

# THE COURTS

## Title 255—LOCAL COURT RULES

### MONROE COUNTY

#### Amendment of Local Rules of Civil Procedure; 44 AD 2016

##### Order Pursuant to Pa.R.C.P. 239

*And Now*, this 11th day of January, 2016, it is *Ordered* that the following Rules of the Court of Common Pleas of the 43rd Judicial District of Pennsylvania, Monroe County, are amended or rescinded as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, except the rescission of Rule 206.1(a) and the adoption of Rules 208.2(d), 208.3(a), 1028(c), 1034(a) and 1035.2(a), which shall become effective upon the publication on the UJS Web Portal (<http://ujportal.pacourts.us>).

*It Is Further Ordered* that the District Court Administrator shall:

1. File a copy of this order and certified copy of the local rule changes with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) certified paper copies and one (1) computer diskette or CD-ROM copy which complies with 1 Pa. Code Section 13.11(b) containing the text of the local rule changes.

3. File one (1) certified copy of the local rule changes with the Supreme Court Civil Procedural Rules Committee.

4. Provide one (1) certified copy of the local rule changes to the Monroe County Law Library.

5. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Monroe County. Upon request and payment of reasonable cost of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

6. Arrange to have the local rule changes published on the Monroe County Bar Association website at [www.monroebar.org](http://www.monroebar.org).

7. Arrange to have the local rule changes published on the 43rd Judicial District website at [www.monroepa.courts.us](http://www.monroepa.courts.us).

*By the Court*

MARGHERITA PATTI-WORTHINGTON,  
*President Judge*

#### Amendments to Monroe County Local Rules

**Monroe County Local Rule 206.1(a). Petition Practice.**—Rescinded.

**Monroe County Local Rule 207. Praecept for Argument.**—Rescinded.

**Monroe County Local Rule 208.2(d). Motions and Petitions. Concurrence.**

(1) All motions and petitions shall contain a certification by counsel for the moving party that concurrence in the motion has been sought from all opposing counsel and

that such concurrence has been granted or denied. This certification is not required for appeals, motions for summary judgment or motions for judgment on the pleadings.

(2) Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the motion.

(3) Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the motion.

#### Monroe County Local Rule 208.3(a). Motion, Petition and Appeal Practice.

(1) *Applications by motion, petition or appeal.* All applications to the Court shall be by motion, unless a statute or rule requires the filing of a petition or an appeal to bring the matter before the Court. All motions, petitions or appeals shall be in writing and shall be filed in the Prothonotary's office. The signing of a motion, petition or appeal by the attorney of record shall constitute a certification that the attorney has read the document and that, to the best of his or her knowledge, information and belief there are proper grounds to support it and that it is not interposed merely for delay.

a. Preliminary objections shall be governed by Monroe County Local Rule 1028(c).

b. Motions for judgment on the pleadings shall be governed by Monroe County Local Rule 1034(a).

c. Motions for summary judgment shall be governed by Monroe County Local Rule 1035.2(a).

(2) *Rule to show cause.* If the Court issues a rule to show cause, the procedure will be governed by Monroe County Local Rule 206.4(c) unless the Court orders otherwise.

(3) *Argument.* If a party desires argument, a Request for Argument substantially in the form of subparagraph (6), Form B, stating the reasons why argument is necessary, shall be filed with the application. Any responding party may file a Request for Argument using the same form within ten days of the filing of the Motion, Petition or Preliminary Objections. The judge assigned to the case will decide by order if argument will occur. The parties shall file briefs in accordance with Monroe County Local Rule 210.

(4) *Hearing.* If the Court orders the matter for a hearing, the parties shall file hearing memoranda in accordance with Monroe County Local Rule 210(4).

(5) *Expedited disposition.* For cause shown, any moving party may request expedited disposition of any motion or petition filed with the Prothonotary. If expedited disposition is requested, a Request for Expedited Disposition substantially in the form of subparagraph (6), Form A, shall be filed with the motion or petition, explaining the grounds for an expedited disposition.

