

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 37 ]

#### Adoption of Pa.R.A.P. 3771—3784 Governing Insurance Rehabilitations and Liquidations and All Other Matters under Article V of The Insurance Department Act of 1921; No. 126 Misc. Doc. No. 3

*And Now*, this 8th day of June, 2012, pursuant to Pa.R.A.P. 104, as an amendment to Chapter 37 of the Rules of Appellate Procedure, concerning Business of the Commonwealth Court, the Court hereby *Adopts* Rules 3771 through 3784 in the following form, to govern insurance rehabilitations and liquidations and all other matters under Article V of The Insurance Department Act of 1921 before the Commonwealth Court.

Except as otherwise provided herein, these rules shall become effective July 30, 2012, and shall govern all matters pending on the effective date unless the Court determines that their application to a pending matter would not be feasible or would work an injustice. The provisions in Rule 3781(e)(7), (8) and (f)(4) (requiring referees to maintain a numbered list of the contents of the record created before the referee and to file that record with the Court) shall apply only prospectively to cases assigned to a referee after the effective date. To the extent that any provision of a case management order previously entered in any rehabilitation or liquidation matter does not conform to these Rules, those provisions are hereby superseded.

DAN PELLEGRINI,  
*President Judge*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE III. MISCELLANEOUS PROVISIONS

#### CHAPTER 37. BUSINESS OF THE COMMONWEALTH COURT

#### SUMMARY AND FORMAL PROCEEDINGS AGAINST INSURERS

##### Rule 3771. Scope of Rules.

Rules 3771—3784 apply to all actions in the Commonwealth Court arising under Article V of The Insurance Department Act of 1921, Act of May 17, 1921, P. L. 789, added by the Act of December 14, 1977, P. L. 280, as amended, 40 P. S. §§ 221.1—221.63 (concerning summary and formal proceedings against insurers) (Article V). The rules are intended to govern practice and procedures in Article V proceedings. In the event of any inconsistency, the provisions of Article V control.

##### Rule 3772. Definitions.

(a) Unless otherwise stated, words and phrases used in these rules shall have the meanings given to them under Article V.

(b) *Administrative case docket*—A docket created upon the initiation of a formal proceeding by the filing of a petition to rehabilitate or liquidate an insurance company.

(c) *Adversarial proceeding*—Any action (1) initiated by the rehabilitator or liquidator against persons other than the insurer, (2) asserting a right or interest afforded by Article V and for which neither Article V nor prior orders of the Court provide an avenue for redress, and (3) that the Court determines shall be governed by Rule 3783 (adversarial proceedings) as an adversarial proceeding.

(d) *Ancillary case docket*—A docket created when an adversarial proceeding is initiated or when a creditor files an objection to the liquidator's claim determination under Rule 3781(c) (claim procedure).

(e) *Court*—The Commonwealth Court of Pennsylvania.

(f) *Formal proceeding*—An action to rehabilitate or liquidate an insurer pursuant to Sections 515 or 520 of Article V, 40 P. S. §§ 221.15, 221.20.

(g) *Master service list*—The list maintained by the Commissioner or receiver, as the case may be, as directed in Rule 3778 (master service list).

**Official Note: Administrative Case Docket**—The following illustrates the types of filings that may appear on an administrative case docket: any response to the petition to rehabilitate or liquidate; applications to intervene; a receiver's applications for approval of reports, partial distributions, administrative expenses, etc. and any responses thereto; applications seeking to compel the issuance of a notice of determination on a proof of claim or any other filings by the receiver related to the administration of the liquidation or rehabilitation. Other than the filing that initiated an ancillary case docket, the administrative case docket will not usually include filings related to matters assigned to an ancillary case docket.

*Adversarial proceeding*—This type of proceeding does not include objections filed by a claimant to the liquidator's notice of determination. Objections to a notice of determination on a claim are specially governed by Rule 3781 (claim procedure).

##### Rule 3773. Filings; Number of Copies.

(a) *General rule*. Each paper filing shall consist of the original document, two (2) copies, and a labeled CD-ROM or USB flash drive containing a copy of the filing in portable document format (PDF).

(b) *Exception*. A copy on a labeled CD-ROM or USB flash drive is not required for a proof of service or report of the performance of a ministerial task.

(c) *No courtesy copies*. Courtesy copies of filings shall not be provided to the judge's chambers.

**Official Note: Electronic Filing**—The Court adopted these Rules before electronic filing became available. When electronic filing becomes available this Rule will be reviewed.

##### Rule 3774. Manner of Initiating Article V Proceedings.

(a) *Judicial review of summary orders (Section 510 of Article V, 40 P. S. § 221.10)*. A request for judicial review of a summary order issued by the Commissioner shall be presented by petition for review and shall conform to the

provisions of Chapter 15 of the Pennsylvania Rules of Appellate Procedure applicable to matters in the Court's original jurisdiction.

(b) *Court's seizure order (Section 512 of Article V, 40 P.S. § 221.12)*. A petition by the Commissioner for a seizure order shall state the material facts that constitute the grounds for relief. The petition for seizure may be decided with or without an answer or a hearing. An insurer may petition the Court for hearing and review of an *ex parte* seizure order at any time and shall set forth the factual and legal basis in support of a contention that the Court should vacate or modify the seizure order. The Court may set a time for the Commissioner to file an answer, but in any event the Court shall decide the petition for hearing and review in accordance with Sections 512(d) and 513(a), (b), 40 P.S. §§ 221.12(d) and 221.13(a), (b).

(c) Formal proceedings to commence rehabilitation or liquidation (Sections 515 and 520 of Article V, 40 P.S. §§ 221.15 and 221.20).

(1) A petition by the Commissioner for rehabilitation or liquidation shall state the material facts that constitute the grounds for relief.

(2) Unless the Court otherwise orders, within thirty (30) days of the filing of a petition for rehabilitation or a petition for liquidation, the insurer shall file either an answer to the petition or consent to the entry of an order granting the relief the Commissioner seeks in the petition. An answer shall state the material facts that constitute a defense to the petition. No other response by the insurer is permitted.

(3) Following the entry of an order to rehabilitate or liquidate the business of an insurer, the Court may enter a case management order to supplement these Rules.

