceeding includes a claim for support, alimony pendente lite or counsel fees, any party seeking a conference/hearing on said claim shall file a praecipe at the screening window in Family Division requesting that a conference/hearing date be scheduled and further stating that there is no existing order of support and/or alimony pendente lite providing for the support of a spouse. The party seeking the conference/hearing shall provide a copy of the pleading raising the claim for support, alimony pendente lite or counsel fees and the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet to the clerk at the screening window at the time the praecipe for conference/hearing is filed. Where there is an existing order for support and/or alimony pendente lite providing for the support of a spouse, a hearing will be scheduled only pursuant to an order of court obtained by following the procedures required for filing motions at Family Division Motions Court as provided in Local Rule 1930(a).

Local Rule 1920.33**Joinder of Related Claims. Distribution of Property. Resolution of Claims for Equitable Distribution of Marital Property and Alimony.****(a) Scheduling Conciliations for Contested Claims Raised Under §§3301 and 3701 of the Divorce Code.**

- (1) A conciliation before the court shall be scheduled where either party has raised the claim of alimony and/or equitable distribution of marital property that is contested by the opposing party and (1) the parties are divorced, have both filed affidavits of consent pursuant to 23 Pa.C.S. §3301(c) or have been living separate and apart for two years and (2) there is compliance with the requirements of subpart B of this local rule. If both alimony and equitable distribution are raised, they shall be conciliated together.

Note: If either party has an outstanding claim for counsel fees, that claim must also be raised at the conciliation. Any outstanding claim for counsel fees that is not included in a final court order covering the alimony and equitable distribution claims shall be deemed to be denied by the court in the absence of specific language to the contrary.

- (2) No conciliation shall be scheduled until both parties have complied with Rules 1920.31(a) and 1920.33(a) of the Pennsylvania Rules of Civil Procedure relating to the filing of an inventory and appraisal and income and expense statements. If alimony is the only claim before the court, only Rule 1920.31(a) need be complied with.
- (3) Once both parties have complied with subparts A and B of this Local Rule, either party may schedule the conciliation pursuant to Local Rule 1930(c).
- (4) The party scheduling the conciliation shall notify the opposing party of the conciliation date.
- (5) In the absence of compelling circumstances, all parties shall be present for the conciliation; however, upon written agreement between counsel for the parties (where counsel believes appearance by the parties would not be fruitful or necessary) parties may be excused from attendance at the first conciliation.

(b) Action to be Taken Where a Party Fails to Comply with Rules 1920.31(a) or 1920.33(a).

- (1) On praecipe of any party who has complied with Rules 1920.31(a) and 1920.33(a), a rule shall be entered upon a non-complying party to file the inventory and appraisal and/or a statement of income and expense within 30 days of the service of the rule.
- (i) The praecipe.

- a. The praecipe shall be prepared substantially in the following form: “The plaintiff/defendant has complied fully with Rules 1920.31(a) and/or 1920.33(a) and the opposing party has failed to do so. Plaintiff/Defendant therefore, requests that a rule be entered directing compliance with Rules 1920.31(a) and/or 1920.33(a) within 30 days of the date of the service of the rule.”
 - (ii) The praecipe shall be filed in the Administrative Office of Family Division. The party filing the praecipe is responsible for serving copy of the rule on the opposing party.
 - (2) If it is necessary for the court subsequently to issue an order directing compliance with Rules 1920.31(a) and/or 1920.33(a), such order shall, in the absence of compelling circumstances, contain, inter alia, a provision for payment of counsel fees and costs to the moving party.
- (c) Scheduling Hearings for Uncontested Claims Raised Under Sections 3501 and 3701 of the Divorce Code.**
- (1) Where a party has raised claims for alimony and/or equitable distribution of marital property and has reasonable grounds to anticipate that the opposing party does not intend to appear at any conciliation or court hearing to contest these claims, the claims shall be scheduled for a hearing before the court.
 - (2) A hearing is scheduled by filing a praecipe with the Family Division Docket Clerk. The praecipe shall allege that the party filing the praecipe believes that the claims will not be contested by the opposing party.
 - (3) The party filing the praecipe is responsible for serving the opposing party with the notice of the hearings before the court. This hearing notice shall also contain a statement to the opposing party as to exactly what relief is sought as well as a copy of the proposed order required by paragraph (E) below.
 - (1) Service of this notice of hearing and proposed order shall be made in accordance with Rule 1920.51.
 - (4) Prior to filing the praecipe, a party must have complied with Rules 1920.31(a) and 1920.33(a) of the Pennsylvania Rules of Civil Procedure.
 - (5) [Rescinded January 5, 1996, effective February 26, 1996.]
 - (6) At the uncontested hearing, the court shall hear only the essential facts required to enter an order. If the opposing party appears to contest the claim, the hearing shall be discontinued and the case shall proceed under Part I of this Local Rule.

Note: the purpose of Part III of this rule is to deal with claims of alimony and/or property distribution where no consent can be obtained but there also appears to be no contest. It is contemplated that the Court will be able to expeditiously deal with these cases particularly where property is minimal or where only a nominal alimony order is sought.

(d) Court Approved Settlements

- (1) Where parties have reached an agreement on the issues of alimony and/or equitable distribution of marital property, and where court approval of the agreement is desired, the agreement shall be included with the proposed divorce decree. The agreement shall be signed by all parties and/or their counsel.

Local Rule 1920.42

**Affidavit and Decree Under Section
3301(c) or 3301(d) of the Divorce
Code. Obtaining Decrees.**

- (a) If a complaint and the 3301(d) affidavit have been filed under Section 3301(d) of the Divorce Code and 20 days have passed from service of the 3301(d) affidavit have elapsed¹ and the responding party has not filed a contested responsive pleading within 20 days of service of the affidavit, the moving party shall mail to the responding party's current address or otherwise deliver to the responding party a Notice of Intention as required by Pa.R.C.P. 1290.42(c) giving the responding party 20 additional days in which to deny these allegations. The 20 additional days to be given the responding party in the Notice of Intention begins to run on the date on which the notice is mailed or delivered. Registered or certified mail is not required. The moving party shall insert in the notice a date on which the court is in session that is at least 20 days from the date of mailing or delivery.
- (b) If the responding party has not responded to the additional notice of intention, the court, on praecipe in the form prescribed by rule 1920.73, will review the complaint and the 3301(d) affidavit and, if appropriate enter a final decree. An affidavit of service shall be filed for both the 3301(d) complaint and the 3301(d) affidavit. However, only on affidavit of service is necessary if the complaint and the 3301(d) affidavit were served at the same time.
- (c) In all cases the moving party is responsible for submitting a proposed decree in the form required by Pa.R.C.P. 1920.76 prior to court review of the divorce claim.
- (d) Scheduling a Conciliation Before the Court Under Section 3301(d) (1)(iii).
- (A) Where the responding party has denied one or more of the allegations set forth in the moving party's affidavit under Section 3301(d) of the Code, either party may obtain a date for conciliation of the divorce claim from the docket clerk, Room 611, City-County Building, and then filing a "Praecipe for Conciliation Date" listing such date

¹ Coforms to amended State Rule 1920.42*(d)(1) effective January 1, 1996.

served on the opposing party. The exceptant shall, on the date of filing of the exceptions, give a copy of the exceptions to the docket clerk in order to obtain an argument date.

