

WASHINGTON COUNTY LOCAL RULES OF CIVIL PROCEDURE

RULES OF CONSTRUCTION

RULE 51. Title and Citation of Rules

These rules shall be known as the Washington County Local Rules of Civil Procedure and may be cited as “Wash.L.R.C.P. _____.”

RULE 52. Effective Date. Application to Pending Actions. Access to Rules

(1) A rule or an amendment to a rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, unless otherwise stated at the time of adoption. The effective date of a rule or amendment shall be noted after the rule in its official publication in the *Pennsylvania Rules of Court*.

(2) Unless otherwise specified by the Court of Common Pleas of Washington County, a rule or amendment to a rule shall apply to actions pending on the effective date.

(3) A copy of these rules shall be accessible by the public in the Washington County Law Library and on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

RULE 76. Definitions

“Assigned judge” shall mean the judge to whom a particular case is assigned.

“Court” shall mean the Court of Common Pleas of Washington County.

“Court Administrator” shall mean the District Court Administrator for the Twenty-seventh Judicial District.

“Local Rule” shall mean any rule, regulation, practice, or procedure promulgated by the Court of Common Pleas of Washington County pursuant to 42 Pa. Con. Stat. § 323.

“President Judge” shall mean the President Judge of the Court of Common Pleas of Washington County.

“Prothonotary” shall mean the Office of the Prothonotary of Washington County.

RULE 106. Computation of Time

Whenever the last day of any such period shall fall on a holiday as established by the County of Washington or the Court, or on any other business day that the courthouse is closed, such day shall be omitted from the computation.

BUSINESS OF COURTS

RULE 200. Representation by an Attorney

- (1) Individuals may represent themselves or be represented by an attorney.

(2) A corporation or similar entity, or an unincorporated association, must be represented by an attorney in all matters and proceedings before the Court.

Note: A corporation may appear in court only through an attorney at law admitted to practice before the court. Walacavage v. Excell 2000, Inc., 480 A.2d 281 (Pa. Super. 1984).

RULE 200.1. Assignment of Civil Cases

(1) The President Judge annually shall assign civil case types to the judges of the Court by Administrative Regulation. The Administrative Regulations shall be available by hard copy in the Office of the Court Administrator and the Prothonotary, and at www.washingtoncourts.us.

(2) The following case types shall be assigned:

- (a) Tort;
- (b) Contract;
- (c) Mass tort;
- (d) Professional liability;
- (e) Actions for Custody, Partial Custody, and Visitation of Minor Children;
- (f) Action of Divorce or Annulment of Marriage;
- (g) Actions for Support;
- (h) Actions Pursuant to the Protection from Abuse Act;
- (i) Common Law/Statutory Arbitration;
- (j) Declaratory Judgment;
- (k) Mandamus;
- (l) Non-Domestic Relations Restraining Order;
- (m) Quo Warranto;
- (n) Replevin;
- (o) Quiet Title;
- (p) Ejectment; and

(q) Partition.

(3) The following case types shall be unassigned:

(a) Statutory Appeals or Appeals from an Administrative Agency;

(b) Actions involving Real Property, except for Quiet Title, Ejectment, or Partition;

(c) Actions in Mortgage Foreclosure; and

(d) Any action in which the amount in controversy, exclusive of costs and interest, is below the compulsory arbitration limit of \$50,000.00.

(4) The President Judge, or the Court Administrator, shall have the authority to assign a case to a judge in the interest of the efficient administration of justice.

(a) The assignment process is to facilitate administrative control and to manage the flow of cases. All judges may hear any matter that properly comes before the Court.

(5) When more than one judge is assigned to a case type, the Court Administrator shall make individual case assignments among the judges at random.

(6) It shall be the duty of counsel for the plaintiff/petitioner, or the plaintiff/petitioner if unrepresented, to inform all other parties in writing of the judicial assignment.

RULE 205.2(a). Pleadings and Legal Papers. Physical Characteristics. Proposed Order

(1) All pleadings and legal papers filed with the Prothonotary shall be on white, letter-sized (8.5 inch by 11 inch) paper of good quality, and otherwise conform to the requirements of Pa.R.C.P. 204.1.

(a) Footnotes shall be single-spaced and in 10-point font.

(b) Every paper filed shall be fastened only at the top left corner of the pages with one staple, or, if the document is too thick, a metal fastener. Cloth tape and “bluebacks” shall not be used.

(2) All attachments, supporting documents, and exhibits shall be on letter-sized (8.5 inch by 11 inch) paper at the time of filing with the Prothonotary. Documents that are sized differently in original form shall be re-sized and reproduced to comply with this rule.

(3) **Proposed Order.** Every motion, petition, or preliminary objection shall include a proposed order of court which shall be attached before the certificate of service.

RULE 205.2(b). Caption Sheet

(1) 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 Caption Sheet below. If needed, a second page may be attached and numbered “Caption Sheet 2” at the bottom of the page.

(a) 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 Caption Sheet below.

(b) The Caption Sheet on the document commencing the action (*e.g.*, praecipe or complaint), shall have a margin at the top of three (3) inches for the stamp of the Prothonotary.

(2) The information required includes:

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

“IN THE COURT OF COMMON PLEAS OF WASHINGTON 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, *e.g.*, CIVIL or DOMESTIC RELATIONS;

(ii) the docket number;

(iii) the name of the assigned judge, if applicable;

(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). Actions for support shall be filed with the Domestic Relations Section and follow caption and docketing requirements attendant to support actions;

(vi) if the action is filed as a class action, then “CLASS ACTION” shall be set forth following the title of the document;

(vii) if the action involves real estate, then the address, municipality, ward if applicable, and a tax identification 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, address, and telephone number)”; and

(xi) every motion, petition, or pleading 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. The “Certificate of Service” shall be substantially in the following form:

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) listed below via [manner of service], this _____ day of _____, 20____.

[Name and address of counsel]

[signature]

(3) Form Caption Sheet.

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

<p>JOHN DOE, Plaintiff, vs. BIG CORPORATION, INC., and JANE DOE, Defendants.</p>	<p>CIVIL DIVISION _____ No. _____ JUDGE _____ TITLE OF DOCUMENT CLASS ACTION (if applicable) Real Estate Involved (if applicable): (Address, municipality, ward if applicable; a tax identification number is required in all cases involving real estate.) Filed on behalf of Plaintiff, JOHN DOE Counsel of Record for this Party:</p>
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	<p>Henry Smith, Esquire Pennsylvania I.D. #1234 Eeny, Meeny, Miny & Mo Firm I.D #5678 123 South Main Street, Suite 100 Washington, PA 15301-0000 724-867-5309 724-987-6543 (fax) emmm@wcba.org (Optional. See Local Rule 440)</p> <p>JURY TRIAL DEMANDED (Optional. See Pa.R.C.P. 1007.1)</p>
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RULE 206.1(a). Petitions

(a) In addition to petitions as defined by Pa.R.C.P. 206.1(a)(1), the following applications are designated as a “petition” and are governed by the procedures set forth in Pa.R.C.P. 206.1, *et seq.*:

- (1) Petition to Appoint an Arbitrator;
- (2) Petition to Appoint a Receiver;
- (3) Petition to Appoint a Discovery Master;
- (4) Petition to Compel Arbitration;
- (5) Petition to Confirm an Arbitration Award;
- (6) Petition to Confirm/Enforce Settlement;
- (7) Petition for Contempt/Sanctions;
- (8) Petition to Set Aside an Arbitration Award;
- (9) Petition to Appoint a Sequestrator;
- (10) Petition to Transfer Venue;
- (11) Petition to Withdraw as Counsel; and
- (12) Any other petition that is expressly permitted or required by rule or statute.

RULE 206.4(c). Rule to Show Cause. Procedure

(1) The Court hereby adopts Pa.R.C.P. 206.5 as the procedure governing the issuance of a rule to show cause. The issuance of a rule to show cause shall be discretionary with the Court upon presentation of a petition pursuant to Wash.L.R.C.P. 206.1(a).

(a) A petition seeking the issuance of a rule to show cause shall be presented to the assigned judge, or the general civil motions judge if unassigned.

(b) A petition which fails to facially state a *prima facie* case for relief, or that can be decided briefly without an answer, may be disposed of in motions court without the issuance of a rule to show cause.

(c) The petitioner shall append two proposed orders to the petition, providing for either the use of argument or an evidentiary hearing to determine the petition as set forth in Pa.R.C.P. 206.5(d).

(d) The petitioner shall provide service of the order issuing a rule to show cause to all parties within five (5) business days of the entry thereof.

(e) A request for a stay of execution, or any other form of emergency relief, shall be addressed in the body of the petition, and may be ordered by the Court upon presentation of said petition.

RULE 208.2. Motion. Form. Content.

(a) All motions shall contain a cover sheet in the form prescribed by Wash.L.R.C.P. 205.2(b).

(b) A concise statement of applicable authority shall be included in any motion, unless all parties have consented to the relief sought by the motion.

(c) Motions in which all parties have consented to the relief sought may be sent to the chambers of the assigned judge for disposition. If consent has not been obtained from all parties, the moving party shall present the motion in Motions Court after complying with all applicable rules of court.

(1) Prior to the presentation of an unconsented motion, counsel and/or the parties shall confer to attempt to resolve the subject matter of the motion. The moving party shall attach a Certificate of Compliance to the motion. The Certificate of Compliance shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

[Caption] :
: No. 20____ - ____
:

CERTIFICATE OF COMPLIANCE

1. The undersigned, _____, represents [name of party], the moving party herein.
2. I certify that I have complied with Wash.L.R.C.P. 208.2(3)(a) and conferred with [opposing counsel or the opposing party] in an attempt to resolve the subject matter of this motion as noted below:
 - Talked by phone: [date]
 - Met in person: [date]
 - Other: [type of communication] [date]
 - I attempted to confer on [date(s)], but was unable to [state reason(s)].
 - I did not confer for the following reason(s):
 - I did not confer because this case, or another case at docket No. _____, involves an allegation of domestic violence.

_____ [date]
Signature

(d) Except as set forth in any other local rule, all motions that are to be presented in Motions Court shall contain a “Certificate of Presentation,” which shall be the first page of the motion. The Certificate of Presentation shall substantially be in the following form:

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

[Caption] :
: _____ No. 20____ - ____
:

CERTIFICATE OF PRESENTATION

1. The undersigned, _____, represents [name of party], the moving party herein.

2. The attached motion will be presented to the Hon. [Judge's name], on [date] at [time] in Courtroom No._____.
3. The attached motion is consented / not consented to by all parties. [If not a consented to motion] A Certificate of Compliance is attached to this motion. [If consented to] A Certificate of Consent is attached to this motion.
4. The applicable authority [ties] on which the Court may rely to provide the relief sought are as follows:_____.

Respectfully submitted,

[date]

(e) Every motion shall contain a Certificate of Service as set forth in Wash.L.R.C.P. 205.5(b)(2)(c)(xi).

(f) Every motion shall name each judge who has ruled upon any other issue in the same or a related case and shall specify the issue.

RULE 208.2(c). Concise Statement of Applicable Authority

Every motion shall include a concise statement of the applicable authority on which the Court may rely to provide the relief sought by the moving party. The requirements for providing a concise statement of applicable authority with any motion are set forth in Wash. L. R. Civ. P. 208.2.

RULE 208.2(e). Duty to Confer; Discovery

For all discovery motions, see Wash. L. R. Civ. P. 208.2(3)(a) for the requirements to confer with all interested parties and the filing of a Certificate of Compliance.

RULE 208.3(a). Procedures for the Disposition of Motions

(1) Scope. As used in this rule, the term “motion” means any application to the Court made in any civil action or proceeding, except as provided in Pa.R.C.P. 208.1(b)(1) and (2).

(2) This Court specifically declines to adopt the alternative procedures set forth in Pa.R.C.P. 208.3(b), imposing mandatory requirements for the filing of a response or brief with respect to any motions.

Note: A party may file a brief when it is anticipated that the Court will wish to consider a brief before deciding an issue; however, there is no requirement to do so.

(3) **Procedure.** The procedure set forth in this rule shall apply to every request for relief and/or application to the Court for an order, whether by petition, motion, objections, or stipulation, that the moving party desires to bring before the Court.

(a) If expedited consideration by the Court is requested or required by statute, rule of procedure, or other controlling authority, the reason for such consideration shall be set forth in the motion.

(b) A proposed order granting the relief requested shall be attached to every motion.

(c) The Court shall schedule argument, hearing, or briefing as the Court may require, and issue a scheduling order. Unless otherwise ordered, docketing and service of the scheduling order shall be in accordance with these rules.

(4) **Presentation of a Motion.**

(a) In cases that are not assigned to a judge, motions may be presented to the General Civil Motions Judge in Motions Court. The schedule for Motions Court shall be set forth annually by Administrative Regulation, and is available in hardcopy in the Office of the Court Administrator and at www.washingtoncourts.us.

(b) All motions in cases that are assigned to a judge shall be presented in the Motions Court of the assigned judge, except as provided in Wash.L.R.C.P. 208.2(c).

(i) The Motions Court schedule for all judges assigned to civil cases shall be set forth annually by Administrative Regulation, and be made available in hardcopy in the Office of the Court Administrator and at www.washingtoncourts.us.

(c) All motions shall comply with the standard operating procedures of the judge to whom presentation is made. Standard operating procedures for the judges of the Court shall be made available at www.washingtoncourts.us.

(5) **Notice of Presentation.** The moving party shall provide notice of at least five (5) business days prior to presentation of a motion, unless the motion has the consent of all parties. A copy of the motion shall be provided to the chambers of the judge to whom the motion is being presented at least twenty-four (24) hours in advance.

(a) Every motion that has the consent of all parties shall contain a “Certificate of Consent” in a substantially similar form:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

:
: No. 20____ - ____
:

CERTIFICATE OF CONSENT

1. The undersigned, _____, represents [name of party], the moving party herein.

2. As evidenced by the below signatures, the parties have consented to the relief sought by this motion, and request that the Court enter the proposed order.

Respectfully submitted,

[date]

Consented to by: [name, party name, and signature] [date]

(b) The Certificate of Consent may be entered into in counterparts, and an original signature is not required of any counsel and/or party except the moving party.

Comment: It is anticipated that counsel and/or a party will provide evidence of consent by email or facsimile in many instances, and this rule encourages the use of counterparts for the convenience of the parties.

(c) Nothing in this subsection of the rule shall be read to obviate the standard operating procedures of a judge concerning the presentation of a motion.

(6) **Sanctions.** If a moving party misrepresents or falsely asserts that a motion has the consent of another party, the Court may enter an order levying sanctions and/or any other appropriate relief against the moving party. Nothing in this rule is intended to obviate the provisions of Pa.R.C.P. 1023.1.

(7) **Dispositional Aid.** In the discretion of the Court, a judge may order one, or any, of the following to aid in the disposition of a motion:

(a) oral argument;

(b) briefs; or

(c) a rule to show cause as set forth in Pa.R.C.P. 208.4.

RULE 208.4. Court Order

In all cases in which the Court enters an order after initial consideration of a motion, the Court may require the moving party, or their counsel if represented, to retrieve and file the order immediately with the Prothonotary, or, in the alternative, to require the Prothonotary to serve a copy of the order on the moving party, or their counsel if represented, by first-class mail, postage pre-paid. Upon receipt of the order, the moving party shall serve a copy on all other parties within three (3) business days.

RULE 210. Briefs

(1) Absent a court order for cause shown, the body of a brief shall not exceed 3,000 words. Non-conforming or illegible briefs may not be considered in the discretion of the Court. All briefs shall use a proportionally spaced typeface in fourteen (14) point font; the proportionally spaced typeface must include serifs, but sans-serif type may be used in headings and captions. All other physical characteristics of a brief shall comply with Wash.L.R.C.P. 204.1.

(2) Every brief shall contain the following:

- (a) a brief history of the case;
- (b) a statement of the issue(s) involved;
- (c) a copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, order, and/or transcript;
- (d) an argument with citations of the authority relied upon;
- (e) a citation or copy to any opinion of the Court or an agency involved in the case; and
- (f) a conclusion.

(3) No supplemental brief(s) shall be filed, absent an order of court.

(4) Unless otherwise ordered by the Court, the brief of the moving party shall be filed at least twenty (20) days prior to the proceeding on the motion. The brief of the responsive party shall be filed within ten (10) days thereafter.

(5) This rule shall not apply to any brief filed in support of, or in opposition to, a motion for post-trial relief pursuant to Pa.R.C.P. 227.1.

RULE 212.1. Pre-trial Procedures. Conferences. Scheduling. Management

(a) **Purpose.** In any civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is to be tried by a judge or a jury, the Court may order the attorneys and any unrepresented parties to appear for one or more pre-trial conferences for such purposes as:

- (1) expediting disposition of the case;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pre-trial activities;
- (4) improving the quality of trial through more preparation; and
- (5) facilitating settlement.

(b) Unless otherwise ordered by the Court, there shall be a minimum of three (3) court conferences in every civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is to be tried by a jury: an initial case management conference; a status conference; and a pre-trial conference.

(c) **Initial Case Management Conference.** As soon as practical, but no later than thirty (30) days after the service of a complaint, the Court shall enter an order setting forth the date and time of an initial scheduling conference.

(1) Unless the Court finds good cause for delay, the initial scheduling conference shall be held within the earlier of ninety (90) days after service of the complaint or sixty (60) days after any defendant has appeared. The Court may defer the initial scheduling conference if a motion that would dispose of all of the claims within the complaint is pending.

(2) Following the conclusion of the conference, the Court shall issue an order setting forth dates for the following:

- (A) the completion of expert and fact discovery;
- (B) the date(s) in which to file dispositive motions at an early stage of the proceedings; and
- (C) the date of the status conference.

(3) In the order issued after the case management conference, the Court may address any other topic it deems necessary to serve the purposes of this rule, including the designation, if appropriate, of the case for arbitration, mediation, appointment of a special master, or other special procedure.

(4) Prior to filing a motion to modify any case management order, all counsel, or a party if unrepresented, shall confer in an effort to reach agreement on the proposed modification.

(5) Nothing in this rule shall be read to expand or otherwise enlarge the time for filing a pleading as set forth in Pa.R.C.P. 1026 or 1042.4.

(d) **Status Conference.** A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a status conference. If appropriate, the Court may require attendance by a party or its representative or any other individual deemed necessary to the litigation, or the reasonable availability by other means to consider possible settlement. For the purposes of this rule, the term “representative” shall include an insurance or similar representative with full authority to negotiate or settle the case as in accordance with Pa.R.C.P. 212.5(b)(2).

(1) At the conclusion of discovery, the Court shall hold a conference to review the status of the case, including:

(A) any outstanding issues concerning discovery;

(B) disposing of pending motions;

(C) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or rule of court;

(D) setting forth a date for the filing of a motion of summary judgment pursuant to Pa.R.C.P. 1035.2, and issuing a briefing schedule; and

(E) setting forth a date for the scheduling of a pre-trial conference.

(e) **Pre-trial Conference.**

(1) All trial counsel shall attend the pre-trial conference. If counsel is not present for the pre-trial conference, the Court may bar their participation at trial.

