

THE COURTS

Title 252—ALLEGHENY COUNTY RULES

ALLEGHENY COUNTY

Civil Division Local Rules of the Court of Common Pleas; No. AD-2023-251-PJ Rules Docket

Order of Court

And Now, this 15th day of September 2023, it is hereby *Ordered* that the following local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Civil Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

KIM BERKELEY CLARK,
President Judge

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

(1) *Basic Requirements.*

(a) Footnotes shall be single-spaced.

Note: See Pa.R.Civ.P. 204.1 for other requirements.

(b) All attachments, supporting documents, and exhibits shall be on eight and one-half inches by eleven inches paper at the time of filing with the Department of Court Records.

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

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

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

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

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

(2) *Proposed Orders of Court.*

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

[(3) *Other Filing Requirements.*

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

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

(c) "Bluebacks" shall not be used.

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

(Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.)

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

Note: This Local Rule has been promulgated in compliance with Pa.R.Civ.P. 239.9(a) which provides, "If a court permits or requires the electronic filing of legal papers with the Department of Court Records, the court must promulgate a local rule designated Local Rule 205.4 which sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule."

(a)(1) [**Except as noted in the subsections below,] Beginning on MM/DD/YY, use of the Allegheny County Department of Court Records Civil/Family Division (hereinafter "DCR") electronic filing system is [**permissive**] **mandatory** for the filing of all legal papers, including original process, in all actions and proceedings brought in or appealed to the court **except as noted in the subsections below or as otherwise ordered by the Court.****

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

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

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

1. Initial filings in Petitions for Name Change;

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

2. Initial filings for Exemplification of Records;

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

3. Cases or filings under seal.

4.] 3. Initial filings for appeals from a Judgment Entered by a Magisterial District Judge in cases seeking possession of residential property ("Landlord Tenant Disputes").

[C. The following filings are permitted to be filed through the DCR's electronic filing system but will not be scheduled for argument unless a party obtains a hearing date as indicated below:

1. The following secondary filings in General Docket and Arbitration Docket cases, for which procedures for scheduling argument are set forth in the local rules indicated below: (i) preliminary objections (see Local Rule 1028(c)), (ii) petitions (see Local Rule 206.4(c)); (iii) motions for judgment on the pleadings (see Local Rule 1034(a)); and (iv) motions for summary judgment (see Local Rule 1035.2(a)).

2. The following secondary filings in Housing Court cases for which procedures for scheduling argument are set forth in the local rules indicated below: (i) preliminary objections (see Local Rule 1028(c)), (ii) petitions (see Local Rule 206.4(c)); (iii) motions for judgment on the pleadings (see Local Rule 1034(a)); and [(iii)] (iv) motions for summary judgment (see Local Rule 1035.2(a)).

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

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

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

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

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

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

5. All legal papers which must be presented to a Family Division Judge in motions court before filing with the office of the DCR.

(b)(1) Legal papers may be filed using the DCR's electronic filing system in the following file formats only: Portable Document Format (.pdf), Microsoft Word (.doc or .docx) [, WordPerfect for Windows, version 6.0 or higher (.wpd), TIF (.tif), GIF (.gif), JPEG (.jpg), or PCX (.pcx)] In the event any legal paper or exhibit is submitted to the DCR in a hard-copy format, the DCR shall convert to, receive, and maintain such legal paper or exhibits as a PDF, and the DCR shall return the hard-copy legal paper or exhibit to the filing party for retention as required by Pa.R.Civ.P. 205.4(b)(5).

(c)(1) [RESERVED]

(2) [The DCR's electronic filing website is [dcr.alleghenycounty.us](https://www.alleghenycounty.us) ("www" does not appear before and ".com" does not appear after this web address).

Persons may access the DCR's electronic filing system by first registering and establishing a User ID and password using the "Register" link at the DCR's electronic filing website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the court. Non-attorney users may, at the time of registration, designate any combination of letters or numbers they may wish to use as a User ID] All legal papers or exhibits shall be filed using the DCR electronic filing system, which can be accessed on the DCR's Website at <https://dcr.alleghenycounty.us>.

(A) To obtain access to the DCR's electronic filing system, attorneys and any unrepresented party must register for a User ID and Password using the "Register" Link at the DCR's website. The User ID for Pennsylvania licensed attorneys is their Supreme Court of Pennsylvania identification number issued by the court. Non-attorney users may, at the time of registration, designate any unique combination of letters or numbers they may wish to use as a User ID.

(B) After registering for a User ID and password, attorneys may designate another User ID to act as their proxy for the purposes of electronic filing.

(C) Out-of-State Attorneys who have been admitted Pro Hac Vice by Order of Court can register for an account as if they were a Non-attorney user under (c)(2)(A). To gain the same access as Pennsylvania Licensed attorneys, the Out of-State Attorney must contact the Department of Court Records at civil@alleghenycounty.us.

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

(A) The procedures for payment of the fees and costs of the DCR shall be set forth on the DCR's Website—<https://dcr.alleghenycounty.us>

Note: A Party may proceed without paying DCR's filing related fees if an attorney files a Praecipe to Proceed In Forma Pauperis, or the Party files, and the court grants, a Petition to Proceed In Forma Pauperis pursuant to Pa.R.Civ.P. 240, et seq. Failure to comply with Pa.R.Civ.P. 240, et seq, may result in the Party's appeal being stricken or a Judgment of Non-Pros entered against them.

[(2) [RESERVED]

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

(e) [RESERVED]

(f) When a legal paper has been successfully transmitted electronically, the following procedures shall be followed:

(1) [When a legal paper has been successfully transmitted electronically, the DCR's electronic filing website shall generate a printable acknowledge-

ment page and shall transmit to the filer an initial email confirming the electronic receipt of the legal paper and the date and time thereof. Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filer, an email stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for nonacceptance. A legal paper will not be considered filed if the DCR responds to the filing by notifying the filer that the filer has not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs.] The DCR's electronic filing system shall generate a printable acknowledgement page and shall transmit to the filing party an initial email confirming the electronic receipt of the legal paper and the date and time thereto.

(2) Subsequently, after the DCR has processed the electronic filing, the DCR shall transmit, to the filing party, an email stating the date and time of acceptance of the filing or stating that the filing has not been accepted and the reasons for non-acceptance.

(3) If the DCR accepts a filing, it shall be deemed to have been filed as of the date and time it was received by the DCR's electronic filing system.

(4) A legal paper will not be considered filed if the DCR responds to the filing by notifying the filing party that they have not (i) maintained with the DCR sufficient funds to pay the fees and costs of the filing or (ii) authorized payment by credit or debit card of such fees and costs. The DCR is authorized to reject a filing of a legal paper submitted without the requisite payment.

[(2)] (5) The DCR shall maintain an electronic file for the legal papers, including original process, in any civil action or proceeding at law or in equity brought in or appealed to the court, including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

[(3) [RESERVED]

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

(5) [RESERVED]

(6) Neither the Court, nor the DCR is required to maintain a hard copy of any legal paper, or exhibits, or order filed or maintained electronically under this rule.

(7) If the DCR refuses to accept a legal paper for filing, the DCR shall transmit to the filing party an email specifying the reason. Subject to the provisions of Pa.R.Civ.P. 205.4(e)(1), a legal paper refused for filing shall be deemed as not having been filed.

(A) Except as set forth in subparagraph (C) below, if the DCR refuses to accept a filing, the filing will nonetheless be deemed to have been filed at the date and time it was first received by the DCR's electronic filing system if:

(1) Within three (3) business days, the filing party resubmits the legal paper through the electronic filing system curing the defect noted by the DCR in the rejection.

(2) Once the legal paper is resubmitted, the filing party must notify the DCR of the resubmitted filing via an email to civil@alleghenycounty.us, identifying the original submission ID number of the rejected filing, the submission ID number of the resubmitted filing, the reason the DCR originally rejected the filing and a brief explanation how the defect was cured in the resubmitted filing. Both submission ID numbers can be found on the acknowledgment page provided by the DCR at the time of submission.

Note: Parties are encouraged to use the cure provisions of subparagraph (A) in only those instances where the party will be prejudiced if the legal paper is not deemed to have been filed at the date and time it was originally received by the DCR's electronic filing system.

(B) If the DCR refuses to accept a filing and the filing party fails to comply with subparagraph (A), the filing party may still cure the defect and resubmit the filing, but the accepted filing will be deemed to have been filed at the date and time it was received by the DCR's electronic filing system.

(C) Submitting a legal paper for filing without (1) sufficient funds to pay the fees and costs of the filing, or (2) authorizing payment of the fees by credit card, debit card or other means is not curable under (f)(7)(A).

(g) If a legal paper is electronically filed and accepted, the DCR will automatically notify all case participants with verified emails who have previously submitted electronic filings in the same case. The DCR is authorized to serve all case participants with verified emails who have previously submitted electronic filings in the same case with any Notice required under Pa.R.Civ.P. 236 or other rules of court. The filing party shall serve all others as required by rules of court.

(Editor's Note: Adopted April 5, 2012, effective February 22, 2013. Amended December 27, 2019, effective February 19, 2020. Amended November 29, 2021, effective January 11, 2022.)

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

(1) *Scope.*

This local rule describes the procedures for an application to strike and/or open a default judgment or a judgment of non-pros governed by Pa.R.Civ.P. 206.1, et seq.

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

(2) *General Docket and Arbitration Docket Cases—Striking and/or Opening a Default Judgment or a Judgment of Non-Pros.*

(a) A petition to strike and/or open a default judgment or a judgment of non-pros shall be presented to the General Motions Judge. It may be presented only after service of a copy of the petition and notice of the date of presentation on all other parties. Except in cases of emergency or with the consent of all other parties, the

date of presentation shall be at least ten (10) days after service of a copy of the petition and notice of the date of presentation.