(7) The master’s fee and transcript costs shall be taxed as part of the costs and paid as directed by the final decree.

(8) The master appointed by the court to hear a contested divorce shall, after prior notice to both parties, petition the Motions Judge to award the master’s fees. The petition shall state that the master has filed a report with the Prothonotary and given notice to counsel of the filing thereof and that the master has no further duties to perform and the master shall include a detailed list of the services provided and the amount which the master considers to be reasonable compensation.

(g) Uncontested Actions Under §§3301(a) and (b) of the Code.

(1) Actions for divorce or annulment which are uncontested shall be listed for hearing upon filing a praecipe for hearing and, except as otherwise provided by Bule 1920.62, depositing with the Prothonotary the sum of \$43 to be applied as follows: Master’s Fee- \$25; Court Reporter’s Fee- \$15; Poundage and Mailing Expense- \$3. The amount deposited shall be taxed as costs.

(2) The praecipe for hearing shall be in the following form:

Praecipe for Hearing Date

(Caption No. _____)

1. Kindly list the above-captioned action for hearing.
2. Defendant was served under Rule 412 or 403. Serve notice of hearing upon Defendant by ordinary mail addressed as follows:

(address)

or

2. Defendant was served under Rule 430. Serve notice of hearing upon defendant by registered mail at Defendant’s last known address:

(address)

with a copy by ordinary mail to each of the following:
(list names and addresses of persons named in the investigation affidavit under Rule 430 as likely to know the present whereabouts of the defendant.)

or

2. An appearance has been entered for Defendant. Serve notice of hearing upon Defendant’s attorney of record.

Attorney for Plaintiff

(end of form)

(3) All notices of hearing shall be mailed by the Prothonotary at least 20 days before the hearing date, and proof of notice shall be filed in the form of a statement of the names and addresses of the persons notified.

(4) Notice of hearing shall be in the following form:

Notice of Hearing

To _____

Your are notified that the case of _____
v. _____, No. _____ Term _____
will be heard on _____ at _____ o’clock __.m. (prevailing time) at
Room No. _____, Pittsburgh, PA when and where you may
appear and be heard if you desire.

Prothonotary

(end of form)

Note: If a party is confined in prison and desires to appear, application may be made to the court for a writ of habeas corpus and testificandum.

(5) The daily list of uncontested actions shall be heard by one or more masters appointed by the Administrative Judge of the Family Division.

(6) The attorney of record for the plaintiff must be available and ready to proceed at the time for which the hearing is scheduled or arrange to have a substitute appear

for him, unless (1) the action has become contested or (2) upon cause shown by written motion, the hearing has been continued by court order.

- (i) If the action is contested, the procedure for contested actions shall apply.
 - (ii) If the hearing is continued, it will not be relisted for hearing until another praecipe for hearing is filed together with payment to the Prothonotary of the addition sum of \$1 to be applied toward the expenses of new service of notice of hearing.
- (7) If the action has not become contested or the hearing has not been continued by court order and the plaintiff does not appear at the hearing, the master will be paid from the funds deposited and the action will not be relisted for hearing until another praecipe for hearing is filed and an additional sum of \$27.25 is deposited with the Prothonotary.
- (8) The testimony shall be transcribed and filed within 10 days of the hearing. Within five days after testimony has been transcribed and filed, the master shall file a report and recommendations and serve notice thereof on all interested parties. The record, including the master's report and recommendations, shall be submitted to the court for disposition.
- (9) In the event the moving party does not wish to file exceptions to the master's report and recommendations, the moving party shall submit a proposed decree in divorce to the court. In the event a party wishes to file exceptions to the master's report and recommendations, the party shall do so within 10 days from the filing thereof. The exceptions shall be filed in the office of the Prothonotary with notice to the court and the opposing party. Also the exceptant shall provide a copy of the exceptions to the Docket Clerk in order to obtain an argument date.

Local Rule 1920.55

**Master's Report. Notice. Exceptions.
Final Decree.**

- (c) (1) Any party filing exceptions shall immediately serve them upon all other parties and the court reporter and shall, unless otherwise provided by order of court, order the transcript of testimony, unless the transcript has previously been filed.
- (2) Briefs shall be filed and argument scheduled as provided by order of court after the period for filing exceptions has expired.

Local Rule 1920.62

Proceedings by Indigent Parties.

- (a) Any person claiming to be an indigent party and who either desires to commence an action in divorce or is a party to a pending action in divorce in Allegheny County shall be referred to the Allegheny County Bar Association to make application under oath.

- (b) The Allegheny County Bar Association is hereby authorized to assign an attorney from among its members to represent each applicant determined by it to be an indigent person.
- (c) An order permitting a party to proceed without payment of costs may provide:
- That the Prothonotary shall accept, file, docket and process all pleadings, orders and decrees without prepayment of costs;
 - That the Sheriff shall make service and return of service without prepayment of costs;
 - That the master shall hear the testimony and make and file a report without prepayment of costs.
- (d) In the event that it is determined that the applicant or any other person who is legally responsible to the applicants is or has become financially able to pay the costs, an order may be entered against that person for the payment of all or any part of costs including reasonable counsel fees.

Local Rule 1930**Domestic Relations Matters
Generally.****(a) Family Division Matters**

- (1) Family Division motions may be presented to the motions judge at 1:30 p.m. on each court day, unless notice that motions will not be heard, or that motions will be heard at a different time, is published in the *Pittsburgh Legal Journal*.
- (2) The party who presents a motion shall include a notice of presentation and certificate of service in the absence of written consent thereto. The notice of presentation and certificate of service shall be contained on a separate page of the motion or petition following the identification sheet. This notice is required even if the opposing party is not represented by counsel. Seven days notice of presentation of any motion is required absent an emergency or consent by the opposing party to a shorter notice of presentation.
- (3) On the same date that the motion is presented, the party who presents a motion to the motions judge shall obtain any required hearing or conciliation date from the Family Division docket clerk and file with the Prothonotary the motion and the court order entered by the court. If a party fails to present the motion to the docket clerk as required by this rule the docket clerk shall refuse to give a hearing or conciliation date. If the signed order schedules a conference or hearing before a domestic relations officer, a copy of the pleading and order must be left with the docket clerk.
- (4) The Pittsburgh Legal Journal publishes a monthly list setting forth the dates that a judge assigned to the Adult Section of the Family Division will hear motions. Unless there are unusual circumstances, where a judge has been actively involved in the

matter that is the subject of the motion, counsel should present the motion to the assigned judge.