(2) A party and its representative, or any other person deemed necessary to the litigation by the Court, shall be present in person at the pre-trial conference; telephonic or remote participation shall not be permitted absent prior approval by the Court for good cause. For the purposes of this rule, the term “representative” shall include an insurance or similar representative with full authority to negotiate or settle the case as in accordance with Pa.R.C.P. 212.5(b)(2).

(3) At any pre-trial conference, the Court may consider and take appropriate action on the following matters:

(A) formulating and simplifying the issues, and eliminating frivolous claims or defenses;

(B) obtaining admissions and stipulations from the parties, and ruling in advance on the admissibility of evidence;

(C) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or rule of court;

(D) disposing of pending motions;

(E) setting forth deadlines for the filing of pre-trial statements and/or briefs by the parties;

(F) setting forth deadlines for the filing of motions in limine, proposed *voir dire* questions and interrogatories, and proposed jury instructions;

(G) setting a date for trial; and

(H) determining the form and content of the pre-trial order.

(4) The Court may hold a final pre-trial conference to develop a trial plan, including a plan to limit testimony or facilitate the admission of evidence. The conference shall be held as close to the start of trial as is reasonable, and shall be attended by trial counsel and any unrepresented party.

(f) **Sanctions.** Upon motion of a party, or *sua sponte*, the Court may issue any just orders or sanctions, including the imposition of reasonable expenses, including attorney's fees, if a party or its attorney:

(1) fails to appear at an initial case management conference, a status conference, or a pre-trial conference;

(2) is substantially unprepared to participate, or does not participate in good faith;
or

(3) fails to obey an order issued pursuant to this rule.

Note: Unrepresented parties are subject to the same obligations as those imposed upon attorneys representing a party. This includes sufficient knowledge of the claim(s) asserted, potential defenses, damages and/or other relief sought, and legal issues raised in the pleadings.

(g) **Continuances.** When a case is scheduled for a conference pursuant to this rule, it shall not be continued except for good cause shown.

RULE 212.2. Pre-trial Statements.

(a) Unless otherwise ordered by the Court, the deadline for the filing of a pre-trial statement by a party shall be governed by Pa.R.C.P. 212.2. All pre-trial statements shall be filed with the Prothonotary.

(b) In addition to the requirements of Pa.R.C.P. 212.2, a pre-trial statement shall contain the following:

- (1) a brief narrative statement of the facts and contentions as to liability;
- (2) a listing of all exhibits available at the time of pre-trial which the party intends to introduce at trial;
- (3) a specific description of damages;
- (4) any presently known motions in limine and any legal research, memorandum, or brief in support thereof. Failure to include any motion in limine in the pre-trial statement will not bar a future filing of the motion if it could not have been anticipated at the time of filing the pre-trial statement or if, in the interest of justice, the Court permits late filing;
- (5) a summary of legal issues involved and applicable legal authorities relied upon;
- (6) the settlement status of the case to include settlement offers and demands; and
- (7) the reasons supporting the settlement posture set forth by the party.

(c) There shall be attached to the pre-trial statement:

(1) a copy of all reports containing findings or conclusions of any healthcare provider who has treated or examined a party or has been consulted in connection with any injuries complained of and whom a party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such healthcare provider shall be excluded at the trial except upon consent of the party or parties or upon express order of the Court;

(2) a copy of all reports containing findings and conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call at trial. If timely production of any such report is not made, the testimony of such expert shall be excluded at the trial, except upon consent of the party or parties or upon express order of Court; and

(3) the names and addresses of all witnesses the party expects to call at trial. The witnesses shall be classified as liability or damage witnesses.

(d) Upon failure of any party to file a pre-trial statement within the time required, the Court may impose the sanctions provided in Pa.R.C.P. 4019(c). The Court may order other appropriate relief, including, but not limited to, the barring of testimony, assessment and award of attorney fees, and expenses and costs to opposing counsel.

(e) Counsel shall file supplemental pre-trial statements up to the time of trial. Supplemental statements shall include, but not be limited to, additional claims for damages, additional liability witnesses, damage witnesses, expert witnesses, and/or exhibits intended to be used at trial.

RULE 212.3. Pre-trial Conference

The requirements of Wash.L.R.C.P. 212.1 shall supplement the rule concerning pre-trial conferences as set forth in Pa.R.C.P. 212.3.

RULE 212.7. Washington County Civil Litigation Mediation Program

(a) In the discretion of the assigned Judge, cases listed for trial shall be submitted to the Washington County Civil Litigation Mediation Program. This rule shall not apply to asbestos cases, cases ordered to private mediation under this rule, or professional liability cases. The selection of a case for mediation shall not delay any scheduled trial of the matter.

(b) The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on civil litigation. A list of mediators shall be maintained by the District Court Administrator, and be selected by the Court in consultation with the Washington County Bar Association. The parties may agree to a particular mediator from the list.

(c) Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance, in person, is mandatory of trial counsel, the parties, and the representative of the defendant's insurance carrier, with authority to enter into a full and complete compromise and settlement. If trial counsel, the parties, or a representative fail to appear, absent good cause, the mediation will not be held and sanctions, upon request of the mediator, shall be entered against the non-appearing individual(s) by the Court. Sanctions may include an award of reasonable mediator and attorney's fees and other costs associated with the failure to appear.

(d) At least seven (7) days prior to the mediation, each party shall file, with the mediator, a mediation statement which must include the following: (1) a succinct explanation of liability and damages; (2) significant legal issues that remain unresolved; (3) a summary of medical and expert reports (if applicable); (4) an itemized list of damages; and (5) settlement posture and rationale.

(1) This requirement shall be deemed satisfied if a party has previously filed a pre-trial statement pursuant to rule of court, in which case the mediation statement shall only provide updated or additional information.

(2) Failure to file a mediation statement may result in sanctions, if requested by the mediator.

(f) Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted, for processing, to the Office of the Court Administrator. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator.

(g) If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the following information: (1) the mediator's assessment of liability; (2) the mediator's assessment of damages; (3) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case; (4)

Plaintiff's final settlement demand; (5) Defendant's final settlement offer; and (6) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the Court Administrator until the case is closed.

(h) If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the Court Administrator.

(i) The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable to and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to common pleas judges.

Comment: Confidentiality of mediation communications and mediation documents are subject to the protections and exceptions prescribed in 42 Pa. Con. Stat. § 5949.

(j) Notwithstanding the preceding subsections and Wash.L.R.C.P. 1042.1-1042.20, the Court may in its discretion submit a civil case for an alternative dispute resolution ("ADR") before a private mediator/arbitrator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered ADR, unless otherwise agreed upon; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

(1) The method of ADR shall be in the discretion of the private mediator/arbitrator.

(2) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator/arbitrator on their own initiative.

Note: When selecting a case for ADR before a private mediator, the Court shall consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is *pro se*, the potential for a successful resolution, and the interests of justice.

RULE 212.8. Mini-Jury Trials

(a) **Purposes.** The purpose of mini-jury trials is to establish a less formal procedure for the resolution of civil actions for money damages while preserving the right to a jury trial *de novo*. As a part of the Court's pre-trial procedure, the Court may refer cases for a mini-jury trial upon motion of a party or *sua sponte*.

(b) **Preliminary considerations.** The following shall be considered, but shall not be controlling, in determining if civil cases are amenable for a mini-jury trial.

(1) *Time necessary for regular trial.* The Court will determine if the regular trial time would be three (3) days or more.

(2) *Consent of attorneys.* While the Court will attempt to obtain the consent of the attorneys to a mini-jury trial, the Court shall have the authority to direct a mini-jury trial as an extension of the settlement conference.

(3) *Existing offer and demand.* The Court will attempt to obtain the agreement of counsel to keep any current offer or demand open for forty-eight hours after the mini-jury trial verdict.

(4) *Credibility.* The Court will determine if the major issues will be resolved on the basis of credibility.

(5) *Appeals from arbitration.* Cases appealed from arbitration will be presumptive candidates for mini-jury trials.

(c) The following procedures shall apply to all mini-jury trials:

(1) *Attendance of parties.* Individual parties shall attend the mini-jury trial in person. An officer or other responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the mini-jury trial.

(2) *Non-binding effect.* Mini-jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the mini-jury trial shall be binding on counsel, the parties, nor shall anything constitute a waiver, unless specifically stipulated to or agreed upon by the parties.

(3) *Special verdict questions.* Cases will be submitted to the jurors by way of special verdict questions. Counsel shall submit to the Special Master, forty-eight (48) hours prior to the selection of the jury, a joint statement or proposed special verdict questions, for use at trial. If counsel cannot agree on a joint statement, the Special Master will select the special verdict questions to be used. Special verdict questions for the mini-jury trial need not be the same as those for a regular jury trial. The jury will determine the amount of damages in all cases, regardless of whether a defendant is found to be liable or not liable. The Special Master will determine the format to be used and make rulings on disputed questions.

(4) *Size of Jury.* The number of jurors shall be six (6) and the agreement of five-sixths of the jury shall be necessary to reach a verdict. There shall be no preemptory challenges to jurors but jurors may be excused for cause.

(5) *Presentation of the case by counsel.* Each side shall be entitled to one hour for presentation of its case unless counsel presents a compelling reason at a pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel may involve a combination of argument, summarization of evidence to be presented at the regular trial and a statement of the applicable law but only to the extent it is needed to be known by the jury in

answering the special verdict questions. Counsel may call witnesses but cross-examination shall only be done as part of a party's presentation of its case. Counsel may quote from depositions and/or reports to the extent that such evidence can reasonably be anticipated to be admissible at the time of trial. Counsel should not refer to evidence which would not be admissible at trial. The Plaintiff shall proceed first and shall have a five (5) minute rebuttal following the presentation of the defendant's case.

(6) *Applicable law.* The Special Master will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The points for charge shall be submitted jointly by the parties to the Special Master forty-eight (48) hours prior to the selection of the mini-jury. The Special Master shall rule on any disputes on a point for charge.

(7) *Jury verdict.* The jury will be asked to return a verdict if five-sixth of them agree to it. (The same five-sixth majority need not answer each special verdict question.)

(8) *Length of Deliberations.* If the jury does not reach a five-sixth majority verdict within a reasonable time, the Special Master will consider polling the jurors individually.

(9) *Oral Questions to Mini-Jury.* After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered "yes" or "no" or by a dollar figure may be asked. The attorneys shall be limited to ten questions each unless a greater number is allowed by the Special Master for cause shown. No questions shall be asked the answers to which will disclose the personal view of any particular member of the jury.

(10) *Scheduling Regular Trial.* Should the mini-jury trial not result in a settlement, the regular trial shall not be held the same calendar week unless the jury is dismissed and will not come into contact with the balance of the venire.

(11) *Release of verdict.* The mini-jury trial is an extension of the settlement conference and the verdict shall not be made public.

(d) **Selection of Special Masters.** The Court Administrator shall maintain a roster of Special Masters who shall be designated from time to time from applications submitted by or on behalf of attorneys eligible for selection by the Court. An attorney must have been admitted to practice for not less than ten (10) years, be recommended by the Committee on Alternative Dispute Resolution or be a member of the Academy of Trial Lawyers of Southwestern Pennsylvania and determined by the President Judge to be competent to perform the duties of a Special Master. The parties may agree upon a Special Master who is not on the roster maintained by the Court Administrator, provided that the name of such person is submitted to, and approved by, the President Judge, or the judge to whom the case is assigned.

(e) Each party to a case selected for mini-jury trial shall pay a fee made payable to the County of Washington and submitted to the Office of the Court Administrator for processing. The mini-jury trial fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator. The special master shall be compensated at a

commensurable rate to their service, which shall be established by the Court Administrator and approved by the Court.

(1) *Application Process.* Any lawyer possessing the qualifications set forth for Special Master, who desires to serve as a Special Master, may submit an application on the form which is available in the Office of the Court Administrator. The Committee on Alternate Dispute Resolution shall submit a list of qualified persons to the Court Administrator. The President Judge shall certify as many Special Masters as determined to be necessary for the program.

(2) *Withdrawal by Special Master.* Any person whose name appears on the roster maintained by the Court Administrator may ask, at any time, to have his/her name removed or, if selected to serve, decline to serve but remain on the roster.

(3) *Disqualification.* Persons selected to be Special Masters shall be disqualified for bias or prejudice and shall disqualify themselves in any action in which they would be required to disqualify themselves if they were a judge. Each person serving as a Special Master shall take the prescribed oath or affirmation.

(f) **Sanctions.** If a party, or counsel, fails to comply with this rule, the Special Master may continue the mini-jury trial to another date as selected by the Court Administrator. If the mini-jury trial is continued, the Court may enter sanctions against the offending party or counsel, including the imposition of counsel fees, juror costs, and any other appropriate relief.

RULE 220A. Jury Size in Civil Trials

The petit jury in civil cases may, in the discretion of the Court and with consent of all the parties, consist of as few as eight (8) members. If the number of jurors falls below eight (8), a mistrial shall be declared upon prompt application thereof by any party.

RULE 220.3. Examination of Jurors

(1) After the jury panel for a particular case is drawn, a list of the persons on such panel and their completed juror questionnaire shall be handed to each attorney, or the party if unrepresented, involved in the case, and the Court shall inform the jurors of the names and addresses of each of the parties, the nature of the suit, the names of the intended witnesses, and the names of the attorneys and their associates.

(2) Examination of potential jurors shall be conducted by the Court, or its designee. The Court may permit counsel to supplement the Court's examination by such further inquiry as it deems appropriate.

(3) The Court may direct, or permit, the use of a written questionnaire to supplement oral examination of the jury panel by the Court or counsel. If a written questionnaire is used, it shall be considered confidential, and the original questionnaires and all copies shall be destroyed at the conclusion of the trial or service by a juror. Counsel, or a party if unrepresented, shall not have

possession, or otherwise maintain a copy in any form, of the written questionnaire after the conclusion of *voir dire*.

(4) The *voir dire* examination of jurors shall be recorded but not transcribed, unless otherwise ordered by the Court.

RULE 221. Peremptory Challenges

After the examination of jurors is completed, counsel, or a party if unrepresented, shall report to the Court those jurors whom they agree may be stricken for cause. If counsel are unable to agree that a juror should be stricken for cause, the Court shall make the just cause determination and may question the prospective juror to resolve the challenge for cause. Thereafter, counsel, or a party if unrepresented, shall proceed to exercise their respective peremptory challenges, and the remaining jurors shall be sworn in as the petit jury.

RULE 223. Conduct of Jury Trial

(1) The entire examination or cross-examination of a witness shall be conducted, and objections made and argued, by the attorney commencing the same.

(2) Offers of proof shall be made at side bar, out of the hearing of the jury and out of the hearing of the witness.

RULE 223A. Exhibits

(1) Exhibits admitted at trial or other record proceeding.

(a) At the conclusion of a trial or other record proceeding, all exhibits larger than 8-1/2 x 11 inches which are part of the record shall be reduced to that size, and all tangible objects which are part of the record, shall be photographed in color by the party originally proffering the evidence. The 8-1/2 x 11 inch reductions and color photographs shall be substituted in the record for the original exhibits and tangible objects unless the Court, upon motion or *sua sponte*, or an appellate court, shall direct otherwise. It shall be the responsibility of the judicial staff to maintain exhibits which have been admitted during the course of the trial or other record proceeding.

(b) Whenever a video deposition of a witness is presented at a trial or hearing, the video shall be marked as an exhibit as required by Pa.R.C.P. 4017.1. At the conclusion of the trial or hearing, the video shall be returned for safekeeping to the party who presented it and that party shall maintain custody of the video until conclusion of all appellate proceedings in the case, unless the Court upon motion or *sua sponte* shall direct otherwise.

(c) Whenever a video deposition of a witness is presented at trial or hearing, it shall be accompanied by a transcript of the deposition as required by Pa.R.C.P. 4017.1(a)(2). The accompanying transcript shall be marked as an exhibit and retained in the record of the proceedings. In the event the record of the trial or hearing is transcribed for the appellate court or

other purposes, the exhibit of the transcript accompanying the deposition shall be considered the official transcript of the testimony of the deponent. It shall not be necessary for the court reporter to also transcribe the audio portion of the video which was presented at trial or other record proceeding, so long as the record clearly reflects which part of the audio portion of the videotape deposition was offered into evidence and admitted.

(2) Disposition of Exhibits After Trial or Other Record Proceeding.

(a) After trial or other record proceeding, exhibits admitted into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the Prothonotary until disposition of the appeal.

(b) Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary, after obtaining an order of court allowing for the destruction of the exhibits.

(c) Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial or other record proceeding. The Court shall determine the validity of such claim and determine the manner and timing of disposition.

RULE 225. Opening and Closing Statements

Except as otherwise directed by the Court, one attorney for each party or group of parties having the burden of proof shall address the jury at the conclusion of the evidence, after which the attorney for each adverse party or group of parties shall sum up. Rebuttal statements shall be permitted in the discretion of the Court.

RULE 226. Points for Charge

(a) Unless otherwise permitted by the Court for cause shown, requested points for charge shall be limited to those relevant points set forth in the Pennsylvania Suggested Standard Civil Jury Instructions plus ten (10) additional points for charge.

(b) The points for charge requested from the Pennsylvania Suggested Standard Civil Jury Instructions shall be listed only by section number and not set forth verbatim.

RULE 227.1. Motion for Post-Trial Relief

(a) Any post-trial motions shall be filed with the Prothonotary in accordance with Pa.R.C.P. 227.1, together with a request designating that portion of the record to be transcribed. A copy of the items filed, along with a proposed order for transcription, shall also be delivered to

the trial judge, the court administrator, the court reporter, and every other party to the action and a certificate of such service shall be filed of record.

(b) All post-trial motions must specify the grounds relied upon as provided by Pa.R.C.P. 227.1(b)(2).

(c) Unless otherwise ordered by the Court, a brief in support of post-trial motions shall be filed within thirty (30) days following receipt of the transcript or, if no request for transcript has been made by either party, within thirty (30) days of the date of the filing of the post-trial motion.

(d) Unless otherwise provided by the Court, briefs in opposition to post-trial motions shall be filed within twenty (20) days from the date of the filing of the brief of the moving party.

(e) A copy of a brief filed in support of, or in opposition to, post-trial motions shall be served upon the trial judge and every other party to the action. A certificate of service shall accompany all briefs filed hereunder.

RULE 227.3. Transcript of Testimony

(a) Any objections to the request designating the portion of the record to be transcribed, filed pursuant to Pa.R.C.P. 227.3, shall likewise be served upon the trial judge, the court administrator, the court reporter, and every other party to the action, and a certificate of service shall be filed of record.

(b) The party requesting a transcript of the record or any portion thereof in a motion for post-trial relief shall pay the cost thereof. Where any other party files an objection requesting that an additional portion of the record be transcribed, the trial judge, in the absence of agreement by the parties, shall in his/her discretion and to the extent this matter is not covered in the Pennsylvania Rule of Judicial Administration 4000, *et. seq.*, assign the cost of such additional transcribing to any or all parties or to the county.

RULE 229. Discontinuance. Payment of Record Court Costs on Settlement

(a) Unless all parties agree in writing to the contrary, the settling defendant or defendants in any filed civil action shall pay to the plaintiff record court costs which are specifically defined to be:

- (1) Initial filing fees;
- (2) Service of process fees; and
- (3) Costs to settle and discontinue the docket.

