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## Arbitration

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### **10-1 INTRODUCTION**

The compulsory arbitration system in the Court of Common Pleas of Allegheny County is the oldest of its kind in the country, and its success has resulted in its being the model for similar systems throughout the Commonwealth and in other states. Basically, it provides for simple and concise pleadings and a trial of the issues within a short time of filing of suit, enabling the parties to fairly resolve the claim with a minimum of expense and time. Certain rules of pleading and evidence have been established to enable fair and prompt resolution of claims.

### **10-2 BASIS FOR THE ARBITRATION SYSTEM**

#### **10-2.1 Statutory Basis**

The statutory basis for the court of common pleas arbitration is the act of July 9, 1976, P.L. 586, No. 142, § 2, 42 Pa.C.S. § 7361.

#### **10-2.2 Pennsylvania Rules of Civil Procedure**

The Pennsylvania Rules of Civil Procedure governing arbitration are Pa.R.C.P. 1301 et seq.

#### **10-2.3 Allegheny County Rules**

The local rules governing arbitration are Allegheny County Civil Local Rules 206.4(c)(4), 208.3(a)(6), 1028(c)(2), 1034(a)(2), and 1301 et seq.

#### **10-2.4 Matter and Amount in Controversy**

Allegheny County Local Rule 1301 states as follows:

- (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);

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1. This chapter was originally written by Harry N. Sydor, Esquire, and was updated in 2011 by Anna E. Majocho and Catherine C. Gerhold, Esquire, and in 2013, 2015, and 2017 by Anna E. Majocho.

- (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.

## **10-3 PLACE OF FILING AND OF TRIAL**

### **10-3.1 Administration Filing**

Pleadings are filed with the Department of Court Records, Civil/Family Division (DCRCFD), first floor, City-County Building. The court number assigned to an arbitration case will begin with “AR” (or “LT,” when the matter is a landlord and tenant case and possession is at issue), which distinguishes the arbitration suit from all other civil matters. Docket entries are available online at <https://dcr.alleghenycounty.us/>. Click on “Civil/Family Division,” then “Search,” and enter the docket number.

### **10-3.2 Arbitration Hearing Rooms**

The four arbitration hearing rooms and the Assembly Room are located on the seventh floor of the City-County Building. The Assembly Room is open at 8:30 a.m., but case check-in commences at 9:00 a.m.

## **10-4 ADMINISTRATION OF THE ARBITRATION SYSTEM**

### **10-4.1 Arbitration Administration**

The official responsible for administering the program is Anna Majocha, supervisor of arbitration, 702 City-County Building, (412) 350-5625. Her duties include the scheduling of cases, the scheduling of arguments relating to arbitration cases, assignment of arbitrators and rooms, and the filing of awards and other documentation. Questions concerning all arbitration proceedings can be directed to this official.

### **10-4.2 Supervising Judge**

Except for contested continuances, legal matters are handled by the special motions judge for the arbitration division, Judge Robert J. Colville, 815 City-County Building. All motions, petitions, and arguments are heard on Fridays, unless otherwise directed by the court. For the procedure to be followed regarding continuances, see section 10-7 in this chapter.

### **10-4.3 Arbitrators**

The arbitration supervisor maintains a master list of members of the bar of Pennsylvania, practicing in Allegheny County, from which the arbitrators are chosen. The list is subject to approval by the special motions judge or the calendar control judge. The arbitrators serve until completion of the hearings scheduled that day and therefore are required to set aside the day for service. The supervisor of arbitration empanels an appropriate number of boards to efficiently adjudicate the day's caseload. Cases are assigned for hearing to each board by the Arbitration Assembly Room clerk when advised that the case is ready for hearing.

### **10-4.4 Arbitration Board**

Each arbitration board is made up of three attorneys, who are actively engaged in the practice of law in Allegheny County. Each board has one chairperson, who has been admitted to the bar for at least three years. The board hears all evidence relating to the trial and decides all factual disputes and legal issues involved in the case.