**Official Note:** *Special forms of petition*—A petition by the Commissioner for a seizure order or a petition by the Commissioner for an order of rehabilitation or liquidation is not a petition for review governed by Chapter 15 of the Appellate Rules because neither of these petitions present a challenge to government action. The term “petition” is used because it is used in Article V.

For determining a petition for a seizure order, Section 512 establishes a process that does not conform to the provisions of Chapter 15. Such a petition should be decided in accordance with the statutory process in conjunction with an order.

Rules 3771—3784 establish procedures for addressing petitions for rehabilitation or liquidation and matters associated with rehabilitation or liquidation of an insurer.

A petition by an insurer for hearing and review of a seizure order presents a matter properly addressed to the Court's original jurisdiction. See 42 Pa.C.S. § 761 (establishing the Court's original jurisdiction over all matters arising under Article V of the Insurance Department Act). However, the provisions of Chapter 15 applicable to original jurisdiction matters have little or no practical applicability to a petition for a hearing and review of an *ex parte* seizure order for which Section 512 confers upon the petitioner a right to a hearing within ten days. Consequently, a petition for hearing and review of a seizure order should be decided in accordance with the statutory process in Section 512 or Court order.

The special forms of petition named in Rule 3774 (initiating Article V proceedings) are not subject to the Rules of Civil Procedure.

#### **Rule 3775. Intervention in Formal Proceedings.**

(a) *Intervention*. A person not named as a respondent in a formal proceeding who has a direct and substantial interest in the administration of the insurer's business or estate may request leave of court to intervene.

(b) *Application to intervene*. A request for leave to intervene, generally or for a limited purpose, shall be by application and answer, if any, in accordance with Rule 123 (application for relief). The application shall contain a concise statement of the interest of the applicant and the purposes for which the applicant seeks to intervene. A copy of the document to be filed if the Court allows intervention shall be attached to the application.

(c) *Action on application*. Intervention in a formal proceeding shall be allowed if the proven or admitted allegations of the application establish a sufficient interest in the proceedings, unless the interest of the applicant is already adequately represented or intervention will unduly delay or prejudice the adjudication of the rights of the parties.

(1) *General intervention*. When the applicant demonstrates an ongoing interest in the administration of the insurer's business or estate, the Court may grant the applicant general intervention. The general intervenor shall remain on the master service list until the formal proceeding is completed.

(2) *Limited intervention*. When the applicant's interest involves a discrete controversy relating to the administration of the insurer's business or estate, the Court may grant the applicant limited intervention to participate as a party in the discrete controversy. The limited intervenor shall not be placed upon the master service list unless the Court orders otherwise.

(d) Upon grant of an application to intervene, the document attached to the application to intervene, that is, the application for relief under Rule 3776 or complaint under Rule 3783, shall be deemed filed, and the Court shall direct the time for filing a response.

**Official Note:** *General or limited intervention*—Intervention, whether general or limited in scope, may be granted for purposes such as, but not limited to:

(1) Oppose a petition by the Commissioner for an order of liquidation or rehabilitation;

(2) Oppose an application by the receiver for an order relating to the administration of the insurer's business or of estate;

(3) Object to a report by the receiver;

(4) Seek relief from any order;

(5) Assert any rights or interest afforded to the person by Article V and for which neither Article V nor prior orders of the Court provide an avenue for redress; or

(6) Compel the liquidator to issue a notice of determination if the liquidator has failed to do so in conformity with Rule 3781 (claim procedure).

*Relief from stay*—Intervention is a prerequisite to filing an application for relief from the stay of actions against the insurer that is imposed under Section 526, 40 P.S. § 221.26.

**Rule 3776. Applications for Relief or Court Approval.**

Relief or approval from the Court shall be requested by application. An application for relief or an application by the receiver for the Court's approval shall comply with Rule 123 (application for relief), except that a response, if any, shall be filed within thirty (30) days of service of an application for relief or an application for Court approval. Upon application, the Court may alter the time for response. The application and any response may be supported by a memorandum of law.

**Official Note:** *Alteration of the time for response*—Requests based on an agreement of the parties are more likely to receive favorable consideration.

*Court approval*—From time to time, the receiver must obtain the Court's approval of an action proposed to be taken in the course of administering the estate, such as, but not limited to, making an interim distribution of assets.

**Rule 3777. Docketing.**

(a) *Administrative case docket.* Upon the filing of a petition to rehabilitate or liquidate an insurance company under Article V, the chief clerk shall create an administrative case docket and assign the petition a number thereon. All filings directly related to the Court's consideration of the petition for rehabilitation or liquidation shall be filed at that number, and this docket will contain all filings concerning the administration of the insurer's business or estate should the petition be granted.

(b) *Case caption—administrative case docket.* The caption of the proceeding assigned to an administrative case docket shall be substantially in the following form:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

IN RE: XYZ Insurance Company :  
 In Liquidation [Rehabilitation] : No. 1 XYZ 20xx  
 :  
 [Title of Document]

(c) *Ancillary case docket.* When a complaint is filed by or against the receiver to commence an adversarial proceeding under Rule 3783 (adversarial proceeding), when the Court *sua sponte* directs that a dispute initiated by an application for relief under Rule 3776 (applications) be treated as an adversarial proceeding under Rule 3783 or when an objection is filed to a notice of determination under Rule 3781 (claim procedure), the chief clerk will note such filing on the administrative case docket, establish an ancillary case docket and assign a number for each such matter. The party initiating an ancillary case shall file a completed cover sheet that may be obtained from the chief clerk or at [www.pacourts.us/T/Commonwealth/](http://www.pacourts.us/T/Commonwealth/).