- (5) Any motion which involves support payments that are assigned to the Pennsylvania Department of Public Welfare or in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 155216 as well as on the plaintiff.
- (6) Any motion which involves support payments or any other matter which is governed by the Uniform Interstate Family Support Act (UIFSA) or the Intrastate Family Support Act (IFSA) and in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 155216 as well as on the plaintiff.

(b) Procedure for Preliminary Objections and Motions for Judgment on the Pleadings or Summary Judgment

- (1) Preliminary Objections shall be scheduled on the next available Friday Support Exception Argument List occurring more than 13 days after the Preliminary Objections are filed with the Prothonotary and the Exceptions Clerk. Objector shall serve notice on all parties of the time and place of argument. No preliminary objections shall be accepted for filing by the Exceptions Clerk unless accompanied by a brief. Failure to file a brief with the Preliminary Objections shall be cause for dismissal of the Preliminary Objections. If Respondent files a brief it shall be filed with the Exceptions Clerk at least seven days prior to argument. Except as provided by Local Rule 1910.7, the scheduling of Preliminary Objections shall stay all proceedings.

Note: Local Rule 1910.7 relates to support proceedings. Divorce and custody proceedings are stayed upon scheduling of preliminary objections.

- (2) Motions for Judgment on the Pleadings or Summary Judgment shall be scheduled on the next available Friday Support Exception Argument List occurring more than 41 days after the motion is filed. Movant shall serve notice on all parties of the time and place of argument. Respondent's Answer, if any, together with any opposing affidavits shall be filed at least 21 days prior to the argument date. Movant shall file a brief at least 14 days prior to argument. Respondent's brief, if any, shall be filed at least seven days prior to argument.

- (c) **Scheduling Conciliations:** Matters that are tried by a judge will not be lists for trial until they have been conciliated by a judge.

The following matters may be scheduled for a conciliation by filing a praecipe with the Docket Clerk: conciliation on §3301(d) divorce claims; custody claims with order of court attached, see Pa.R.C.P. 1915(a) and (c); partition and equity claims and equitable distribution and alimony claims (provided that both parties have filed an inventory,

appraisal, income and expense statement that either (a) the parties are divorced, (b) both parties have filed an affidavit under Section 3301(c) of the Divorce Code or (c) both parties agree that they have lived separate and apart for at least two years and that the marriage is irretrievably broken.

Note: A detailed description of the procedures, as well as the necessary forms, can be found in the Family Division Court Manual, see (g) of this Rule.

For other matters a party may present a petition to the motions judge which contains the factual background, the relief sought, and a request for conciliation.

(d) Continuances [Rescinded]

Note: Procedure of obtaining a continuance in Family Division is set forth in detail in the Family Division Court Manual.

(e) Enforcement of and Equitable Distribution Award

A party seeking to enforce an equitable distribution award shall present to the motions judge a petition for enforcement with a proposed order requesting the court to schedule a conciliation or a contempt hearing before a hearing officer. No petition shall be presented unless notice of its presentation is given to the respondent. If the court enters an order permitting the petitioner to proceed, the petitioner shall obtain immediately from the Docket Clerk a date for the conciliation or contempt hearing, file the original copy of the petition with the Prothonotary, serve the respondent with the court order and file proof of service.

(f) Case Numbers. Suffixes.

- (1) All pleadings filed with the Adult Section of the Family Division shall be filed under the originally assigned case number for the involved family. After an original case number has been assigned to all pleadings, regardless of the caption or nature of the case, all pleadings shall be filed under the originally assigned number. The caption shall reflect the appropriate party initiating each original action as the plaintiff.
- (2) If counsel or a party believes that there may be a previously assigned case number, but the number is not known, the information may be obtained from the Prothonotary's Name Index located on the mezzanine level of the Prothonotary's Office.
- (3) In addition to the docket number assigned to all matters involving the family, the Prothonotary shall assign a three digit suffix designating the judge to whom the case is assigned. All pleadings must include the suffix as well as the docket number.

- (4) All motions, exceptions, conciliations, hearings and other matters shall be listed only before the judge to whom the case is assigned, absent a compelling emergency or the long term unavailability of the designated judge.
- (5) Cases in which the initial pleading was filed before May 1, 1998, may be amended to add the suffix of the judge most familiar with the case.
- (6) In the event that a defendant in a support matter has more than one case, the captions of all of the cases shall be amended to assign them to the judge assigned to the case filed first in time. If there is no judge assigned to the case filed first in time, the cases will be assigned to the next judge in the rotation for assigning suffixes.

(g) Family Division Court Manual

Except as otherwise provided by the Pennsylvania Rules of Civil Procedure (Pa.R.C.P.) or by local rule adopted by the Court of Common Pleas of Allegheny County (Local Rules), practice in the Adult Section of the Family Division shall be governed by the Court Manual for the Adult Section of Family Division of the Court of Common Pleas of Allegheny County. Current copies of the Court Manual shall be available at the office of the Administrator, Adult Section of Family Division.

Local Rule 1930.1

**Electronic Filing in Family Division Matters.
[Rescinded]**

Note: See Local Rule 205.4 for information regarding e-filing of Family Division Matters.

Minors as Parties

Local Rule 2039

Compromise, Settlement, Discontinuance and Distribution.

(1) Contents of Petition.

A petition under Pa.R.C.P. 2039 shall be verified by the guardian of the minor, and shall contain a statement of the nature of the evidence relied upon to show liability, the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

- (a) A statement of counsel's professional opinion regarding the desirability of the settlement and reasons therefor, including a discussion with specific references to the factual circumstances as to both the liability and damages aspects of the case; a description of the services rendered; a description and the amount of reimbursable expenses requested; and the amount of fees requested, which, except in extraordinary circumstances, shall not

exceed 33-1/3% of the present value of a structured settlement or 33-1/3% of the gross recovery of any other settlement.