(b) Upon the filing of a praecipe to settle, discontinue, and end an action, the filing party shall deliver a copy of same to the Court Administrator for transmittal to the assigned judge.

RULE 230.2. Termination of Inactive Cases

The proceedings to terminate inactive cases pursuant to Pa.R.C.P. 230.2 shall include cases that are appeals from local or administrative agencies, or actions that exist because of a cause of action created by rule of court or statute.

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: The purpose of this rule is to satisfy the requirement of the Servicemembers Civil Relief Act, Title 50 App.U.S.C. § 501, et seq.

RULE 240. In Forma Pauperis

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

Note: The affidavit form is set forth in Pa.R.C.P. 240; application forms are available in the County Law Library. Presentation of the application to the Court must comply with the requirements of Local Rule 208.3(a).

(b) Legal counsel employed by or affiliated with Southwestern Pennsylvania Legal Services are authorized to file a praecipe for *in forma pauperis* status on behalf of their client.

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

(1) Except as provided in Wash.L.R.C.P. 1915.37, upon withdraw of an attorney who has filed a praecipe on behalf of a client pursuant to Pa.R.C.P. 240(d), the party must file a petition to for leave to proceed *in forma pauperis* to continue to have the costs of litigation waived as set forth in Pa.R.C.P. 240(f).

(d) If there is an improvement in the financial circumstances of a party which will enable the party to pay costs, the party must immediately file a praecipe to decertify *in forma pauperis* status.

(1) The Prothonotary shall not be permitted to retroactively charge previously waived costs to a party because of a change in economic status or if a party is no longer receiving free legal service from an attorney.

(e) If the action or proceeding is commenced or appeal is taken with the simultaneous filing of the petition, the petitioner shall present the request to proceed *in forma pauperis* to the general civil motions judge, or in a custody, divorce, or support action, to the judge assigned to hear those actions.

(1) *Unavailability of Judge.* In the event that the appropriate judge is not available to hear an *in forma pauperis* request, the petitioner shall file the petition with the Prothonotary in accordance with Pa.R.C.P. 240(c). Upon the filing of an unsigned petition for leave to proceed *in forma pauperis* with the Prothonotary, the Prothonotary shall provide a copy of the petition to the assigned judge for the case for action on the petition pursuant to Pa.R.C.P. 240(c)(3).

RULE 260. Money Paid Into Court

(a) Where it is appropriate that money be paid into court, the Court on petition of any party or on its own motion may direct the same to be done. A petition for the payment of money into court shall set forth the reasons for requesting such action and the exact amount to be paid. Notice of the presentation of such a petition shall be given in the manner set forth in these rules.

(b) The Prothonotary shall have custody of all money paid into court and shall deposit such funds in an escrow account to the credit of the court in a bank or banks in which deposits are insured by the Federal Deposit Insurance Corporation. Upon motion of a person who appears from the record to be prima facie interested in money paid into court, the Court may authorize the Prothonotary to invest the fund in such manner and upon such terms as the court may direct.

(c) Money paid into court may not be withdrawn or paid out except upon written order of Court.

RULE 301. Court Calendar

The Court Administrator shall annually publish a Court Calendar, which shall have the effect of a rule of Court for the matters and dates set forth therein. The Court Calendar shall be published in the *Washington County Reports* and at www.washingtoncourts.us.

RULE 302. Argument Court. Argument List

(1) This rule shall apply to all actions to be listed for argument, unless a specific local rule states otherwise. The Court may, in its discretion, set argument on an action outside of Argument Court.

Note: Dispositive motions shall be argued in Argument Court; non-dispositive motions should be presented and heard in Motions Court, or be specially set for argument at the discretion of the presiding judge. There is no requirement to present a scheduling motion for argument on a dispositive motion (e.g., preliminary objections, a motion for judgment on the pleadings, or a motion for summary judgment).

(2) The Court Administrator shall annually set sessions for Argument Court in the court calendar.

(a) The Court Administrator shall assign an action for Argument Court upon receipt of a copy of an appropriate motion. An action may not be scheduled for Argument Court sooner than thirty (30) days before a session.

(b) The argument list shall state the amount of time set aside for argument for each party.

(3) Briefs shall be filed in accordance with Wash.L.R.C.P. 210, unless otherwise ordered by the Court.

(4) The Prothonotary shall send notice of the argument list to all counsel of record, or the parties if unrepresented, by first-class mail, or, if applicable, in accordance with Wash.L.R.C.P. 440. It shall be the responsibility of the moving party to confirm the time and date for argument with all other counsel, or the parties if unrepresented.

(a) The Court shall publish the argument list for Argument Court in the *Washington County Reports* or at www.washingtoncourts.us.

(5) The Court shall only entertain a request for a continuance for an action scheduled for Argument Court for good cause shown.

RULE 303. Bill of Costs/Record Costs

(1) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them, and the places from which mileage is claimed. The bills should be verified by the affidavit of the party filing them or by the attorney of the party that the witness named were actually present in Court, and in the opinion of the affiant, that the individual was a material witness. A copy of the bill of costs shall be served on all opposing counsel and all unrepresented parties.

(2) A party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issues shall be determined by the Court. Failure to file exceptions within the time prescribed shall be deemed a waiver of all objections and exceptions to the bill.

(3) Exceptions to a bill of costs shall be treated as a motion under these rules.

RULE 304. Appointment of a Special Presiding Officer

Upon petition, or *sua sponte*, the Court may appoint a special presiding officer with respect to any or all matters before the Court, subject to limitations set forth in a statute, rule of court, or other applicable authority. The order appointing a special presiding officer shall set forth the scope of the authority of the officer, and the manner of remuneration if applicable.

SERVICE

RULE 430. Service Pursuant to Special Order of Court. Publication

(a) **Designated Publication.** Whenever service by publication is authorized by statute, rule, or special order of court, and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one (1) time in a newspaper of general circulation in Washington County, and one (1) time in the *Washington County Reports*. Affidavits of publication shall be filed with the Prothonotary.

(b) **Designation of Legal Publication.** The *Washington County Reports*, owned and operated by the Washington County Bar Association, is hereby designated the official legal publication of Washington County.

- (1) The *Washington County Reports* shall also print such other matters as are required by these rules or by order of court.

RULE 440. Service of Copies of Legal Papers

(a) Copies of all legal papers other than original process that are filed in an action may be served upon an attorney for a party by:

- (1) placing the paper in a box for the attorney in the Office of the Prothonotary, if the attorney has requested a box; or

- (2) electronic transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action.

(b) The attorney for a party may withdraw the consent to receiving service of copies of legal papers in an action by filing a written statement of record with the Prothonotary. The written statement must set forth a mailing address for service and be served upon all parties.

ACTIONS

RULE 1012. Entry of Appearance

(a) All appearances shall be entered by praecipe and filed with the Prothonotary, or, in cases involving support, the Domestic Relations Section. Where there are several plaintiffs or defendants, an appearance shall be deemed for all unless expressly restricted. No attorney shall be permitted to appear before the Court in any conference, motion, hearing, trial, or other proceedings without first entering an appearance on behalf of a party.

(b) The Prothonotary, or Domestic Relations Section, shall not permit any paper to be filed unless at least one of the attorneys signing it shall have been admitted to practice before the bar of the Supreme Court of Pennsylvania, and any paper or praecipe filed in violation of this rule shall be suppressed.

(c) No Clerk of Court, Prothonotary, or Sheriff, or deputy of such officers shall practice in a civil or criminal action in this judicial district. No Clerk of the Orphans' Court, Register of Wills, or deputy of such office shall practice before the Orphans' Court Division. No court reporter or recorder, stenographer, law clerk, employee, or administrator of this Court shall enter an appearance or otherwise practice in this judicial district.

RULE 1018.1. Notice to Defend

The organizations to be named in the notice to defend accompanying a complaint filed in the Court of Common Pleas of Washington County, Pennsylvania shall be:

Lawyer Referral Service,
119 South College Street,
Washington, PA 15301
(724) 225-6710

Southwestern Pennsylvania Legal Aid Society
10 West Cherry Avenue
Washington, PA 15301
(724) 225-6170

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

(1) All preliminary objections shall be filed with the Prothonotary. Copies of all preliminary objections shall be served contemporaneously on the Court Administrator and the judge to whom the case is assigned.

(2) The issues raised in all preliminary objections shall be disposed of at regular sessions of Argument Court, which shall be scheduled as part of the annual court calendar, and shall follow the procedures set forth below.

Comment: See Wash.L.R.C.P. 302, entitled "Argument Court. Argument List."

(3) The Court Administrator shall maintain the Argument Court list.

(4) The schedule for briefs shall be in accordance with these local rules, unless otherwise ordered by the Court.

(5) The argument list shall be closed thirty (30) days prior to the date for argument. The list shall then be prepared by the Court Administrator and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all

attorneys and unrepresented parties who have cases listed for argument of the listing by regular mail.

(6) Briefs shall be filed of record and conform to the requirements of Wash.L.R.C.P. 210.

(7) Issues raised, but not briefed, shall be deemed abandoned.

(8) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear; *e.g.*, “(R. pg. 30 L. 15).” If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, *e.g.*, (“Answer p. 7),” “(Motion for Summary Judgment p.2).”

(9) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes total, unless prior permission is granted to extend argument for cause shown.

(10) Prior approval of the Court must be obtained to present cases only on briefs. Any request is to be made to the Court Administrator no less than five (5) days prior to argument.

(11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no less than seven (7) days prior to Argument Court. The Court shall continue an argument only upon good cause shown.

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

All motions for judgment on the pleadings shall be filed with the Prothonotary. Copies of all motions for judgment on the pleadings shall be served contemporaneously on the Court Administrator and the judge to whom the case is assigned. The procedures for the disposition of a motion for judgment on the pleadings shall be identical to those described in Wash.L.R.C.P. 1028(c).

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

All motions for summary judgment shall be filed with the Prothonotary. Copies of all motions for summary judgment shall be served contemporaneously on the Court Administrator and the judge to whom the case is assigned. The procedures for the disposition of a motion for summary judgment shall be identical to those described in Wash.L.R.C.P. 1028(c).

RULE 1041.1. Asbestos Litigation

(a) Upon filing of a case in asbestos the case shall be assigned to a judge, who shall preside over all proceedings relating to the case. The Prothonotary shall immediately notify the Court Administrator of the filing of an action in asbestos.

(b) All pleadings and proposed orders shall include a caption as follows:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION – ASBESTOS

(c) In all asbestos cases, the course of litigation shall be governed by the terms set forth in a case management order (“CMO”).

(1) Any party may present a CMO to the Court for approval within sixty (60) days of the filing of the complaint. The proposed CMO shall set forth the actual dates in which each stage of the litigation must be completed.

(d) In the absence of a CMO approved by the Court within sixty (60) days from the filing of the complaint, the Court shall enter the following CMO:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION – ASBESTOS

Plaintiff(s))
)
 vs.) No. _____
)
 Defendants.)

CASE MANAGEMENT ORDER

AND NOW, this ____ day of _____, 20____, it is hereby ORDERED,

ADJUDGED, and DECREED that:

1. This Case Management Order (“CMO”) shall govern the litigation in the above-captioned matter.
2. Within sixty (60) days of the commencement of the action, defendants shall select an attorney from one of their number to act as lead defense counsel. Lead defense counsel shall promptly file a notice of his or her selection with the Prothonotary. In the event that lead defense counsel ceases to act in that capacity, the defendants shall select a replacement within thirty (30) days. Replacement lead counsel shall promptly file a notice of his or her selection with the Prothonotary.
3. Plaintiff’s Answers to Standard Short Form Interrogatories shall be served on all defense counsel within six (6) months of the date of the filing of the complaint.

4. The parties shall disclose all known fact witnesses within eight (8) months of the date of the filing of the complaint.
5. Discovery shall be completed within fourteen (14) months of the date of the filing of the complaint.
6. All Motions for Summary Judgment shall be filed within sixteen (16) months of the filing of the complaint.
7. Responses to the Motions for Summary Judgment shall be filed within seventeen (17) months of the filing of the complaint.
8. After the responses to the Motions for Summary Judgment have been filed, any party may present a motion for argument date. Arguments for all Motions for Summary Judgment shall be heard on the same day.
9. Plaintiff shall file a pre-trial statement within twenty-one (21) months of the date of the filing of the complaint.
10. Defendant(s) shall file a pre-trial statement within thirty (30) days of the filing of Plaintiff's pre-trial statement.
11. The pre-trial statements shall contain a narrative statement, a list of any expert witnesses intended to be called at trial, all expert reports, and an assessment of damages. The pre-trial statement shall also include any presently known motions in limine and any legal research, memorandum, or brief in support thereof. Failure to file a motion in limine shall bar a future filing, unless said motion could not be anticipated prior to the filing of the pre-trial statement.
12. Upon the filing of pre-trial statements by all active parties, the Court Administrator shall place the case on the trial list of the assigned judge.
13. This CMO may be modified by agreement of all parties, subject to Court approval, or upon motion of any party for good cause shown.

BY THE COURT:

ASSIGNED JUDGE

(e) It is the responsibility of the moving party to file all original Orders with the Prothonotary. Further, the moving party shall serve copies of all Orders upon all counsel of record and any *pro se* litigant. If the Court serves copies of any Order, such service shall be made to counsel for the plaintiff and lead counsel for the defendants, who shall be responsible for providing service upon all counsel of record and any *pro se* litigant.

RULE 1042.1. Professional Liability Actions. Mediation

(a) **Scope.** These rules shall govern mediation in all professional liability cases before the Court.

(1) This rule shall not pertain to any case involving a *pro se* litigant.

(b) **Selection of Cases for Mediation.** Either party, or the Court *sua sponte*, may file a motion to refer a case to mediation.

(1) The Court may also at its discretion refer a case to mediation once it is placed on the trial list.

(2) The Court shall consider the objection of any party to mediation that has not consented to settlement provided that such lack of consent shall not prevent the referral of the case to mediation.

(c) **Selection of Mediator.** The Court shall select the mediator, or in the alternative, the parties may agree to the appointment of a mediator.

(1) Unless otherwise agreed to by the parties, the mediator shall be disqualified if:

(i) the mediator has personal knowledge of disputed evidentiary facts related to the mediation;

(ii) the mediator or any attorney with whom the mediator practiced law served as an attorney for the matter in controversy; or

(iii) the mediator, or anyone with whom the mediator has a close business or familial relationship, has an economic interest in the matter in controversy.

(2) The mediator shall disclose any past or present affiliations with any and all parties, including the insurance carriers and/or the M-Care Fund.

(d) **Compensation.** The fee of the mediator shall be determined by the Court. The costs shall be apportioned equally among the parties, unless otherwise agreed to by the parties or ordered by the Court. The mediator shall submit an itemized bill to the parties for costs, expenses, and time. Failure to remit payment within twenty (20) days after receipt of the bill may result in a rule to show cause why sanctions shall not be imposed.

(e) **Submissions to Mediator.** Before the first mediation session, the mediator may require the parties to provide to the mediator confidential and/or pertinent information including, but not limited to, pleadings, discovery responses/production, transcripts, expert reports, and/or any other litigation related documents.

(f) **Time Frame for Conducting the Mediation.** Unless otherwise agreed to by the parties and the mediator, or ordered by the Court, the first mediation session shall be conducted not later than sixty (60) days from the agreement to mediate or order to mediate.

(g) **Attendance and Authority; Sanctions.** The parties, a representative of the defendant's insurance carrier with authority to enter into a full and complete settlement of the case on behalf of the parties, and trial counsel shall personally attend the mediation. A representative of the M(Care) Fund, with full decision making authority, shall attend in person, the mediation. If any of the above individuals or representatives fails to appear at the mediation session without good cause, or appears without full authority, the Court *sua sponte*, or upon motion, may impose sanctions, including an award of reasonable mediator and attorney's fees and other costs, against the responsible party.

(h) **Settlement Agreement; Enforcement.** Each settlement is to be confirmed in a written settlement agreement, signed by a party or a party representative with authority to sign. A party representative who signs is presumed to have full authority to bind the party. The settlement agreement is enforceable in the same manner as any other written contract and/or by a motion to enforce the settlement agreement.

(i) **Confidentiality and Immunity.** The mediation shall be confidential and no record shall be made, except as provided in this rule or as ordered by the Court. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall indemnify the mediator and other protected participants for all reasonable costs, fees, and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to common pleas judges.

Comment: Confidentiality of mediation communications and mediation documents are subject to the protections and exceptions prescribed in 42 Pa. Con. Stat. § 5949.

(j) **Report.** If the case is not settled, the mediator shall provide the Court with a detailed report outlining: (1) the mediator's assessment of liability; (2) the mediator's assessment of damages; (3) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case; (4) Plaintiff's final settlement demand; (5) Defendant's final settlement offer; and (6) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the Court Administrator until the case is closed.

ACTIONS IN EJECTMENT

RULE 1054. Ejectment. Specific Averments

If an action in ejectment is commenced by filing a praecipe for a writ of summons, there shall be filed with the praecipe a copy of the description of the land for insertion in the writ.

ACTION IN REPLEVIN

RULE 1081. Replevin. Concealment of Property. Examination of Defendant

Where a petition is presented to the Court for examination of a defendant pursuant to Pa.R.C.P. 1081, the Court may order the taking of testimony by oral examination or written interrogatories as prescribed by the rules relating to Depositions and Discovery, Pa.R.C.P. 4001, *et seq.* The Prothonotary shall issue as of course a subpoena to testify.

RULE 1143. Commencement of Action. Residential Mortgage Foreclosure

(a) In all residential mortgage foreclosure actions, the complaint shall include a “Mortgage Foreclosure Diversion Program Notice,” in the format set forth below:

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

Plaintiff(s))	
)	
vs.)	No. _____
)	
Defendant(s).)	

MORTGAGE FORECLOSURE DIVERSION PROGRAM NOTICE

You have been sued in court to foreclose upon the mortgage associated with your home.

You are notified that you may seek a 90-day stay in this mortgage foreclosure action if you attend a **free** Foreclosure Mitigation Counseling session within 20 days of being served with the complaint in this action and this notice, and make application for the stay. The purpose of this stay is to permit you an opportunity to work with the lender/plaintiff to reach an agreement to settle this proceeding. The Foreclosure Mitigation Counseling sessions are held every Thursday at 10:00a.m., at the Southwestern PA Legal Services’ office located next to the Washington County Courthouse at 10 West Cherry Avenue, Washington, PA 15301.

If you fail to appear for this free Foreclosure Mitigation Counseling session, you will not receive a 90-day stay of these proceedings and if you do not respond to the complaint, a default judgment may be entered.

YOU SHOULD STRONGLY CONSIDER ATTENDING A FORECLOSURE MITIGATION COUNSELING SESSION. THESE SESSIONS WILL BE CONDUCTED BY A REPRESENTATIVE OF SOUTHWESTERN PENNSYLVANIA LEGAL SERVICES. YOU MAY BE ABLE TO SEEK ASSISTANCE FROM A LEGAL PROFESSIONAL AT THE FORECLOSURE MITIGATION COUNSELING SESSION.