(d) *Case caption—ancillary dockets.* Matters that receive ancillary case docket numbers shall be captioned substantially in accordance with the following examples:

(1) An adversarial proceeding under Rule 3783 (adversarial proceedings) shall be captioned:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

\_\_\_\_\_  
 Plaintiff/Applicant :  
 :  
 v. :  
 : No. \_\_\_\_\_  
 \_\_\_\_\_  
 Defendant/Respondent :  
 :  
 (Ancillary to IN RE: :  
 XYZ Insurance Company :  
 In Liquidation :  
 No. 1 XYZ 20xx) :  
 [Title of Document]

(2) An objection to the liquidator's determination on a proof of claim under Rule 3781 (claim procedure) shall be captioned:

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

John Doe Company, :  
 Objector : Objection to Notice of  
 : Determination  
 :  
 : Re: Proof of Claim  
 : No. \_\_\_\_\_  
 :  
 v. :  
 :  
 :  
 XYZ Insurance Co., in :  
 Liquidation :  
 : No. \_\_\_\_\_  
 (Ancillary to IN RE: :  
 XYZ Insurance Company :  
 In Liquidation :  
 No. 1 XYZ 20xx) :  
 Objection to Liquidator's Notice(s) of Determination

**Official Note:** *Listing proof of claim number(s)*—All claim numbers should be listed in the caption to the right of the dotted line and on the cover sheet. If the objection relates to proof of claim numbers too numerous to conveniently be listed in the caption, the first claim number followed by "et al" must be shown in the caption and additional proof of claim numbers shall be listed in a footnote on page one.

**Rule 3778. Master Service List.**

(a) *General rule.* As soon as practicable after filing a petition to rehabilitate or liquidate an insurer, the Commissioner shall create and maintain a master service list. If the Court grants the petition to liquidate or rehabilitate, the receiver will assume the duty to maintain the master service list. The master service list shall include the name, address, telephone number, facsimile (fax) number and electronic mail (e-mail) address of counsel for each party and for each pro se party in the proceeding at the administrative case docket number.

The receiver is not required to include on the master service list any limited intervenor or his/her counsel.

Changes in contact information, including transfer of responsibilities to another attorney in the firm and requests to be removed from the master service list may

be accomplished by notifying the Commissioner or receiver, as the case may be, by e-mail, fax or mail in accordance with the Commissioner's or receiver's instructions.

(b) *Request of non-party for inclusion on master service list.* Any interested person may be added to the master service list by sending a written request to the Commissioner or receiver, as the case may be, including name, address, telephone number, facsimile number and electronic mail address. A person included on the master service list pursuant to this subsection shall be designated thereon as a non-party.

(c) *Availability of master service list.* The Commissioner or receiver, as the case may be, shall post and maintain the master service list on any website established under Rule 3779 (website). If no website has been established, the master service list shall be available by e-mail upon request. A paper copy of the master service list shall be available for a standard fee.

**Official Note: Court Maintains Its Own Service List—** The master service list maintained by the Commissioner or receiver is not the Court's service list. The two lists are separately managed. Amendment or deletion of information on one list does not affect the other list. Notice of any change must be given to both the Commissioner or receiver and the Court.

**Rule 3779. Website.**

Unless otherwise ordered by the Court, when the Commissioner files a petition to rehabilitate or liquidate an insurer, the Commissioner shall establish and maintain a website for the purpose of listing filings with and orders of the Court in accordance with these rules, and when required, posting access to the listed documents. If the Court grants the petition to liquidate or rehabilitate, the receiver will maintain the website.

On the website, the receiver shall post: all documents filed at the administrative case docket number; a proof of claim form; a statement describing the procedure for filing claims pursuant to Rule 3781 (claim procedure); and a statement regarding the requirements in Rule 3781(c)(4) (corporate representation) and (5) (*pro hac vice*), for corporate representation and admission *pro hac vice* for attorneys.

The receiver shall note any ancillary docket number on the website and state the nature of the dispute. The receiver may but is not required to post filings at an ancillary case docket number.

**Rule 3780. Service and Notice.**

(a) *Service of parties.* All documents filed by any party shall be served on all other parties at the appropriate docket number assigned to the matter in accordance with Rule 121 (filing and service). Proof of service shall comply with Rule 122 (proof of service).

(b) *Notice to non-parties listed on the master service list.* The receiver shall promptly notify all non-parties named on the master service list of any filing at the administrative case docket number. The notice shall include:

- (1) A description and the date of the filing;
- (2) A statement that the filing is available for viewing, downloading, or printing at the website;
- (3) Directions on how interested persons may view, download, or print a copy of the filing from the website;

(4) A name, address, telephone number, fax number, and e-mail address as a contact for those unable to view, download, or print the filing from the website.

(c) *Filings not posted on website.* Any non-party on the master service list desiring a copy of a filing listed, but not posted, on the website may obtain a copy from the receiver.

(d) *Alternative service.* A non-party listed on the master service list who is unable to receive electronic notice of filings, shall notify the receiver in writing of this inability. The receiver shall then provide notice of a filing by United States Postal Service.

**Rule 3781. Claim Procedure in Liquidation Proceedings.**

(a) *Filing a proof of claim.*

(1) A creditor asserting a monetary claim against the insurer's estate shall file a proof of claim with the liquidator in accordance with Article V.

(2) In the notice to potential creditors of the insurer's estate, the liquidator shall provide a proof of claim form that complies with Article V.

(3) The completed proof of claim form and supporting documentation shall be filed with the liquidator. A proof of claim form is filed when received by the liquidator except as described below. The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United Postal Service Form 3817 Certificate of Mailing or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer. If filing is accomplished by fax, the claimant shall also comply with the requirements of Pa.R.C.P. No. 440(d)(2), relating to a fax cover sheet.

(b) *Notice of determination.*

(1) Unless otherwise ordered, the liquidator shall issue a written notice of determination within one hundred and eighty (180) days of the filing of the proof of claim, unless the liquidator seeks additional information on a claim pursuant to Section 538(b), 40 P. S. § 221.38(b). If additional information is requested, the liquidator shall issue a notice of determination within ninety (90) days of the date on which the additional information is received.

(2) The notice of determination shall include:

- (i) the allowed amount of the claim;
- (ii) the priority class assigned to the claim;
- (iii) if the claim is disallowed in whole or in part, a brief statement of the reason(s) for the liquidator's determination;
- (iv) a statement advising the claimant of the requirements set forth in Rule 3781(c)(1) (time for filing); and

(v) notice that if a claimant fails to file an objection with the Court within sixty (60) days from the mailing date on the notice of determination, the claimant cannot later object to the liquidator's determination.

(3) If the liquidator determines that the claim has been submitted to a state guaranty association, the liquidator may defer further review of the proof of claim until the guaranty association has made its final determination and has returned the closed claim file to the liquidator. In such a case, the liquidator shall notify the claimant of the decision to defer review.