Note: If settlement proceeds are to be split between a minor and another party(ies) to the litigation, the injuries to this other party(ies) must also be described.

- (b) A statement by the attending physician as to the injuries sustained by the minor, treatment administered and the prognosis.
- (c) In property damage claims, a statement by the party who made the repairs or appraised the loss.

(2) **Deposit of Funds by Order of Court.**

- (a) All petitions under Pa.R.C.P. 2039, where the proceeds of settlement are to be deposited in a savings account or in a certificate of deposit, shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ _____ shall be deposited only in the name of

_____, a
minor, by attorney

_____,
counsel of record, in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF COURT."

- (b) Proof of deposit is to be filed with the Clerk of the Orphans' Court within thirty (30) days by attorney _____, counsel of record.

(3) **Presentation of Petition.**

All petitions under Pa.R.C.P. 2039 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division who will then deliver the petition to the Calendar Control Judge for signature.

(4) **Annuity Contracts.**

- (a) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be

transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

- (b) A copy of this local rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.
- (c) Proof of purchase of any annuity contract is to be filed with the Clerk of the Orphans' Court within thirty (30) days by attorney _____, counsel of record.

Note: For approval of a settlement of a minor's claim where no action has been instituted, see Orphans' Court Local Rule 12.16G.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Incapacitated Persons as Parties

Local Rule 2064 Compromise, Settlement, Discontinuance and Distribution.

(1) Contents of Petition.

A petition under Pa.R.C.P. 2064 shall be verified by the guardian or guardian ad litem of the incapacitated person, and shall contain a statement of the nature of the evidence relied upon to show liability, the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

- (a) A statement of counsel's professional opinion regarding the desirability of the settlement and reasons therefor, including a discussion with specific references to the factual circumstances as to both the liability and damages aspects of the case; a description of the services rendered; a description and the amount of reimbursable expenses requested; and the amount of fees requested, which, except in extraordinary circumstances, shall not exceed 33-1/3% of the present value of a structured settlement or 33-1/3% of the gross recovery of any other settlement.
- (b) A statement by the attending physician as to the injuries sustained by the incapacitated person, treatment administered and the prognosis.
- (c) In property damage claims, a statement by the party who made the repairs or appraised the loss.

(2) Deposit of Funds by Order of Court.

- (a) All petitions under Pa.R.C.P. 2064 shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ _____ shall be paid to _____, the guardian of the estate. [If the guardian of the estate is an individual, include the following sentence.] A surety bond shall be posted in the same net amount as stated above.

- (b) Proof of surety bond is to be filed with the Clerk of the Orphans' Court within thirty (30) days by _____, guardian of the estate.

Note: If no guardian has been appointed, see Pa.R.C.P. 2064.

(3) Presentation of Petition.

All petitions under Pa.R.C.P. 2064 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter presented to the Calendar Control Judge.

(4) Annuity Contracts.

- (a) Where the terms of settlement of an incapacitated person's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.
- (b) A copy of this local rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.

Note: For approval of a settlement of an incapacitated person's claim where no action has been instituted, see analogous procedures at Orphans' Court Local Rule 12.16G.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Actions for Wrongful Death

Local Rule 2205 Service of Notice to Persons Entitled to Damages.

Service under this rule shall be made by personal service by any competent adult as provided in Pa.R.C.P. 402 or by registered mail pursuant to Pa.R.C.P. 403.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 2206 Settlement, Compromise, Discontinuance and Judgment.

Petitions of any party in interest pursuant to Pa.R.C.P. 2206, where a civil action has been instituted and where no minor and no incapacitated person has an interest, shall be presented to the Calendar Control Judge. Where a minor or incapacitated person has an interest, petitions shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division and thereafter to the Calendar Control Judge for signature. See Local Rule 2039 where a minor has an interest and Local Rule 2064 where an incapacitated person has an interest.

Note: See 20 Pa.C.S. § 3323. The contents of a petition under this local rule are analogous to those required by Orphans' Court Local Rule 12.16F. As to settlement of survival actions where no action has been instituted, see Orphans' Court Local Rule 12.16F.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Joinder of Parties

Local Rule 2232 Service of Notice to Persons Required to Be Joined.

Service under this rule shall be made by personal service by any competent adult as provided in Pa.R.C.P. 402 or by registered mail pursuant to Pa.R.C.P. 403.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Enforcement of Judgments for the Payment of Money

Local Rule 3121 Stay of Execution. Setting Aside Execution.

(1) **Notice.**

Notice shall be given to the party executing the judgment when application will be made for a stay of execution.

(2) **Delivery of Copy of Order Staying Execution to Sheriff.**

Orders staying execution, certified to be true and correct by the Prothonotary, an attorney or a party litigant, shall be provided to the Sheriff.

Note: When a writ of execution is stayed after the Sheriff has served or has attempted to serve the writ, poundage will be calculated based on the face amount of the writ unless the plaintiff files an affidavit within three business days setting forth the actual amount paid or to be paid to the plaintiff in cash or in kind as consideration for staying the writ or satisfying the judgment. If an affidavit is filed, the Sheriff's poundage will be calculated based on the consideration set forth in the affidavit.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 3129.2 Notice of Sale. Real Property.

(1) Conditions of Sale in Notice.

The following procedures and conditions of sale shall govern every Sheriff's sale of real estate, and shall be set forth in any published notice:

(a) If the successful bidder at the sale is the plaintiff in the writ of execution upon which the real estate is being sold, the successful bidder shall pay the full amount of the purchase money to the Sheriff on or before the first Monday of the following month, unless the time is extended by the Court. Upon the failure of the successful bidder to so pay the purchase money, the Sheriff shall return the writ "real estate unsold," stating in the return that the sale was held pursuant to the writ, that the plaintiff was the successful bidder at the sale, and that the plaintiff failed to pay the bid and complete the sale. The plaintiff shall thereupon forfeit all moneys advanced on the writ, which moneys shall be applied by the Sheriff first to costs on the writ and then to liens in order of their priority.

(b) If the successful bidder at the sale is not the plaintiff in the writ of execution upon which the real estate is being sold, and:

(i) If the sale is held on the first Monday of the month, and an adjourned Sheriff's sale is held within six days thereafter, the successful bidder may pay either the full amount bid at the time of the sale or ten percent (10%) of the bid in cash (but not less than seventy-five dollars (\$75.00)), and thereafter pay the balance before the time of the adjourned sale. If the successful bidder fails to pay the balance before the time of the adjourned sale, the Sheriff shall resell the real estate at the adjourned sale, and the payment made at the original sale shall be applied by the Sheriff to any deficiency in the price at which the real estate is resold; or

(ii) If the sale is held on any day other than the first Monday of the month, the successful bidder shall pay the full amount bid at the time of sale, and upon failure of the successful

bidder to do so, the Sheriff shall thereupon at that time resell the real estate.