IF YOU HAVE QUESTIONS ABOUT THIS MATTER, YOU MAY HAVE THEM ADDRESSED AT THE FORECLOSURE MITIGATION COUNSELING SESSION, OR YOU MAY CONTACT SOUTHWESTERN PA LEGAL SERVICES AT:

10 WEST CHERRY AVENUE
WASHINGTON, PA 15301
724.225.6170
TOLL FREE: 1-800-846-0871

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Washington County, Pennsylvania is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing.

(b) If the defendant completes the Foreclosure Mitigation Counseling session, the Court shall enter a 90-day stay upon application of the defendant.

(c) At the expiration of the 90-day stay, the defendant shall have twenty (20) days in which to take action by entering a written appearance personally or by an attorney and filing in writing with the court his or her defenses or objections to the claims set forth against him or her; provided, however, that if the defendant is served outside the United States the defendant shall have sixty (60) days in which to respond.

COMPULSORY ARBITRATION

Rule 1301. Compulsory Arbitration. Scope

(a) All civil actions which are subject to compulsory arbitration pursuant to 42 Pa. Con. Stat. § 7361, in which the amount in controversy, exclusive of interest and costs, is fifty-thousand (\$50,000.00) dollars or less, shall be submitted to compulsory arbitration.

(b) The amount in controversy shall be the largest amount claimed in any single count of the pleadings by any party.

(c) The court, upon the written motion of any party or *sua sponte*, may require that a case for which a trial is demanded be first submitted to compulsory arbitration pursuant to these rules.

Comment: Actions involving real property are not subject to compulsory arbitration.

Rule 1302. Compulsory Arbitration – Arbitrators

(a) A list of available arbitrators shall be maintained by the Court Administrator. The list shall consist of a sufficient number of members of the Bar of Washington County who express a willingness to serve and who are actively engaged in the practice of law primarily in Washington County in accordance with Pa.R.C.P. 1302(a).

(b) Each attorney who satisfies the requirements of Rule 1302(a) may submit his or her name to the Court Administrator, who shall assign said attorneys to arbitration panels. The composition of the panels may be changed as deemed appropriate by the Court Administrator.

(c) Each panel so comprised shall consist of three (3) attorneys, the most senior of whom shall be the chairperson of the panel, unless otherwise agreed by the members of the panel.

(d) The Court may from time to time establish a special panel of arbitrators who by virtue of seniority and experience, in specific fields of the law, are uniquely qualified to serve as arbitrators in particular types of cases, and whose special service will advance the interests of justice.

(e) Each arbitrator shall be compensated at a commensurable rate to their service, which shall be established by the Court Administrator and approved by the Court.

(f) If an appointed arbitrator cannot serve at the time and place designated, the attorney shall, unless otherwise prevented by matters beyond his or her control, notify the Court Administrator at least five (5) days in advance of the date upon which the hearing has been scheduled. That attorney shall then be appointed an arbitrator at the first opportunity thereafter. If any arbitrator fails to give notice as aforesaid or simply fails to appear at a scheduled arbitration, his or her name shall be passed over and that attorney shall not receive another appointment until his or her name reappears for appointment in due course. If any arbitrator is guilty of such a failing a second time, the attorney's name shall be removed from the appropriate list or lists, and he or she shall not thereafter serve as an arbitrator until reinstated upon application to the court. An attorney who fails to appear for a second time may, in the discretion of the Court, be responsible for the payment of costs if such absence causes the arbitration to be continued.

Rule 1303. Hearing

(a) Arbitrations shall be held on the date and at the time and place prescribed by the Court Administrator.

(b) The Court Administrator shall notify all attorneys of record of the date, time, and place of the hearing by mail. If a party is not represented by counsel, that party shall be given notice of the arbitration in accordance with Pa.R.C.P. 440. The Court Administrator shall file of record proof of notice as aforesaid. Notice shall be given to the parties or their attorneys of record at least thirty (30) days prior to the scheduled hearing.

(1) The Court Administrator shall notify all arbitrators assigned to an arbitration panel of the dates on which the arbitration panel is assigned to hear arbitration cases and the location of the arbitration hearings.

(2) Prior to the scheduled arbitration date, the Court Administrator shall send all of the arbitrators assigned to the arbitration panel a list containing the names of the cases to be heard, the names of the parties, and the names of all counsel for the parties. In the event any of the arbitrators believes that he/she has a conflict of interest in connection with hearing any particular case, the arbitrator shall immediately notify the Court Administrator in writing that the arbitrator believes that there is a conflict of interest and the reason for the conflict. The Court Administrator shall assign a substitute arbitrator to the case.

(c) On the date of the arbitration hearing, all counsel should check in with the representative of the Court Administrator located at the site of the arbitration. Cases in which all parties have checked in and have indicated they are ready to proceed will be assigned to a panel for hearing by the representative of the Court Administrator after consultation with the panel chairperson. All cases on the list are intended to be reached, and all counsel should be prepared to commence their case at the time they are directed to report for the arbitration.

(d) In the event that the panels of arbitrators are unable to reach all of the cases scheduled for arbitration on a particular day, the arbitration hearing for those cases that are not reached shall be continued by the Court Administrator to the next available date. In the event that an arbitration hearing has been commenced but is not concluded on the day scheduled for the arbitration hearing, the arbitration hearing shall be continued to a date convenient to the arbitration panel and parties.

(e) The written notice provided for in subsection (b) above shall include the following statement:

“This matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial *de novo* on appeal from a decision entered by a judge.”

(f) The representative of the Court Administrator shall administer the oath required by Pa.R.C.P. 1302(f) to each arbitrator.

Rule 1303.1 Scheduling of Arbitration Hearing. Discovery Time Limits

(a) A matter subject to compulsory arbitration shall be scheduled for a hearing as set forth below.

(1) An appeal of a decision of a magisterial district judge pursuant to Pa.R.M.D.J. 1002 shall be scheduled for arbitration within ninety (90) days of the filing of the appeal in the Court of Common Pleas.

(2) All other matters subject to compulsory arbitration shall be scheduled after one hundred fifty (150) days from the commencement of the action.

(3) The parties may seek to schedule an arbitration hearing earlier than the limits listed above in subsection (b) upon the filing of a joint praecipe with the Prothonotary. A copy of the praecipe must be provided contemporaneously to the Court Administrator.

(i) There shall be no discovery permitted after the filing of a joint praecipe.

(b) Discovery in all matters subject to compulsory arbitration other than appeals pursuant to Pa. M. D. J. 1002 shall be limited to one hundred fifty (150) days from the commencement of the action, unless otherwise ordered by the Court for good cause shown. In no case shall discovery be permitted to exceed two hundred forty (240) days.

(c) If a party fails to appear for a scheduled arbitration hearing, the Court may act as follows:

(1) immediately hear the matter as an *ex parte*, non-jury trial and enter a verdict; or

(2) order the matter to proceed to arbitration for a hearing and the entry of an award by the arbitration panel.

(d) A non-jury verdict entered by the Court shall not exceed \$50,000.00 to any party, exclusive of costs and interest.

Comment: When the Court “hears the matter,” it is accelerating the time for conducting a *de novo* trial. However, the proceeding is still a “trial” and the rules otherwise applicable to a trial in the Court of Common Pleas are not suspended. Therefore, counsel, or a party if unrepresented, should be prepared to present testimony and introduce evidence at the trial, and the Court should make findings of fact and conclusions of law. *See Hayes v. Donohue Designer Kitchen, Inc.*, 818 A.2d 1287 (Pa. Super. Ct. 2003).

Rule 1303.2 Continuances

(a) A party may continue a scheduled arbitration hearing one (1) time upon filing of a praecipe for continuance with the Prothonotary and payment of a fee of \$50.00. The praecipe shall be filed at least five (5) days before the scheduled arbitration; the Prothonotary shall refuse a praecipe if filed later than five (5) days before the scheduled arbitration.

(1) A copy of the praecipe must be provided contemporaneously to the Court Administrator. The filing party shall be responsible for immediately notifying opposing counsel, or a party if unrepresented, of the continuance.

(b) For any request for a continuance that is either less than five (5) days before the scheduled arbitration or not the first request for continuance by a party, the requesting party shall file a motion and seek leave of court.

(1) The Court shall grant the continuance only for good cause shown.

(2) The requesting party shall pay a continuance fee of \$100.00.

(c) A pre-trial motion, whether filed prior to or after the scheduling of the arbitration, shall not be cause for continuance of the arbitration hearing.

Rule 1304. Conduct of Hearing. Generally

(a) The board of arbitrators shall have no power to permit the amendment of pleadings, allow the addition or substitution of parties, or rule on preliminary objections, motions for judgement on the pleadings, or motions for summary judgment.

(b) The procedural rules, set forth in Pa.R.C.P. 1304, shall apply to the conduct of arbitration hearings.

(c) The parties may present agreements on awards to be entered by the arbitrators on the date of hearing.

(d) If it appears at the arbitration hearing that any defendant has not been properly served, judgment shall be entered for that defendant.

(e) If it appears at the arbitration hearing that a defendant has appealed a district justice judgment and has not served a rule to file a complaint upon the plaintiff, an award shall be entered in favor of the plaintiff.

(f) If it appears at the arbitration hearing that a complaint has not been filed, judgment shall be entered for the defendant.

Rule 1305. Conduct of Hearing. Evidence

(a) Initially, all rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the board of arbitrators, and such rulings shall be final unless one of the other arbitrators disagrees with the same. In the latter instance, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(b) Following the hearing, the chairperson of the board of arbitration shall release to the respective parties the exhibits introduced and admitted. In no instance shall the Court maintain or keep the exhibits after the completion of the arbitration proceedings.

(c) The evidentiary rules described in Pa.R.C.P. 1305 shall apply to the conduct of arbitration hearings.

RULE 1305.1. Pleadings and Discovery

(a) **Small Claims.** In all cases in which the amount in controversy is \$12,000.00 or less, a simplified complaint shall be encouraged and a simplified answer shall be permitted. A standard form simplified complaint and simplified answer shall be approved by the Court and provided in sufficient quantities by the Prothonotary.

(1) Discovery in cases in which the amount in controversy is \$12,000.00 or less shall be permitted only by order of court. In the event that it is necessary to continue the arbitration pending discovery, the order permitting discovery shall provide for such continuance, and the Court Administrator shall reschedule the arbitration.

(2) The Court Administrator shall design any necessary forms to facilitate appeals pursuant to Pa.M.D.J. 1002, and shall make the forms available in the magisterial districts and the Prothonotary.

(b) Discovery in Personal Injury Cases. For any personal injury claim subject to compulsory arbitration, the plaintiff may serve arbitration discovery requests as set forth below. The requests may be served simultaneously with the complaint.

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

(2) Any defendant may serve arbitration discovery requests as set forth below either together with a copy of the answer served on the plaintiff or thereafter within the time limits for discovery.

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

(4) 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.

(5) 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, absent leave of court.

(6) This local rule applies to additional defendants.

(7) The local rule does not apply to claims that do not exceed the sum of \$12,000.00 (exclusive of interest and costs) wherein the parties may only seek discovery when permitted by the Court.

PLAINTIFF'S ARBITRATION DISCOVERY REQUESTS
FOR PERSONAL INJURY CLAIMS DIRECTED TO DEFENDANTS

These discovery requests are directed to Defendants, _____.
Within thirty (30) days following receipt of these 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 your 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 plaintiffs? Yes _____ No _____

(b) If you answered yes, attach copies of any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (include 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, videotapes, surveillance tapes, maps, drawings, diagrams, etc. that you may seek to introduce at trial or that may otherwise pertain to a lawsuit? Yes _____ No _____

(d) If you answered yes, attach copies of each of these items.

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 5(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents which arise out 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 and misdemeanor conviction.

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY,
PENNSYLVANIA**

Plaintiff,

CIVIL DIVISION

v.

NO.:

Defendant.

DEFENDANT'S ARBITRATION DISCOVERY REQUESTS

These discovery requests are directed to the Plaintiff,_____. Within thirty (30) days following receipt of these 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 your full name, address, age, employer, and type of employment.

ANSWER:

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.

ANSWER:

STATEMENTS AND OTHER WITNESSES

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 copies of 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.)

(c) Do you have any photographs, maps, drawings, diagrams, damage estimates, 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 3(c).

MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

4. (a) Have you received any 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 names of the hospitals, the names and addresses of the attending physicians, and the dates of the hospitalizations.

ANSWER:

(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 name and address of each chiropractor and the dates of treatment.

ANSWER:

(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 names and addresses of each physician.

ANSWER:

(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), and 4(f) or authorizations for these records.

I have _____ have not _____ fully complied with request 4(g).

5. (a) List the name and address of your family physician for the period from five (5) years prior to this incident to the present date.

ANSWER:

(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 (5) 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.

ANSWER:

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) 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.

ANSWER:

(f) Within the period from five (5) 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 treatment, the reasons for the treatment, and the name and address of the treatment provider.

ANSWER:

I have _____ have not _____ fully complied with requests 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 in 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.

ANSWER:

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.

ANSWER:

OTHER BENEFITS

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 workers' compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P.S. §1719(b)?

Yes _____ No _____

(b) If you answered yes, set forth the type and amount of these benefits.

ANSWER:

INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P.S. §1785 (a) and (b)?

_____ Limited Tort Option (no claim is made for non-economic damages)

_____ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or in 75 P.S. §1705(d)(1)-(3) applies)

_____ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option") Describe each vehicle (make, model, and year) in your household.

ANSWER:

(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 18 Pa. Con. Stat. §4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff

Respectfully submitted,

Counsel for Defendant

Rule 1306. Delay Damages

(a) Arbitrators may consider the subject of damages for delay pursuant to Pa.R.C.P. 238, after a decision had been reached on the merits.

(b) After the amount of the award has been determined, the panel shall make a determination as to damages for delay in accordance with Pa.R.C.P. 238 by accepting a sealed envelope containing a stipulation setting forth whether an offer was made in writing, and if so, the amount as well as the date of the offer.

(c) If damages for delay are awarded, the amount thereof shall be added to the principal amount awarded, but shall be separately stated on the award.

Rule 1307. Costs

Witness fees and costs shall conform to fees and costs pertaining to civil actions in the Court of Common Pleas of Washington County.

Rule 1308. Appeals from Arbitration

All appeals from arbitration must be timely filed with the Prothonotary accompanied by a check in the amount of \$500.00 or 50% of the amount in controversy, whichever is less. A copy of the appeal shall be provided contemporaneously to the Court Administrator.

EQUITABLE RELIEF

RULE 1531. Preliminary or Special Injunction. Emergency Judge Procedures

The President Judge shall annually assign the judges to the Court of Common Pleas to be available to handle emergency civil matters where the relief sought is in the nature of a preliminary or special injunction.

ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

L-1901.1-1 ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

Pursuant to the authority set forth in the Protection from Abuse Act of December 19, 1009, P.J. 1240, as amended, 23 Pa. C.S. § 6101 et seq., the following practices, procedures, and rules are promulgated.

It is the purpose and policy of the Court of Common Pleas of Washington County, Pennsylvania, to implement and effectuate the Protection from Abuse Act and its amendments to protect victims from abuse, to streamline and facilitate enforcement; to establish duties upon the Prothonotary, the Sheriff, Magisterial District Judges, and police departments; and to provide for emergency relief.

L-1901.1-2 COMMENCEMENT IN COURT

- a. Petitions for Protection from Abuse shall be presented to the assigned judge, who will schedule a hearing on the petition. If the plaintiff petitions from a temporary order and alleges immediate and present danger of abuse, the Court may conduct an ex-parte proceeding and may enter a temporary order as it deems necessary.
- b. **Assistance and Advice to Individuals Not Represented by Counsel**

1. Forms sufficient for this purpose shall be provided by the Washington County Prothonotary, or by Domestic Violence Services of Southwestern Pennsylvania.
2. Clerical assistance to help with writing and filing the petition shall be provided by the Prothonotary, or by Domestic Violence Services of Southwestern Pennsylvania, or other individual designated by the court.
3. The prothonotary shall provide written instructions, in English and in Spanish, to the local domestic violence program, to the Southwestern Pennsylvania Legal Aid Society, and to the Washington County Bar Association Lawyer Referral Service.
4. Petitions will be accepted between 9:00AM and 4:00PM, Monday through Friday except court holidays.
5. The Prothonotary shall accept petitions, and any other filings, after normal business hours, when so directed by the common please court.

L-1901.1-3 EMERGENCY RELIEF BY THE MINOR JUDICIARY

- a. A petition for protection from abuse may be filed before the on-call magisterial district judge from 3:45 PM each day until 9:00 AM the next business day, Monday through Friday. The on-call magisterial district judge shall accept a petition for protection from abuse from 3:45 PM the last day of the business week to 9:00 AM of the first day of the next business week.
- b. An order issued under subsection (a) will expire at 4:00 p.m. on the next business day.
- c. **Magisterial District Judge.**
 1. The Magisterial District Judge shall certify the emergency order issued under subsection (a) and the petition to the Court.
 2. The Magisterial District Judge shall advise the plaintiff that the plaintiff is responsible for picking up the certified record at the Magisterial District Judge's office on the next business day of court and filing it with the Prothonotary of Washington County.
 3. The Magisterial District Judge shall advise the plaintiff regarding the procedure for initiating a contempt charge.
 4. The Magisterial District Judge shall advise the plaintiff of the existence of programs for victims of domestic violence and the availability of legal assistance.

d. **Prothonotary.**

1. The Prothonotary shall accept the certified record from the Magisterial District Judge for filing and assign a case number.
2. The Prothonotary shall provide the plaintiff with a copy of the petition and emergency order and advise the plaintiff to take the documents to the Domestic Violence Services of Southwestern Pennsylvania.

e. **Assigned Judge.**

1. The assigned judge shall schedule hearings on protection orders issued under subsection (a) and will review and continue in effect protection orders that are necessary to protect the plaintiff until the hearing.
2. The assigned judge may order service of the petition, emergency and temporary order by the Sheriff pursuant to L-1901.1-4(b).

L-1901.1-4 SERVICE OF PETITION AND ORDER

- a. The plaintiff shall ensure that the petition and order are promptly served upon the defendant and that the order is served upon police departments with appropriate jurisdiction to enforce the order.
- b. Where the plaintiff avers that service cannot be safely effectuated by an adult individual other than a law enforcement officer and the Court so orders, the Sheriff of Washington County shall serve the petition and order on the defendant. The Sheriff shall advise the Court that service has been effectuated, as well as the cost of service.
- c. If the Court orders service by the Sheriff upon the defendant, the plaintiff shall promptly serve the order upon the appropriate police departments.