## **10-5 INITIATION OF AN ARBITRATION CASE**

### **10-5.1 Original Filing**

Arbitration suits must use a cover sheet required by Pa.R.C.P. 205.5 (form 10-1) and a cover sheet required by Alleg.Co.L.R. 205.2(b) (form 10-2). Alleg.Co.L.R. 1303(2) requires that, in addition to the notice to defend, the complaint contain a notice of hearing date and a duty to appear notice in prescribed language (form 10-3 for cases in excess of \$3,000 and form 10-4 for claims less than \$3,000). Arbitration claims are initiated by the filing of a verified complaint for claims in excess of \$3,000 or a short-form complaint for claims less than \$3,000 (form 10-5). At the time of filing, a hearing date will be assigned, which is entered on the Allegheny County cover sheet and notice of hearing date. The complaint will be served upon the defendant by the sheriff. This is the only notice of hearing the parties will receive, other than the trial list, which is published in the *Pittsburgh Legal Journal*. See Pa.R.C.P. 1303; Alleg.Co.L.R. 1303(4) and 1320(9)(a).

### **10-5.2 Filing an Appeal from the Judgment of the Minor Judiciary**

A hearing date will not be assigned to the case until a complaint is filed by the plaintiff. Landlord/tenant complaints where possession is being sought use a special form (form 10-7). See forms 10-2 and 10-3 for a complaint; forms 10-2, 10-4, 10-5, and 10-6 for a short-form complaint; and forms 10-3 and 10-7 for a landlord/tenant complaint. Notice of the date is given to the defendant when

the complaint is served. Service of magisterial district judge appeals is done by mail by the DCRCFD. The hearing date is also published in the *Pittsburgh Legal Journal*.

### **10-5.3 Transfer of General Docket Case to Arbitration**

When a case is initially filed as a General Docket (GD) case, and the plaintiff decides to refer the case to arbitration, a petition must be presented to the court and a transfer ordered by the court.

The DCRCFD will advise all parties of the hearing date assigned when transfers occur. It will be the only notice of hearing, other than the published list in the *Pittsburgh Legal Journal*. The case will keep its GD number.

### **10-5.4 Transfer of Arbitration Case to General Docket**

An arbitration case may be transferred to the General Docket only by petition and order of court, when the claim involved has increased in excess of the arbitration limits or a defendant files a counterclaim or cross-claim in excess of \$35,000 (exclusive of interest and costs), unless the case is bifurcated by court order. Any party may file a petition to transfer the entire case to the General Docket. After the transfer, all papers are still filed under the Arbitration Docket number, with the DCRCFD on the first floor of the City-County Building.

## **10-6 PLEADINGS**

### **10-6.1 Standard Form**

Arbitration pleadings are the same as those in the General Docket, and are governed by the same rules of civil procedure. The exception is cases in which the claim for damages is less than \$3,000, which would permit a short-form complaint.

### **10-6.2 Short-Form Complaint**

The purpose of the short-form complaint (form 10-5, Alleg.Co.L.R. 1320(9)(a)) is to permit a simple, quick, and inexpensive resolution of the dispute. Where cases involve \$3,000 or less, a short-form complaint can be filed by the plaintiff. The short-form complaint describes in a concise fashion the nature of the claim, the responsibility of the defendant, and the amount of damages. The defendant responds with a pleading known as notice of intention to appear (form 10-6, Local Rule 1320(9)(a)). This permits the defendant to respond with a defense and counterclaim, if any. Unless additional pleadings are filed, the case then proceeds to trial.

### **10-6.3 Notice of Hearing Date and Notice to Defend**

- (a) Every complaint filed against a defendant or an additional defendant, except small claims, must contain a notice of hearing date, as well as a notice to defend and duty to appear (form 10-3, Alleg.Co.L.R. 1303(4)).
- (b) All small claims complaints where damages do not exceed the sum of \$3,000 must contain a notice of hearing date, notice to defend, and duty to appear (form 10-4, Alleg.Co.L.R. 1320(9)(a)), which is attached to the notice of intention to appear and the short-form complaint served upon the defendant.