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

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

(b) If, upon presentation of the petition, a rule to show cause is entered, the court order issuing the rule shall set the time within which the answer to the petition shall be filed and the time within which depositions shall be completed. If the court order does not set an argument date, at any time after the date by which the depositions were to be completed, any party may order the cause for argument before the General Motions Judge by filing a praecipe to set a date and time for the final argument and transmitting a copy of the praecipe to the following email address: Civilgenmotions@alleghenycourts.us. The Chief Motions Clerk shall notify the moving party of the time and date for the final argument and the moving party shall promptly serve written notice thereof upon all other parties to the proceedings.

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

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

(3) *Housing Court Cases—Striking and/or Opening Default Judgments and Judgments of Non-Pros.*

(a) **[The original and a copy of the] All** petitions to strike and/or open a default judgment or a judgment of non-pros **[(or a copy if filed electronically)]** shall be **[taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building, 414 Grant Street, Pittsburgh, PA 15219)]. [The clerk will place, on the original and the copy of the petition, a date and time for an argument before the Housing Court Judge. The clerk will file the original petition with the Department of Court Records and return the copy to the party filing the petition. This party shall promptly serve copies of the petition on all other parties with notice of the date and time of the argument] electronically filed pursuant to Local Rule 205.4.**

(b) The Petitioner must request that the petition be scheduled for oral argument by submitting the petition and a proposed order in Microsoft Word

format to the Housing Court Help Desk email at HCHelpdesk@alleghenycourts.us. Once the moving party receives the argument date, the moving party shall immediately serve copies of the petition on all other parties with notice of the date and time of the argument.

[b] (c) The Petitioner shall notify a Housing Court Clerk (412-350-4462) if the petition scheduled for argument becomes moot. Otherwise, if the petitioner does not appear on the date of the argument, the court will enter an order dismissing the petition for failure of the moving party to appear.

Note: A form for filing a petition to strike and/or open a default judgment for pro se petitioners is available at the Housing Court Help Desk **and on the Court's website.**

(Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020. Adopted November 29, 2021, effective January 11, 2022.)

Local Rule 208.2(d). Uncontested Motion Certification.

(1) A motion that is represented to be uncontested shall contain a certification, substantially in the form found on the Court's "Uncontested Motions Coversheet", by the moving party or counsel for the moving party that they have conferred with all interested parties, the full text of the motion and proposed order has been disclosed, and that the requested relief is uncontested. Uncontested Motions shall be presented pursuant to Local Rule 208.3(a)(6)(b)(iii).

Local Rule 208.2(e). Certification of Good Faith Attempt to Amicably resolve Discovery Motions.

(1) All Discovery Motions shall contain a certification, substantially in the form found on the Court's "Discovery Motions Form," that the moving party has conferred with all other parties in an attempt to resolve the discovery disputes at issue. In the event the moving party was unable to confer with any party, the attempts made to confer with that party shall be specifically set forth in the Motion.

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

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

(a) This court has not promulgated a local rule, numbered Local Rule 208.3(b), because this court has not imposed requirements for the filing of a response or a brief with respect to any motion. However, the parties are encouraged to submit briefs when it is anticipated that the court will want to consider briefs before deciding the issue.

(b) This local rule does not govern motions filed in specially assigned cases (see the court's website page for a list of the specially assigned case types) or any other case specially assigned by an order of court to a single judge. Procedures for disposition of motions in specially assigned cases may be established by case management orders, standard operating procedures, or other directives issued by the assigned judge.

Note: At the time of these amendments the following matters are identified on the Court's website as specially assigned case types: Abandoned & Blighted Property Conservator (see Local Rules 701 et seq.), Asbestos, Class Action, Commerce & Complex Litigation Center, Construction, County Beverage Tax, Election, Eminent Domain, Mortgage Conciliation, Pennsylvania Liquor Control Board, Prisoner Rights, Right-to-Know, Save Your Home, Special Name Change (see Local Rule 505), Structured Settlement Approvals, Toxic Substance, Water Exoneration Hearing Board Appeals, and Zoning. This list is periodically updated.

(c) Procedures for disposition of the following are set forth in the following local rules:

(i) Preliminary objections (governed by Local Rule 1028(c)),

(ii) Motions for judgment on the pleadings (governed by Local Rule 1034(a)),

(iii) Motions for summary judgment (governed by Local Rule 1035.2(a)), and

(iv) Petitions to strike and/or open a default judgment or a judgment of non-pros (governed by Local Rule 206.4(c)).

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

Note: If after reviewing Sections (3) through (6) below questions remain as to where a motion should be presented or which judges should hear a particular motion, please send an inquiry email to Civilgenmotions@allegheycourts.us.

(3) Calendar Control Judge

(a) The Calendar Control Judge shall hear the following:

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

Note: The docket will show if a case has been listed for trial on a published trial list. For docket entries, go to <https://dcr.allegheycounty.us> and click on Civil/Family Division, then "Search" and enter the docket number.

(ii) All motions relating to the following matters, regardless of whether a case has been listed for trial or has appeared on a published trial list:

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

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

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

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

(c). praecipes to place at issue; and

(d). contested motions for continuance of an arbitration hearing, other than in Housing Court cases, which are presented to the Housing Court Judge. Such motions

shall be presented using the Cover Sheet and Adjournment of Hearing Form (Form 208.3(a)) which is available on the Court's website at <https://www.allegheycourts.us/civil/arbitration.aspx>.

Note: To reschedule an arbitration hearing date with agreement of all parties, an Adjournment of Hearing Form shall be presented to the arbitration email at civilarb@allegheycourts.us. These procedures are published on the Court's website at <https://www.allegheycourts.us/courts/arbitration.aspx>.

(b) *Presentation:*

(i) The Calendar Control Judge does not schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

Note: Calendar Control Motions are generally held at 9:30 a.m. Please refer to the Calendar Control Judge's standard operating procedures and the Calendar Control Motions schedule, which can be found at: [https://www.allegheycourts.us/Civil/Calendar_Control_New.aspx] <https://www.allegheycourts.us/civil/about/calendar-control>.

(ii) A courtesy copy shall be provided to the Calendar Control Judge in advance of presentation of the motion.

(4) *Discovery Motions Judge*

(a) The Discovery Motions Judge shall hear the following:

(i) All discovery motions for General and Arbitration Docket cases that have not yet appeared on a published trial list or been assigned a trial date; with the exceptions set forth below in subsection (iv) this includes Arbitration Docket cases which have been assigned an arbitration hearing date (although such motions are disfavored);

Note: The scheduling of an arbitration hearing does not constitute appearance on a published trial list or the assignment of a trial date.

(ii) All motions relating to pre-complaint discovery;

(i) Discovery in aid of execution;

(ii) All motions to dismiss based upon affidavits of non-involvement pursuant to Pa.R.Civ.P. No. 1036, et seq.

(b) The following discovery motions will not be heard by the Discovery Motions Judge and shall be heard by the General Motions Judge:

(i) Requests for injunctive relief, including discovery on requests for injunctive relief; and

(ii) Discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.

(c) Discovery motions assigned to a specific Judge shall be heard by the assigned judge.

(d) *Presentation*

(i) [**The Discovery Motions Judge does not schedule the date of time of presentation, but typically hears all motions at 2:00 p.m. on Fridays, unless otherwise indicated. Scheduling is not required**] **The Discovery Motions Judge shall determine the method of submission, hearing date/time, and format of hearings, at the Discovery Motions Judge's discretion, pursuant to the procedures located on the Court's Website.**

(ii) Absent compelling circumstances, the court requires the parties to conduct a meaningful “meet and confer” prior to presentation of any contested motion. The court will inquire into the specifics of the meet and confer during the hearing.

Note: See Local Rule 208.2(e) regarding the requirements for the “Certification of Good Faith Attempt to Amicably resolve Discovery Motions”.

(iii) All parties must bring an additional coversheet/caption for the benefit of the Court Reporter.

(iv) [The moving party shall, upon entering the court room, present to the clerk all motions and coversheets. The moving party shall indicate whether the motion is contested or uncontested/unopposed. If a party is unable to represent to the clerk affirmative assent to a motion being uncontested/unopposed, the motion shall be classified as contested] The moving party shall indicate whether the motion is contested or uncontested/unopposed. If a party is unable to represent to the clerk affirmative assent to a motion being uncontested/unopposed, the motion shall be classified as contested. See explanatory note below.

a. Uncontested or unopposed motions will be heard first, followed by contested motions.

Note: In presenting a motion as uncontested or unopposed, counsel certifies to the court that a copy of the motion, exhibits, and any proposed order was served on every other party or attorney of record [**including notice of the time, date, and location for presentation, and at least ten days have passed, or counsel has obtained the consent or affirmation that said motion is not opposed. Mere failure of the opposing party to appear at precisely 2:00 p.m. does not render a motion uncontested/ unopposed. The court in its discretion will determine when enough time has elapsed to render the motion uncontested/ unopposed**].

(5) *Housing Court Judge*

(a) The Housing Court Judge shall hear the following:

(i) All motions involving Housing Court cases. (See Local Rule 76 Definitions for information relating to which cases shall be assigned to the Housing Court or ruled upon the Housing Court Judge.);

(ii) All contested requests for the continuance of an arbitration hearing in a Housing Court matter; and

(iii) All Motions for Late Appeal of Disposition from a Magisterial District Judge in a Landlord Tenant Proceeding.