L-1901.1-5 ARREST FOR VIOLATION OF ORDER

- a. If the defendant is arrested for violation of a Protection from Abuse order, the defendant shall be taken before the Magisterial District Judge in the district where the alleged violation occurred or the on-call Magisterial District Judge.
- b. The defendant shall be arraigned forthwith pursuant to the Pennsylvania Rules of Criminal Procedure and Washington County Local Court Rules.
- c. Bail shall be set to insure the defendant's presence at the contempt hearing in accordance with Pa. R. Crim. P. 520 et seq.
- d. **Procedure for Scheduling Hearing Before the Court:**

1. Violation of an order issued by the Washington County Court of Common Pleas.
 - i. The Magisterial District Judge shall schedule the hearing before the appropriate Family Court Judge at 9:30 AM on the next date that the judge will hear Protection from Abuse related matters.
2. Violation of an order issued by a Magisterial District Judge or court in another judicial district within the Commonwealth or an order issued by a court of another state.
 - i. The Magisterial District Judge shall schedule the hearing before the appropriate Family Court Judge at 9:30 AM on the next date that the judge will hear Protection from Abuse related matters.
- e. The Magisterial District Judge shall inform the arresting officer, the plaintiff, and the defendant of the hearing date and time. Written notice of the hearing shall be delivered to the plaintiff and defendant and each shall sign a receipt.
- f. The Magisterial District Judge shall cause the following completed forms to be delivered to the Clerk of Courts: (1) criminal complaint; (2) probable cause affidavit; (3) certificate of bail, if required, and discharge of commitment; and (4) receipts for notice of hearing. The documents shall be delivered by 9:00 a.m. on the morning of the hearing. Delivery may be made by the arresting officer.

**L-1901.1-6 PRIVATE CRIMINAL COMPLAINT FOR VIOLATION OF
ORDER OR AGREEMENT**

- a. The private criminal complaint shall be filed with the Magisterial District Judge in the jurisdiction in Washington County where the abuse occurred or with the on-call Magisterial District Judge.
- b. The approval of the District Attorney of Washington County is not required prior to the filing of a private criminal complaint under this section.
- c. The procedure for filing a private criminal complaint for indirect criminal contempt for violation of a non-economic provision of an order or court-approved consent agreement pursuant to Section 6113.1 of the Act is as follows:
 1. *Magisterial District Judge.*
 - i. The Magisterial District Judge shall prepare the private criminal complaint and notices of hearing.

- ii. The Magisterial District Judge shall schedule the hearing before the appropriate Family Court Judge at 9:30 AM on the next date that the judge will hear Protection from Abuse related matters.
- iii. The Magisterial District Judge shall give the plaintiff a copy of the private criminal complaint and notice of hearing, receipt of which shall be acknowledged in writing by the plaintiff.
- iv. The Magisterial District Judge shall forward the original documents to the Clerk of Courts of Washington County.

2. *Clerk of Courts.*

- i. The Clerk of Courts shall process the documents received from the Magisterial District Judge and forward them to the Family Court Judge before whom the hearing is scheduled.

d. The procedure for service of the private criminal complaint is as follows:

- 1. The Magisterial District Judge shall serve a copy of the private criminal complaint and notice of hearing on the defendant by certified mail, return receipt requested.
- 2. The Magisterial District Judge shall notify the Family Court Judge, before whom the hearing is scheduled, that the return receipt has been received or that the private criminal complaint has been returned undelivered.

L-1901.1-7 CIVIL CONTEMPT FOR VIOLATION OF ORDER OR AGREEMENT

- a. A plaintiff may file a petition for civil contempt or modification, alleging that a defendant has violated any provision of an order or court-approved consent agreement.
- b. Plaintiff shall obtain a hearing date from the issuing Judge at that Judge's regularly scheduled motions court.
- c. Plaintiff shall cause the petition and order scheduling a hearing to be served upon the defendant.

L-1901.1-8 NOTIFICATION UPON RELEASE

- a. Criminal Victim/Witness Assistance Program shall use all reasonable means to notify the plaintiff sufficiently in advance of the release of the defendant from any incarceration imposed as a result of a finding of contempt.

- b. Notification shall be required for work release, furlough, medical leave, community service, discharge, escape, and recapture. Notification shall include the terms and condition imposed on any temporary release from custody. The plaintiff shall keep the Crime Victim/Witness Assistant Program advised of contact information; failure to do so will constitute a waiver of any rights to notification under these provisions.

L-1901.1-9 MODIFICATION, EXTENSION or WITHDRAWAL OF ORDER OR AGREEMENT

- a. A plaintiff or defendant may file a petition for modification, extension or withdrawal of an order or consent agreement any time during the pendency of the order.
- b. The party seeking modification shall file a petition through the Domestic Violence Services of Southwestern Pennsylvania and a hearing shall be scheduled for the next available hearing date for modifications or extension.
- c. The hearings for modification, extension or withdrawal of an order or consent agreement will be held once per month and will be scheduled for 1:00PM.
- d. The party seeking modification shall cause the petition and order scheduling the hearing to be promptly served upon the opposing party.
- e. No orders for withdrawal will be permitted unless the costs for both the Prothonotary and Sheriff's service are paid.

L-1901.1-10 REGISTRY: OUT OF STATE ORDERS

- a. The Prothonotary shall maintain a registry in which shall be entered certified copies of protection from abuse orders issued by a comparable court in another state.
- b. A valid order may be registered by the plaintiff by obtaining a certified copy of the order of the issuing court endorsed by the Prothonotary of that court and filing and presenting that certified order to the Prothonotary of Washington County.
- c. Upon receiving a certified order for registration, the Prothonotary shall provide the plaintiff with a copy bearing proof of registration to be filed with the appropriate law enforcement agency.
- d. No costs shall be assessed for registration of an order.

(effective 09/05/11)

ACTIONS PURSUANT TO OLDER ADULTS PROTECTIVE SERVICES ACT

L-1901.2-1 DEFINITIONS

“Act” means “older Adults Protective Services Act” No. 79, effective July 1, 1988, 35 P.S. §10211 et seq.

“Action” means a petition to enjoin interference with services, or to require access to persons or to records as set further in Section 7 of the Act, or an emergency petition as set forth in Section 10 of the Act.

L-1901.2-2 COMMENCEMENT OF ACTION

- a. Except as provided in subsection (b), an action shall be commenced by filing with the Prothonotary a petition, setting forth a concise statement of the facts relied upon to justify the relief requested, and a prayer for the relief desired.
- b. Filing in the office of the Prothonotary a certified order of a Magisterial District Judge entered pursuant to L-1901.2-4.

L-1901.2-3 SERVICE

- a. Service of the petition or certified order of the Magisterial District Judge shall be made pursuant to Pa. Rules of Civil Procedure 400 et eq.
- b. An order entered under Sections 7 and 10 of the Act shall be served and enforced by such persons and in such manner as the Court shall direct in the order.

L-1901.2-4 HEARINGS

- a. Within ten (10) days after the filing of a petition under Section 7 of the Act, the Motions Judge of the Court of Common Pleas shall schedule a hearing at which the petitioner must prove the facts justifying the relief requested by a preponderance of the evidence. The Court shall advise the respondent of his right to be represented by counsel. No pleading need be filed in response to the petition.
- b. Emergency petitions pursuant to section 10 of the Act shall be presented to the Motions Judge of the Court of Common Pleas during normal Courthouse hours; otherwise to the on-call Magisterial District Judge. The Motions Judge or Magisterial District Judge shall accept and decide such emergency petitions promptly pursuant to Section 10 of the Act.
- c. Certified orders of the Magisterial District Judge shall be filed in the Prothonotary’s office by 9:15 a.m. on the following business day, at which time they shall expire.

- d. The Magisterial District Judge shall advise the petitioners of the need to appear before the Motions Judge at 9:15 a.m. on the Court's next business day for continuing relief.

(effective 09/05/11)

L-1901.2-5 DECISION POST-TRIAL RELIEF

- a. The decision of the Court shall be governed by Pa. R.C.P. 1038(b) and (c).
- b. Post-trial relief shall be governed by Pa. R.C.P. 227.1 to 227.4

ACTIONS FOR SUPPORT

RULE 1910.4. Commencement of Action. Fees

Any statutorily authorized fee shall not be collected from a party otherwise obligated to pay such a fee in the following circumstances:

- (1) Where a party has been granted leave by the Court to proceed *in forma pauperis*;
- (2) Where the hearing officer or the Court finds that the party is financially unable to pay;
- (3) Where the party is a recipient of cash assistance from any state Department of Human Services;
- (4) Where any action requiring a fee is taken by the IV-D Attorney; or
- (5) Where the Court otherwise directs.

RULE 1910.5. Complaint. Order of Court. Continuances

(a) Motions for continuances of proceedings before the hearing officer or a conference officer will be presented by the moving party to the judge to whom the case is assigned in motions court prior to the scheduled proceeding. The moving party shall file the order granting or denying the continuance in the Domestic Relations Section.

(b) A motion for a continuance shall set forth the following information:

1. A clear, concise and certain reason for the motion;
2. A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable;
3. A statement of the number of prior continuances, if any; and

4. If another court appearance is the reason for the request, a copy of the notice or order of the conflicting proceeding shall be attached.

(c) The Notice of Presentation shall include the date of service of the motion upon the opposing counsel or the opposing party, if unrepresented, and the date of service of the motion upon the Domestic Relations Section.

RULE 1910.10.1. Hearing Procedure

(a) The alternative hearing procedure of Pa.R.C.P. 1910.12 is adopted in all actions for support through the Domestic Relations Section.

(b) If the parties are unable to reach an agreement during the support conference the procedures of Pa.R.C.P. 1910.12(b)(1) shall be followed and an interim order of support entered pending hearing before the Hearing Officer.

RULE 1910.10.2. Alimony Pendente Lite

A claim for alimony *pendente lite* shall be raised by filing a complaint with the domestic relations section pursuant to Pa.R.C.P. No. 1920.31(a)(2).

RULE 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(a) All exceptions must be filed with the Domestic Relations Sections Docket Clerk. Any party filing exceptions shall provide an original and two (2) copies of the exceptions at the time of filing. Further, the party filing exceptions shall provide to the Docket Clerk a receipt indicating that the \$50.00 deposit required by subsection (c) of this rule has been paid (subject to the provisions of Rule L-1910.4(b)) unless an attorney filing the exceptions on behalf of the party certifies in writing that no transcript is required.

(b) The party filing exceptions shall serve opposing counsel or the opposing party, if unrepresented, with copies of the exceptions by the end of the next business day following the filing of the exceptions.

(c) Any party filing exceptions shall order from the court reporter the transcript of testimony unless the attorney for the party filing exceptions certifies in writing that the transcript is not required. Any party ordering the transcript shall pay a deposit of \$50.00 to the Court Administrator for the court reporter before the transcript is prepared. The deposit shall be applied against the total cost of the transcript. The judge to whom the case is assigned shall not be provided with a copy of the transcript unless the same has been ordered and paid for in full by a party or counsel.

(d) Briefs in support and in opposition to the exceptions shall be filed with the Domestic Relations Section no later than the dates directed in the order of court setting the argument date on the exceptions. Each party filing a brief shall serve a copy of the brief on the opposing party and counsel not later than the end of the next business day following the filing of the brief with the Domestic Relations Section Docket Clerk. Every brief filed with the Domestic Relations Section shall contain an original and one (1) copy.

(e) If the party filing for exceptions fails to file a brief in support of those exceptions by the designated filing date, the responding party shall not be required to file a brief in opposition to those exceptions, but may file a brief if desired. However, if the responding party has filed exceptions in response to the other party's exceptions filing, the responding party shall file a brief in support of those cross or counter exceptions by the date directed in argument notice.

RULE 1910.17.2. Consent Support Orders

(a) All consent support orders should be prepared on current forms provided by the Domestic Relations Section in conformance with the Pennsylvania Child Support System (PACSES).

(b) The order must be clear and concise and shall adhere to both procedural and substantive statutory and case law requirements.

(c) If a support action has not yet been initiated for the case for which the consent support order is being filed, the consent support order shall include along with filing the current intake information sheet and a properly completed complaint for support.

RULE 1910.17.3. Marriage Settlement Agreements

In existing support cases where a marriage settlement agreement is signed following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the marriage settlement agreement and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this marriage settlement agreement, a new order of support in conformance with the marriage settlement agreement and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the marriage settlement agreement does not address arrears or resolve the issue of medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a conference with the parties.

RULE 1910.17.4. Stipulations Before the Divorce Master

In existing support cases where the parties enter into a stipulation before the Divorce Master following the entry of the support order which modifies the terms of the current support obligation, counsel for either party shall file the stipulation and a copy of the divorce decree with the Domestic Relations Section. Upon filing of this stipulation, a new order of support in conformance with that stipulation and divorce decree shall be drafted by the Domestic Relations Section and forwarded to the Court for entry. If the stipulation does not address arrears and medical coverage, including medical expense reimbursement, for the involved dependents, the Domestic Relations Section will schedule a Conference with the parties.

RULE 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances.

(a) The petitioner shall file an original and three (3) copies of the petition with the Domestic Relations Section Docket Clerk.

(b) The Domestic Relations Section shall not accept for filing a petition which seeks any of the following without leave of court:

- (1) To modify an order that is on appeal to the court pursuant to a recommended order; or,
- (2) To modify an order which has been entered within the past six (6) months.

(c) The Domestic Relations Section shall provide notice of the refusal to the party seeking the modification.

(d) A party whose petition has been refused may present to the judge to whom the case is assigned a motion to permit the filing of the modification, on forms provided by the Domestic Relations Section. Notice of presentment of the motion must be given to the opposing party in accordance with the applicable local rules of civil procedure.

(e) If leave of court is granted to file the petition for modification, the date of the first attempted filing shall be used as the filing date.

RULE 1910.25.2. Civil Contempt. Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

The alternate hearing procedure of Pa.R.C.P. 1910.25-4 is adopted in all civil contempt actions for support through the Domestic Relations Section.

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY,
AND VISITATION OF MINOR CHILDREN**

RULE 1915.1. Scope

(a) These rules shall apply to actions for custody and partial custody of minor children and to modification of existing orders relating thereto as governed by the Pa.R.C.P. 1915.1 – 1915.25 and by reference, 1920.32.

(b) A copy of these rules shall be accessible by the public in the Washington County Law Library and on the website of the Twenty-Seventh Judicial District at www.washingtoncourts.us.

RULE 1915.3. Commencement of Action. Complaint. Order

(a) All actions raising custody, partial custody, or modification of an existing order for a minor child shall be commenced by the filing of a verified complaint or, in the case of a custody count in an action for divorce, a petition and a separate scheduling order as set forth in subsection (h) of this rule. The scheduling order shall be filed and processed in accordance with this rule.

(b) The moving party shall proceed to the Office of the Court Administrator – Civil Division with an original and two (2) copies of the complaint or petition and the separate scheduling order for an assignment of a date and a time for the Initial Custody Meeting. The Initial Custody Meeting shall be scheduled for a date and a time not later than forty-five (45) days after the filing of the complaint or petition. The Court Administrator shall present the complaint or petition to the judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party, along with information about the Parenting Program. The moving party shall immediately file the complaint or petition with the Prothonotary, and provide a copy of the scheduling order to the Office of the Court Administrator – Civil Division. A copy of the scheduling order will then be delivered by the moving party to Office of the Court Administrator – Civil Division. The moving party shall attach copies of each to the filed, time-stamped copies of the complaint or petition and serve the defendant(s) with the complaint or petition, the Parenting Program information and a copy of the Parent Plan form.

(c) The moving party shall file proof of service of the complaint or petition with the Washington County Prothonotary and provide a copy of the proof of service of the complaint or petition, the Parenting Program information, and a copy of the Parent Plan form to the Office of the Court Administrator – Civil Division prior to the Initial Custody Meeting.

(d) The presentation of the pleadings referred to in subdivision (a) shall be the responsibility of the moving party and if necessary, may be *ex parte*. The moving party shall be responsible for filing and serving the pleadings in accordance with Pa.R.C.P. 1930.4. The moving party shall ensure that a minimum of seven (7) days' notice of the meeting or conference or any other appropriate proceeding is afforded to any interested parties. In the event minimum notice cannot be afforded to any interested parties, the moving party shall immediately notify the Office of the Court Administrator – Civil Division.

(e) All appropriate costs and fees shall be paid at the time of filing.

(f) A duplicate copy of all other pleadings and documents shall be provided to the Office of the Court Administrator – Civil Division.

(g) **Custody Education Program.** As a prerequisite to court involvement, following the filing of a complaint or petition, all parties to the action are ordered to attend the mandatory Parenting Program, which has been approved, sanctioned, and authorized by the Court, prior to the Initial Custody Meeting. Failure of a party to attend the Parenting Program may result in sanctions being imposed, including, but not limited to, being prohibited from proffering evidence at the conference, or being held in contempt by the Court.

(h) Form copies of the complaint, petition, and separate scheduling order referenced in subdivision (a) shall be accessible to the public in the Office of the Court Administrator – Civil Division and on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

RULE 1915.4. Parenting Program

As a prerequisite to court involvement in a custody matter, all parties to the action are ordered to attend the mandatory parenting program prior to the Pre-Custody Conciliation Meeting. Failure of a party to attend the parenting program will result in sanctions against the party up to and including being prohibited from proffering evidence in the Meeting or Conference, or being held in contempt by the Court. *See* Administrative Regulation 2002-1.

RULE 1915.4-3. Request for Trial De Novo and Pre-Trial Conference

- (a) A party may file a Request for a Trial De Novo and Pretrial Conference with the Prothonotary within twenty (20) days after the Recommended Order issued following the custody conciliation conference is mailed or received by the parties, whichever occurs first. The request must be presented to the judge to whom the case is assigned for the scheduling of the pretrial conference. The form of the scheduling Order may be found at the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.
- (b) A copy of the filed request with the scheduled pretrial conference date and time must be served on the other counsel, or if the party is a pro se litigant, the request must be served on the party. A copy must be delivered to the Office of the Court Administrator – Civil Division.
- (c) A trial de novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The pretrial conference shall be held during the period between the request for trial de novo and the scheduled hearing. Any psychological reports should be obtained during the same period and presented to the judge to whom the case is assigned, along with the parties' pretrial statements, at least five (5) days in advance of the pretrial conference.

RULE 1915.4-4. Pre-Trial Conference Before the Court

- (a) All parties shall be present at the judicial pretrial conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial conference may result in the entry of a custody/visitation order by the Court. Any child for whom custody is sought shall not attend unless ordered to do so.
- (b) The Court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of Court. Upon request, the judge to whom the case is assigned will meet privately with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

RULE 1915.5. Preliminary Objections. Discovery

(a) Objections to jurisdiction, venue, joinder of parties, and standing shall be filed and presented to the judge to whom the case is assigned. The Court shall order a briefing schedule and schedule argument on the objections.

(b) Discovery shall be permitted only by leave of court; however, nothing in these rules shall prohibit an agreement among the parties for discovery not otherwise authorized by these rules.

RULE 1915.6. Intervenor

If a person has standing to pursue custody under 23 Pa. Con. Stat. §§ 5324 or 5325, but is not a party to an existing custody action, he or she may file a petition to intervene in accordance with the procedure set forth in Wash.L.R.C.P. 1932.

RULE 1915.7. Custody Consent Agreement

(a) When parties have reached a consent agreement concerning custody of their minor child(ren) and the appointment of a child custody conference officer is unnecessary, the party (parties) may seek to have the consent agreement approved by the Court and may submit a proposed order of court by using the following procedure:

(1) a complaint in custody in substantial compliance with Pa.R.C.P. 1915.15(a) along with the proposed Custody Consent Agreement, signed by the parties and counsel, if any, and captioned as “Complaint for Custody/Proposed Custody Consent Agreement,” shall be filed with the Prothonotary after paying the appropriate filing fees and costs;

(2) the complaint and the Custody Consent Agreement with proposed order attached shall be presented to the judge to whom the case is assigned for approval;

(3) if approved by the Court, the Custody Consent Agreement with signed order of court attached shall be filed with the Prothonotary; and

(4) if the agreement is not approved by the Court, the moving party shall pay any additional filing fees within thirty (30) days and prepare a scheduling order for an assignment of a date and a time for the Initial Custody Meeting in accordance with Wash.L.R.C.P. 1915.3(b). The failure to comply with this rule shall result in dismissal of the action without further notification to the parties.