## **10-7 CONTINUANCES**

### **10-7.1 Cases Removed from Trial List**

- (a) **Lack of Service on a Defendant.** The supervisor of arbitration will automatically remove a case from a trial list when a defendant or additional defendant has not been served 10 days

prior to the scheduled hearing date. If a party has been added through a pleading filed within 10 days of the hearing, no automatic removal from a trial list will be granted due to lack of service unless all parties consent or an order of court is secured.

**(b) Relisting for Trial When Not All Defendants or Additional Defendants Are Served.** When a case is removed from a trial list due to lack of service of one defendant or additional defendant, the arbitration office will notify counsel and unrepresented parties who have been served, with the notice of postponement of trial. Once all parties have been served, a new hearing date will be assigned only upon the filing of a praecipe for hearing form with the DCRCFD (form 10-8). Available hearing dates are listed in the office of the supervisor of arbitration, and after selection of a date by the moving party, the date will be assigned to the case. The moving party is required to notify all counsel and unrepresented parties of the new hearing date.

**(c) Trial When At Least One Defendant Has Been Served.** The supervisor of arbitration, at the written request of the plaintiff using praecipe for hearing form 10-8, will schedule a new hearing even if all defendants have not been served. Arbitrators will consider the claims only against those parties that have been served. The remaining claims against the unserved parties are severed for separate trial at a later date after service is made.

### **10-7.2 Uncontested Continuances**

Upon stipulation of all counsel or unrepresented parties, a hearing may be continued to another fixed hearing date. An uncontested request for continuance is made by the moving party, by the use of the DCRCFD adjournment of hearing form, also known as the “Green Sheet” (form 10-9). These forms are available in the arbitration office, Room 702 City-County Building. The request for an uncontested continuance is presented to the supervisor of arbitration, who will sign the order when the consent stipulations are indicated on the form.

### **10-7.3 Contested Continuances**

Any motion for a continuance that is contested must be presented, after 10 days’ written notice to all parties, to the calendar control judge, Ronald W. Folino, 819 City-County Building. The motion will contain the moving party’s reasons for requesting a continuance. (See Alleg.Co.L.R. 208.3(a)(6).)

### **10-7.4 Hearing Dates**

Prior to the presentation of a motion to the calendar control judge, the moving party should get a new date for trial from the supervisor of arbitration and indicate that new hearing date in the motion. Ten days written notice of the argument must be given to opposing parties. If the motion is granted, the moving party must advise all counsel and unrepresented parties of the new hearing date, file the order with the DCRCFD, and pay the filing fee.

## **10-8 MOTIONS**

### **10-8.1 Time for Filing**

All motions should be filed as soon as possible so that the argument can take place before the scheduled hearing date. There is no automatic continuance of a hearing date due to any pending preliminary objections, petitions, or motions unless all counsel consent to the continuance and file an approved adjournment of hearing form with the DCRCFD. If there is no consent, then the hearing can be continued only by order of court from the calendar control judge for the civil division.

If preliminary objections, petitions, or motions are filed at such a date so as to prevent argument before the scheduled arbitration trial, then, if no continuance of the trial is granted, the case will proceed to hearing as if the motions or petitions had not been filed or preliminary objections were denied.

## **10-8.2 Place of Filing and Argument**

All motions and petitions, unless consented to, and all preliminary objections are scheduled for argument through the office of the supervisor of arbitration, Room 702 City-County Building. The matter will be listed for argument before the special motions judge for compulsory arbitration. This occurs on Friday mornings, unless otherwise directed by the court. Briefs are not required for argument unless specifically requested by the court.

Moving parties are required to notify all counsel and other parties of the argument date immediately upon receiving that information from the supervisor of arbitration, and serve a copy of the motion or petition on all other parties. See Allegheny County Civil Local Rules 1028(c)(2) and 1034(a)(2).

## **10-8.3 Uncontested Motions**

All uncontested motions and matters are presented to the special motions judge for the arbitration division on the regularly scheduled Friday dates at 10:00 a.m., 12:00 noon, and 2:00 p.m. Attorneys may telephone (412) 350-0273 and press “1” to hear the dates on which the special motions judge is hearing motions.