(c) *Objections.*

(1) *Time for filing.* If a claimant disputes the allowed amount or priority class assigned to the claim, the claimant shall file an objection with the Court within sixty (60) days from the mailing date on the notice of determination. The objection must present the factual and legal basis for the objection and include a copy of the notice of determination. The objection may include relevant supporting documentation and be accompanied by a memorandum of law.

(2) *Service.* The claimant shall serve a copy of the objection on the liquidator in accordance with Rule 121 (service).

(3) *Response.* The liquidator shall promptly acknowledge receipt of an objection, contact the claimant, and attempt to resolve the objection. If the objection is not resolved within sixty (60) days, the liquidator shall file with the Court and serve on the claimant a written response to the objection. The response may be accompanied by a memorandum of law. The claimant and the liquidator may agree in writing to extend these deadlines. Any such agreement must be filed with the Court.

(4) *Corporate representation.* If the claimant is an entity other than a natural person, an attorney admitted to practice in Pennsylvania must enter an appearance for the claimant within sixty (60) days of the filing of the objection, or the Court may dismiss the objection.

(5) *Pro hac vice admission.* If a claimant wishes to be represented by an attorney not admitted to practice in Pennsylvania, that attorney must be admitted to practice *pro hac vice*, in accordance with Pa.R.C.P. No. 1012.1, Pa.B.A.R. 301, and 204 Pa. Code § 81.505, within sixty (60) days of the filing of the objection, or the Court may dismiss the objection.

(d) *Resolution of objections.*

(1) *Scheduling hearing.* Upon receipt of the liquidator's response to the objection, the Court shall establish a time for a hearing.

(2) *Assignment of judge.* Objections may be assigned to a single judge for disposition.

(3) *Assignment of referee.* Upon the parties' request or on its own initiative, the Court may appoint a referee to hear the objection and submit to the Court a recommended decision, which shall include findings of fact, conclusions of law, and a proposed order.

(e) *Referees.*

(1) *Compensation.* Referees serve at the pleasure of the Court and shall be compensated from the insurer's estate at an hourly rate to be set by the Court at the beginning of each calendar year and posted on the website created under Rule 3779 and on the Court's website. The hourly rate shall be clearly set forth in the appointment order, subject to any annual adjustment.

(2) *Litigation costs.* Each party shall bear its own costs associated with the hearing before the referee. Unless the Court orders otherwise, the parties shall share equally the costs for transcribing a hearing and any costs that may be incurred by a referee in complying with Rule 3781(e)(7) (maintaining a record) and (f)(4) (filing recommended decision).

(3) *Conflict of interest.* No referee may appear as counsel in any matter connected to the liquidation proceeding.

(4) *Authority of the referee.* The referee shall have authority to:

(i) receive and consider evidence that is in addition to the information provided with the proof of claim;

(ii) establish discovery schedules where discovery is necessary;

(iii) establish procedures to expedite the presentation of evidence; and

(iv) establish hearing dates and briefing schedules.

(5) *Rules of evidence.* The Pennsylvania Rules of Evidence shall apply to all evidentiary hearings conducted by a referee.

(6) *Efficient and cost effective.* The referee shall resolve the objection in a cost-effective and efficient manner, using stipulations and depositions and conducting hearings by teleconference or videoconference where appropriate. The referee may bifurcate a proceeding to address issues *seriatim*.

(7) *Maintain a record.* The referee shall maintain a record consisting of everything submitted for consideration. The referee shall also keep a chronological list of the contents of the record. In the case of materials submitted as evidence, the referee shall mark each exhibit offered into evidence as admitted or excluded. While an objection is pending before a referee, nothing directly related to the merits of that objection shall be filed with the Court.

(8) *Filing recommended decision.* The referee shall file and serve a recommended decision, a proposed order, and a list of all documents submitted by the parties and compiled in accordance with Rule 3781(e)(7) (maintaining a record).

(9) *Failure to cooperate with referee.* If a claimant or the liquidator fails to cooperate with the referee or to participate in good faith in proceedings before the referee, the referee may include findings regarding party conduct in the recommended decision and recommend appropriate sanctions. Appropriate sanctions may include a recommendation that the objection be sustained or dismissed.

(f) *Exceptions to the referee's recommended decision.*

(1) *Time for filing.* Any party may file with the Court exceptions to the referee's recommended decision no later than thirty (30) days after the filing date of the recommended decision. The exceptions shall be served on any other party and the referee.

(2) *Content and form of exceptions.* In separately numbered paragraphs, the exceptions shall specify the errors in the referee's recommended decision. There shall be attached as exhibits to the exceptions: the liquidator's notice of determination; the objection; the liquidator's response; and the referee's recommended decision. Exceptions shall be accompanied by a memorandum of law.

(3) *Response.* Any response to the exceptions shall be filed and served on the other party and the referee within fourteen (14) days of the filing date of the exceptions. A response shall be accompanied by a memorandum of law. The time for response may be extended by agreement of the parties with the approval of the Court.

(4) *Filing referee's record.* Within twenty-eight (28) days of the filing of the recommended decision, the referee shall file with the Court the record of the proceedings.

(5) *Court action.* When exceptions are filed, the Court may, on its own motion or upon application, direct an

evidentiary hearing or oral argument. The Court may adopt the referee's recommended decision in whole or in part, adopt specific findings of fact, modify findings of fact or recommit the matter to the referee with instructions.

(6) *Final order.* Upon completion of its review of exceptions, the Court will enter a final order sustaining or overruling exceptions in whole or in part. An order of Court sustaining or dismissing an objection as a sanction pursuant to Rule 3781(e)(9) is the final disposition of a claim.

(7) *When no exceptions filed.* Any party may apply to the Court for, or the Court on its own initiative may issue, an order either adopting the recommended decision or stating that in the absence of exceptions, the referee's proposed order is entered as the order of the Court.

(8) *Issue preclusion.* Findings of fact or conclusions of law in a referee's recommended decision are not controlling in any subsequent proceeding, unless the Court expressly adopted the findings of fact or conclusions of law.

(9) *Waiver.* Unless otherwise ordered by the Court, failure to file timely exceptions to a referee's recommended decision shall be deemed a waiver of further appeal if the Court approves the recommended decision without modification.