(b) If the custody issue arises from a count in a divorce complaint or counterclaim, there is no need to draft and file a custody complaint as outlined in subsection (a) above or Wash.L.R.C.P. 1930.27(a). Rather, the parties should include the docket number for the divorce case on the proposed Order attached to the Custody Consent Agreement before presenting it to the judge to whom the case is assigned for review.

(c) When using these procedures, there is no condition precedent that the parties attend the Custody Education Program set forth in Wash.L.R.C.P. 1915.3(g).

RULE 1915.8. Physical and Mental Examinations of Persons

All motions or petitions concerning the physical and/or mental examination of a person shall be presented directly to the judge to whom the case is assigned in accordance with Wash.L.R.C.P. 1932.

RULE 1915.11.1. Parenting Coordination

(a) Appointment of A Parenting Coordinator

- (1) If the parties agree on a Parenting Coordinator or if the Court deems one necessary, an order will be entered in accordance with Pa.R.Civ.P. 1915.22
- (2) If the parties cannot agree on the selection of a Parenting Coordinator, the Court shall require each party to identify his/her choice(s) along with the hourly rate of each to all parties. If the parties cannot agree, the Court shall select a Parenting Coordinator. The roster of the Court's approved Parenting Coordinators and their stated hourly rates shall be posted in the office of the Court Administrator – Civil Division and on the website of the Twenty-Seventh Judicial District at www.washingtoncourts.us .
- (3) Any party seeking a reduced fee under section (d) below must seek leave to proceed *in forma pauperis* in accordance with local Rule 240.

(b) Roster of Approved Parenting Coordinators. An attorney or mental health professional seeking to be included on the roster of the Washington County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit a letter to the Court Administrator – Civil Division together with the following:

- (1) An affidavit attesting the applicant has the qualifications found in Pa.R.Civ.P. 1915.11;
- (2) Pennsylvania Act 33 child abuse and Act 34 criminal history clearances, within the past two (2) years;
- (3) An acknowledgement that the applicant has read and will follow the Association of Family and Conciliation Courts (AFCC) Parenting Coordinator guidelines and the American Psychological Association (APA) Parenting Coordinator Guidelines. The former are posted at <https://www.afccnet.org/Portals/0/AFCCGuidelinesforParentingcoordinationnew.pdf>. The latter are found at <https://www.apa.org/pubs/journals/features/parenting-coordination.pdf> ; and
- (4) An acknowledgement of responsibility to accept reduced fee assignments for every three (3) full fee appointments taken. Appointments for reduced fee assignments will be made on a rotating basis for all Parenting Coordinators on the Court's roster.

(c) Parenting Coordinator Recommendations.

- (1) In addition to providing the same to the parties and the assigned Judge, a Parenting Coordinator shall file his or her Summary and Recommendations with the Prothonotary within two (2) days after the last communication with the parties on the issues in

accordance with Pa.R.Civ.P. 1915.11-1(f)(2). A Proof of Service shall also be filed. Copies of both documents shall also be provided to the Court Administrator-Civil Division.

- (2) *Objections to Parenting Coordinator's Recommendation(s) and Petition for a Record Hearing.*
- a. A party objecting to the Recommendations must file with the Prothonotary an original and a copy of his or her Objections and a Petition for a Record Hearing before the Court within five (5) days of service of the Summary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator. Copies shall also be provided to the assigned Judge and the Court Administrator-Civil Division.
 - b. The assigned Judge shall schedule a record hearing as soon as practical on the objections.
 - c. If timely objections are filed, the Parenting Coordinator's Recommendation may be entered as an interim order by the assigned Judge pending final disposition.
- (3) *Court Review of Parenting Coordinator's Recommendations.* If no objections to the Parenting Coordinator's Recommendation are filed with the Prothonotary within five (5) days of service of the Summary and Recommendation, the assigned Judge will review the Recommendation in accordance with Pa.R.Civ.P. 1915.11-1(f)(4).
- (d) **Fees.** Parties who request the appointment of a Parenting Coordinator or who are identified by the Court as benefitting from the appointment of a Parenting Coordinator shall pay the Parenting Coordinator as follows:
- (1) Up to \$150.00 an hour.
 - (2) The assigned Judge shall initially allocate the fees between the parties, but they may be reallocated as deemed appropriate by the Parenting Coordinator or the Court at a later date. See Pa.R.Civ.P. 1915.22(8).
 - (3) If, after a review of the In Forma Pauperis (IFP) petition, the parties' combined gross income and family size is at or below the Federal Poverty Guidelines, the Parenting Coordinator's fee shall be pro bono. If, after a review of the In Forma Pauperis (IFP) petition, the parties' combined gross income and family size is between the Federal Poverty Guidelines and 150% of the Federal Poverty Guidelines, the Parenting Coordinator's fee shall be 50% of his or her hourly rate. All other litigants shall pay the full fee.

RULE 1915.12. Contempt

(a) All petitions for contempt for failure to comply with an order related to custody shall be presented to the judge to whom the case is assigned. After consideration of the argument of the parties and the certification, the Court shall determine whether the petition is to be heard directly by the Court or by a child custody conference officer.

(b) If the Court chooses to hear the petition directly, a hearing on the matter shall be

scheduled.

(c) If the Court chooses to refer the matter to a child custody conference officer, the petitioner shall present a copy of the executed order doing so to the Office of the Court Administrator – Civil Division so that the matter may be scheduled.

(d) Absent the specific approval of the Court, all contempt hearings conducted by a child custody conference officer shall be limited to one and one-half hours. During the course of that hearing, the child custody conference officer shall attempt to conciliate the matter. If the child custody conference officer is unable to resolve the matter, he or she shall direct the parties to present evidence. The evidentiary portion of the proceeding shall be recorded.

(e) The child custody conference officer shall prepare a recommended order disposing of the contempt petition as well as a narrative report specifying the reasons in support of the recommendation. While only the former shall be filed with the Prothonotary, the latter shall be available for review in the Office of the Court Administrator – Civil Division.

(f) In the event that either party disagrees with the recommended order, that party may file exceptions with the Prothonotary within twenty (20) days after the recommended order is filed. Each exception shall set forth a separate objection precisely and without elaboration. Matters not covered by exceptions are deemed waived unless, prior to the entry of the final order, leave is granted to file exceptions raising those matters. If exceptions are filed, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(g) If no exceptions are filed within the twenty-day period, the recommended order shall become a final order of court.

(h) If exceptions are filed, the Court shall hear argument on them within forty-five (45) days of the date the last party files exceptions, and enter an appropriate final order within fifteen (15) days of argument.

RULE 1915.13. Special Relief

Motions for special relief should be for matters of an emergency nature and shall be presented to the judge to whom the case is assigned. A complaint in custody must be filed prior to presentation of the motion. Other matters of a non-emergent nature shall be disposed of in accordance with Wash.L.R.C.P. 1932. A motion for special relief may be denied without a hearing.

RULE. 1915.26. Child Custody Conference Officer

The position of child custody conference officer is hereby established. The child custody conference officer shall be appointed by the Court and shall be a member in good standing of the Pennsylvania Bar. The child custody conference officer may act as a hearing officer when presiding over matters pursuant to Pa.R.C.P. 1915.4-2.

RULE 1915.27. Assignment of Petitions to Modify

A petition to modify a custody order will be assigned to the child custody conference officer who handled the original custody complaint whenever possible.

RULE 1915.28. Continuances

(a) A motion for a continuance of a proceeding before the child custody conference officers shall be presented to the judge to whom the case is assigned in Motions Court prior to the scheduled proceeding. The order granting or denying the continuance shall be filed with the Prothonotary, and copy contemporaneously provided to the Office of the Court Administrator – Civil Division.

(b) A \$50.00 fee will be charged for continuances except that a party who seeks and receives a continuance on the day of a scheduled meeting or conference the party will be charged a \$100.00 fee. The continuance fee shall be paid by the moving party to the Prothonotary at the time the order is filed.

(c) A motion for a continuance shall contain the following information:

1. a clear, concise, and certain reason for the motion;
2. whether the continuance is consented to by the opposing party;
3. a statement of the number of prior continuances, if any; and
4. if another court appearance is the reason for the request, a copy of the notice or order of the conflicting hearing shall be attached.

(d) The Notice of Presentation shall comply with Wash.L.R.C.P. 208.2 and 208.3(a).

L-1915.29 PRE-CUSTODY CONCILIATION MEETING PROCEDURE

(a) The parties shall make a good faith effort to resolve the custody and/or visitation issues prior to the meeting. If resolution occurs prior to or at the time of the meeting, a proposed order may be drafted in accordance with Pa.R.C.P. No. 1915.7 and submitted to the Court for approval through the Child Custody Conference Officer, or the parties may follow L-1915.30(b).

(b) The Civil Division of the Court Administrator's Office will give counsel of record at least ten (10) days notice before any proceeding is conducted.

(c) The Civil Division of the Court Administrator's Office will give a party who is not represented by counsel at least ten (10) days notice before any proceeding is conducted.

L-1915.30 PRE-CUSTODY CONCILIATION MEETING

(a) Each parent shall file a Washington County Parent Plan form with the Civil Division of the Court Administrator's Office no later than thirty (30) days from the filing of the Custody Complaint or Modification Petition. The Parent Plan form may be found at Appendix F. The finder of fact may draw a negative inference against the party who fails to comply with this requirement.

(b) The parties may also at any time present a Consent Custody Order to the Family Court Judge to whom the case is assigned. If a Pre-Custody Conciliation Meeting or Custody Conciliation Conference has been previously scheduled at the time a party presents the Consent Custody Order to the Family Court Judge, the party shall provide a copy of the signed Consent Custody Order to the Civil Division of the Court Administrator's Office to ensure the Pre-Custody Conciliation Meeting or Custody Conciliation Conference is cancelled.

(c) If no Consent Custody Order pursuant to subsection (b) is presented to the Family Court Judge to whom the case is assigned, the Pre-Custody Conciliation Meeting shall proceed as originally scheduled.

(1) All parties shall be present at the Pre-Custody Conciliation Meeting unless otherwise ordered by the Court.

(2) The Child Custody Conference Officer will attempt to mediate the differences between the parties using mediation skills to come to an amicable settlement of those differences.

(3) The Child Custody Conference Officer will insure that the parties have submitted the completed Parent Plan form. The finder of fact may draw a negative inference against the party who fails to comply with this requirement. The Child Custody Conference Officer shall also insure that the mandated parenting program has been completed by the parties and certification presented.

(4) If the issue of custody cannot be resolved at the pre-custody conciliation meeting or continued meeting, the Child Custody Conference Officer shall schedule a custody conciliation conference if he/she determines that the issue concerns primary physical custody.

(5) If the issue of custody cannot be resolved at the pre-custody conciliation meeting or continued meeting, the Child Custody Conference Officer shall then determine whether the issue to be addressed concerns less than primary physical custody. If the issue is less than primary physical custody and both parties consent, the Child Custody Conference Officer shall schedule a hearing. The hearing shall be on the record pursuant to Pa.R.C.P. 1915.4-2(b). The Child Custody Conference Officer/ Hearing Officer shall receive evidence and hear argument, as well as issue a recommendation to the Court in accordance with PA. R.C.P 1915.4-2(b)(2) & (3). If any party disagrees with the recommendation, exceptions shall be filed as provided by Pa. R.C.P.1915.4-2(b)(4).

L-1915.31 CUSTODY CONCILIATION CONFERENCE

(a) All parties and any child for whom primary physical custody is sought shall be present at the Custody Conciliation Conference, unless otherwise ordered by the Court. Failure of a party to appear at the Custody Conciliation Conference may result in the entry of a custody or visitation order by the Court on the recommendation of the Child Custody Officer in the absence of that party. The absent party may also be subject to contempt proceedings, if appropriate.

(b) The Child Custody Conference Officer will conduct informal proceedings and allow the parties and their witnesses to participate. The Child Custody Conference Officer shall control the presentation of evidence and will determine the amount of time allotted to each party for presentation of his/her case. Counsel, or the party himself/herself if unrepresented, may summarize his/her case to the Child Custody Conference Officer. The Child Custody Conference Officer may take testimony from the parties and any witnesses by swearing in said parties and having said parties offer testimony under oath. The proceeding will not be transcribed. At the discretion of the Child Custody Conference Officer, a witness(es) may be permitted to participate via telephone pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony and subject to subsection (e) below. The conference will last no longer than one-half (1/2) day unless the Child Custody Conference Officer deems one or more issues complex in which event additional proceedings may be scheduled. If an agreement is reached, the agreement shall be prepared and signed in the form of a Custody Consent Order. If no agreement can be reached, the Child Custody Conference Officer will prepare a Summary Report and Recommended Order and forward same to the Court for the Court's consideration.

(1) The Summary Report and Recommended Order will be prepared and presented to the court within ten days of the date of the proceeding. The Summary Report will include the following:

- a. The results of mental and physical evaluations and home studies, if any.
- b. Findings of fact on jurisdiction or venue issues, if in question.

c. Recommendations for custody/visitation.

(c) The Recommended Order will normally be signed by the Family Court Judge to whom the case is assigned.

(1) The Recommended Order will become a final order unless a Request for Custody Trial De Novo and Pretrial Conference is filed within twenty (20) days after the Recommended Order is mailed or received by the parties, whichever occurs first. A copy of the order shall be provided to the parties by the Prothonotary in accordance with Pa.R.C.P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(2) If a party makes a timely request for a Trial De Novo and Pretrial Conference, the Recommended Order will remain in effect pending further order of the Court.

(d) After the Family Court Judge to whom the case is assigned signs the Recommended Order, the attorneys representing the parties, or the parties if acting pro se, may review the Summary Report in the Court Administrator's Office – Civil Division within the twenty (20) day time period specified in paragraph (c)(1) above. The Summary Report will not be filed in the Prothonotary's Office. It will not be released from the Court Administrator's Office – Civil Division, nor may parties or attorneys make copies of the Summary Report.

(e) A party requesting to participate by telephone shall submit written consent from the opposing party(parties) to the Civil Division of the Court Administrator's Office. If represented by counsel, counsel shall provide written consent to the Civil Division of the Court Administrator's Office at least ten (10) days prior to the conference. If no consent is given by the opposing party to the requesting party (parties), relief must be obtained from the Custody Conference Officer or Hearing Officer pursuant to Administrative Order 2004-1, In Re Family Court, dated October 26, 2004, pertaining to telephone testimony. The requesting party shall contact the Civil Division of the Court Administrator's Office to seek such relief.

L-1915.32 INTERIM ORDERS

(a) At the time of the initial custody meeting where issues regarding the temporary rights of the parties to custody or visitation of a non-emergency nature, as well as the arrangements for psychiatric or psychological examinations, home evaluations, and/or drug testing, are presented to the Child Custody Conference Officer, the Officer may submit to the Family Court Judge to whom the case is assigned a proposed interim order which will be reviewed by the Court and signed, if the Court deems the order appropriate. A copy of this signed order will be provided to the parties by the Prothonotary in accordance with Pa. R. Civ. P. 236 with a copy to the Civil Division of the Court Administrator's Office.

(b) Any person not satisfied with the interim order may pursue an application for special relief in accordance with Local Rule 1915.13.

RULE 1915.33. Request for Trial De Novo and Pre-trial Conference

(a) A party may file a Request for a Trial De Novo and Pretrial Conference with the Prothonotary's Office within twenty (20) days after the Recommended Order issued following the Custody Conciliation Conference is mailed or received by the parties, whichever occurs first. The request must be presented to the judge to whom the case is assigned for the scheduling of the Pretrial Conference. The form of the scheduling Order may be found at the website of the Twenty-Seventh Judicial District at www.washingtoncourts.us and in Appendix G/Custody.

(b) A copy of the filed request with the scheduled pretrial conference date and time must be served on the other counsel, or if the party is a *pro se* litigant, the request must be served on the party. A copy must be delivered to the Office of the Court Administrator – Civil Division.

(c) A Trial De Novo will be scheduled, barring extenuating circumstances, within ninety (90) days of the request. The pretrial conference shall be held during the period between the request for Custody Trial De Novo and the scheduled hearing. Any psychological reports ordered should be obtained during the same period and presented to the Family Court judge to whom the case is assigned, along with the parties' pretrial statements, at least forty-eight (48) hours in advance of the Pretrial Conference.

RULE 1915.34. Pre-trial Child Conference Before the Court

(a) All parties and any child for whom custody or visitation is sought shall be present at the judicial pretrial custody conference unless said required attendance is waived by way of Court Order. Failure of a party to appear at the judicial pretrial custody conference may result in the entry of a custody/visitation order by the court.

(b) The court will attempt to obtain a consent agreement on any pending custody issues. Any agreement shall be reduced to writing and entered as an order of court. Upon request, the Family Court Judge to whom the case is assigned will meet privately with the parties' counsel in an attempt to better define the issues and settle the custody dispute.

RULE 1915.35. Uncontested Motions Verification Form

In an effort to comply with the local rules, any party may utilize the Family Court Judge's Uncontested Motions Verification Form, which shall be in the format contained in Appendix H/Custody.

RULE 1915.36. Consent Agreements

(a) When parties have reached a consent agreement concerning custody of their minor child(ren) and the appointment of a Child Custody Conference Officer is unnecessary, the party(parties) may seek to have the consent agreement approved by the Court and may submit a Court Order by using the following procedure:

(1) A Custody Complaint is substantial compliance with Pa.R.C.P. 1915.15(a) shall be prepared for filing with the Prothonotary's Office,

(2) The parties shall prepare and sign a Custody Consent Agreement with the appropriate order attached,

- (3) The Custody Complaint and the Custody Consent Agreement with proposed Order attached shall be presented to the Family Court Judge to whom the case is assigned in Motions Court for Court Approval,
 - (4) The Custody Complaint and the Custody Consent Agreement with signed Order attached shall be filed with the Prothonotary's Office after paying the appropriate filing fees and costs, and
 - (5) A conformed, stamped copy of the filed Custody Complaint and the Custody Consent Agreement with Order attached shall be provided to the Family Court Judge to whom the case is assigned for purposes of the Judge's record keeping.
- (b) If the custody issue arises from a count in a divorce complaint or counterclaim, there is no need to draft and file a custody complaint as outlined in (a) above or L-1930.27(a). Rather, the party(parties) should include the divorce case number on the proposed Order attached to the Custody Consent Agreement before presenting it to the Family Court Judge to whom the case is assigned.
- (c) When using these procedures, there is no condition precedent that the parties attend the Parenting Program set forth in L-1915.4.