## **10-9 PREPARATION FOR ARBITRATION HEARING**

### **10-9.1 General Guidelines**

The arbitration hearing is a trial, and preparations by counsel should conform to the standards that counsel would follow for any trial. Witnesses are to be prepared so that testimony and evidence can be given to the arbitration board quickly, concisely, and without repetition. Witnesses should be cautioned by counsel to avoid making gestures or sounds that could affect their credibility with the board. This caution should also apply during the time when the opposing party and opposing witnesses testify.

### **10-9.2 Exhibits**

Exhibits and documentary evidence are useful in arbitration cases, and the informality of the hearing enables counsel to use such exhibits graphically and to point out specific areas of the exhibits to the arbitrators with ease. Drawings and sketches can be made helpful if enough copies are provided to each of the arbitrators for their own reference while listening to testimony. (Arbitration does not have audio/video equipment available. Parties should arrange to provide such equipment by contacting the Allegheny County Bar Association.)

### **10-9.3 Legal Memoranda**

It is worthwhile to prepare a memorandum of law for presentation to the arbitrators, especially if there is a question of law that would be the subject of argument by counsel. If no memorandum is prepared, counsel should provide the board with copies of any cases relied on by counsel in its legal argument. Copies of anything provided to the board should also be provided to opposing counsel at the hearing.

### **10-9.4 Documentary Evidence**

It is important to note that all documents, photographs, and other exhibits left with the arbitration board, for its use in deliberation, will not be retained by either the board or the DCRCFD and may be disposed of by the DCRCFD shortly after the hearing. (Parties may request that the arbitration clerk shred sensitive evidence left with a board.) Therefore, parties should retain possession of all original documents or evidence for proper preservation. It is suggested that copies of all

documentary evidence and exhibits be provided to the arbitrators so that they are available for use by the board during deliberation.

#### **10-9.5 Pa.R.C.P. 1305(b)**

**(a) Hearsay Exception.** The board does receive as evidence, without further proof or testimony, certain documents as set forth in Pa.R.C.P. 1305(b), if at least 20 days' notice of the intention to offer them accompanied by a copy of each document was given to all other parties. These documents include bills, records, and reports of hospitals, doctors, and other health-care providers; bills for drugs, medical appliances, and prostheses; bills for, or written estimates as to the value of and damage to the property, the cost of repair of or loss of property; reports of rate of earnings and time lost from work or lost compensation as prepared by an employer; expert reports and description of expert qualifications; and certain official records of the Commonwealth or the United States Government.

**(b) Property Damage Bill or Estimate.** Any property damage bill or estimate bearing the certification of the maker of that document that it is true and correct, and that the charges are fair and reasonable, and whether or not the property was repaired, and if so, whether the estimated repairs are made in full or in part, may be submitted into evidence without further proof.

**(c) Notice and Copies to Opponent.** At least 20 days prior to the hearing date, counsel must notify opposing counsel or unrepresented parties of his or her intent to offer into evidence any bills, records, or reports and must also include with this notice a true and correct copy of any such documents.

**(d) Right to Subpoena.** Where a bill, report, or estimate is presented to the board pursuant to Pa.R.C.P. 1305(b), the opposing party has the right to subpoena the maker of the document for cross-examination at the arbitration hearing as if that person were a witness for the party presenting the document.

#### **10-9.6 Stenographic Record**

Any party, at his or her own expense, may provide for a court reporter to record, or make a recording of, the testimony of the trial. If opposing counsel or parties wish to receive a copy of this transcript or recording, they must agree to pay their proportionate share of the cost. It may be important for a party to pay for a transcript where it is obvious that an appeal from the arbitrators' award will be filed. See Pa.R.C.P. 1304(c).

### **10-10 CONDUCT OF THE HEARING**

#### **10-10.1 Appointment of Arbitrators**

Arbitrators report to Arbitration Hearing Room 4, 7th floor, City-County Building, and are directed to an arbitration hearing room where they are sworn and will serve until all scheduled cases for that date are heard. At the conclusion of each hearing, the arbitrators advise the supervisor of arbitration of their findings by completing the written arbitration award form, and the award form is filed with the DCRCFD. The arbitrators are paid \$150 for their services.