#### **Rule 3782. Claim Procedure in Rehabilitation Proceedings.**

When an approved plan of rehabilitation includes the filing of claims by creditors, the rehabilitation plan shall follow the claim procedures set forth in Rule 3781, unless modified by the Court.

#### **Rule 3783. Adversarial Proceedings.**

(a) *Initiating adversarial proceedings.* Adversarial proceedings shall be initiated by the filing of a complaint.

(b) *Rules governing adversarial proceedings.* The Pennsylvania Rules of Civil Procedure shall apply to adversarial proceedings.

(c) *Appointment of referee.* The Court may appoint a referee to hear the complaint and make recommended findings of fact and conclusions of law and propose an order for review by the Court in the same manner and pursuant to the same procedure prescribed for the disposition of objections to a notice of determination. The Court shall determine who shall pay the referee's fee and costs.

**Official Note:** Adversarial proceedings may not be commenced by filing a writ of summons.

#### **Rule 3784. Reporting.**

(a) *Claims report.* At least annually, the liquidator shall file a report of the claims against the insurer's estate that have been resolved, with his recommendations ("Claims Report"). The Claims Report shall include the following: each claimant's name, address, priority class, allowed amount, and whether the claim determination was finalized because no objection was filed, no exceptions were taken to a referee's recommended decision, a recommended decision was sustained by the court or the parties agreed to a settlement. The liquidator shall serve a copy of the Claims Report on those listed on the master service list in accordance with these rules. No claim shall be paid, in part or in whole, until the report is approved by the Court.

(b) *Status report.* The receiver shall file a comprehensive report on the status of the insurer's business or the administration of the insurer's estate as frequently as ordered by the Court. The liquidator shall serve a copy of the Status Report on those listed on the master service list in accordance with these rules.

[Pa.B. Doc. No. 12-1148. Filed for public inspection June 22, 2012, 9:00 a.m.]

## **Title 231—RULES OF CIVIL PROCEDURE**

### **PART I. GENERAL**

#### **[ 231 PA. CODE CH. 4000 ]**

#### **Amendment of Rules 4009.1, 4009.11, 4009.12, 4009.21, 4009.23 and 4011 of the Rules of Civil Procedure; No. 564 Civil Procedural Rules Doc.**

#### **Order**

*Per Curiam*

*And Now*, this 6th day of June, 2012, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 41 Pa.B. 334 (January 15, 2011) and in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 9 No. 2):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 4009.1, 4009.11, 4009.12, 4009.21, 4009.23, and 4011 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2012.

#### **Annex A**

### **TITLE 231. RULES OF CIVIL PROCEDURE**

#### **PART I. GENERAL**

#### **CHAPTER 4000. DEPOSITIONS AND DISCOVERY PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY FOR INSPECTION AND OTHER ACTIVITIES**

#### **PRODUCTION OF DOCUMENTS AND THINGS**

#### **GENERAL PROVISIONS**

#### **Rule 4009.1. Production of Documents and Things. General Provisions.**

(a) Any party may serve a request upon a party pursuant to Rules 4009.11 and 4009.12 or a subpoena upon a person not a party pursuant to Rules 4009.21 through 4009.27 to produce and permit the requesting party, or someone acting on the party's behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, [ **electronically created data, and other compilations of data from which information can be obtained, translated, if necessary, by the respondent party or person upon whom the request or subpoena is served through detection or recovery devices into reasonably usable form** ] and **electronically stored information**), or to inspect, copy, test or sample any tangible things or **electronically stored information**, which constitute or

contain matters within the scope of Rules 4003.1 through 4003.6 inclusive and which are in the possession, custody or control of the party or person upon whom the request or subpoena is served[ ; ], and may do so one or more times.

(b) A party requesting electronically stored information may specify the format in which it is to be produced and a responding party or person not a party may object. If no format is specified by the requesting party, electronically stored information may be produced in the form in which it is ordinarily maintained or in a reasonably usable form.

\* \* \* \* \*

REQUEST UPON A PARTY

Rule 4009.11. Request Upon a Party for Production of Documents and Things.

\* \* \* \* \*

(b) The request shall set forth in numbered paragraphs the items to be produced either by individual item or by category, and describe each item or category with reasonable particularity. Each paragraph shall seek only a single item or a single category of items. The request shall be prepared in such fashion that sufficient space is provided immediately after each paragraph for insertion of the answer.

Official Note: A request seeking electronically stored information should be as specific as possible. Limitations as to time and scope are favored, as are agreements between the parties on production formats and other issues.

See also Rule 4009.1 generally regarding electronically stored information.

Rule 4009.12. Answer to Request Upon a Party for Production of Documents and Things

\* \* \* \* \*

(d) If a request is reasonably susceptible to one construction under which documents sought to be produced are within the scope of the request and another construction under which the documents are outside the scope of the request, the answering party shall either produce the documents or identify with reasonable particularity the documents not produced together with the basis for non-production.

Official Note: See Rule 4009.1 regarding electronically stored information.

SUBPOENA UPON A PERSON NOT A PARTY

Rule 4009.21. Subpoena Upon a Person Not a Party for Production of Documents and Things. Prior Notice. Objections.

\* \* \* \* \*

(d)(1) If objections are received by the party intending to serve the subpoena prior to its service, the subpoena shall not be served. The court upon motion shall rule upon the objections and enter an appropriate order.

Official Note: Subdivision (a) of this rule provides a twenty-day notice period during which a subpoena may not be served.

(2) If objections are not received as provided in paragraph (1), the subpoena may be served subject to the right of any party or interested person to seek a protective order.

Official Note: Rule 4009.22(a) requires the filing of a certificate as a prerequisite to service.

See Rule 4009.1 regarding electronically stored information.

Rule 4009.23. Certificate of Compliance by a Person Not a Party. Notice of Documents or Things Received.

\* \* \* \* \*

(b) The party receiving documents and things pursuant to the subpoena shall give notice of receipt to every other party to the action and upon the payment of reasonable cost shall

(1) furnish a legible copy of each document to any other party who requests a copy and

(2) allow reasonable access to the things to any other party who requests access.

Official Note: See Rule 4009.1 regarding electronically stored information.

ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4011. Limitation of Scope of Discovery [ and Deposition ].