(b) *Presentation:*

(i) **Except for initial filings as set forth in Local Rule 205.4(a)(1)(B)(3) (i.e., Motions to File Late Appeal), all Housing Court Motions must be [filed electronically] electronically filed pursuant to Local Rule 205.4. [or in person with the Department of Court Records. No motion will be scheduled for argument unless requested as set forth in subsection (a) or (b) below.**

a. **For electronically filed motions, the party must request that the motion be scheduled for oral argument by submitting the motion to the Housing Court Help Desk email at HCHelpdesk@alleghenycourts.us.**

b. **If the motion is not electronically filed, the original and a copy of the (motion shall be taken to the Housing Court Clerk (Housing Court Clerk at the Housing Court Help Desk: First Floor City County Building). The clerk will place, on the original and the copy of the motion, a time and date for an argument before the Housing Court Judge. The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall immediately serve copies of the motion on all other parties with notice of the date and time of the argument.]**

(a) Prior to electronically filing the motion with the Department of Court Records, the moving party must request an argument date by submitting the motion to the Housing Court Help Desk email at HCHelpdesk@alleghenycourts.us. The Help Desk will provide a date and time for argument, which the moving party shall include in a notice of presentation when electronically filing the motion. The Court may not hear argument if the docketed motion does not have a completed Notice of Presentation, with the date and time of argument provided by the Housing Court Help Desk.

(b) After electronically filing the motion with the provided argument date, the Moving party shall serve a copy of the motion on all other parties with the notice of the date and time of the argument.

Note: [**The moving party will not receive an oral argument date unless the moving party either takes the motion to the Housing Court Help Desk or submits the motion to the Help Desk email: HCHelpdesk@alleghenycourts.us.] For further information concerning Housing Court procedures, forms and protocols, Parties should go to the Court’s website at <https://www.alleghenycourts.us/civil/about/housing-court/>.**

(i) The party seeking a contested continuance of an arbitration hearing shall present to the Housing Court Judge an Adjournment of Hearing Form (FORM 208.3(a)) (see subsection (3)(a)(ii)(d) above), which may be obtained from the Housing Court Clerk at the Housing Court Help Desk: First Floor City-County Building, or by going to the Court’s website, and specifically the arbitration page where such forms are available to download.

Note: If all parties agree to the continuance, the Housing Court Clerk has the authority to sign the Adjournment of Hearing continuing the case (FORM 208.3(a)) (see subsection (3)(a)(ii)(d) above).

(ii) Motion for Late Appeal shall be filed in person pursuant to Local Rule 205.4(a)(1)(A)(3) with the Department of Court Records and a copy immediately provided to the Housing Court Clerk (See Housing Court Help Desk: First Floor City County Building, for Forms relating to Motions for Late Appeal).

(a). The Housing Court Clerk will schedule the motion with the Housing Court Judge. The motion will generally be scheduled on a date which provides all other parties with ten (10) days’ notice of the scheduled argument date. However, if an eviction is scheduled, the Housing Court Clerk will make every effort to schedule argument on Motion for Late Appeal before the scheduled eviction, although the Court may not be able to schedule a hearing before the eviction date. The filing party is responsible for informing the Housing Court Clerk of the date of any scheduled eviction.

(b). The filing party is required to serve the Motion for Late Appeal upon the opposing party, and if the filing party is the tenant, also required to serve the Motion for Late Appeal upon the Magisterial District Court issuing the Disposition.

(6) *General Motions Judge*

(a) The General Motions Judge shall hear the following for any General and Arbitration Docket case that has not yet appeared on a published trial list or been listed for trial:

- (i) All motions relating to the following:
 - (a). pleadings including amendments, joinder of parties, late joinder of additional defendants;
 - (b). withdrawal and disqualification of counsel;
 - (c). discontinuances, consolidation, severance, and coordination of actions in different counties (Pa.R.Civ.P. 213.1);
 - (d). transfers between Arbitration and General Docket;
 - (e). certificates of merit (Pa.R.Civ.P. 1042.1, et seq.);
 - (f). requests for injunctive relief, including discovery on requests for injunctive relief; and
 - (g). discovery disputes relating to or arising out of a Rule to Show Cause issued by the General Motions Judge.
- (ii) All motions for any Arbitration Docket case prior to listing for trial, except:
 - (a). discovery motions, which shall be presented to the Discovery Motions Judge;
 - (b). the compromise, settlement, and discontinuance of an action to which a minor is a party, which shall be presented to the Calendar Control Judge;
 - (c). the compromise, settlement, and discontinuance of an action to which an incapacitated person is a party, which shall be presented to the Calendar Control Judge;
 - (d). contested requests for the continuance of an arbitration hearing, which shall be presented to the Calendar Control Judge.

(iii) All petitions to strike and/or open a default judgment or a judgment of non-pros (the procedure including presentation, for which is found at Local Rule 206.4(c), not below);

(iv) All motions not otherwise addressed in Local Rules 208.3, 1028(c), 1034(a), or 1035.2(a).

(b) *Presentation:*

(i) The General Motions Judge [**typically**] hears motions daily at 9:30 a.m. [**and 1:30 p.m.**] in Courtroom 703. The General Motions Judge does not schedule the date or time of presentation. The moving party/petitioner selects the date and time for presentation.

(ii) The original motion must be **electronically** filed pursuant to **Local Rule 205.4** with the Department of Court Records. A copy of the motion shall be provided to the Chief Motions Clerk prior to presentation.

(iii) A motion which is uncontested, and which contains the certification required by Local Rule 208.2(d), may be presented in person or by emailing the Motion with a proposed order in Microsoft Word format to civiluncontestedmotions@alleghenycourts.us.

(iv) For all Contested Motions, a copy of the Motion shall be provided to the Judge assigned to sit as the General Motions Judge on the date the motion is noticed for presentation pursuant to subparagraph (i). If the motion is resolved or is moot prior to the noticed argument date, the moving party shall notify the Judge to whom they provided notice.

Note: Judicial Assignments for General Motions can be found at <https://www.alleghenycourts.us/civil/about/general-motions/>. Procedures for providing copies of the motion can be found in each Judge's Standard Operating Procedures, found at <https://www.alleghenycourts.us/civil/judicial-chambers-operating-procedures>.

[**iii.**] v. The [**Chief**] **General Motions Supervisor/ Clerk** will file any order issued by the Court.

(7) **Form 208.3(a). Arbitration Adjournment of Hearing Form and Cover Sheet.**

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

COVER SHEET

	CIVIL DIVISION
Plaintiff	GD No _____
v.	*(Use AR or LT No. for Arbitration Cases and BV No. for Assessment Appeals.)
	Type of Pleading
Defendants	Adjournment of Arbitration Hearing
	Filed on behalf of
	(Name of Filing Party)

[] Counsel of Record
[] Individual, if Pro Se

Address, Telephone Number, and Email Address:

Attorney's State ID: _____

Attorney's Firm ID: _____

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY PENNSYLVANIA
ARBITRATION SECTION**

vs

No. _____, 20 ____
Presently listed _____
No. of Times Continued _____
Landlord/Tenant Action _____

A false certification of consent of all parties is subject to the provisions of 18 Pa.C.S.A. § 4904(a) pertaining to unsworn falsification to authorities and is sanctionable under 42 Pa.C.S.A. § 2503.

ADJOURNMENT OF HEARING

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

Stipulation

BY THE COURT:

REASON FOR CONTINUANCE:

Note: A Microsoft Word version of this form can be obtained and downloaded from the Civil Arbitration page of the Court's website at <http://www.alleghenycourts.us/civil/about/about-arbitration/>.

(Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.)

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

1. Pa.R.Civ.P. 212.1 through 212.3 and Local Rules 212.1 through 212.3 apply to all civil actions, both jury and nonjury, to be tried in the Civil Division; appeals from Compulsory Arbitration shall be exempt unless such cases include a demand for a jury trial, and under such circumstances parties involved in such a case must comply with Local Rules 212.1 through 212.3.

2. *Definitions.* In these rules, the following words shall have the following meanings:

a. *“pretrial conference”*—a conference scheduled by the Court in accordance with Pa.R.Civ.P. 212.3 in which, in addition to matters set forth in Pa.R.Civ.P. 212.3, the Court shall:

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

ii. attempt an amicable settlement of the case. b

b. *“Conciliating Judge”*—the Judge assigned to conduct the pre-trial conference.

3. *Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.* Notices required by Pa.R.Civ.P. 212.1 shall be given by publication in the *Pittsburgh Legal Journal*, and notice shall be provided to unrepresented parties and to those out of county counsel identified in paragraph 6 of the Praecepto to Place the Case at Issue (see FORM 214w).

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on

the trial list. Docket entries are available online at: <https://dcr.alleghenycounty.us/> and click on Civil/Family Division, then “Case Search” (in upper right corner) and enter the docket number. Additionally, published trial lists are also available on the Civil Division’s website [at: www.alleghenycourts.us] <https://apps.alleghenycourts.us/Civil/CaseScheduling.aspx>.

Trial lists are generally published in the *Pittsburgh Legal Journal* 6 months prior to commencement of the trial term. Pre-trial deadlines are generally as follows: 16 weeks prior to commencement of the trial term for the close of discovery; 14 weeks prior to commencement of the trial term for plaintiffs’ pre-trial statements; 12 weeks prior to commencement of the trial term for all other parties’ pre-trial statements; and 45 days prior to the commencement of the trial term for completion of mediation pursuant to Local Rule 212.7. The general schedule set forth in this Note is only advisory and may vary from the controlling dates and deadlines published in the *Pittsburgh Legal Journal*.

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

Local Rule 212.3. Conduct of Pre-Trial Conference.

(1) The conduct of the pre-trial conference shall be in conformity with Pa.R.Civ.P. 212.3.

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

Note: The dates and times of pre-trial conciliations are also available on the Civil Division’s website at: [www.alleghenycourts.us] <https://apps.alleghenycourts.us/Civil/CaseScheduling.aspx>.

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

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

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

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

(6) *Housing Court Judge.* Actions involving residential landlord tenant disputes (which include the rental of property involving a mobile home), statutory appeals from public housing and federal Section 8 grievance hearings, and all code enforcement matters involving properties leased or rented to residential tenants shall be assigned to the Housing Court and heard by the Housing Court Judge.

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

Editor’s Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

Local Rule 212.7. Mandatory Mediation.