#### **10-10.2 Call of the List**

All parties and counsel are required to indicate that they are ready for trial by advising the arbitration courtroom clerk. When all parties are ready, the case is given a number. The case is then sent to trial in numerical order to any arbitration board that is ready to hear the case.

All parties and counsel should advise the clerk of their readiness for trial at 9:00 a.m., and be prepared for trial at any time.

A second call of the list will take place at 10:00 a.m., and if neither party answers “ready,” the suit will be dismissed. If only one party answers “ready,” the case may be sent to the first available arbitration board for an ex parte hearing, at which time the party that is present will present his or her case-in-chief, and the board makes its award. Alternatively, if a Duty to Appear at Arbitration Hearing notice was given (see forms 10-3 and 10-4, Alleg.Co.L.R. 1303(4) and 1320(9)(a)), and all present parties agree, the case may be heard by a judge immediately. A nonjury verdict will be rendered, from which there is no right to appeal de novo. A nonjury verdict entered at a hearing held pursuant to Local Rule 1303(a)(2)(1) may not exceed \$25,000 (exclusive of interest and costs) to any party. Within 10 days of the verdict being sent, post-trial motions must be filed in the Office of the Department of Court Records and a copy must be delivered to the trial judge. Argument will be scheduled by the trial judge without praecipe. Post-trial motions should explain why the party was not present and will be decided by the judge who rendered the verdict.

## **10-11 HEARING**

### **10-11.1 Procedure**

An arbitrator administers the oath or affirmation to the witnesses. The chairperson may make remarks to the parties concerning the general procedures to be followed, notes any stipulations entered into previously by the parties, and allows the parties the opportunity to make an opening statement. The chairperson then presides over the hearing so that the conduct of the proceedings is orderly.

When objections are raised by any of the parties, a ruling is made on the objection by a majority of the arbitration board.

### **10-11.2 Testimony**

After opening statements, counsel or unrepresented parties present to the board their testimony, through witnesses and documents. The case proceeds through direct testimony and cross-examination and, at the conclusion of the testimony, opportunity to make a short closing is offered to all counsel and unrepresented parties. It is suggested that the presentation of testimony, opening arguments, and closing arguments be done within a short period of time and without repetition or reference to matters of no importance to the case.

## **10-12 NONSUIT**

### **10-12.1 Voluntary Nonsuit**

The board is authorized to grant a voluntary nonsuit on the plaintiff’s request as permitted by Pa.R.C.P. 230.

### **10-12.2 Involuntary Nonsuit**

If at the conclusion of the plaintiff’s case the board determines that the evidence is insufficient to support an award in favor of the plaintiff, it will enter an award in favor of the defendant.

### **10-12.3 Damages for Delay**

Pa.R.C.P. 238, as amended, provides for delay damages in certain actions involving personal injury, death, and/or property damage where the defendant has made no offer or an inadequate offer of settlement.

A party seeking delay damages must, at least 20 days prior to the hearing, notify the opposing party of the intention to request delay damages and the date from which they are to be calculated.



The party who objects to the request must submit to its opponent, within 10 days prior to the hearing, a statement setting forth the objection and whether:

- (a) The defendant made an offer in writing and the amount and date of the offer; and
- (b) There was a period of time during which delay of the arbitration hearing was attributable to the plaintiff.

Each party must submit to the board at the hearing a sealed envelope containing the request and the reply. Immediately upon making an award, the board will review the contents of the envelopes and make an additional determination, if warranted, on the request. If a party opposes the request, the board may hold a hearing on the issue of damages for delay and then determine the amount, if any. The damages for delay will be separately stated in the report and award of the arbitrators. The envelope and the writing contained therein will be filed with the papers in the case.

It is unlikely that delay damages would be applicable in most arbitration cases, since the filing of suit and the date of hearing occur before that time when delay damages are applicable. See Pa.R.C.P. 238(a)(2).

## **10-13 APPEAL FROM AN ARBITRATION AWARD**

### **10-13.1 Appeal Procedure**

An appeal must be taken not later than 30 days after the day the DCRCFD makes the notation on the docket that notice of entry of the award has been provided to all parties. The appeal is taken by filing, with the DCRCFD, a notice of appeal from the award of the board of arbitrators (form 10-10), a data collection record (form 10-11), and a copy of the notice of appeal for mailing, with properly addressed envelopes, to all counsel and unrepresented parties. See Pa.R.C.P. 1308–1313.