No discovery [ or deposition ], including discovery of electronically stored information, shall be permitted which

\* \* \* \* \*

(e) would require the making of an unreasonable investigation by the deponent or any party or witness.

Official Note: As with all other discovery rules, this rule governs electronically stored information. See the explanatory comment preceding Rule 4009.1.

\* \* \* \* \*

Explanatory Comment—Electronically Stored Information

A. No Importation of Federal Law

Though the term “electronically stored information” is used in these rules, there is no intent to incorporate the federal jurisprudence surrounding the discovery of electronically stored information. The treatment of such issues is to be determined by traditional principles of proportionality under Pennsylvania law as discussed in further detail below.

B. Proportionality Standard

As with all other discovery, electronically stored information is governed by a proportionality standard in order that discovery obligations are consistent with the just, speedy and inexpensive determination and resolution of litigation disputes. The proportionality standard requires the court, within the framework of the purpose of discovery of giving each party the opportunity to prepare its case, to consider: (i) the nature and scope of the litigation, including the importance and complexity of the issues and the amounts at stake; (ii) the relevance of electronically stored information and its importance to the court’s adjudication in the given case; (iii) the cost, burden, and delay that may be imposed on the parties to deal with electronically stored information; (iv) the ease of producing electronically stored information and whether sub-

stantially similar information is available with less burden; and (v) any other factors relevant under the circumstances.

*C. Tools for Addressing Electronically Stored Information*

Parties and courts may consider tools such as electronic searching, sampling, cost sharing, and non-waiver agreements to fairly allocate discovery burdens and costs. When utilizing non-waiver agreements, parties may wish to incorporate those agreements into court orders to maximize protection vis-à-vis third parties. *See, e.g., Fed. R. Evid. 502(c).*

*D. Eliminating References to “Depositions”*

The elimination of specific references to “depositions” in Rule 4011 is not intended to exclude depositions from the scope of this rule. The reference was eliminated because there was no reason to call out this one form of traditional discovery among many.

*By the Civil Procedural Rules Committee*

DIANE W. PERER,  
*Chair*

[Pa.B. Doc. No. 12-1149. Filed for public inspection June 22, 2012, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### CLEARFIELD COUNTY

#### Local Rules of Criminal Procedure; CP-17-AD-6-2012

**Rule 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.**

The District Attorney of Clearfield County having filed a Certification pursuant to Pa.R.Crim.P. Rule 507 criminal complaints by police officers, as defined in the Rules of Criminal Procedure, charging any of the below listed offenses shall not hereafter be accepted by any judicial officer unless the complaint and arrest warrant affidavit has the approval of an attorney for the Commonwealth prior to filing. Approval may be granted through the use of advanced communication technology or other electronic method, including but not limited to e-mail and fax transmission, and the use of electronic or digital signatures. Nothing in this rule is intended to require an original signature of the attorney for the Commonwealth to indicate approval.

### CRIMES CODE TITLE 18

**CHAPTER 9**

- |  |                       |
|--|-----------------------|
| a. Criminal Attempt to Commit any Offense in this Certification      | 18 Pa.C.S.A. § 901(a) |
| b. Criminal Solicitation to Commit any Offense in this Certification | 18 Pa.C.S.A. § 902(a) |
| c. Criminal Conspiracy to Commit any Offense in this Certification   | 18 Pa.C.S.A. § 903(a) |

**CHAPTER 25**

- |   |                                 |
|---|---------------------------------|
| a. Criminal Homicide                            | 18 Pa.C.S.A. § 2501             |
| b. Murder                                       | 18 Pa.C.S.A. § 2502(a)(b)(c)    |
| c. Voluntary Manslaughter                       | 18 Pa.C.S.A. § 2503(a)(b)       |
| d. Involuntary Manslaughter                     | 18 Pa.C.S.A. § 2504(a)          |
| e. Causing or Aiding Suicide                    | 18 Pa.C.S.A. § 2505(a)(b)       |
| f. Drug Delivery Resulting in Death             | 18 Pa.C.S.A. § 2506(a)          |
| g. Criminal Homicide of Law Enforcement Officer | 18 Pa.C.S.A. § 2507(a)(b)(c)(d) |

**CHAPTER 26**

- |   |                              |
|---|------------------------------|
| a. Criminal Homicide of Unborn Child      | 18 Pa.C.S.A. § 2603(a)       |
| b. Murder of Unborn Child                 | 18 Pa.C.S.A. § 2604(a)(b)(c) |
| c. Voluntary Manslaughter of Unborn Child | 18 Pa.C.S.A. § 2605(a)(b)    |
| d. Aggravated Assault of Unborn Child     | 18 Pa.C.S.A. § 2606(a)       |

**CHAPTER 27**

- |  |                           |
|--|---------------------------|
| a. Aggravated Assault                                | 18 Pa.C.S.A. § 2702(a)    |
| b. Assault by Prisoner                               | 18 Pa.C.S.A. § 2703(a)    |
| c. Aggravated Harassment by Prisoner                 | 18 Pa.C.S.A. § 2703.1     |
| d. Assault by Life Prisoner                          | 18 Pa.C.S.A. § 2704       |
| e. Discharge of a Firearm into an Occupied Structure | 18 Pa.C.S.A. § 2707.1(a)  |
| f. Ethnic Intimidation                               | 18 Pa.C.S.A. § 2710(a)    |
| g. Neglect of Care-Dependent Person                  | 18 Pa.C.S.A. § 2713(a)    |
| h. Unauthorized Administration of Intoxicant         | 18 Pa.C.S.A. § 2714       |
| i. Threat to Use Weapons of Mass Destruction         | 18 Pa.C.S.A. § 2715(a)    |
| j. Weapons of Mass Destruction                       | 18 Pa.C.S.A. § 2716(a)(b) |
| k. Terrorism   | 18 Pa.C.S.A. § 2717(a)    |

**CHAPTER 29**

- |  |                              |
|--|------------------------------|
| a. Kidnaping                             | 18 Pa.C.S.A. § 2901(a)(a.1)  |
| b. Unlawful Restraint                    | 18 Pa.C.S.A. § 2902(a)(b)(c) |
| c. False Imprisonment                    | 18 Pa.C.S.A. § 2903(a)(b)(c) |
| d. Interference with Custody of Children | 18 Pa.C.S.A. § 2904(a)       |