(6) *Forms.*

Form A—Request for Expedited Disposition

Form B—Request for Argument pursuant to Pa.R.C.P. 211

**Monroe County Local Rule 211. Oral Argument.—**  
Rescinded.

**Monroe County Local Rule 212. Pretrial Procedure.—**  
Rescinded.

**Monroe County Local Rule 212.1. Case Management.**

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<i>Case Type</i>
- All cases involving damages of less than \$50,000
- Residential lease rent & possession
- Replevin
- Mechanic's Lien
- Tax/Judicial sale petitions
- Residential assessment appeals
- All cases involving damages in excess of \$50,000 except complex cases
- Actions to quiet title
- Ejectment (other than residential lease)
- Declaratory judgment
- Mortgage foreclosure
- Commercial assessment appeals
- Partition
- Right to Know
- Class action
- Medical/Professional Malpractice
- Toxic Tort/Waste
- Product Liability

(1) *Case tracks.* The Court Administrator will assign a judge to a case upon the filing of a civil action. Within 120 days of filing, the Court will issue a case management order giving notice of the earliest date on which the case may be tried, pursuant to Pa.R.C.P. 212.1. The order will establish a case track and timelines for case events, in accordance with the following schedules:

<i>Management Track</i>	<i>Disposition Within</i>
Fast	10 months
Standard	18 months
Complex	24 months

(2) *Case events.*

<i>Case Event</i>	<i>Fast Track</i>	<i>Standard Track</i>	<i>Complex Track</i>
Management order	4 months	4 months	4 months
Discovery complete; motions to compel filed	6 months	12 months	18 months
Plaintiff expert reports	6 months	12 months	18 months
Defense expert reports	8 months	14 months	20 months
Dispositive motions	8 months	14 months	20 months
Praecipe for arbitration filed	9 months		
Pretrial memorandum due		Filed before trial date as per Pa.R.C.P. 212.1	Filed before trial date as per Pa.R.C.P. 212.1
First date case may be tried pursuant to Pa.R.C.P. 212.1		18 months	24 months

(3) *Pretrial procedure.*

a. A court order will issue upon filing in Fast Track and Standard Track cases. The case track and/or deadlines established by the case management order may be modified by the Court in its own discretion or for good cause shown. A party seeking modification should seek the written concurrence of all parties and make the request for modification by written motion with a proposed order for a status conference attached. A proposed modified case management order should also be attached.

b. The trial judge assigned to a case on the Complex Case Track will schedule a status conference with the parties who have appeared in the action approximately four months after the date of filing to establish a case management plan. The judge may modify the above case event deadlines. The judge may require the parties to participate in creating a joint case management plan to be submitted to the Court at the time of the status conference.

c. An appeal from compulsory arbitration pursuant to Pa.R.C.P. 1308 shall be placed by court order on the next trial list more than sixty days from the date of the appeal.

d. A party may request a civil trial listing or an arbitration hearing for a case which does not have a Case Management Order by motion to the Court.

e. Pretrial memoranda shall be filed before the trial date in accordance with the dates established by Pa.R.C.P. 212.1(b), unless otherwise scheduled by the Court.

f. The parties' pretrial memoranda shall include the following:

1. Name of client, name and telephone number of the attorney who will try the case;

2. In jury cases, the demand and offer of settlement which shall be binding upon the parties for purposes of Pa.R.C.P. 238;

3. The name and coverage limits of any insurance carrier;

4. The names and addresses of all witnesses to be called at trial with a description of their purpose, e.g. liability, damages, etc.;

5. A list of exhibits to be introduced at trial. Counsel shall certify in the pretrial memorandum that all exhibits were furnished to opposing counsel.