(2) Filings With the Sheriff Prior to Sale:

All writs and copies of orders certified from the record by the Prothonotary directing judicial sales of real estate must be filed with the Sheriff in accordance with the policies of the Sheriff's office.

Note: As a matter of information, counsel should know that the Sheriff's office requires that the following be filed in the Sheriff's office prior to the sale:

(a) The following must be filed with the Sheriff, along with the writs and copies of orders, not less than twenty-five days before the date of sale:

- (1) Original writ of execution
 - (2) One copy of writ of execution for each defendant*
 - (3) A stamped envelope addressed to each defendant*
 - (4) One self-addressed stamped envelope
 - (5) Affidavit of Compliance with Act 91 of 1983 or Inapplicability of Act 91 of 1983, as appropriate
 - (6) Affidavit of last known mailing address of the Defendant interested
 - (7) Affidavit Pursuant to Pa.R.Civ.P. 3129.1 (list of persons and entities)
 - (8) Notice of Sheriff's Sale
 - (9) Long description of the property (deed description)
 - (10) Three copies of Sheriff Form 56 (short description of property for newspaper advertising)
 - (11) One short description in all CAPITAL LETTERS (for preparation of handbill), which must contain the signature, address and telephone number of the person presenting the writ or order.
 - (12) Sheriff's Form 14 (Directions to post property with handbill. Include property street address, borough, municipality and ward.)
 - (13) If Defendant(s) are to be served - a Notice of Sheriff's Sale for each Defendant and "Instructions to Sheriff" form for each Defendant, noting Defendant's name and address.
- * Not required for mortgage foreclosure or tax sale.

(b) A copy of the return of service filed in accordance with Pa.R.Civ.P. 3129.2(c)(2) must be filed with the Sheriff not less than five days prior to the sale. The return of service must have the original returned mailing cards attached, if applicable.

- (c) A deposit of money for costs and expenses is required.

Note: Sheriff's Forms and sample notices can be obtained from the Sheriff's office, 436 Grant Street, First Floor, Pittsburgh, PA 15219.

(3) Dates of Sales of Real Property.

Judicial sales of real estate shall be held on the second Monday of September and the first Monday of all other months. When any of the above dates falls on a legal holiday, the Judicial sales of real estate shall be held on the Tuesday following.

(4) Notice to Internal Revenue Service.

In any case where notice is required to be given to the Internal Revenue Service, in accordance with the provisions of the Federal Tax Lien Act of 1966, 26 U. S. C. § 7425(b) and (c), a copy of such notice, certified by counsel to be a correct copy and indicating the date of service upon or delivery to the Internal Revenue Service, shall be filed with the Prothonotary' prior to the date fixed for the sale.

Local Rule 3139 Notice of Sheriff's Return.

Postcard notice of the filing of the Sheriff's return shall be given by the Sheriff to the judgment debtor at the judgment debtor's last known address.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 3146 Judgment Against Garnishee Upon Default or Admission in Answer to Interrogatories.

(1) The hearing to assess the amount of the judgment shall be scheduled before the Motions Judge. Written notice to the garnishee in the form provided by Pa.R.C.P. 3146(a)(2) shall be served in accordance with Pa.R.C.P. 440 at least twenty days prior to the scheduled hearing. The Plaintiff shall serve the garnishee with a copy to the Defendant. Service shall be evidenced by a certificate of service.

(2) The agency to be named in the notice provided by Pa.R.C.P. 3146 shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue

Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Actions Upon Mechanics Liens, Municipal and Tax Claims and Charges on Land

Local Rule 3190 Judgment. Execution.

(1) Tax Sales.

Before objection to the adequacy of the price offered for real estate pursuant to Section 14 of Act of July 5, 1947, P.L. 1258, 53 P.S. § 26114, is filed, the objector shall deposit a certified or cashier's check with the solicitor for petitioner for ten (10) percent of the original offer, or a minimum of one hundred dollars (\$100.00), subject to forfeiture to all interested taxing authorities in the event the original offer is not raised in said amount in open Court.

The objection filed in the office of the Prothonotary shall have endorsed thereon acceptance of service and receipt for deposit by counsel for petitioner. After bidding in open Court and acceptance of successful bid by the Court, deposits shall be returned to unsuccessful bidders, provided the accepted bid exceeds by ten percent, or a minimum of one hundred dollars (\$100.00), the price offered.

(2) Delinquent Tax Liens.

(a) All orders to strike off and amend delinquent tax liens shall set forth:

- (i) original description and change of description;
- (ii) original ownership and change of ownership;
- (iii) location by political subdivision and lot and block number, if any;
- (iv) amount of taxes to be stricken in dollars and cents; and
- (v) disposition of costs of the proceedings.

(b) Counsel shall serve certified copies of all such orders of Court on the Controller's Office and the County Law Department.

(c) Counsel shall also serve certified copies of orders of Court changing ownership or description of property on the Register of Deeds Office.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 3206 and 3207 Statement of Objection (“Goods Claim”).

(See Magisterial District Justice Local Rule 420.)

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 3252 Writ of Execution. Money Judgments.

The agency to be named in the notice on writs of executions issued pursuant to Pa.R.C.P. 3252(a) shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Discovery — Expert Reports

Local Rule 4002.1 Filing Discovery Material. Requests for Expert Reports in Professional Negligence and Product Liability Actions.

All requests for production of expert reports made in professional negligence and product liability actions in accordance with Local Rule 4003.5 shall be filed with the Prothonotary. Expert reports furnished pursuant to Local Rule 4003.5 are discovery material that shall not be filed, except as provided by Pa.R.C.P. 4002.1.

Note: See also Local Rule 4003.5, relating to expert reports in professional negligence and product liability actions.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 4003.5 Requests For Expert Reports in Professional Liability and Product Liability Actions.

(1) Scope of the Rule.

(a) This local rule applies to any professional negligence case or any product liability case which has been placed at issue.

(b) A professional negligence case includes any case with Code 006 (Trespass-Assault and Battery) in which it is claimed that the defendant provided medical treatment without obtaining an informed consent; any case with Code 007 (Trespass-Medical/Hospital Negligence); and any case with Code 009 (Trespass-Other) in which the defendant is an accountant, architect, attorney, engineer, hospital, physician or other professional person in which the gist of the case is that professional services failed to meet the accepted standards of the profession.