(1) All parties shall participate in a formal mediation process no later than 45 days prior to commencement of the assigned trial term, as published in the *Pittsburgh Legal Journal* pursuant to Local Rule 212.1(3). his requirement shall apply unless:

(a) The Calendar Control Judge excuses the case from mediation upon motion and good cause shown; or

Note: At the discretion of the Calendar Control Judge, “good cause” may include, but is not limited to, the expense of mediation relative to a party’s perceived valuation of the case, as well as a party’s inability to afford the expense of mediation.

Local Rule 213. Petitions for Consolidation. Survival Actions.

(1) Petitions for Consolidation shall bear the captions of each case as to which consolidation is requested, including all issue numbers, **and shall be filed at all cases as to which consolidation is requested.**

[2. At the time of presentation of a petition for consolidation of cases, counsel shall bring sufficient copies of the petition, so that there will be one copy of the petition for the Court file of every case as to which consolidation is requested.

3.] 2. Transfer and consolidation of survival actions and related wrongful death actions are governed by Pa.R.Civ.P. 213.

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

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

Local Rule 214. Issue Docket, Trial Lists and Trials.

(1) *Issue Docket—General Docket (“GD”) Cases.*

(a) After the expiration of sixty (60) days from the date of service of the original complaint upon each defendant, and after all of the pleadings in a case are closed, any of the parties may file a praecipe to place the case at issue, thereby signifying that the case is ready to be listed for trial. The Praecipe to Place the Case at Issue shall be in the same form as FORM 214 (see subsection (b) below). Cases placed at issue receive consecutive numbers (“issue numbers”) which are used to track the placement of cases on a trial list. After an issue number is assigned to a case, it shall be included on the caption and cover sheet of all subsequent filings. The Department of Court Records shall keep an issue docket of cases placed at issue. The Calendar Control Office of the Court of Common Pleas shall create the civil trial lists from those cases which have been placed at issue.

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

Note: See Local Rule 4003.5(7)(a) regarding priority on trial lists for professional liability and product liability cases which meet certain criteria. The form to be used to obtain priority placement on trial lists for such cases is found at FORM 4003.5D at Local Rule 4003.5(10)(d). This

form is filed, at the appropriate time, in addition to the Praecepto to Place Case at Issue.

(b) —**Form 214. Form of Praecepto to Place Case at Issue.**

[**CASE CAPTION, INCLUDING DOCKET NUMBER**]

PRAECEPTO TO PLACE CASE AT ISSUE

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

1. At least sixty days have passed since the service of the original complaint on all defendants.
2. All pleadings have been filed.
3. All preliminary motions and objections have been disposed of.
4. There are _____ plaintiffs and _____ defendants remaining in the case. Plaintiffs remaining in the case, and their counsel, are: (list the parties and their counsel). Defendants who have actually been served and who remain in the case, and their counsel, are: (list the parties and their counsel).

5. According to documents filed in the case, the following parties are not presently represented by counsel and should be provided with notice of earliest trial date pursuant to Local Rule 212.1(3) at the following addresses: (list unrepresented parties and their mailing addresses).

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

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

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

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

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

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

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

Dated: _____

Respectfully submitted,

By: _____

(Identification of pro se party or counsel)

(Address and telephone number of pro se party or counsel)

(2) *Exceptions to Issue Docket.*

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

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

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

(3) *Removal from The Issue Docket.*

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

(4) *Trial Terms.*

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

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

(a) *Initial Publication of Trial Lists.* The trial dates for each term and the cases scheduled to be tried during that term are published approximately one hundred and

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

Note: As soon as there is a published trial list, trial dates appear as docket entries in each individual case on the trial list. Docket entries are available online at: [**Department of Court Records.county.allegheny.pa.us (no www. and no .com or .org)**] <https://dcr.alleghenycounty.us>. **Additionally, published trial lists are also available on the Civil Division's website at: www.alleghencourts.us.**

(b) *Pre-trial Discovery Deadlines.* Deadlines for the completion of discovery are published with the trial list in the Procedure, so that the response may be served on or before the date set for completion of discovery.

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

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

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

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

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

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

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

(f) *Trial Policy.*

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) *Post-Trial Motions.*

(a) Post-Trial Motions shall be **electronically** filed [**in the Office of the Department of Court Records**] pursuant to **Local Rule 205.4** and a copy shall be delivered to the Trial Judge. Argument shall be scheduled by the Trial Judge without praecipe.

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

within the time prescribed, it shall be conclusively presumed a transcript of said testimony is not necessary and is waived. When a Motion for Post-Trial Relief is abandoned at or before argument before the Court, or when it is found by the Court to have no merit or is denied, the cost of the transcript may be assessed against the party filing the Motion.

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

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

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

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

Note: See Pa.R.Civ.P. 106 regarding computation of time.

(2) *Appeals.* When filing documents necessary to effectuate an appeal of a Civil Division matter in accordance with the Pennsylvania Rules of Appellate Procedure and specifically Pa.R.A.P. 905 and 906, filings with this Court are made in the appropriate division of the Department of Court Records identified in Rule 1(3) of these Rules.

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

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

227.1A. FORM 227.1A can be obtained from the Allegheny County Office of Court Reporters or from the Fifth Judicial District of Pennsylvania's website under the Administration tab.

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

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

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

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

(vi) When a transcript is ordered, the Manager of Court Reporters shall obtain the signature of the court reporter and insert the estimated number of pages and the estimated completion date in the appropriate place on the form.

(vii) The copies of the Request form then shall be distributed to the designated persons by the Manager of the Court Reporters.

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

(i) The Notice of Proof of Filing or Delivery of the Transcript (FORM 227.1B) (see subsection (d)(i) below) shall be filed with the Department of Court Records and distributed to the designated persons by the Manager of the Court Reporters.

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

(c) Transcripts of testimony may not be photocopied.

(d) *Forms:*

Form 227.1B. Notice of Proof of Filing or Delivery of the Transcript.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Civil Division

_____ Case No.:

NOTICE OF PROOF OF FILING OR DELIVERY OF THE TRANSCRIPT

Proceeding: _____ Complete Case _____

Plaintiff's Case _____

Date: _____ Defendant's Case _____

Charge _____

Judge: _____ Closing Argument _____

Other _____

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

Date Signature _____

Department of Court Records _____

Attorney _____

Court Reporter _____

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

Copies: Judge/Department of Court Records/Manager of Court Reporters/Attorney/Other

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

Local Rule 234.1. Subpoena.

(1) The copy of any subpoena (the original of which issued from this Court) left with a witness who has been subpoenaed shall have endorsed on said copy the caption, the number and term of the case, and the name, office address and telephone number of the attorney causing the subpoena to be issued and served.

(2) A copy of [**the original**] **any** subpoena with a completed return of service shall be **electronically** filed [**with the Department of Court Records**] **pursuant to Local Rule 205.4.**

(3) Subpoenas duces tecum for production of hospital records shall be served between the hours of 9:00 a.m. and 5:00 p.m. and at least two days before the time stated in the subpoena for appearance. A one-day witness fee and round-trip mileage shall be tendered at the time the subpoena is served.

(4) Subpoenas requiring production of hospital records shall not be deemed to apply to x-rays or other data not strictly a part of a hospital record unless they are specifically requested in the subpoena.

Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.

Service

Local Rule 440. [**Certificate of Service.**] Service of Legal Papers other than Original Process.

(A) Certificate of Service

(1) Copies of all legal papers other than original process that are required to be served on each party to the action pursuant to Pa.R.Civ.P. 440, shall include a Certificate of Service, which sets forth the date and manner of service.

(2) The Certificate of Service shall set forth the name of an attorney of record for each of the parties that is represented by counsel and the address at which service was made.

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

(3) If any parties are not represented by counsel, the Certificate of Service shall identify the party as being unrepresented by using a "pro se" designation and shall set forth the address at which service was made.

(4) The address listed in the Certificate of Service may be an e-mail address or telephone number used for a facsimile transmission where service was made in this fashion provided that such service is authorized under the Pennsylvania Rules of Civil Procedure.

(B) Notice of Change of Address

(1) If at any time during the course of an action, the Attorney of Record's address changes, the Attorney shall immediately electronically file a Notice of Change of Address with the Department of Court Records in each case in which they appear.

(2) If at any time during the course of an action, a pro se litigant's address changes, they must immediately file a Notice of Change of Address with the Department of Court Records in each case they are a case participant.

(3) The Notice of Change of Address shall be in a form similar to FORM 440(B) and shall provide:

i. The filing party name(s), the old physical address(es), and the new physical address(es);

ii. The filing party's old email address and the filing party's new email address, and;

iii. The effective date of the address change.

Form 440(B). Notice of Change of Address.

CASE CAPTION, INCLUDING DOCKET NUMBER

NOTICE

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

Re: CASE CAPTION and DOCKET NUMBER

(1) **This Change of Address is filed on behalf of** _____ .

(2) **The former address(es) of the filing party is (are):** _____

(3) **The new address(es) of the filling party is (are):** _____

(4) **This address change became effective as of** _____ , _____ .

Signed

Dated

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

(1) If at any time during the course of an appeal filed pursuant to Local Rules 503 or 504 ownership of the property at issue is transferred, changed, or altered in any way, the property owner listed of record in the appeal is required to **electronically file pursuant to Local Rule 205.4** a notice of the transfer/change/alteration with the Department of Court Records, Civil/Family Division (FORM 502.1) (see subsection (2) below). The Notice shall provide the following information:

- (a) The name(s) and address(es) of the new owner(s) of the property;
- (b) The type of transfer/change/alteration (e.g., property sold, joint tenant added); and
- (c) The date of the transfer/change/alteration.

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

Form 502.1. Change of Ownership. Change of Address.

NOTICE

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

Re: [ORIGINAL CASE CAPTION AND DOCKET NUMBER]

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

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

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

Dated: _____

Signed: _____

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

Local Rule 503. Appeals From Real Estate Tax Assessment.