6. A list of all special damages claimed by any party;

7. A list of voir dire questions;

8. The estimated length of trial time necessary for counsel to present a party's evidence.

g. By order of court, the trial judge shall notify all counsel and unrepresented parties of the date and place of the pretrial conference. At least five days before the pretrial conference, all counsel and unrepresented parties shall confer to discuss settlement and evidentiary issues. Plaintiff's counsel shall be responsible for arranging this conference.

h. Only counsel who participate in the pretrial conference with the Court shall be permitted to conduct the trial unless otherwise authorized by the trial judge.

i. Motions in limine must be in writing and shall be filed with the Prothonotary no later than the pretrial conference. The trial judge will schedule opposing party responses and argument as required.

j. At trial, the parties will be limited to those witnesses and exhibits disclosed in the pretrial memoranda, unless opposing counsel waives such restrictions or the Court finds such a limitation to be unjust. If a party has indicated that a witness will be called, three days' notice shall be given to opposing counsel if the witness will not be called for any reason.

k. In any case requiring court approval of a settlement, a copy of the contingent fee agreement shall be brought to the pretrial conference with the Court.

**Monroe County Local Rule 213. Equity Pretrial Procedure.—Rescinded.**

See Pa.R.C.P. 1501, rescinded 12/16/2003, effective 7/1/2004

**Monroe County Local Rule 400.1. Service of Original Process.—Rescinded.**

See Pa.R.C.P. 400

**Monroe County Local Rule 1018.1. Notice to Defend.**

The name, address and telephone number of the organization to be set forth in the Notice To Defend required by Pa.R.C.P. 1018(c) and in any similar notice required by the Pennsylvania Rules of Civil Procedure shall be:

MONROE COUNTY BAR ASSOCIATION  
FIND A LAWYER PROGRAM  
913 MAIN STREET  
STROUDSBURG, PENNSYLVANIA 18360  
Telephone (570) 424-7288  
Fax (570) 424-8234

**Monroe County Local Rule 1021. Money Damages.—Rescinded.**

See Pa.R.C.P. 1019(f)

**Monroe County Local Rule 1028(c). Preliminary Objections.**

(1) Preliminary objections shall be filed with the Prothonotary. The Court will then schedule the preliminary objections for decision by order. If a party desires argument, that request shall be made by filing a Request for Argument substantially in the form of Monroe County Local Rule 208.3(a)(6) Form B—Request for Argument pursuant to Pa.R.C.P. 211. Any responding party may file a Request for Argument using the same form within ten days of the filing of the application. The judge assigned to the case will decide by order if argument is to occur.

(2) The parties shall file briefs in accordance with Monroe County Local Rule 210.

**Monroe County Local Rule 1029. Action on Book Account.—Rescinded.**

See Pa. Rule of Evidence 1003.

**Monroe County Local Rule 1034(a). Motion for Judgment on the Pleadings.**

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. The Court will then schedule the motion for decision by order. If a party desires argument, that request shall be made by filing a Request for Argument substantially in the form of Monroe County Local Rule 208.3(a)(6) Form B—Request for Argument pursuant to Pa.R.C.P. 211. Any responding party may file a Request for Argument using the same form within ten days of the filing of the application. The judge assigned to the case will decide by order if argument is to occur.

(2) The parties shall file briefs in accordance with Monroe County Local Rule 210.

**Monroe County Local Rule 1035.2(a). Motion for Summary Judgment.**

(1) A motion for summary judgment shall be filed with the Prothonotary. The Court will then schedule the motion for decision by order. If a party desires argument, that request shall be made by filing a Request for Argument substantially in the form of Monroe County Local Rule 208.3(a)(6) Form B—Request for Argument pursuant to Pa.R.C.P. 211. Any responding party may file a Request for Argument using the same form within ten days of the filing of the application. The judge assigned to the case will decide by order if argument is to occur.

(2) The parties shall file briefs in accordance with Monroe County Local Rule 210.

**Monroe County Local Rule 1037. Opening Default Judgments.—Rescinded.**

**Monroe County Local Rule 1051. Commencing Ejectment Action by Praecipe.—Rescinded.**

See Pa.R.C.P. 1051, 1054.