RULE 1915.37. Limited Representation in Custody

(a) Any individual who is referred under the Washington County Bar Association Limited Representation Custody Program to Southwestern Pennsylvania Legal Services or another participating member of the Washington County Bar Association for representation as a litigant in a custody action, shall be granted leave to proceed *in forma pauperis*. Counsel representing these individuals shall present to the Prothonotary a Praecipe to Proceed in Forma Pauperis which shall be endorsed by counsel and which shall have attached to it a Certificate of Eligibility. The Praecipe shall be in the format set forth on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

(b) An attorney who provides representation to the litigant under the Washington County Bar Association Limited Representation Custody Program shall be permitted to enter a Limited

Appearance. The Limited Appearance shall be set forth on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

(c) Upon completion of the representation under the above described referral program, the attorney shall file a Praecipe for Withdrawal of Limited Appearance. This praecipe shall be filed without leave of court. The litigant shall be given notice of the filing of the Praecipe for Withdrawal of Limited Appearance five (5) days before the filing of the praecipe with the Prothonotary. The praecipe may contain information about another attorney who may be entering his/her appearance. The praecipe shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last known address unless there is a substitute attorney. The Withdrawal of Appearance shall be in the attached format set forth on website of the Twenty-seventh Judicial District at www.washingtoncourts.us.

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE

ACTIONS FOR DIVORCE OR ANNULMENT

RULE 1920.3. Commencement of Action

(a) A duplicate copy of the complaint shall be filed with the Prothonotary who shall forward it to the Office of the Court Administrator – Civil Division. Upon receipt of the complaint, the Court Administrator shall assign the case to a judge pursuant to Wash.L.R.C.P. 200.1.

(b) A duplicate copy of other pleadings and other substantive documents shall be filed with the Prothonotary who shall forward it to the Office of the Court Administrator – Civil Division, specifically including petitions and orders to bifurcate proceedings.

(c) At the time of the filing of the complaint, the plaintiff will pay the non-refundable charge as set forth in the Custody/Divorce Fee Schedule, which is accessible to the public in the Prothonotary and on the website of the Twenty-seventh Judicial District at www.washingtoncourts.us. Each item of relief requested in the original complaint or any future amended complaints shall be designated in a separate numbered count. The Prothonotary shall in the monthly report indicate the amount collected pursuant to this rule.

(d) When a request for appointment of a master in divorce or child custody conference officer is made, the request must be accompanied with proof of payment of the non-refundable master fee as set forth in the applicable fee schedule.

RULE 1920.32. Joinder of Related Claims. Custody. Hearing by Court.

(a) All complaints containing a custody count and all counts of custody filed separately must be accompanied with a proposed scheduling order if the moving party is seeking to have the custody count immediately addressed by the Court. The order shall be processed in accordance with Wash.L.R.C.P. 1915.3. If the moving party does not seek to have the custody count immediately addressed by the Court, the party may subsequently seek Court action on the custody count by presenting a scheduling order to the Office of the Court Administrator – Civil Division.

(1) The proposed scheduling order shall be in substantially similar form to that found on the Court's website at www.washingtoncourts.us, or in the Washington County Law Library.

(b) The custody count shall follow the practice and procedures governing custody by filing a custody complaint or petition and scheduling order at the divorce case number with the Prothonotary.

RULE 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) If a party fails to comply with the requirements of Pa.R.C.P. 1920.33 in a proceeding before a master in a divorce case, the master shall, except upon good cause shown, bar the offending party from offering any testimony or introducing any evidence in support of or in opposition to claims for the matters not covered therein.

(b) During a proceeding before a master in a divorce case, a party shall, except upon good cause shown, be barred from offering any testimony or introducing any evidence that is inconsistent with or which goes beyond the fair scope of the information set forth in the pre-trial statement.

RULE 1920.42. Affidavit and Decree under §3301(c) or §3301(d) of the Divorce Code. Notice of Intention to Request Entry of Divorce Decree in §3301(c) and §3301(d) Divorces. Counter-Affidavit.

(a) Where both parties have filed affidavits under §3301(c) of the Divorce Code evidencing consent to the entry of a final decree, the plaintiff shall file with the Prothonotary a Praecipe to Transmit Record indicating whether a marital settlement agreement should be incorporated or merged into the decree.

(b) If a complaint has been filed requesting a divorce on the grounds of irretrievable breakdown and the party has filed an affidavit under §3301(d) of the Divorce Code, the averments of which the parties have either admitted or not denied, the parties shall file with the Prothonotary a Praecipe to Transmit Record indicating whether a marital settlement agreement should be incorporated or merged into the decree.

Note: See requirements of Wash.L.R.C.P. 1920.73.

RULE 1920.43. Special Relief

Requests for injunctive relief shall be presented to the judge to whom the case is assigned and not to the master in divorce. All motions must be presented to the judge to whom the case is assigned including motions to continue master's hearings.

1920.45. Counseling

(a) The Office of the Court Administrator – Civil Division will maintain a list of counselors approved for use by the Court. The parties may agree to use the services of a counselor or agency not on the list approved by the Court.

(b) In the event the parties cannot agree on any or all of the following issues, the moving party shall petition the Court to determine:

(1) Which party shall pay for counseling or how the payments for counseling shall be apportioned;

(2) The counselor or agency to be utilized; and

(3) The number of counseling sessions pursuant to §3302 of the Divorce Code.

RULE 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.

(a) Any divorce case may be referred to a master appointed by the Court. The order appointing the master shall specify the matters which are referred to the master.

(b) If a party brings a motion to appoint a master, the motion and proposed order shall be in substantially the same form as that found on the Court’s website at www.washingtoncourts.us, or in the Washington County Law Library. Proof of payment of the master fee shall accompany the motion and proposed order, unless the fee is waived by the Court.

(i) The motion and proposed order shall be delivered to the Office of the Court Administrator – Civil Division. The Court shall act upon the motion, and, if granted, the Court Administrator shall assign the master. The Office of the Court Administrator – Civil Division shall then contact the moving party to pick up the motion and order and file same with the Prothonotary.

(ii) The parties may jointly seek the appointment of a special master in appropriate cases by filing and presentation of a motion. The motion shall specify the payment terms of the special master, including the apportionment of the payment and the terms and conditions of the payment. The motion shall also address the provisions made by the parties for stenographic services and shall set forth the apportionment and terms and conditions of the payment for these services. The special master shall comply with the Pennsylvania Rules of Civil Procedure and the Local Rules of Civil Procedure. The moving party shall provide a copy of the motion and order to the Office of the Court Administrator – Civil Division.

(c) A master in divorce shall give counsel of record or a party who is not represented by counsel at least ten (10) days’ notice before conducting any conference or hearing.

(d) At least ten (10) days prior to the first conference, both parties shall file a summary of assets and liabilities, a designation of the parties’ incomes and support obligations and a proposal for a resolution of all issues.

(e) The statutory grounds for the divorce shall be specifically set forth in the motion for appointment and shall be consistent with the pleadings in the action.

(f) When the grounds for the divorce are based on Section 3301(c) of the Divorce Code, the movant shall have filed an Affidavit of Consent prior to or at the time of the presentation of the motion.

(1) When the grounds for the divorce are based on Section 3301(d) of the Divorce Code, at least one of the parties shall have filed a 3301(d) affidavit and shall have filed proof of service of a section 3301(d) counter affidavit upon the other party.

(2) Prior to the filing of a motion to appoint a master, the moving party shall file his or her inventory pursuant to Pa.R.C.P. 1920.33(a) & 1920.75.

(g) A copy of any order granting a continuance of a proceeding before a master must be provided by the moving party to the Office of the Court Administrator – Civil Division.

(1) A \$50.00 fee shall be charged for continuances; provided, however, that the fee shall be \$100.00 for a party who seeks and receives a continuance on the day of the proceeding before a master. The continuance fee shall be paid by the moving party to the Prothonotary upon the filing of the motion and order.

(2) A motion for continuance shall be set forth in writing and contain the following information:

(i) A clear, concise, and certain reason for the request;

(ii) A statement that opposing counsel or the opposing party, if unrepresented, has no objection to the request for continuance, if applicable;

(iii) A statement of the number of prior continuances, if any; and

(iv) If another court appearance is the reason for the request, a copy of the notice or Order of the conflicting hearing shall be attached.

RULE 1920.53. Hearing by Master. Report.

Subject to the direction of the Court, the master shall have procedural and administrative control of the proceedings in regard to the detention of witnesses for examination and the general course of the proceedings. The master shall rule on objections to the competency or relevance of testimony, as well as the admissibility of evidence. If the master sustains the objection, the testimony shall not be heard or reported. Parties may file exceptions to the rulings of a master in accordance with Wash.L.R.C.P. 1920.55.

RULE 1920.54. Hearing by Master. Report. Related claims.

(a) The master shall subdivide the report into separate sections, one for each claim for relief raised in the proceedings.

(b) The master may afford the parties the opportunity to submit suggested findings of fact and/or conclusions of law within 30 days of the close of testimony.

(c) The master shall file the original and two copies of the report and recommendations with the Prothonotary who shall mail notice of the filing and a copy of the report and recommendations to counsel of record or to a party, if unrepresented.

(d) The master may file a preliminary report and recommendations concerning matters such as the basis for the divorce or the payment of counsel fees and expenses.

RULE 1920.55.2. Report of the Master. Notice. Exceptions. Final Decree.

(a) Exceptions to the report and recommendations of the master shall be filed with the Prothonotary and a copy shall be delivered to the Office of the Court Administrator – Civil Division. They shall then schedule argument on the exceptions or order that the matter will be decided on the briefs. The Prothonotary shall mail notices of the date and time of the argument on the exceptions, if one is scheduled, by first class mail to the counsel for the parties or to the parties if unrepresented.

(b) Exceptions may be filed to a preliminary master's report and recommendations only if the preliminary report and recommendations addresses the underlying basis for the divorce and must be limited to that issue only. In such a case, exceptions must be filed within twenty (20) days after the preliminary report and recommendations are mailed or received by the parties, whichever occurs first. No exceptions may be taken to any other issues included in the preliminary master's report and recommendations. Such issues will be included in the final master's report and recommendations, and parties may take exceptions thereto at that time.

(c) If exceptions are filed by a party, any other party may file exceptions within twenty (20) days of the date of service of the original exceptions.

(d) The excepting party must file its brief with the judge to whom the case is assigned no later than twenty (20) days before the scheduled argument, and the non-excepting party must file its brief no later than ten (10) days before the scheduled argument. If both parties file exceptions, the first party to file the exceptions must file its brief no later than twenty (20) days before the scheduled argument, and the opposing party must file its brief no later than ten (10) days before the scheduled argument. The Court may order submission on the briefs or the parties may agree to submit to the Court on the briefs without argument.

(e) Oral arguments shall be restricted to issues addressed in the exceptions.

(f) The Judge may remand the case to the master for further review, hear argument, conduct an evidentiary hearing, or grant any other appropriate relief.

RULE 1920.62. Proceedings by Indigent Parties

The procedures set forth in Wash.L.R.C.P. 240 are incorporated herein, and shall govern proceedings by indigent parties in divorce and annulment; provided, however, that the petition shall include a request that the Court require the other party to bear the costs of the action. In acting upon the petition, the Court may order the other party to pay all or part of such costs, or another appropriate relief.

RULE 1920.73. Notice of Intention to Request Entry of Divorce Decree. Praecipe to Transmit Record. Forms.

When the grounds for divorce are based on §3301(c) or §3301(d) of the Divorce Code, the Praecipe to Transmit Record shall include the following:

6. Check applicable box:

(a) Section 3301(c) with incorporation of property/marital settlement Yes () No ()

(b) Section 3301(d) with incorporation of property/marital settlement Yes () No ()

**RULES RELATING TO DOMESTIC RELATIONS MATTERS
GENERALLY**

RULE 1930.4-1. Service of Original Process in Domestic Relations Matters

(a) The affidavit of service must set forth with particularity the pleadings, attachments and documents so served. In all domestic relations actions, including protection from abuse matters, the plaintiff shall serve the following notice to the defendant simultaneously with original process:

(Caption)
NOTICE

You are being served with original process in a domestic relations matter, and a proceeding has been, or may be scheduled, which could affect your rights. In the event a proceeding has been scheduled, you will be served with notice of the proceeding. If you are incarcerated and want to testify or present evidence, you must apply to the Court for a writ of *habeas corpus ad testificandum* to enable you to participate in the proceeding. The writ is available where an incarcerated individual wishes to testify as provided by statute or rule, as well as where the testimony is sought by another.

IF YOU FAIL TO APPLY TO THE COURT FOR A WRIT, YOU MAY BE UNABLE TO PARTICIPATE IN ANY PROCEEDINGS WHILE INCARCERATED.

(b) Proof of service shall be made that the notice in subsection (a) has been served in the

manner set forth in Pa.R.C.P. 1930.4(h).

(c) Nothing contained in this rule shall alter, or otherwise modify, the rules governing the form of a complaint in an action for custody, partial custody, or visitation, complaint in divorce, or petition for protection from abuse.

(d) When service is made by registered or certified mail, restricted delivery, return receipt requested, the return receipt card shall be attached to the affidavit of service.

(e) When a special order for service is sought, a motion, or petition, shall be presented to the Court, setting forth what attempts have been made to serve the defendant, as well as the nature and extent of the good faith search to locate the defendant.

(f) The affidavit of service required under section 3301(d) of the Divorce Code may be served with the complaint.

RULE 1930.8. Self-Represented Party. Entry of Appearance

All appearances in domestic relations matters shall be entered in accordance with Wash.L.R.C.P. 1012 or Pa.R.C.P. 1930.8, if applicable.

RULE 1932. Motions

Motions practice in all domestic relations matters shall comport with Wash.L.R.C.P. 208.2 and 208.3 unless stated otherwise within this chapter.

RULE 1933. Sanctions

The master in a divorce case, the hearing officer in an action for support, or a child custody conference officer in a child custody case may invoke appropriate sanctions for failure to comply with the Pennsylvania Rules of Civil Procedure or the Local Rules of Civil Procedure or for conduct which is vexatious or which unreasonably serves to delay proceedings or make them more complicated. Appropriate sanctions include, but are not limited to, one or more of the following: a negative inference may be drawn against the party; the meeting, conference, or hearing may be rescheduled with the assessment of a continuance fee; the party who fails to comply with the rules may be barred from offering any testimony or introducing any evidence on the issue at bar; or other sanctions reasonably designed to ensure compliance with these rules and respect for the proceedings may be imposed.

MINORS AS PARTIES

RULE 2039. Petition for Approval of a Settlement Where a Minor Has an Interest

(a) A petition for settlement of a case in which a minor has an interest shall initially be filed with the Prothonotary, except in cases where the Orphan's Court has jurisdiction.

(1) When a settlement has been reached in a case where a minor has an interest as the result of a pre-trial or settlement conference, the assigned judge shall retain jurisdiction for judicial determination of the petition in accordance with subsection (b).

(2) In cases where the matter has not been assigned to a judge, such petition shall be presented to the judge assigned to Motions Court.

(b) The petition for settlement shall contain the following:

(1) the factual circumstances of the case;

(2) the reasons why the settlement is a proper one; and

(3) be accompanied by the following:

(i) a proposed order of distribution;

(ii) a written report of a physician;

(iii) a statement under oath by the guardian certifying (1) the present physical or mental condition of the minor, and (2) approval of the proposed settlement and distribution of proceeds;

(iv) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;

(v) in the event that the minor is sixteen years of age or over, his or her written approval of the proposed settlement and distribution thereof; and

(vi) a copy of the written fee agreement.

(c) The order of distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Pennsylvania Rules of Professional Conduct.

(d) The Court may require the personal appearance of the minor and his or her guardian, any physician treating the minor, or any other relevant person, as well as the production of any evidence deemed necessary for approval of the petition for settlement.

INCAPACITATED PERSONS

RULE 2064. Compromise, Settlement, Discontinuance, or Distribution. Incapacitated Person

The procedure upon presentation of a petition under Pa.R.C.P. 2064 shall be the same as prescribed by Wash.L.R.C.P. 2039.

ACTIONS FOR WRONGFUL DEATH

RULE 2205. Proof of Service. Wrongful Death

In an action for wrongful death, the plaintiff shall file proof of service of the notice required by Pa.R.C.P. 2205.

ENFORCEMENT OF JUDGMENTS

RULE 3110. Execution against Contents of a Safe Deposit Box

Publication in a matter involving execution against the contents of a safe deposit box shall be made in accordance with Pa.R.C.P. 430(b) and Wash.L.R.C.P. 430.

RULE 3128. Notice of Sale. Personal Property

In addition to the notice requirements of Pa.R.C.P. 3128(a), notice of sale of personal property shall be given by the Sheriff of Washington County sending a copy of the handbill to the defendant by regular mail addressed to the last known address at least six days prior to sale.

RULE 3129.2. Notice of Sale. Real Property

(a) The Plaintiff causing the issuance of the writ of execution for the sale of real property shall furnish to the sheriff:

(1) a complete description of the property to be sold and the improvements, if any, with a brief recital of title, shall be included, in full, in the deed executed pursuant to a sale; and

(2) a brief description of the property to be sold, its location, the improvements, if any, and the name of the owner or reputed owners, with or without a brief recital of title, which shall be the description used in the notice of sale provided for in subdivisions (a) and (b) of Pa.R.C.P. 3129.1 and 3129.2. A metes and bounds description shall not be required, as long as the description sets forth the location of the property by street address and by reference to the taxparcel identification number.

(b) The notice of sale provided in Subdivisions (a) and (b) of Pa.R.C.P. 3129.1 and 3129.2 shall also include a notice of the terms and conditions of sale.

(c) Execution sales of real property shall be held only in the Sheriff's Office or the public meeting room of Washington County on the first Friday of each month except August; provided, however, that if the first Friday is a holiday, the sale shall be held the following Monday.

RULE 3136. Distribution of Proceeds

(a) The sheriff shall, by regular mail addressed to their last known addresses, promptly send to all parties in interest a copy of the schedule of distribution stating the date on which it was filed.

(b) Any party filing exceptions shall mail copies of their exceptions to all parties in interest and serve an original and a copy of said exceptions on the sheriff.

RULE 3252. Praeceptum for Writ. Money Judgment

The office(s) to be named in the notice shall be designated by the Court under Wash.L.R.C.P. 1018.1.

RULE 3256. Praeceptum for Writ. Mortgage Foreclosure

The praecipe for the writ of execution in an action of mortgage foreclosure shall have attached to it a description of the subject property.

DEPOSITIONS AND DISCOVERY

RULE 4007.1. Deposition by Oral Examination. Notice. Place of Depositions

(a) **Notice.** As a general rule, fourteen (14) days in advance of the contemplated taking of a deposition shall constitute reasonable notice of the taking of a deposition of a party, but this will vary according to the complexity of the contemplated testimony and the urgency of taking the deposition of a party at a particular time and place.

(1) An application by a party to shorten the time limit for notice or to seek a protective order for a properly advanced notice must be made by motion before the Court.

(b) **Place of Depositions.** Unless otherwise agreed to by the parties or ordered by the Court, all depositions in a civil action filed in the Court of Common Pleas of Washington County, shall be held in Washington County.

(c) Whenever depositions are expected to be introduced into evidence, counsel shall, before the pre-trial conference or if same are not then available before the day of trial, review such depositions and (1) extract therefrom a short statement of the qualifications of any expert witness to read to the jury, (2) eliminate unnecessary and/or irrelevant matters, and (3) eliminate all objections and statements of counsel to avoid reading same to a jury. In the event counsel, or a party if unrepresented, are unable to agree on what shall be eliminated, they shall submit to the Court for a ruling thereon before the date of trial. Failure to do so will constitute a waiver of objections.