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

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

(1) *Parties.*

(a) The following parties must be listed in the caption of the appeal:

- (i) owner(s) of the real estate and/or taxable property;
- (ii) the municipality in which the property is located;
- (iii) the school district in which the property is located; and
- (iv) the County of Allegheny.

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

(2) *Caption.*

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

(b) The caption and cover sheet shall clearly state whether the appeal involves commercial or residential property.

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

(a) An appeal from the decision of the Board of Property Assessment, Appeals and Review must be verified pursuant to Pa.R.C.P. 206.3 and [**filed**] **electronically filed pursuant to Local Rule 205.4** with the Department of Court Records **Civil/Family Division** within thirty days of the date of mailing of the notice by the Board.

(b) An appeal shall be in substantially similar form as set forth in Petition for Assessment Appeal (FORM 503(3)) (see subsection (20)(a) below) and shall contain the following:

- (i) the names of the parties;
- (ii) an identification of the property by address, lot and block number;
- (iii) whether the property is residential or commercial; and
- (iv) the name of the party that appealed to the Board of Property Assessment Appeals and Review.

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

(4) *Notice. Service.*

Petitioner shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of

Property Assessment Appeals and Review, within seven (7) days of the filing of the appeal, and shall file proof of service thereof.

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

(a) Upon the docketing of any appeal from a Disposition of Appeal from Real Estate Assessment of the Board of Property Assessment Appeals and Review, the Department of Court Records, Civil Division, shall obtain the information contained in the Board of Property Assessment Appeals and Review's Disposition of Appeal from Real Estate Assessment.

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

(6) *Filing of Appeals.*

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

(7) *Withdrawal of Appeals.*

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

(8) *Motions.*

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

(9) *Board of Viewers.*

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

(10) *Discovery.*

(a) In all cases involving non-residential property, the taxing bodies may serve a copy of Tax Assessment Appeal Discovery Requests, (FORM 503(10)) (see subsection (20)(b) below) on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests within forty-five (45) days after receipt thereof.

(b) No party may seek additional discovery through Interrogatories, Request for Production of Documents or otherwise until discovery has been sought through the Tax Assessment Appeal Discovery Requests. Parties seeking additional discovery or any discovery in cases involving residential property must petition the Real Estate Tax Appeal Judge for discovery, who may refer the petition to the Administrative Chair of the Board of Viewers for recommendation.

(c) Any discovery disputes, including without limitation any Motion(s) for Protective Order or Motion(s) to Compel, shall be presented upon proper notice to the Real Estate Tax Appeal Judge.

(d) Discovery shall conclude sixty-five (65) days prior to the date scheduled for conciliation.

(11) *Conciliation.*

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

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

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

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

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

(a) Sixty (60) days prior to the date scheduled for conciliation of a non-residential tax assessment appeal, the petitioner shall **electronically file a pre-trial statement pursuant to Local Rule 205.4 and distribute the same** to all counsel of record, or if counsel have not entered an appearance on the party(ies), and to the panel of the Board of Viewers assigned to the case [**a pre-trial statement**]. The pre-trial statement shall incorporate the following information or documents:

(i) a description of the user of the real estate and the nature of the real estate;

(ii) a list of all persons who will give testimony in the trial of this appeal;

(iii) a list of all exhibits which the party intends to use at trial;

(iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

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

(b) Twenty (20) days prior to the date scheduled for conciliation of a non-residential tax assessment appeal, the respondent(s) shall **electronically file a pre-trial statement pursuant to Local Rule 205.4 and distribute the same** to all counsel of record, or if counsel have not entered an appearance on the party(ies), and to the panel of the Board of Viewers assigned to the case a pre-trial statement. The pre-trial statement shall incorporate the following information or documents:

(i) a description of the use of the real estate and the nature of the real estate;

(ii) a list of all persons who will give testimony in the trial of this appeal;

(iii) a list of all exhibits which the party intends to use at trial;

(iv) any report, including without limitation an expert report or appraisal, of any person or entity who has been retained, employed, or consulted by the parties, who will give testimony in the trial of this appeal.

(c) All interested parties whose interests are aligned with the petitioner shall **electronically file a pre-trial statement pursuant to Local Rule 205.4 and distribute [their Pre-Trial Statement] the same** in accordance with subsection (12)(a) of this local rule. All interested parties whose interests are aligned with the respondent(s) shall [**their Pre-Trial Statement**] **electronically file a pre-trial statement pursuant to Local Rule 205.4 and distribute the same** in accordance with subsection (12)(b) of this local rule.

(d) The failure to comply with subsections (12)(a), (12)(b) and (12)(c) of this local rule shall result in appropriate relief, which may include the exclusion or limitation at trial of testimony or evidence which was not provided in the pre-trial statement or a recommendation for the imposition of attorneys' fees and costs against the party or parties failing to comply.

(13) *Hearing.*

(a) The Board of Viewers shall schedule a hearing and shall provide notice of the hearing to all parties and/or counsel of record. The notice shall be [**sent by regular mail and**] **provided pursuant to Pa.R.Civ.P. 205.4(g) and Local Rule 205.4(g). The notice** shall state that if any party fails to appear at the hearing it will proceed without them, or the appeal will be dismissed with prejudice.

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

(b) The hearing shall be recorded by a court reporter.

(c) The Board of Viewers, at its discretion, may continue the hearing.

(14) *Report.*

Following the hearing, the Board of Viewers shall file its written Special Masters Report and Recommendation with the Department of Court Records, Civil Division. This Special Masters Report along with a Notice in substantially similar form as set forth in Notice (FORM 503(14)) (see subsection 20(c) below), shall be [**mailed**] **provided** to all counsel or parties if not represented by counsel **pursuant to Local Rule 205.4(g)**.

(15) *Objections. Trial Transcript*

(a) The parties may electronically file objections to the Special Masters Report and Recommendation within ten (10) days of receipt of the Special Masters Report and Recommendation and Notice. Objections must be accompanied by a certification of counsel, or a party if

unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the court reporter and paid for. Copies of the objections and certification shall be [**filed with the Department of Court Records, Civil Division, and**] served on all counsel of record or party(ies) if unrepresented, and the Board of Viewers.

(b) If no trial transcript is filed within ninety (90) days of the date the Objections were filed, the Administrative Chair of the Board of Viewers shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within that time period, then a court order will be issued overruling the objections with prejudice. (FORMS 503(15A) and 503(15B)) (see subsections 20(d) and 20(e) below).

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

(16) *Briefs on Objections*

(a) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall **electronically** file a Brief in Support of Objections and shall serve a copy on all counsel of record or if counsel have not entered their appearance on the party(ies), and the Board of Viewers. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(b) If no brief is filed within twenty (20) days of the date the transcript is filed, the Administrative Chair of the Board of Viewer shall send the objecting party a letter, with copies to all counsel or parties not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice. (FORMS 503(16A) and 503(16B)) (see subsections (20)(f) and (20)(g) below).

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

(17) *Opposing Briefs*

(a) Within twenty (20) days after the moving party has **electronically** filed its Brief in Support of Objections, responding parties shall file their Briefs in Opposition to Objections and serve a copy on all counsel of record or on the party(ies) if unrepresented, and the Board of Viewers.

(b) If no Brief in Opposition is filed and served within twenty (20) days, the Administrative Chair of the Board of Viewers shall send the opposing party(ies) a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter. (FORM 503(17)) (see subsections (20)(h) below).

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

(18) *Decision*

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

(19) *Final Order*

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

(20) *Forms*

(a) **Form 503(3). Petition for Assessment Appeal.**

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

(Name)	CIVIL DIVISION
Petitioner	BV No _____
v.	
(Names or Names)	COMMERCIAL/RESIDENTIAL (Choose one)
Respondents	REAL ESTATE INVOLVED
INTERESTED PARTIES (if applicable) (Names)	Petition for Appeal form Disposition of the Board of Property Assessment Appeals and Review

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

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

1. The owner of this commercial/residential (choose one) real estate and/or taxable property is (name), and the address of this real estate is (address) (the "Property"). The Property has been assigned lot and block number (fill in).

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

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

4. Following a hearing, a Disposition of Appeal from Real Estate Assessment was mailed by the Board. The information contained in the Board's Disposition of Appeal from Real Estate Assessment shall be [**placed in the court records, both in paper and**] kept in electronic form, by the Department of Court Records, Civil Division.

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

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

Date: _____

(Signature)

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

(b) **FORM 503(10). Tax Assessment Appeal Discovery Requests.**

[CASE CAPTION, INCLUDING DOCKET NUMBER]

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

REQUESTS FOR DOCUMENTS

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.

2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.

3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.

4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.

5. Any and all leases, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.

6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.

7. Any and all soil tests or mineral evaluations, permit requests, permits, requests relative to zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.

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

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

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

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

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

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

INTERROGATORIES

Please provide the following information:

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

Date: _____

(Signature)

(c) **FORM 503(14). NOTICE.**

NOTICE

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

Any party objecting to the Report shall **[file] electronically file** Objections at the Secondary Desk of the Department of Court Records, Civil Division, on the First Floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219, with ten (10) days of the receipt of this Notice. Objections must be accompanied by a certification of counselor of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Reporter's Office (Room 415, County Office Building, 412-350-5414) and paid for by the objecting party. Copies of the Objections and certification shall be served on the Administrative Chair of the Board of Viewers (Room 811, City-County Building) and on all counsel of record or the parties, if unrepresented.