### **10-13.2 Costs on Appeal**

At the time of filing the appeal, the appellant will pay the required fee to the DCRCFD unless a proper petition to appeal *in forma pauperis* has been granted.

### **10-13.3 Jury Trial Demand**

Most appeals are made with a request for nonjury trial, and are generally scheduled for trial approximately six months after the date of the arbitration hearing. If the appellant demands a jury trial, then he or she must pay an additional fee of \$125, and can expect a jury trial to be scheduled within six months (currently) from the date of the arbitration hearing. Appeals from landlord and tenant cases are scheduled for trial on an accelerated basis.

### **10-13.4 Admission of Documentary Evidence on Appeal**

A plaintiff (including a defendant who is a plaintiff in a counterclaim) may stipulate to \$25,000.00 as the maximum recovery amount on arbitration appeal. If the proper stipulation has been filed and served as per Pa.R.C.P. 1311.1 (form 10-12) any party may offer at trial the documents set forth in Pa.R.C.P. 1305(b)(1). The admission of the documentary evidence is conditioned upon notice to every other party accompanied by a copy of each document to be offered (see form 10-13).

## **10-14 ENTRY OF JUDGMENT ON AN ARBITRATION AWARD**

### **10-14.1 Procedure**

If no appeal is filed within the 30-day appeal period, the plaintiff may enter judgment on the award of the arbitrators by praecipe (form 10-14). When the praecipe for judgment is filed, the plaintiff must also file a notice of order of judgment (form 10-15), indicating on it the amount of

judgment based on the arbitration award and with a stamped envelope addressed to the defendant or defendant's counsel. There is a fee for filing the praecipe with the DCRCFD.

#### **10-14.2 Arbitration Award as a Lien**

The arbitration award when entered on the docket no longer has the effect of a verdict on real estate. If no appeal is taken within 30 days after the entry of the award on the docket, the DCRCFD on praecipe will enter judgment on the award. Pa.R.C.P. 1307(c).

#### **10-14.3 Discontinuance**

No case that has been appealed may be discontinued without the written consent of all parties involved.

### **10-15 DISCOVERY**

#### **10-15.1 Discovery in Personal Injury Claims**

**(a) Procedure.** Pursuant to Alleg.Co.L.R. 1301.1 and applicable to all cases filed on or after September 1, 1991, the court has provided specific guidelines to be used for discovery in all personal injury cases filed in compulsory arbitration (see appendix 10-1). Discovery requests directed to the defendant may be attached to the copy of the complaint served upon the defendant or served thereafter. The answers by the defendant are to be completed within 30 days of service of the discovery requests. Discovery requests directed to the plaintiff may be attached to the copy of the answer to the complaint by the defendant or served thereafter. The plaintiff has 30 days from date of service upon it to answer the discovery requests.

**(b) Form of Discovery.** The court sets forth the specific form of questions and requests for production within the local rule. The forms as propounded by the local rules must not be modified or added to by either party.

**(c) Additional Discovery.** Once the specific discovery requests have been served and answered, additional discovery is not barred. However, the court has indicated that additional discovery may be unreasonably burdensome in most arbitration proceedings. Counsel should not expect to secure discovery information beyond the scope as set forth in the local rule.

**(d) Exception.** Local Rule 1301.1 does not apply to claims under \$3,000.00. The party's right to discovery for small claims is governed by Alleg.Co.L.R. 1320(7).

#### **10-15.2 Discovery in Non-personal Injury Claims**

**(a) Discovery in Small Claims.** A party's right to discovery for cases that do not exceed \$3,000, exclusive of costs and interest, is governed by Local Rule 1320(7).

**(b) Discovery in Cases Above \$3,000.** A party's right to discovery for cases above \$3,000 is governed by Pa.R.C.P. 4001–4020. (Note: Rule 4011(b) does not permit discovery that would cause unreasonable burden or expense.)