**Monroe County Local Rule 1311. Procedure on Appeal.—Rescinded.**

**Monroe County Local Rule 2039. Compromise Settlement and Physician's Statement of Extent of Injury.—Rescinded.**

See Pa.R.C.P. 2039.

**Monroe County Local Rule 2064. Compromise Settlement and Physician's Statement of Extent of Injury.**—Rescinded.

See Pa.R.C.P. 2064

**Monroe County Local Rule 2353. Substitution of Parties.**—Rescinded.

See Pa.R.C.P. 2353

**Monroe County Local Rule 2959. Confession of Judgment.**—Rescinded.

See Pa.R.C.P. 2959

**Monroe County Local Rule 3252.b. Organization Named in Notice of Writ of Execution.**

The name address and telephone number of the organization to be set forth in the notice attached to a writ of execution shall be:

MONROE COUNTY BAR ASSOCIATION  
FIND A LAWYER PROGRAM  
913 MAIN STREET  
STROUDSBURG, PA 18360  
Telephone (570) 424-7288  
Fax (570) 424-8234

**Monroe County Local Rule 4017.D. Certificate of Deposition.**—Rescinded.

**Form A—Request for Expedited Disposition**

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

Plaintiff, : No. \_\_\_ Civil 20\_\_\_  
: :  
: :  
vs. : :  
: :  
Defendant, : :

REQUEST FOR EXPEDITED DISPOSITION PURSUANT TO MONROE COUNTY LOCAL RULE 208.3(a)(5)

\_\_\_\_\_ requests expedited disposition of the attached motion, petition or appeal for the following reasons:

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

\_\_\_\_\_  
Signature of Moving Party

\_\_\_\_\_  
Printed Signature

\_\_\_\_\_  
Address of Moving Party

\_\_\_\_\_  
Telephone Number

A copy of this request has been provided to the following by the moving party:

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Form B—Request for Argument pursuant to Pa.R.C.P. 211
COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

Plaintiff, : No. \_\_\_ Civil 20\_\_\_
:
:
vs. :
:
Defendant, :

REQUEST FOR ARGUMENT PURSUANT TO Pa.R.C.P. 211

\_\_\_\_\_ requests argument on the following Motion, Petition or Appeal: \_\_\_\_\_, filed
on \_\_\_\_\_, 20\_\_.

Issue(s) to be argued:

Horizontal lines for issue(s) to be argued.

Monroe County Local Rules 208.3(a) and 210 are applicable.

Signature of Moving Party

Printed Signature

Address of Moving Party

Telephone Number

A copy of this request has been provided to the following by the moving party:

Name: Address:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

[Pa.B. Doc. No. 16-186. Filed for public inspection February 5, 2016, 9:00 a.m.]

SOMERSET COUNTY
Consolidated Rules of Court; Administrative Order
No. 2 of 2016; No. 13 Misc. 2016

Adopting Order

Now, this 19th day of January 2016, it is hereby
Ordered:

1. Somerset County Rule of Civil Procedure 1910.60 is
Rescinded, and new Somerset Rule of Civil Procedure
1910.60, a copy which follows, is hereby adopted as
Som.R.C.P. 1910.60, effective thirty (30) days after publi-
cation in the Pennsylvania Bulletin and on the Unified
Judicial System Portal.

2. The Somerset County Court Administrator is di-
rected to:

A. File one (1) certified copy of this Order and the
following local Rule with the Administrative Office of
Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order
along with electronic copy to the Legislative Reference
Bureau for publication in the Pennsylvania Bulletin.

C. File one (1) certified copy of this Order with the
Pennsylvania Civil Procedural Rule Committee.

D. File proof of compliance with this Order in the
docket for this Order, which shall include a copy of each
transmittal letter.