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

Date: _____

ADMINISTRATIVE CHAIR
BOARD OF VIEWERS

(d) **Form 503(15A). Letter.**

Re: [case name and docket number]

Dear [Objecting Party],

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

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

Very truly yours,

Administrative Chair, Board of Viewers

(e) **Form 503(15B). Court Order.**

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

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

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

BY THE COURT:

(f) **Form 503(16A). Letter.**

Re: [case name and docket number]

Dear [Objecting Party],

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

Very truly yours,

Administrative Chair, Board of Viewers

(g) **Form 503(16B). Court Order.**

[CAPTION INCLUDING DOCKET NUMBER]

ORDER OF COURT

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

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

BY THE COURT:

(h) **Form 503(17). Letter.**

Re: [case name and docket number]

Dear [Opposing Party]:

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

(i) **Form 503(18). Notice That Matter Is Ripe for Decision.**

[CASE CAPTION, INCLUDING DOCKET NUMBER]

NOTICE THAT MATTER IS RIPE FOR DECISION

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

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

Date: _____

(Signature)

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

Local Rule 504. Appeals From Real Estate Tax Exemption.

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

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

(1) *Parties.*

(a) The following parties must be listed in the caption of the appeal:

- (i) owner(s) of the real estate and/or taxable property;
- (ii) the municipality in which the property is located;
- (iii) the school district in which the property is located; and
- (iv) the County of Allegheny.

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

(2) *Caption.*

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

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

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

(a) An appeal from the decision of the Board of Property Assessment Appeals and Review must be verified pursuant to Pa.R.Civ.P. 206.3 and filed as a [**General Docket**] **Board of Viewers** case **and given the BV designation** with the Department of Court Records within thirty (30) days of the date of mailing of the notice by the Board.

(b) An appeal shall contain the following:

- (i) names of the parties;
- (ii) identification of the property by address, deed book volume and page, and lot and block numbers;
- (iii) a concise statement of the reasons for the appeal; and
- (iv) a copy of the decision of the Board of Property Assessment Appeals and Review.

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

(4) *Notice.*

Appellant shall give notice of the appeal by first class mail, postage prepaid, to all parties and the Board of

Property Assessment Appeals and Review, within seven days of the filing of the appeal and shall **electronically** file proof of service thereof.

(5) *Filing of Appeals.*

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

(6) *Withdrawal of Appeals.*

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

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

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

Local Rule 505. Change of Name of a Natural Person.

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

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

(2) All Petitions (FORM 505A) (see subsection (3)(a) below) shall be filed on the General Docket (GD).

Note: While Local Rule 205.4 does not mandate that Petitions for Name Change be filed electronically, it is permissive to do so. However, the Petitioner will not proceed unless the Petitioner provides the documents listed in Subsection (3)(b) below to the Department of Court Records.

(3) *Requirements for Filing a Petition.*

(a) The Petition shall contain two proposed Orders designated as follows:

(i) Either

(A) Order Scheduling Hearing on Name Change (used if Petition is brought by a person(s) of full legal age) (FORM 505B(i)) (see subsection (3)(b)(i) below), or

(B) Order Scheduling Hearing of Name Change (used if Petition is brought on behalf of a minor) (FORM 505B(ii)) (see subsection (3)(b)(ii) below); and

(ii) Decree for Change of Name (FORM 505C) (see subsection (3)(c) below).

(b) The following is required by the Department of Court Records:

(i) Petition and one (1) extra copy.

(A) If Petitioner's safety would be in jeopardy by reason of the publication of the name change, Petitioner may:

(1) Describe why, under paragraph 6, publication would present a risk; or

(2) Seek to waive publication and/or have the record sealed by presenting a Motion, Affidavit, and Proposed

Order to the Special Name Change Judge prior to filing the Petition with the Department of Court Records.

(ii) A completed fingerprint card (if applicable—children 12 or under are not required to have fingerprints taken) (obtained from either a state or local police department). "Name Change" should be written in red across the top of the completed card.

(iii) A stamped 8-1/2" x 11" envelope addressed to:

PA State Police
Central Repository
1800 Elmerton Avenue
Harrisburg, PA 17110

(iv) A stamped letter size envelope addressed to:

Department of Court Records of Allegheny County
First Floor City-County Building
414 Grant Street
Pittsburgh, PA 15219
ATTENTION: Second Deputy

(v) A stamped letter size envelope to the attorney for the filing party, or the pro se party.

(vi) The filing fee applicable to a Petition for a name change.

Note: A current listing of the fees charged by the Department of Court Records can be found on the Department of Court Records web site: <https://dcr.alleghenycounty.us> [**(no www and no .com)**].

(c) After Petitioner has been notified that the fingerprinting process has been completed, the petitioner shall take one of the following actions to obtain a hearing date:

(i) submit the petition by email to the [**Civilgenmotions@alleghenycourts.us**] **civilnamechanges@alleghenycourts.us** email address with a request that the Court issue an Order scheduling the hearing date[:]. **Upon receipt of the scheduling order, the Petitioner shall proceed with advertising the Petition in the Pittsburgh Legal Journal, the official paper for the publication of legal notices for Allegheny County as well as one other newspaper of general circulation; or**

[(ii.) take the original or a copy of the Petition filed with the Department of Court Records, and the Department of Court Record's file to the Chief Motions Clerk, located in Courtroom 703, City-County Building; or

(iii.)] **ii.** if the record has been sealed or publication waived, the Petitioner may [**take the file to the**] **email the** Special Name Change Judge's chambers [**instead of the Chief Motions Clerk**] **to obtain a hearing date.**

[(d.) Scheduling a hearing:

(ii) If the Petition is submitted by email to **Civilgenmotions@alleghenycourts.us**, the General Motions Judge will issue a scheduling Order, and the Chief Motions Clerk shall file the scheduling Order with the Department of Court Records and return the Scheduling Order by email to the Petitioner;

(iii) If the Petition is taken to the Chief Motions Clerk, the General Motions Judge shall schedule the time and date for a hearing; or

If the Petition is taken to the Special Name Change Judge's chambers, the Special Name Change Judge will set the time and date for a hearing.

(e.) Upon receipt of the scheduling Order the Petitioner shall proceed with advertising the Petition in two (2) papers of general circulation; one of the publications shall be the *Pittsburgh Legal Journal*, the official paper for the publication of legal notices for Allegheny County.

f.] d. Where the Petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. § 702(c) from obtaining a judicial change of name, the Petitioner shall provide the Court with an envelope affixed with sufficient postage and pre-addressed to the following so that copies of the Order Scheduling Hearing on Name Change may be sent:

(iv) The District Attorney of Allegheny County

Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219

(v) To any other District Attorney of any county in which Petitioner was convicted of a felony.

(vi) Office of the Attorney General

Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

[(g.)] e. In those cases where the Petitioner is seeking to change the name of a minor and a parent files an objection to the Petition or appears to oppose the Petition, the case shall immediately be transferred to the Family Division using FORM 505D (see subsection (3)(d) below) for all further proceedings with respect to the minor's Petition.

Editor's Note: Amended November 29, 2021, effective January 11, 2022.

Eminent Domain

Local Rule 603. Preliminary Objections.

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

(1) No brief shall be required upon the filing of the preliminary objections.

(2) The filing of preliminary objections shall stay all other proceedings as to only the parcel or parcels that are the subject of the preliminary objections.

(3) Preliminary objections shall be **electronically** filed with the Department of Court Records [**upon which the Department of Court Records shall stamp the date and time on which the preliminary objections were filed**] pursuant to Local Rule 205.4. The party filing the preliminary objections [**immediately**] shall [**take the stamped preliminary objections and the Department of Court Records's file to the Administrative Judge**] **email the Preliminary Objections to the chambers of the Eminent Domain Judge, or any such Judge the Administrative Judge may designate, for scheduling.**

[4. Upon receiving the stamped preliminary objections and the Department of Court Records file for the captioned matter, the Administrative Judge

shall either hear the preliminary objections or designate another judge to hear the preliminary objections.

5.] 4. The **presiding** judge [**assigned to hear the preliminary objections**] shall schedule a status conference, which shall take place as soon as practicable after the date stamped on the preliminary objections. At the status conference, the judge shall determine whether the parties shall submit evidence in support of or in opposition to the preliminary objections by deposition, by hearing, or by a combination thereof, and shall schedule a date and time for the submission of all evidence and for the submission of briefs. The judge may consider such other issues as are raised by the parties.

[6.] 5. Unless mutually extended by the parties or otherwise ordered by the presiding judge for good cause shown, all discovery relating to the preliminary objections, including all depositions, must be completed no later than sixty (60) days after the date stamped on the preliminary objections.

[7.] 6. Pursuant to Section 1-406 of the Eminent Domain Code, the parties must present in one pleading, and the Court shall consider, all preliminary objections at one time.

[8.] 7. A party, either by filed consent of all parties or by leave of court for good cause shown, may amend that party's preliminary objections.

[9.] 8. After the submission of evidence, the presiding judge shall promptly decide all preliminary objections.

[10.] 9. The parties shall not file post-trial motions. The order of court ruling upon the preliminary objections is the final order from which an appeal may be taken.

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

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

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

(1) Each petition for the appointment of viewers, whether filed by a condemnee or by the condemnor and whether including one or more than one property, shall be assigned a new docket number.

(2) Where a declaration of taking has been filed, a petition for the appointment of viewers shall include in the caption as a "Sur No." a reference to the docket number at which the declaration of taking was filed, as follows:

No. _____ 20

Sur No. _____ 20

(3) A petition for the appointment of viewers shall include all information required to be set forth by Section 1-502 of the Eminent Domain Code.

(4) A condemnee who desires to claim special damages shall set forth the type of special damages sought either in the petition for appointment of viewers or in a written notice to be served upon all other parties and the Board of Viewers at least forty days before the hearing date.

(a) If any petitioner is seeking the determination of any damages or benefits payable under Article VIA of the

Eminent Code, the petition for appointment of viewers must clearly set forth which of those damages or benefits are to be litigated before the Viewers. If the petitioner fails to comply with the terms of this paragraph, any damages or benefits payable under Article VIA of the Eminent Domain Code shall not be litigated before the Viewers.