(c) A product liability case is any action, whether based on tort or contract theories, claiming damages caused by a defective product, including any case with Code 004 (Trespass-Products Liability).

Note: This local rule creates additional requirements for the pre-trial production of expert reports for cases within the scope of this rule. The parties must also meet the requirements of the Pennsylvania Rules of Civil Procedure governing discovery and the Allegheny County Local Rules for the pre-trial production of expert reports.

(2) Production of Plaintiff's Expert Reports.

(a) In any professional negligence or product liability case which has been placed at issue, any defendant against whom a claim of professional negligence or product liability has been made may serve on any plaintiff making that claim a Defendant's Request to Plaintiff for Production of Expert Reports (FORM 4003.5A) (see subsection (10)(a) below). The request shall specify the plaintiff to whom it is directed and the party making the request. The request may not be made earlier than one hundred eighty (180) days after the defendant filed its original answer to the plaintiff's complaint.

Note: An additional defendant may serve a Defendant's Request to Plaintiff for Production of Expert Reports on a plaintiff pursuant to section (2)(a) of this rule if the plaintiff is actively pursuing a claim against the additional defendant.

(b) Any plaintiff to whom a request for production of expert reports has been directed pursuant to subsection (2)(a) of this rule shall within one hundred eighty (180) days after service of the request furnish to the requesting party expert reports summarizing the expert testimony that

will be offered by that plaintiff to support the claims of professional negligence or product liability made by that plaintiff against the requesting party.

(3) **Production of Defendant's and Additional Defendant's Expert Reports.**

(a) Any plaintiff who has furnished any defendant or additional defendant expert reports summarizing the expert testimony that will be offered by that plaintiff to support that plaintiff's claims of professional negligence or product liability made against that defendant or additional defendant may serve on that defendant or additional defendant a Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports (FORM 4003.5B) (see subsection (10)(b) below). The request shall specify the party to whom it is directed and the party shall specify the party to whom it is directed and the party making the request. The request may not be made earlier than one hundred eighty (180) days after the complaint was served on the party to whom the request is directed.

Note: Subsection (3)(a) of this rule applies to a plaintiff who has furnished expert reports to a defendant or additional defendant with or without a request for production of expert reports. Under subsection (3)(a) of this rule, the plaintiff must file a Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports in order to compel a defendant to submit expert reports.

(b) Any party to whom a request for production of expert reports has been directed pursuant to subsection (3)(a) of this local rule shall within sixty (60) days after service of the request furnish to the requesting party expert reports summarizing the expert testimony that will be offered by that party to support the defenses to the requesting party's claims.

(c) If the defendant or additional defendant to whom a Plaintiff's Request to Defendant or Additional Defendant for Production of Expert Reports has been directed has raised claims against other parties pursuant to Pa.R.C.P. 2251 et seq. (Joinder of Additional Defendants), the expert reports shall also summarize the expert testimony that will be offered by that party in support of these claims against other parties.

(d) The defendant or additional defendant who has furnished expert reports summarizing the expert testimony offered by that party in support of claims against other parties pursuant to subsection (3)(c) of this local rule may serve a Defendant's or Additional Defendant's Request to Other Defendant or Additional Defendant for Production of Expert Reports (FORM 4003.5C) (see subsection ((10)(c) below). The request shall specify the party to whom it is directed and the party making the request. The request may not be made earlier than one hundred eighty (180) days

after the complaint was served on the party to whom the request is directed.

- (e) (i) Any party to whom a request for production of expert reports has been directed pursuant to subsection (e)(d) of this local rule shall within sixty (60) days after service of the request furnish to the requesting party expert reports summarizing the expert testimony that will be offered by that party supporting the defenses to the claims and any claims raised against the requesting party and any other parties joined pursuant to Pa.R.C.P. 2251 et seq.

(ii) If any defendant or additional defendant or any employee or other agent of any defendant or additional defendant is a professional person, this person shall furnish an expert report summarizing his or her testimony only if he or she intends to offer any expert testimony that is inconsistent with or beyond the fair scope of any testimony given in any deposition of this defendant. If this person was not deposed, this person must file an expert report if he or she intends to offer any expert testimony.

(4) **Contents of the Expert Reports. Responses to Requests for Production.**

An expert report required by this rule shall encompass all issues in the liability phase of the case for which expert testimony will be offered at trial, including issues of professional negligence, product defect, and causation of harm. The report shall be signed by the expert and shall fully comply with the requirements of Pa.R.C.P. 4003.5 (Discovery of Expert Testimony. Trial Preparation Material).

(5) **Compelling Production of Report.**

A party who has not received expert reports required to be produced under this local rule may file a motion to compel the production of a report and for sanctions pursuant to Pa.R.C.P. 4019. In ruling on a motion to compel, the Court shall give consideration to the complexity of the case, the diligence of the parties in making and responding to discovery requests, and other relevant factors. A party who has proceeded with reasonable diligence shall be given a reasonable time in which to complete necessary discovery and to file an expert report.

Note: A party cannot justify the non production of an expert report required by this local rule simply by stating that discovery has not been completed or that the party failing to provide the report has not yet identified the experts whom he or she intends to call at trial. However, a party who has acted diligently should not be required to file expert reports if discovery of significant information has not been completed because of difficulties obtaining discovery from other parties or third persons or because of the complexity of the case.

(6) **Substitute/Additional/Supplemental Reports.**

Any expert report required by this local rule shall reflect the best information available to the party furnishing the report at the time it is furnished. Except as provided in subsection (7) of this local rule, a party may file substitute, additional and supplemental expert reports without leave of Court. These substitute, additional and supplemental reports may introduce new theories of liability or causation or new defenses. They may be prepared by other experts.

(7) **Listing Case for Trial.**

(a) A plaintiff who has furnished expert reports summarizing all expert testimony that will be offered by that plaintiff to support his or her claims of professional negligence or product liability may file a praecipe requesting that the case be placed on the next available trial list (FORM 4003.5D) (see subsection (10)(d) below). The plaintiff shall serve a notice of the filing of the praecipe on all other parties (FORM 4003.5E)(see subsection (10)(e) below). This praecipe may not be filed earlier than one hundred eighty (180) days after the plaintiff served a copy of the original complaint on each defendant who continues to be a party in the case.

Note: Subsection (7)(a) is intended to give priority to those professional negligence and product liability cases that the plaintiff is ready to try. The product liability and professional negligence cases for which the plaintiff has not filed a praecipe pursuant to subsection (7)(a) of this local rule shall be listed for trial by the Court after the cases listed pursuant to this subsection have received priority.