- e. Interference with Custody of Committed Persons 18 Pa.C.S.A. § 2905(a)
  - f. Criminal Coercion 18 Pa.C.S.A. § 2906(a)
  - g. Disposition of Ransom 18 Pa.C.S.A. § 2907
  - h. Concealment of Whereabouts of a Child 18 Pa.C.S.A. § 2909(a)
  - i. Luring a Child Into a Motor Vehicle or Structure 18 Pa.C.S.A. § 2910(a)
- CHAPTER 30**
- a. Trafficking of Persons 18 Pa.C.S.A. § 3002(a)
- CHAPTER 31**
- a. Rape 18 Pa.C.S.A. § 3121(a)(c)(d)
  - b. Statutory Sexual Assault 18 Pa.C.S.A. § 3122.1(a)(b)
  - c. Involuntary Deviate Sexual Intercourse 18 Pa.C.S.A. § 3123(a)(b)(c)
  - d. Sexual Assault 18 Pa.C.S.A. § 3124.1
  - e. Institutional Sexual Assault 18 Pa.C.S.A. § 3124.2(a)—(a.3)
  - f. Aggravated Indecent Assault 18 Pa.C.S.A. § 3125(a)(b)
  - g. Indecent Assault 18 Pa.C.S.A. § 3126(a)
  - h. Conduct Relating to Sex Offenders 18 Pa.C.S.A. § 3130(a)
- CHAPTER 32**
- a. Abortion of Unborn Child of 24 or More Weeks Gestational Age 18 Pa.C.S.A. § 3211(a)
  - b. Infanticide 18 Pa.C.S.A. § 3212(b)
  - c. Prohibited Acts 18 Pa.C.S.A. § 3213(a)—(f)
  - d. Reporting 18 Pa.C.S.A. § 3214(a)—(h)
  - e. Publicly Owned Facilities; Public Officials and Public Funds 18 Pa.C.S.A. § 3215(a)—(j)
  - f. Fetal Experimentation 18 Pa.C.S.A. § 3216(a)(b)
- CHAPTER 33**
- a. Arson 18 Pa.C.S.A. § 3301(a)—(f)
  - b. Causing or Risking Catastrophe 18 Pa.C.S.A. § 3302(a)(b)
  - c. Illegal Dumping of Methamphetamine Waste 18 Pa.C.S.A. § 3313(a)
- CHAPTER 35**
- a. Burglary 18 Pa.C.S.A. § 3502(a)
  - b. Criminal Trespass 18 Pa.C.S.A. § 3503(a)
- CHAPTER 37**
- a. Robbery 18 Pa.C.S.A. § 3701(a)
  - b. Robbery of Motor Vehicle 18 Pa.C.S.A. § 3702(a)
- CHAPTER 39**
- a. Theft by Extortion 18 Pa.C.S.A. § 3923(a)
  - b. Organized Retail Theft 18 Pa.C.S.A. § 3929.3(a)
  - c. Theft of Trade Secrets 18 Pa.C.S.A. § 3930(a)(b)
  - d. Theft of Unpublished Dramas and Musical Compositions 18 Pa.C.S.A. § 3931
- CHAPTER 41**
- a. Forgery 18 Pa.C.S.A. § 4101(a)
  - b. Fraudulent Destruction, Removal or Concealment of Recordable Instruments 18 Pa.C.S.A. § 4103
  - c. Commercial Bribery and Breach of Duty to Act Disinterestedly 18 Pa.C.S.A. § 4108(a)(b)(c)
- CHAPTER 43**
- a. Incest 18 Pa.C.S.A. § 4302(a)(b)
- CHAPTER 47**
- a. Bribery in Official and Political Matters 18 Pa.C.S.A. § 4701(a)
  - b. Threats and Other Improper Influence in Official and Political Matters 18 Pa.C.S.A. § 4702(a)
- CHAPTER 49**
- a. Perjury 18 Pa.C.S.A. § 4902(a)
  - b. False Swearing 18 Pa.C.S.A. § 4903(a)
  - c. Failure to Comply With Registration of Sexual Offenders Requirements 18 Pa.C.S.A. § 4915(a)(a.1)
  - d. Failure to Comply With Registration Requirements 18 Pa.C.S.A. § 4915.1(a)—(a.2)
  - e. Intimidation of Witnesses or Victims 18 Pa.C.S.A. § 4952(a)
  - f. Retaliation Against Witness, Victim or Party 18 Pa.C.S.A. § 4953(a)
  - g. Retaliation Against Prosecutor or Judicial Official 18 Pa.C.S.A. § 4953.1(a)
- CHAPTER 51**
- a. Disarming Law Enforcement Officer 18 Pa.C.S.A. § 5104.1(a)
  - b. Dealing in Proceeds of Unlawful Activities 18 Pa.C.S.A. § 5111(a)

- c. Escape 18 Pa.C.S.A. § 5121(a)(b)
- d. Weapons or Implements for Escape 18 Pa.C.S.A. § 5122(a)
- e. Contraband 18 Pa.C.S.A. § 5123(a)—(c.2)

**CHAPTER 53**

- a. Official Oppression 18 Pa.C.S.A. § 5301
- b. Speculating or Wagering on Official Action or Information 18 Pa.C.S.A. § 5302

**CHAPTER 55**

- a. Riot 18 Pa.C.S.A. § 5501

**CHAPTER 57**

- a. Interception, Disclosure or Use of Wire, Electronic or Oral Communications 18 Pa.C.S.A. § 5703
- b. Possession, Sale, Distribution, Manufacture, or Advertisement of Electronic, Mechanical or Other Devices 18 Pa.C.S.A. § 5705

**CHAPTER 59**

- a. Prostitution and Related Offenses 18 Pa.C.S.A. § 5902(a)—(b.1)
- b. Obscene and Other Sexual Materials and Performances 18 Pa.C.S.A. § 5903(a)—(m)

**CHAPTER 61**

- a. Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms 18 Pa.C.S.A. § 6105(a)

**CHAPTER 63**

- a. Corruption of Minors 18 Pa.C.S.A. § 6301(a)
- b. Sexual Abuse of Children 18 Pa.C.S.A. § 6312(b)(c)(d)
- c. Unlawful Contact With Minor 18 Pa.C.S.A. § 6318(a)
- d. Solicitation of Minors to Traffic Drugs 18 Pa.C.S.A. § 6319(a)(b)
- e. Sexual Exploitation of Children 18 Pa.C.S.A. § 6320(a)

**CHAPTER 75**

- a. Invasion of Privacy 18 Pa.C.S.A. § 7507.1(a)

**THE GAME AND WILDLIFE CODE****TITLE 34**

- a. Any offense graded as a Misdemeanor or Felony.

**THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT****TITLE 35**

- a. Acquisition of Controlled Substance by Fraud 35 Pa.C.S.A. § 780-113(a)(12)
- b. Administration by Practitioner 35 Pa.C.S.A. § 780-113(a)(14)
- c. Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance 35 Pa.C.S.A. § 780-113(a)(30)
- d. Manufacture, Distribution, Possession of Designer Drug 35 Pa.C.S.A. § 780-113(a)(36)

**THE VEHICLE CODE****TITLE 75****CHAPTER 37**

- a. Homicide by Vehicle 75 Pa.C.S.A. § 3732(a)
- b. Aggravated Assault by Vehicle 75 Pa.C.S.A. § 3732.1(a)
- c. Homicide by Vehicle While Driving Under Influence 75 Pa.C.S.A. § 3735(a)
- d. Aggravated Assault by Vehicle While Driving Under the Influence 75 Pa.C.S.A. § 3735.1(a)

**MISCELLANEOUS OFFENSES**

- a. Any offense arising out of or involving either directly or indirectly the State Correctional Institute Houtzdale, the Quehanna Boot Camp, the Clearfield County Jail, or the Moshannon Valley Correctional Center.

Adopted March 22, 2004. Effective 30 days after publication in the *Pennsylvania Bulletin*. Amended May 30, 2012. Effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

FREDRIC J. AMMERMAN,  
*President Judge*

**CUMBERLAND COUNTY  
Custody Orders; Relocation**

**Administrative Order**

*And Now*, this 31st day of May, 2012, the Cumberland County Court of Common Pleas having recognized that Section 5323 of the Domestic Relations Code Requires that all custody orders include a provision notifying a party's obligations regarding relocation set forth in Section 5337, it is hereby directed as follows:

a) In all custody actions involving a stipulated custody agreement submitted to the court for approval, the proposed custody order shall include a Notice Regarding Relocation provision. Said notification provision shall be (1) in the format set forth in Form 1, attached to the parties' proposed order and incorporated therein, or (2) set forth as a separate paragraph in the proposed order, in a form substantially similar to the following:

RELOCATION. No party shall be permitted to relocate the residence of the child which significantly impairs the ability to exercise custody unless every individual who has custodial rights to the child consents to the proposed relocation or the court approves the proposed relocation. A person proposing to relocate MUST comply with 23 Pa.C.S. § 5337.

This order shall take effect July 1, 2012, or thirty (30) days from the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

KEVIN A. HESS,  
*President Judge*

**Form 1 Relocation.**

Relocation is defined as a change in residence of the child which significantly impairs the ability of a non-relocating party to exercise custodial rights. No relocation shall occur unless every individual who has custody rights to the child consents to the proposed relocation or the court approves the proposed relocation. If a party seeks to relocate, that party shall notify every other individual who has custody rights to the child. Both parties must follow the statutory requirements contained in 23 Pa.C.S. § 5337. Specifically, the relocating party must notify every other individual who has custody rights to the child by certified mail, return receipt requested. The notice must then comply with the following requirements:

a. Notice must be sent no later than:

(1) the 60th day before the date of the proposed relocation.

(2) the 10th day after the date that the individual knows of the relocation if the individual did not know and could not reasonably know of the relocation in sufficient time to comply with the 60 day notice requirement and it is not reasonably possible to delay the date of relocation so as to comply with the 60 day notice requirement.

b. Unless otherwise excused by law, the following information must be included in the notice:

(1) the address of the intended new residence.

(2) the mailing address, if not the same as the address of the intended new residence.

(3) names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.

(4) the home telephone number of the intended new residence, if applicable.

(5) the name of the new school district and school.

(6) the date of the proposed relocation.

(7) the reason(s) for the proposed relocation.

(8) a proposal for a revised custody schedule.

(9) any other information which the party proposing the relocation deems appropriate.

(10) a counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and modification of a custody Order.

(11) a warning to the non-relocating party that, if the non-relocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of notice, non-relocating party shall be foreclosed from objecting to the relocation.

c. If any of the aforementioned information is not known when the notice is sent but is later made known to the party seeking the relocation, then that party shall promptly inform every individual who received notice.

d. If the non-relocating parent objects to the proposed move, he/she must do so by filing the counter-affidavit with the court and the other party within 30 days. The notice of objection to the opposing party must be sent by certified mail, return receipt requested. If no objection is made in the manner set forth above then it shall be presumed that the non-relocating parent has consented to the proposed relocation and the court will not accept testimony challenging the relocation in any further review of the custodial arrangements.

e. The court shall hold an expedited full hearing on the proposed relocation after a timely objection has been filed and before relocation occurs. The court may permit relocation before a full hearing if the court finds that exigent circumstances exist.

[Pa.B. Doc. No. 12-1151. Filed for public inspection June 22, 2012, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Rescission of Local Rules of Criminal Procedure  
528(C)\*, 528(D)(3)\* and 531(A)\*(6)—(11); No.  
AD-243-2012**

**Order**

*And Now*, this 7th day of June, 2012, the Court hereby rescinds Montgomery County Local Rules of Criminal Procedure 528(C)\*, 528(D)(3)\* and 531(A)\*(6)—(11). These Local Rules are rescinded effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.Crim.P. 105, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts, two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Criminal Procedural Rules Committee. One (1)

copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

*By the Court*

WILLIAM J. FURBER, Jr.,  
*President Judge*

**Rule 528(C)\*. Procedure for Bail Bond.**

[ Rescinded ]

**Rule 528(D)(3)\*. Realty as Surety for Monetary Condition of Release on Bail.**

[ Rescinded ]

**Rule 531(A)\*(6)—(11). Qualification of Surety.**

[ Rescinded ]

[Pa.B. Doc. No. 12-1152. Filed for public inspection June 22, 2012, 9:00 a.m.]

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