(b) Documents in support of or in opposition to damages or benefits payable under Article VIA of the Eminent Domain Code which properly have been designated under subsection (1) of this local rule as issues to be litigated before the Viewers shall be admitted into evidence at the Viewers' Hearing without the necessity of calling a witness to authenticate the document or to testify about the document's contents, provided that at least twenty (20) days' notice of the intention to offer such documents was given to every other party accompanied by a copy of each document to be offered.

(5) Before presentation of a petition for the appointment of viewers to the Administrative Judge, or such other Judge as the Administrative Judge may designate, the petitioner shall **[file] serve** a copy of the petition **[with] on** the Chief Clerk of the Board of Viewers. The Chief Clerk shall thereupon designate the particular members of the Board of Viewers to serve in the case by completing Appointment of Viewers (FORM 604) (see subsection (8) below).

(6) A copy of any petition filed by a condemnee shall be sent promptly by registered or certified mail, return receipt requested, postage prepaid to the adverse party or parties as required by Section 1-502(f) of the Eminent Domain Code and to all other condemnees known to the condemnee filing the petition to have an interest in the property.

(7) A copy of any petition filed by a condemnor shall be sent promptly by registered or certified mail, return receipt requested, postage prepaid to all condemnees known to the condemnor to have an interest in the property.

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

(1) All discovery disputes shall be presented upon proper notice to the **[Administrative Judge] Eminent Domain Judge**, or to such other Judge as the Administrative Judge may designate to preside over the case.

(2) Discovery shall close ten (10) days prior to the Hearing unless otherwise mutually agreed by the parties or ordered by the Court.

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

Local Rule 610. Findings of Fact and Conclusions of Law.

(1) A party may request the Viewers to specifically include in their report specific findings of fact. A party must orally make this request known to the Viewers and to opposing parties no later than the conclusion of the Hearing and shall **electronically** file and serve written proposed findings of fact within ten days of the conclusion of the Hearing.

(2) The Viewers shall include in their report a written adoption or rejection of any requests for specific findings of fact made in accordance with subsection (1) of this Rule.

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

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

In municipal improvement assessment proceedings, exceptions to the schedule of proposed awards and assessments shall be **electronically** filed **[in writing with] pursuant to Local Rule 205.4 with the Department of Court Records and served upon** the Chief Clerk of the Board of Viewers within ten (10) days following the exhibition of the schedule. Exceptions shall be heard on the date set forth in the schedule and shall be decided by the Viewers.

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

Local Rule 613. Appeals to Court of Common Pleas.

(1) A party may appeal the Viewers' report to the Court of Common Pleas.

(2) An appeal shall set forth the information required by Section 1-516 of the Eminent Domain Code.

(3) No answer need be filed to an appeal.

(4) Appeals shall automatically be placed at issue upon filing.

(5) Appeals, except in municipal improvement assessment proceedings, shall be filed at the same docket number as the hearing before the Viewers and shall include in the caption as a "Sur No." a reference to the docket number at which the declaration of taking, if any, was filed in the manner set forth in Local Rule 604(2).

(6) Appeals in municipal improvement assessment proceedings shall be assigned new docket numbers. Reference to the docket number of the Viewers' Hearing shall be set forth in a separately numbered paragraph of such appeals.

(7) The caption of an appeal shall identify the condemnee or the property owner as plaintiff and the condemnor or municipality as defendant.

(8) The appealing party shall serve a copy of the appeal on all other parties and upon the Board of Viewers within five (5) days after filing. The appellant shall file proof of service of a copy of the appeal upon all parties.

(9) An appeal raising objections other than or in addition to the amount of damages shall state in the caption under the designation of the docket number the following phrase in capital letters: INVOLVES OBJECTIONS OTHER THAN OR IN ADDITION TO AMOUNT OF AWARD.

(10) A party filing an appeal raising an objection other than or in addition to the amount of damages, shall obtain **[at the time of filing from the Administrative Judge's Clerk] from the Eminent Domain Judge**, or **[the Clerk of] from** any such Judge as the Administrative Judge may designate a date for argument of the legal questions raised by the appeal. The legal argument shall be heard by the **[Administrative Judge] Eminent Domain Judge** or such other Judge as the Administrative Judge may designate. The appealing party shall promptly serve notice of the date obtained upon all other parties.

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

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

(1) Thirty (30) days prior to first day of the applicable trial term, the condemnor(s) and condemnee(s) shall **electronically file a pre-trial statement pursuant to Local Rule 205.4** and serve the opposing party or parties **[with a pre-trial statement,]** which contains the following:

(a) A list of the names and addresses of all persons who may be called as witnesses, classifying them as liability or damage witnesses. Witnesses may be described by title or representative capacity.

(b) A list of all exhibits which the party intends to use at trial.

(c) The written report of any expert (on value or otherwise) who may be offered as a witness at trial.

Note: Expert reports may include, without limitation, appraisals, machinery, environmental and engineering reports.

(2) The exhibits listed pursuant to subsection (1) of this local rule, or copies thereof, shall be made available to the opposing party or parties.

(3) In the event of non-compliance with subdivisions (1) or (2), the trial judge may, in his or her discretion, grant appropriate relief, which may include:

(a) the preclusion or limitation of the testimony of

(i) any witness whose identity is not disclosed in the Pre-Trial Statement, or

(ii) any expert witness whose opinion have not been set forth in the report submitted with the Pre-Trial Statement or otherwise summarized in the Pre-Trial Statement as provided by subsection (1)(c) of this local rule, and

(b) the preclusion of exhibits not listed in the Pre-Trial Statement and made available.

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

Local Rule 616. Special Rules for Sewer Cases.

In all cases involving the construction, installation or renovation of sewers, the following additional procedures shall be followed. These local rules shall be read in par materia with the Eminent Domain Code and the Second-Class Counties Code. To the extent this local rule conflicts with any portion of Local Rules 600—615, this local rule shall govern; to the extent this local rule does not conflict with any portion of Local Rules 600—615, then they shall also apply.

(1) *Declaration of Taking.*

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

(2) *Petition for Appointment of Viewers.*

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

(a) a copy of the Viewers' Plan on which each property shall be identified by a viewers' number beginning with "V-1," running consecutively and corresponding to the owners' name and Lot and Block number;

(b) street improvement plans, which shall show the cuts and fills resulting from any change of grade in the center line as well as the property lines on each side of stations fifty feet apart;

(c) sewer improvement plans, which shall show frontal and depth dimensions of affected property, and where the whole of any property cannot be served by the sewer, the sewer improvement plan shall show the drainage line; and

(d) if benefits are to be determined, a certified copy of all hard and soft construction costs.

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

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

(a) the names of the Viewers to be appointed;

(b) the date and time of the View;

(c) the date after which the Viewers' initial report should be available in the office of the clerk of the municipality in which the property or properties are located;

(d) the last date upon which the affected parties may file written exceptions to the Viewers' initial report; and

(e) the date and time of the Exceptions Hearing.

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

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

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

(a) If the petitioner is the condemnee, the petitioner must serve a copy of the petition for appointment of viewers and the scheduling order on the condemnor by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service.

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

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

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

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

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

(7) *Viewers' Initial Report.*

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

(a) a brief and concise statement listing the Lot and Block numbers affected and informing the parties that the Viewers have issued an initial report which contains an itemized award of benefits and/or damages;

(b) a statement informing the affected parties of their right to file exceptions to the initial report;

(c) a statement informing the affected parties that they will not be heard at the scheduled exceptions hearing unless they have timely filed written exceptions; and

(d) an announcement that the full text of the initial report shall be made available by the condemner in the office of the clerk of the municipality where the property or properties are located.

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

(8) *Service of Viewers' Initial Report.*

The Viewers shall mail a copy of their initial report (with the notice attached) to the condemner or its counsel of record **pursuant to Pa.R.Civ.P. 205.4(g)**. The condemner shall immediately post a copy of the initial report in the office of the clerk of the municipality where the property or properties are located. Within ten (10) days of the date of the Viewers' initial report, the condemner shall serve all affected condemnees with a copy of the Viewers' initial report and the attached notice by certified mail, return receipt requested postage pre-paid, by Sheriff's service, or by personal service.

(9) *Certification of Notice—Viewers' Initial Report.*

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

(10) *Exceptions Hearing.*

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

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

(11) *Viewers' Final Report.*

Within twenty (20) days after the exceptions hearing, the Viewers shall serve a copy of their final report on all parties. Attached to the report shall be a notice advising the parties of their right to appeal the Viewers' decision to the Court of Common Pleas.

Within five (5) days of the date of the Viewers' final report, the condemner shall post the Viewers' final report with the notice attached in the office of the clerk of the municipality where the property or properties are located. Within five (5) days of the date of the Viewers' final report, the condemner also shall make arrangements to advertise in the next available issue of a publication of general circulation a notice in the following form:

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

(12) *Appeals to Court of Common Pleas.*

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

Form 616. Appointment of Viewers—Sewer Cases.

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

IN THE MATTER OF CONDEMNATION

CIVIL DIVISION

_____ No. GD- _____

Plaintiff

v.

Defendant

ORDER OF COURT

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

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

_____ J.

BOARD OF VIEWERS

Administrative Chair

Date of View _____

Date and Time of Exceptions Hearing _____

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

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

(1) *General Docket and Arbitration Docket Cases.*

(a)(i) Preliminary objections shall be **electronically** filed **pursuant to Local Rule 205.4** with the Department of Court Records.

(ii) A request to schedule the date and time for argument shall be transmitted by email to the following email address: civilpos@alleghencourts.us, accompanied by a PDF copy of the preliminary objections and brief and a proposed order in Microsoft Word Format.

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

In cases of multiple defendants, if any other defendants have not filed responsive pleadings at the time another

defendant files preliminary objections, argument on these preliminary objections will not be scheduled sooner than sixty (60) days after filing.

In an arbitration case, the filing of preliminary objections or the scheduling of the preliminary objections for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(d).