(b) After a plaintiff has filed a praecipe requesting that the case be placed on the next available trial list, the plaintiff's right to file additional/supplemental reports is subject to the provisions of subsection (7)(d) of this local rule.

(c) After a plaintiff has filed a praecipe requesting that the case be placed on the next available trial list, each other party in the case shall file within sixty (60) days expert reports summarizing all expert testimony that will be offered by that party to support the defenses to the plaintiff's claims and to support any claims and defenses involving other parties. After sixty (60) days, each other party's right to file additional/supplemental reports is subject to the provisions of subsection (7)(d) of this local rule.

(d) (i) A party may file a supplemental expert report which responds to an opposing expert report within sixty (60) days after the opposing expert report was filed.

(ii) Except as provided in subsection (7)(d)(i), a party may not file a supplemental expert report which introduces a

new theory of liability of causation or a new defense without leave of Court for good cause shown.

(iii) Except as provided in subsection (7)(d)(i), a party may not subsequently file an expert report prepared by a new expert without leave of Court for good cause shown.

(iv) Except as provided for in subsection (7)(d)(v), any party may, without leave of Court, substitute another expert for the expert identified in expert reports produced under this local rule. Reasonable notice of the substitution shall be given to all other parties. The testimony of any substituted expert may not be inconsistent with or go beyond the fair scope of the testimony in the expert reports produced under this local rule.

(v) A party may not substitute another expert for a party, employee or agent of a party who has been identified as an expert witness.

(vi) The provisions of subsections (7)(d)(ii), (iii) and (v) of this local rule apply only after a plaintiff has filed a praecipe requesting that the case be placed on the next available trial list pursuant to subsection (7)(a) of this local rule.

Note: Subsection (7)(d) applies only to additional or supplemental expert reports covering issues in the liability phase of the case for which expert testimony will be offered at trial. Subsection (7)(d) applies to additional or supplemental expert reports that are included as part of a pre-trial statement filed pursuant to Local Rule 212.2.

(8) Use of Reports/Summary Judgment.

(a) Reports provided pursuant to this local rule, responses to requests for production of expert reports, and the failure to provide expert reports when required by Court order entered pursuant to section (5) of this local rule may be used in supporting or opposing motions for summary judgment.

(b) In the absence of a Court order issued prior to the date of the argument on a motion for summary judgment, it shall not be necessary to file affidavits executed by the reporting expert in connection with summary judgment motions.

(9) Service and Filing Requirements.

All requests for the production of expert reports shall be served by the requesting party on all other parties and copies of all expert reports furnished pursuant to this local rule shall be served by the responding party on all other parties. All requests for the production of expert reports shall be filed with the Court. Expert reports

furnished pursuant to this local rule are discovery material that shall not be filed except as provided by Pa.R.C.P. 4002.1

(10) Forms:

(a)

FORM 4003.5A Defendant’s Request to Plaintiff for Production of Expert Reports

[CAPTION]

DEFENDANT’S REQUEST TO PLAINTIFF FOR PRODUCTION OF EXPERT REPORTS

TO: _____

FROM: _____

Pursuant to Local Rule 4003.5 you are requested within one hundred and eighty (180) days of service of this request to furnish me expert reports summarizing the expert testimony that you will offer to support the claims of professional negligence or product liability that you have made against me. You shall serve copies of all expert reports on all other parties.

DATED: _____

ATTORNEY FOR DEFENDANT

(b)

FORM 4003.5B Plaintiff’s Request to Defendant or Additional Defendant for Production of Expert Reports

[CAPTION]

PLAINTIFF’S REQUEST TO DEFENDANT OR ADDITIONAL DEFENDANT FOR PRODUCTION OF EXPERT REPORTS

TO: _____

FROM: _____

I have furnished you expert reports summarizing the expert testimony that I will offer to support the claims of professional negligence or product liability that I have made against you.

Pursuant to Local Rule 4003.5, you are requested within sixty (60) days of service of this request to furnish me expert reports summarizing the expert testimony that you will offer to

support your defenses top the claims of professional negligence or product liability that I have raised against you.

If you have raised claims against other parties pursuant to Pa.R.C.P. 2251 et seq. (Joinder of Additional Defendants), your expert reports shall also summarize the expert testimony that you will offer in support of these claims against those other parties.

You shall serve copies of all expert reports on all other parties.

DATED: _____ ATTORNEY

FOR PLAINTIFF

(c)

FORM 4003.5C Defendant's or Additional Defendant's Request to Other Defendant or Additional Defendant for Production of Expert Reports

DEFENDANT'S OR ADDITIONAL DEFENDANT'S REQUEST TO OTHER DEFENDANT OR ADDITIONAL DEFENDANT FOR PRODUCTION OF EXPERT REPORTS

TO: _____

FROM: _____

I have furnished you expert reports summarizing the expert testimony that I will offer to support the claims that I have raised against you pursuant to Pa.R.C.P. 2251 et seq. (Joinder of Additional Parties).

Pursuant to Local Rule 4003.5, you are requested with sixty (60) days to furnish me expert reports summarizing the expert testimony that you will offer to support your defenses to my claims against you and to support any claims you have raised against me pursuant to Pa.R.C.P. 2251 et seq.

If you have raised claims against other parties pursuant to Pa.R.C.P. 2251 et seq., your expert reports will also summarize the expert testimony that you will offer in support of your claims against these other parties.

You shall serve copies of all expert reports on all other parties.

DATED: _____ ATTORNEY

FOR DEFENDANT

(d)

FORM 4003.5D Plaintiff's Praecipe Requesting that the Case be Placed on the Next Available Trial List

[CAPTION]

PLAINTIFF'S PRAECIPE REQUESTING THAT THE CASE BE PLACED ON THE NEXT AVAILABLE TRIAL LIST

This is a professional negligence or product liability case. I have furnished to the other parties expert reports summarizing all expert testimony that plaintiff will offer to support his or her claims of professional negligence or product liability. Pursuant to Local Rule 4003.5(7)(a), I request that the court list this case for trial on the next available trial list.

If it is anticipated that this case will take more than ten days to try, I have sent a letter to the Complex Case Judge (with copies to all other counsel) stating that I have requested that this case be listed for trial on the next trial list pursuant to Local Rule 4003.5(7)(a), that this case cannot be tried within ten (10) days, and that a pretrial conference should be scheduled.