(d) In all non-jury trials, counsel, or a party if unrepresented, shall attach to any deposition a summary of the examination of the testimony of each witness, thereby pointing out the salient points to be noted by the Court.

(e) **Conduct of Depositions.** This rule shall govern certain conduct in depositions taken in a civil action filed in the judicial district. Prior to the commencement of any deposition, this rule shall be provided to every witness so that he or she understands the parameters of permissible testimony and may have the opportunity to question his or her counsel regarding same.

(1) At the commencement of the deposition, the witness shall be instructed to ask deposing counsel, rather than counsel for the witness, for clarifications, definitions, or the explanations of any words, questions, or documents presented during the course of the deposition.

(2) All objections, except those that would be waived at trial if not made, those necessary to assert a privilege, or to present a motion pursuant to Pa.R.C.P. 4011, shall not be waived. Counsel, or a party if unrepresented, may assert non-waivable objections before the Court in the form of an appropriate motion prior to trial.

(3) An objection shall be stated concisely in a non-argumentative and non-suggestive manner.

(4) Counsel shall not direct or request that a witness not answer a question, unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence as already set forth by statute, rule of court, or order of court.

(5) Counsel and the deponent shall not engage in private, off-the-record conferences, except for the purpose of deciding whether to assert a privilege. Any conference shall be a proper subject for inquiry by deposing counsel to ascertain the subject of the conference and if the witness has been coached.

(i) Counsel for the deponent shall note the occurrence and duration of any conference on the record, and must describe the purpose and outcome of the conference.

(f) Any party, or counsel for a party, who fails to adhere to this rule may on motion of a party, or the Court *sua sponte*, be subject to sanctions as set forth in Pa.R.C.P. 4019, including, but not limited to, an award of reasonable costs, expenses, and attorney fees.

RULE 4017(d). Objections at Video Depositions

- (a) Upon completion of the stenographic transcription of any deposition, the stenographer before whom the deposition has been taken shall file with the Prothonotary a Certificate of Deposition. The Certificate of Deposition shall contain the following information and shall substantially conform to the form shown in Appendix K.
1. The name(s) of the person(s) deposed; and
 2. That the witness was duly sworn; and

3. The total number of pages in each deposition; and
 4. The date, time and place deposition was taken; and
 5. the counsel present at deposition;
 6. The name of counsel who has received the original transcription and copies thereof.
- (b) The Prothonotary shall promptly file the Certificate and record its filing on the docket.
- (c) Custody and responsibility for original deposition transcript shall remain with the attorney who has received the original transcription until the case is terminated or the deposition has been filed pursuant to paragraph 4 herein.
- (d) The attorney having custody of the original deposition shall forthwith file the entire original deposition transcription with the Prothonotary whenever so directed by the Court.

RULE 4017.1. Objections at Video Depositions

The following shall govern the procedure for making objections during video depositions.

- (a) When counsel makes an objection, counsel shall merely state the word "objection" and request that the video operator stop the video. Any arguments on objections shall be made on the written transcript but off-camera.

(b) Once the video is stopped, counsel should first summarize the reasons for the objection in a word or phrase. Counsel may then proceed with argument on the transcript and off the camera or may merely state the summary grounds for the objection. Arguments should be brief, and should consist of no more than the reason for the objection, an answer to the reason for the objection, and brief rebuttal.

(c) Counsel shall meet and review the transcript before presentation to the trial judge who will resolve whatever objections can be resolved. Counsel should present to the judge a list setting forth by page and line numbers the objections that need rulings.

(d) Prior to the playing of the video, the Court shall advise the jurors of the procedure dealing with objections and instruct them to disregard the word "objection" when it is made. The video may then be played without interruption, except for segments stricken by the judge.

RULE 4019. Sanctions. Requirement to Confer

Any motion for sanctions shall be governed by Wash.L.R.C.P. 208.2(e) and 208.3(a), and the motion shall contain a certification that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter or narrow the issues to be reviewed by the Court.

ASSESSMENT APPEALS

Rule L – 5000. Definitions

The following rules shall apply to all appeals from a real estate tax assessment determined by the Washington County Board of Assessment Appeals. These rules shall apply to all appeals taken following their effective date, and may be applied as appropriate to any pending appeals ninety (90) days after the effective date.

Definitions:

Appeal – An appeal from the Washington County Board of Assessment Appeals as defined in the Consolidated County Assessment Law, 53 Pa. Con. Stat. § 8854.

Board – The Washington County Board of Assessment Appeals.

Commercial Property – Any property whose purpose is to generate income for its owner, or is otherwise designated in the tax assessment records as commercial in use.

Date of Notification – The date of the Board's decision.

Party – Appellant, the Board, and any other person or entity entitled to notice of the appeal.

Property Owner – The record owner of the property as set forth in the tax assessment records.

Taxing Authority – Any county, city, borough, town, township, school district, or other public corporation having power and authority to levy taxes on the assessment of the real estate in question.

Verified – When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa. Con. Stat. § 4904 relating to unsworn falsification to authorities.

Rule L – 5000.1. Real Estate Tax Assessment Appeal

(a) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned “Petition for Real Estate Tax Assessment Appeal” or “Petition for Real Estate Tax Exemption Appeal” and filed with the Prothonotary within the time prescribed by statute. A copy of the appeal shall be provided to the Court Administrator.

(b) The appeal shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(2) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(3) Name and address of the taxpayer(s), and any other party to the appeal.

(4) Nature of and reasons for the appeal.

(5) Reference to the decision of Washington County Board of Assessment Appeals (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board's notice of decision shall be attached as an exhibit to the petition.

(6) Reason(s) for the appeal. The petition shall identify whether the challenge is based on fair market value, base year value, or a constitutional challenge based on uniformity.

(7) A verification in accordance with Pa. R. Civ. P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(c) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses, and any other

party, in the manner prescribed by Pa. R. Civ. P. 440. The property owner shall be served notice at the registered address designated on the tax records of Washington County.

(d) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(e) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(f) All appeals shall be subject to Pa. R. Civ. P. 1012, 1023.1, and 1025.

(g) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(h) No appeal may be withdrawn without consent of all other parties, or leave of court.

Note: The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. In re Mackey, 687 A.2d 1186(Pa. Commw. Ct. 1997).

RULE L – 5000.2. Intervention

(a) Any taxing authority not named as a party may intervene as a matter of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as “Intervenor” in the caption, and shall set forth that such identified party is intervening. The notice shall provide an address for the intervenor, unless simultaneously filed with an entry of appearance for counsel.

(c) Intervenor shall serve copies of Notice of Intervention on all parties in accordance with Pa. R. Civ. P. § 440.

(d) Within ten (10) days of filing of Notice of Intervention, the intervenor shall file a verified proof of service.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

RULE L – 5000.3. Discovery

(a) Except as otherwise proved by this Rule, discovery shall be by leave of court only for cause shown. Nothing in these rules shall prohibit an agreement among the parties regarding discovery not otherwise authorized by these rules.

(b) In all cases involving commercial property, the taxing authorities may serve a copy of Tax Assessment Appeal Discovery Requests, (FORM 5000.3) on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests as set forth in Local Rule 5000.5.

(c) Any discovery disputes, including, without limitation, any motions for protective order or motions to compel, shall be presented upon proper notice to the judge assigned to the case.

(d) A party may inspect the property at a reasonable time(s) upon the condition that such party provides written notice of the inspection no less than twenty (20) days prior to the property owner, if unrepresented, or the counsel of record for the property owner. If the property owner objects to the inspection or the time for inspection set forth in the notice, the property owner shall file written objections to such inspection and present such objections to the assigned judge.

Note: In the absence of a statewide rule, local rule, or order of court, it is within the sound discretion of the trial court whether to permit or refuse discovery in tax assessment appeals. Tanglwood Lakes Community Association v. Pike County Board of Assessment, 642 A.2d 581 (Pa. Commw. Ct. 1994).

RULE L – 5000.4. Consolidation

(a) The Court on its own motion, or on the motion of a party, may consolidate real estate tax assessment appeals involving properties that are similarly situated. The properties must be located within the same municipality and school district.

(1) A motion to consolidate shall be determined in accordance with Pa. R. Civ. P. 213.

(2) If the Court grants a motion to consolidate real estate tax assessment appeals, it shall enter a case management order setting forth all pretrial deadlines.

RULE L – 5000.5. Pretrial Procedure

(a) In real estate tax assessment appeals involving residential property, the following case management schedule shall govern the appeal, absent a case management order from the Court:

(1) Within ninety (90) days of the filing of the appeal, the parties shall exchange appraisal reports. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(2) The Court Administrator shall schedule a conciliation conference within one hundred and twenty (120) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or

their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

(b) In real estate tax assessment appeals involving commercial property, the following case management schedule shall govern the appeal, absent a case management order from the Court:

(1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.

(2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.

(3) Within one hundred and fifty (150) days of the filing of the appeal, the parties shall exchange appraisal reports. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(4) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the filing of the appeal. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(5) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the master.

RULE L – 5000.6. Appointment of Master

The court may hear the testimony, or, upon its own motion, may appoint a master with respect to all or any of the matters involved in the real estate tax assessment or tax exemption appeal to issue a report and recommendation. The order of appointment shall specify the matters which are referred to the master.

Note: The Court possesses the inherent authority to appoint a master to assist it in performing its various functions, including the production of advisory opinions regarding tax assessment appeals. Appeal of 322 Blvd. Associates, 600 A.2d 630 (Pa. Commw. Ct. 1991).

RULE L – 5000.7. Hearing by Master. Report

(a) The Court Administrator shall schedule any proceedings before the master, and shall cause notice to be provided to all the parties.

(b) A record shall be made of all proceedings before the master. Any requests for transcription shall be in accordance with the Pennsylvania Rules of Judicial Administration governing court reporting and transcripts.

(c) In an action which has been referred to a master, the master's report shall include findings of fact, conclusions of law, and a recommended disposition of the case.

(d) The master's report and recommendation shall be filed, and the Prothonotary shall serve a copy to all counsel of record and any unrepresented party by regular mail.

(e) Any exhibits admitted into evidence before the master are part of the court record, and shall be maintained with the official court record in the appropriate filing office.

RULE L – 5000.8. Hearing by Master. Report. Objections. Transcript

(a) Any party may file objections to the report and recommendation of the master within thirty (30) days of the filing of the report and recommendation. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that a transcript of all proceedings before the master, or necessary portions of the transcript, have been requested from the Court Administrator.

(1) Any request for a transcript shall be governed by the applicable Pennsylvania Rules of Judicial Administration pertaining to court reporting and transcripts.

(2) If no trial transcript is filed within sixty (60) days of the date the Objections were filed, the Court Administrator 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 the time period, then a court order shall be issued overruling the objections with prejudice. (FORM 5000.8(2)).

(b) 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. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(c) If no brief is filed within twenty (20) days of the date the transcript is filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel or a party if 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. (FORM 5000.8(c)).

Note: If a Brief in Support of Objections has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

(d) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, all responding parties shall file their Briefs in Opposition to Objections.

(e) If no Brief in Opposition is filed and served within twenty (20) days, the Court Administrator shall send the opposing party 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 5000.8(e)).

(f) A copy of any brief filed shall be served on all counsel of record, a party if unrepresented, the Court Administrator, and the Court.

Note: If a Brief in Opposition has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

RULE L – 5000.9. Decision. Final Order. No Post-Trial Motions

(a) Within five (5) days after the filing date set for the Briefs in Opposition to Objections has passed, the objecting party shall notify the Court that the matter is ripe for decision by filing a notice that the matter is ripe for decision as substantially set forth in FORM 5000.9(a). A copy of the notice shall be served on all counsel of record, a party if unrepresented, and the Court Administrator.

(b) Upon the filing of the notice defined in subsection (a), the Court may schedule oral argument on the objections, or enter a final order based on the briefs and record alone.

(c) In the event that none of the parties file objections as described above, the report and recommendation of the master shall become the final order of court.

(d) There shall be no motions for post-trial relief to a final order of court.

RULE L – 5000.10. Real Estate Tax Exemption Appeals

(a) Real estate tax exemption appeals shall be governed by the same rules as real estate tax assessment appeals; provided, however, that Local Rules 5000.3 and 5000.5 shall not be applicable.

(b) Real estate tax exemption appeals from decisions of the Board shall be subject to the provisions pertaining to discovery in the Pennsylvania Rules of Civil Procedure.

RULE L – 5000.11. Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.

(a) If at any time during the course of an appeal filed pursuant to Local Rule 5000, *et seq.*, 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 Prothonotary. The notice shall provide the following information:

- (1) The name(s) and addresses(es) of the new owner(s) of the property;
- (2) The type of transfer/change/alteration (*e.g.*, property sold); and
- (3) The date of the transfer/change/alteration.

Note: See Pa. R. Civ. P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa. R. Civ. P. 440 for the requirements of service of legal papers.

RULE L – 5000.12. Forms

All forms referenced in these rules shall be produced in a substantially similar format as set forth below.

FORM 5000.1 Petition for Assessment Appeal

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

(Name),

CIVIL DIVISION

Appellant,

No. _____

v.

(Name or Names),

COMMERCIAL / RESIDENTIAL
(choose one)

Appellee(s).

REAL ESTATE INVOLVED

Petition for Appeal from Decision
of the Board of Assessment
Appeals

PETITION FOR APPEAL FROM DECISION OF THE BOARD OF ASSESSMENT APPEALS

This Petition for Appeal from Decision of the Board of Assessment Appeals is filed pursuant to Local Rule 5000.1 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 Parcel Identification Number (fill in).

2. The County of Washington, the municipality (fill in) and the school district (fill in) are the taxing bodies interested in the taxable status of the Property.

3. The Washington County Tax Assessment Office made an assessment of the Property. (Name) appealed from this assessment to the Board of Property Assessment Appeals (the "Board") asking that the assessment be reduced/raised (choose one). The Board is authorized to hear all appeals from assessments made by the Washington County Tax Assessment Office.

4. Following a hearing, a Decision of Appeal from Real Estate Assessment was mailed by the Board.

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

6. (Fill in reasons for appeal).

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

Date: _____

(Signature)

Note: Pennsylvania law permits the Court to increase or decrease the assessment, or to leave the decision of the Board intact, no matter who appealed.

FORM 5000.3 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 5000.5, 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 taxes, 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, permits or permit requests, requests relative to a 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 contains 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, any building 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 improvement(s) 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 5000.8(a) Notice**

NOTICE

Pursuant to the provisions of 72 P.S. § 502-518.1(c) and Local Rule 5000.7, attached is the Report of the Special Master.

Any party objecting to the Report shall file Objections with the Washington County Prothonotary within thirty (30) days of the receipt of this Notice. A copy of the 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 Administrator's Office. Copies of the Objections and certification shall be served on the Court Administrator 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.

COURT ADMINISTRATOR

Dated: _____

(d) **FORM 5000.8(2) Letter**

Re: [case name and docket number]

Dear [Objecting Party]:

It has been sixty (60) days since you filed your Objections to the Masters Report in the subject case and no trial transcript has been filed with the Court Administrator, Civil Division. You must contact this office and order the transcript of the proceedings and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 5000.8.

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 5000.8 WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,
Court Administrator

(e) **FORM 5000.8(2) 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 Court Administrator's office 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 5000.8, the objections in this case are overruled with prejudice.

BY THE COURT:

_____, J.

(f) **FORM 5000.8(c) 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 Court Administrator, Civil Division. Pursuant to Local Rule 5000.8, 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 5000.8 WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,
Court Administrator

(g) **FORM 5000.8(c) 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 Court Administrator 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 5000.8 the objections in this case are overruled with prejudice.

BY THE COURT

_____, J.

(h) **FORM 5000.8(e) 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 5000.9(a) 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 5000.9, 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 been filed (please check appropriate line) been filed.

Date: _____

(Signature)

(07/18/2016)

ADMINISTRATIVE APPEALS

RULE 6000. Zoning Appeals.

(a) Appeals from the decision of a Zoning Hearing Board shall be captioned in accordance with Wash.L.R.C.P. 205.

(b) Within ten (10) days of issuance of a Writ of Certiorari by this Court, the appellant shall serve a copy of both the notice of appeal and writ upon the solicitor for the zoning hearing board, the solicitor for the municipality within which the zoning hearing board is located, and all persons and/or entities who have entered their written appearance in the proceedings before the zoning hearing board.

(c) The record submitted to the Court, in compliance with the writ of certiorari, shall include a certified copy of the zoning ordinance in effect at the time the decision was rendered.

(d) Whenever an appeal is taken from a decision of a zoning hearing board and the record is returned by the Court to the zoning hearing board for further proceedings, and a subsequent appeal from a decision of the zoning hearing board is taken in the same case, the docketing number of the original appeal shall identify the subsequent appeal filed with the Prothonotary who shall docket and file such subsequent appeal at the docketing number of the original appeal.

RULE 7000. Board of Viewers. Membership. Compensation

(a) The Board of Viewers for the County shall consist of nine members, not less than three of whom shall be members of the Bar of this County. An appointed Board for a case shall consist of three viewers, and the chairperson shall be an attorney. The compensation of the members of the Board shall be fixed as provided by the Court.

(b) Each member of said Board shall, before assuming the duties of their office, take and subscribe to an oath or affirmation to perform faithfully all the duties imposed upon him/her by law, which shall be filed with the Prothonotary.

(c) The petition for appointment of viewers in all eminent domain proceedings shall specify the applicable Act of Assembly, if any, under which the condemnation was made. The order appointing the viewers shall contain the tax parcel identification number of the property subject to condemnation. Notice that the petition has been presented, together with a conformed copy thereof, as well as a conformed copy of the order appointing the viewers, shall be forthwith mailed by the petitioner to the owners, or condemning body, or their attorney of record, whichever is applicable. An additional confirmed copy of such petition shall be filed with the Prothonotary for use in certifying the record to the appointed viewers. The attorney for the petitioner shall file a certification of service as aforesaid with the Prothonotary within twenty (20) days after the appointment of viewers. After receipt of the certification of service, the Prothonotary shall certify the record to the chairperson of the Board of Viewers.

RULE 7001. Hearings. Records

(a) All hearings of the Board of Viewers shall be held publicly in the Courthouse as designated by the chairperson of the Board in consultation with the Court Administrator.

(b) Whenever it shall be desirable that a verbatim record of the hearings before the respective boards of view be taken, the Court, for cause shown, may direct an official court stenographer to take notes thereof, and copies of said record shall be furnished to counsel for the parties, who shall apportion the costs equally.

RULE 7002. Reports. Confirmation. Exceptions

In any case in which a report of viewers shall be filed and presented to the Court for confirmation, the same shall be marked "Confirmed Nisi," which confirmation shall become absolute, and shall be so marked by the Prothonotary unless exceptions are filed thereto within thirty (30) days thereafter, or such other time as required by Act of Assembly; provided that for good cause shown, the Court may, by special order, extend the time for filing exceptions.

RULE 7003. Request for View

Any request for a view of the premises by a jury shall be made by motion to the Court at least twenty (20) days prior to trial. The Court may assess the costs for a view upon the requesting party, or in its discretion, require the parties to share the costs equally.