D. GREGORY GEARY,
President Judge

Rescission of Rule of Civil Procedure 1910.60;
Administrative Order 2-2016

**Administrative Order**

*And Now*, this 14th day of January, 2016, it is ordered that Somerset Rule of Civil Procedure 1910.60 is *Rescinded* and new Somerset Rule of Civil Procedure 1910.60, Review of Domestic Relations Orders is *Adopted*. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

D. GREGORY GEARY,  
*President Judge*

**Som.R.C.P. 1910.60. Review of Domestic Relations Orders.**

When a right of review is not provided otherwise by statute or rule of court, a person or entity aggrieved by an order or other action of the Domestic Relations Section shall have the right to contest the order or action by filing a written request for review with the Domestic Relations Section within ten (10) days after the entry of the order or other action. Upon receipt of the written request for review, the Domestic Relations Section shall schedule a conference before a Conference Officer to determine whether the order or other action was properly taken. Promptly after the conference, the Domestic Relations Conference Officer shall issue a decision either upholding or reversing the order or action.

[Pa.B. Doc. No. 16-187. Filed for public inspection February 5, 2016, 9:00 a.m.]

**SOMERSET COUNTY****Consolidated Rules of Court; Administrative Order No. 3 of 2016; No. 13 Misc. 2016****Adopting Order**

*Now*, this 19th day of *January* 2016, it is hereby *Ordered*:

1. Somerset County Rule of Civil Procedure 1910.12 is *Rescinded*, effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) certified copy of this Order and the following local Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order with the Pennsylvania Civil Procedural Rule Committee.

D. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

D. GREGORY GEARY,  
*President Judge*

**Recission of Rule of Civil Procedure 1910.12; Administrative Order 3-2016****Administrative Order**

*And Now*, this 14th day of January, 2016, it is ordered that Somerset Rule of Civil Procedure 1910.12 is *Rescinded*.

*By the Court*

D. GREGORY GEARY,  
*President Judge*

[Pa.B. Doc. No. 16-188. Filed for public inspection February 5, 2016, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT****Notice of Suspension**

Notice is hereby given that Anne Pope Cataline (72535) having been suspended from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey filed September 28, 2015; the Supreme Court of Pennsylvania issued an Order dated January 14, 2016 suspending Anne Pope Cataline from the practice of law in this Commonwealth for a period of two years, effective February 13, 2016. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 16-189. Filed for public inspection February 5, 2016, 9:00 a.m.]

**SUPREME COURT****Schedule of Holidays for Year 2017 for Staffs of the Appellate Courts and the Administrative Office of Pennsylvania Courts; No. 458 Judicial Administration Doc.****Order**

*Per Curiam*

*And Now*, this 19th day of January, 2016, it is hereby ordered that the following paid holidays for calendar year 2017 will be observed on the dates specified below by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 2, 2017	New Year's Day Observed
January 16, 2017	Martin Luther King, Jr. Day
February 20, 2017	Presidents' Day
April 14, 2017	Good Friday
May 29, 2017	Memorial Day
July 4, 2017	Independence Day
September 4, 2017	Labor Day
October 9, 2017	Columbus Day
November 7, 2017	Election Day**
November 10, 2017	Veterans' Day Observed
November 23, 2017	Thanksgiving Day
November 24, 2017	Day after Thanksgiving
December 25, 2017	Christmas Day

\*\*AOPC only; Appellate courts will be open.

[Pa.B. Doc. No. 16-190. Filed for public inspection February 5, 2016, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania  
for the Year 2017; No. 459 Judicial Administra-  
tion Doc.**

**Order**

*Per Curiam*

*And Now*, this 19th day of January, 2016 it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 2017 as follows:

Philadelphia	February 6th (Administrative Session)
Philadelphia	March 6th through March 10th
Harrisburg	March 27th (Administrative Session)
Pittsburgh	April 3rd through April 7th
Harrisburg	May 8th through May 12th
Pittsburgh	June 5th (Administrative Session)
Philadelphia	September 11th through September 15th
Pittsburgh	October 16th through October 20th
Harrisburg	November 27th through December 1st

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 16-191. Filed for public inspection February 5, 2016, 9:00 a.m.]