DATED: _____ ATTORNEY FOR PLAINTIFF

TO BE FILED IN ROOM 734 OF THE CITY COUNTY BUILDING

(e)

FORM 4003.5E Plaintiff's Notice of Filing of Praecipe Requesting That the Case Be Placed on the Next Available Trial List

[CAPTION]

PLAINTIFF'S NOTICE OF FILING OF PRAECIPE REQUESTING THAT THE CASE BE PLACED ON THE NEXT AVAILABLE TRIAL LIST

I have filed a praecipe pursuant to Local Rule 4003.5(7)(a) requesting that this product liability or professional negligence case be listed on the next available trial list.

Pursuant to Local Rule 4003.5(7)(a), each other party in the case is hereby given notice that they must within sixty (60) days furnish expert reports summarizing all expert testimony that will be offered by that party to support the defenses to the plaintiff's claims and to support any claims or defenses involving other parties. After sixty (60) days, the right to file additional/supplemental reports is subject to the provisions of Local Rule 4003.5(7)(d).

DATED: _____ ATTORNEY FOR PLAINTIFF

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Rule 4009.12 Authorizations.

Upon a request for production of documents, plaintiff may either produce the requested records or, if the records are of a type created and maintained by a healthcare provider, furnish written authorization to copy the records of any healthcare provider by whom plaintiff was treated for injuries or disabilities complained of, or prior injuries or disabilities, where the same may be relevant. If a plaintiff provides the records themselves, they shall be produced along with a certification as to completeness or, if not complete, an explanation of what has been deleted or removed.

Note: This procedure is affected by the following opinions: Greynolds v. McAllister, 130 P.L.J. 414 (1982) (Wettick, J.); Talarico v. Montefiore Hospital, 138 P.L.J. 210 (1990) (Wettick, J.); Bowser v. Ryder Truck Rental, Inc., 141 P.L.J. 316 (1993) (Wettick, J.).

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

**LOCAL RULES OF CONDUCT, OFFICE STANDARDS
AND CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES**

**Local Magisterial District Judge Rule 409 Writ of Execution. Money Judgment Entered
by District Justice.**

The agency to be named in the Notice Accompanying Order of Execution of judgments for the payment of money rendered by a Magisterial District Judge pursuant to Pa.R.C.P.M.D.J. 409(6) shall be:

Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Magisterial District Judge Rule 420 Statement of Objection (“Goods Claim”).

- (1) At the same time a Statement of Objection is filed which will be heard by a Board of Arbitrators, and using envelopes provided by the Prothonotary with the Prothonotary's return address, every claimant filing a Statement of Objection shall address an envelope to every party at his or her address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any; or an address as listed in the Prothonotary's records.
- (2) The Prothonotary shall select an arbitration hearing date within three to four weeks and inform the claimant of that date by stamping it on a copy of the Statement of Objection.
- (3) Using the envelopes addressed by the claimant filing the Statement of Objection under subsection (1) of this local rule, the Prothonotary shall mail by first-class mail to every party a copy of the Statement of Objection which has been stamped with the date, time and place of the arbitration hearings.

- (4) Such first-class mailings under subsection (3) of this local rule, when indicated on the record by the Prothonotary, shall operate as service and proof of service. Any returned mail shall be noted on the Court's docket.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Magisterial District Judge Rule 1005 Service of Notice of Appeal and Other Papers.

- (1) At the same time an appeal is filed and using envelopes provided by the Prothonotary with the Prothonotary's return address, every appellant from a judgment entered by a Magisterial District Judge:
 - (a) shall address an envelope to every other party at that party's address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any;
 - (b) shall address an envelope to the Magisterial District Judge in whose office the judgment was rendered; and
 - (c) shall, if the appellant was a defendant in the action before the Magisterial District Judge, (i) self-address an envelope, to the address used by the appellant for the appeal, and (ii) in addition to the envelopes required by subsection (1)(a) of this local rule, address another envelope to every other defendant, if any, at that defendant's address as it appears in the records of the Magisterial District Judge, or that defendant's attorney of record, if any.
- (2) Using the envelopes addressed by the appellant under subsection (1)(a) of this local rule, the Prothonotary shall mail by first-class mail:
 - (a) to every party other than appellant, (i) a copy of the notice of appeal, and (ii) if any other party was a plaintiff in the action before the Magisterial District Judge, a copy of the rule pursuant to Pa.R.C.P.M.D.J. 1004B, or, if any other party was a defendant in the action before the Magisterial District Judge, a copy of the complaint, with such service and any return being noted on the Court's docket;
 - (b) to the Magisterial District Judge, a copy of the notice of appeal, with such service and any return being noted on the Court's docket; and
 - (c) if appellant was a defendant in the action before the Magisterial District Judge, to appellant and any other defendant, a copy of

any complaint filed pursuant to a rule to file a complaint, with such service and any return being noted on the Court's docket.

- (3) Pursuant to Pa.R.C.P.M.D.J. 1005C, such first-class mailings by the Prothonotary pursuant to this Local Magisterial District Judge Rule shall operate as service and proof of service as required by Pa.R.C.P.M.D.J. 1005A and 1005B.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Magisterial District Judge Rule 1008 Appeal as Supersedeas.

In the event the Prothonotary terminates the supersedeas by virtue of the failure of the appellant to make the payments into Court when and as required, the Prothonotary, upon praecipe of the party on whose behalf the Magisterial District Judge entered the judgment for possession, shall issue a Certificate of Termination of the Supersedeas which will evidence the termination of the supersedeas when received by the Magisterial District Judge.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.

Local Magisterial District Judge Rule 1011 Writ of Certiorari.

- (1) At the same time a praecipe for a writ of certiorari is filed and suing envelopes provided by the Prothonotary with the Prothonotary's return address, every party filing a praecipe:
- (a) shall address an envelope to every other party at his or her address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any;
 - (b) shall address an envelope to the Magisterial District Judge in whose office the judgment was rendered; and
 - (c) shall self-address an envelope.
- (2) Using the envelopes addressed by the party filing the praecipe under subsection (1) of this local rule, the Prothonotary shall mail by first class mail:
- (a) to every party other than the party filing the praecipe, a copy of the writ of certiorari, and
 - (b) to the Magisterial District Judge to whom it is directed, a copy of the writ of certiorari.

- (3) Such first-class mailings under subsection (2) of this local rule, when indicated on the record by the Prothonotary, shall operate as service and proof of service as required by Pa.R.C.P.M.D.J. 1011B and 1011C. Any returned mail shall be noted on the Court's docket.
- (4) Upon receipt of the record, the Prothonotary shall notify the filing party, using the self-addressed envelope, to file its specification of errors.
- (5) The party filing the praecipe is responsible for scheduling an argument date with the Arbitration Office, 536 Courthouse, 436 Grant Street, and notifying the other parties of the argument date before the Special Motion's Judge.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006.