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

(b)(i) Except for preliminary objections raising issues of fact, which are governed by subdivision (c), and Arbitration Docket cases, a brief and proposed order of court shall be filed with all preliminary objections. Failure to file a brief with preliminary objections shall be cause for denial of the preliminary objections.

Note: In an Arbitration Docket case, there are no requirements for the filing of briefs. Frequently, the motion refers to controlling legislation and case law.

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

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

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

(ii) All evidence that the parties wish the court to consider shall be **electronically** filed with the Department of Court Records at least twenty (20) days prior to the argument.

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

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

(e) If the moving party fails to schedule argument on preliminary objections, any other party is permitted to schedule argument in the manner set forth in subsection (1)(a)(ii), above.

(2) *Housing Court Proceedings.*

(a) [**If not filed electronically, the original and a copy of the preliminary objections shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the preliminary objections, a time and date for an argument before the Housing Court Judge. The Housing Court Clerk will file the original with the Department of Court Records and return the copy to the party filing the preliminary objections. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument. If filed electronically, the filing party shall take a copy of the preliminary objections to the Housing Court Clerk, and the Housing Court Clerk will place on the copy of the preliminary objections a time and date for an argument before the Housing Court Judge. This party shall promptly serve copies of the preliminary objections on all other parties with notice of the date and time of the argument**] **Preliminary Objections in Housing Court cases shall be electronically filed pursuant to Local Rule 205.4.**

(i) No Preliminary Objections will be scheduled for argument unless requested as set forth in subsection (ii).

(ii) The party filing the Preliminary Objections must request that the Preliminary Objections be scheduled for oral argument by submitting the preliminary objections and a proposed order in Microsoft Word format to the Housing Court Help Desk email at HCHelpdesk@alleghenyCourts.us. Once the moving party is assigned an argument date, they shall immediately serve copies on of the preliminary objections on all other parties with notice of the date and time of the argument.

[i.] **iii.** The moving party, after contacting all other parties, shall notify the Housing Court Clerk prior to the argument (412-350-4462) if the matters raised in the preliminary objections are resolved. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the preliminary objections for failure of the moving party to appear.

[ii.] **iv.** The moving party, after a discussion with other parties, shall notify the Housing Court Clerk if the preliminary objections are moot because of the filing of an amended pleading.

(Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020. Amended November 29, 2021, effective January 11, 2022.)

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

(1) *General Docket and Arbitration Docket Cases.*

(a) (i) A motion for judgment on the pleadings shall be **electronically** filed pursuant to **Local Rule 205.4** with the Department of Court Records. A request to schedule the date and time for argument shall be transmitted by email to the following email address: civilmsjjobs@alleghenyCourts.us, accompanied by a PDF copy of the motion and brief and a proposed order. The motion will be placed on an argument list, the date and time of which shall be published in the *Pittsburgh Legal Journal*.

Note: Motions for judgment on the pleadings filed [**before 4:00 P.M.**] on **or before** the forty second (42nd) day before the next argument list will be placed on that list. Motions filed less than forty-two (42) days before the date of the next argument list will be placed on the following argument list [**No motion for judgment on the pleadings shall be placed on an argument list or otherwise scheduled for argument if the case has appeared on a published trial list prior to the filing of the motion without an order of court entered by the Calendar Control Judge**].

On cases that have appeared on a published trial list, motions for judgment on the pleadings may be placed on an argument list if they are filed in time to be placed on an argument list prior to the scheduled trial date.

Motions for Leave to file a motion for judgment on the pleadings are no longer necessary on cases listed on published trial lists unless that motion cannot be placed on an argument list prior to the scheduled trial term.

(ii) The party filing the motion shall, promptly after filing, serve copies of the motion on all other parties and

file a certificate of service. Furthermore, upon notification of the date of the argument list on which the motion will be argued, the moving party shall promptly serve all other parties with notice of the date and time of the argument and file a certificate of service.

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

In an arbitration case, the filing of a motion for judgment on the pleadings or the scheduling of the motion for an argument on a date after the date of the arbitration hearing does not continue the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(d).

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

(iv) In a General Docket case, the brief of the moving party and proposed order of court shall be filed with the motion. Any party opposing the motion must file a brief at least seven (7) days prior to the argument and furnish a copy of the brief to the judge to whom the argument is assigned. In an Arbitration Docket case, there are no requirements for the filing of briefs. Frequently, the motion refers to the controlling legislation and case law.

(b) This rule does not govern motions for judgment on the pleadings filed in asbestos litigation and cases otherwise designated by the court for special management (Pa.R.Civ.P. 1041.1 and 1041.2), class actions, cases designated as complex, and other cases specially assigned by an order of court to a single judge.

(2) ***Housing Court Proceedings.***

(a.) Motions for Judgment on the Pleadings in Housing Court cases shall be electronically filed pursuant to Local Rule 205.4 with the Department of Court Records.

(b.) A request to schedule the date and time for argument shall be transmitted by email to the Housing Court Help Desk at HCHelpdesk@alleghenycourts.us accompanied by a PDF copy of the motion, brief if filed, and a proposed order in Microsoft Word format.

(c.) The Court will file an order scheduling argument on the motion; said order shall be served on all parties pursuant to Rule 236.(a)(2).

[(a.) The original and a copy of the motion for judgment on the pleadings (or a copy if filed electronically) shall be taken to the Housing Court Clerk (Housing Court Help Desk: First Floor City County Building). The Housing Court Clerk will place, on the original and the copy of the motion (or a copy if filed electronically), a time and date for an argument before the Housing Court Judge.

The clerk will file the original with the Department of Court Records and return the copy to the party filing the motion. This party shall promptly serve copies of the motion on all other parties with notice of the date and time of the argument.] d.

Note: The Housing Court Clerk scheduling of oral argument on a motion for judgment on the pleadings on a date after the date of the arbitration hearing does not delay the arbitration hearing unless the moving party obtains a continuance pursuant to Local Rule 208.3(a)(6)(a)(iii).

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

[(c.)] (f.) The moving party, after contacting the other parties, shall notify the Housing Court Clerk if the motion is withdrawn. Otherwise, if the moving party does not appear on the date of the argument, the court will enter an order dismissing the motion for failure of the moving party to appear.

(Editor’s Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27.)

Local Rule 1303. Arbitration Hearing. Notice.

(1) The Department of Court Records shall assign the date, time and place of hearing before a Board of Arbitrators as follows:

[a. for complaints filed by presenting to the Department of Court Records, placing said information on the Complaint which is filed and on the copies of the Complaint which are to be served upon all other parties], and

[(b.) for Complaints filed through the electronic filing system,] a. the Department of Court Records shall give notice to the filing party of the date, time and place of hearing before a Board of Arbitrators through the electronic filing system.

[(c.)] b. The filing party shall notify the parties to be served with copies of the Complaint of the date, time and place of hearing before a Board of Arbitrators, which notice shall be served with the copy of the Complaint.

(2) Every Complaint (except for Small Claims—see Local Rule 1320(2)) filed in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing (FORM 1303) (see subsection (4) below). The Notice of Hearing Date and Notice of Duty to Appear shall immediately follow the Notice (to Defend) which is required by Pa.R.Civ.P. 1018.1(b).

(3) Immediately before the time set for hearing, an Arbitration Clerk shall assign cases to each Board of Arbitrators and shall designate the room in which the cases are to be heard. An Arbitration Clerk shall designate the order in which cases shall be heard from those listed in the published daily Arbitration List, in addition to cases listed specially by a Judge.

Form 1303. Notice of Hearing Date, Notice to Defend and Notice of Duty to Appear at Arbitration Hearing.

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

_____	ARBITRATION DOCKET
_____	NO. _____
Plaintiff	
vs.	HEARING DATE _____

Defendant	

NOTICE TO DEFEND

NOTICE TO DEFEND YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, YOU MUST take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
400 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555
www.getapittsburghlawyer.com

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Courtroom Two, Seventh Floor, City—County Building, 414 Grant Street Pittsburgh, Pennsylvania, on _____, _____ at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING. IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

(Editor's Note: Adopted October 4, 2006, effective December 4, 2006. Amended December 27, 2019, effective February 19, 2020.)

Local Rule 1910.6. Entry of Appearance.

(a.) Any attorney who files and/or serves a legal paper or appears on behalf of a client in any cause of action in Family Division—Adult Section must complete, file, and serve a praecipe for appearance, substantially in the form set forth in (2), identifying the cause or causes of action in which he/she will be acting as counsel and identifying by name the party who the attorney is representing.

(b.) Caption.

FORM. Praeceptum for Appearance.

PRAECIPE FOR APPEARANCE

Kindly enter my appearance as counsel for _____

Name of Party* _____ in the above-captioned cases in the following:

_____ All matters

_____ Divorce (and all claims raised pursuant thereto) Only _____

_____ Support Only

_____ Custody Only

_____ Protection From Abuse Only

_____ Other: _____

Once my appearance is entered, I understand that I must appear at all proceedings and accept service for my client unless I obtain Court permission to withdraw my appearance.

Supreme Court #: _____

Name: _____

Address: _____

Phone #: _____

Date: _____ Signature: _____

* Your client must be identified by name, not solely as Plaintiff or Defendant.

(c.) Praeceptum of appearance forms shall be available from Domestic Relations Officers, Hearing Officers, Judges' staff, Room 4020, and the Office of the [**Prothonotary**] **Department of Court Records** on the 1st floor of the City-County Building.

(d.) The attorney must appear at all Family Division proceedings and receive service on behalf of his/her client with respect to all causes of action in which the attorney has indicated on the praecipe for appearance he/she is representing his/her client. If the attorney fails to appear, the court may impose sanctions including but not limited to fines and counsel fees.

(e.) Entering an appearance or filing any legal paper in a divorce action obligates the attorney to represent the client in any and all claims or counterclaims which are raised pursuant to the divorce action.

(f.) No pro se motions will be accepted involving a cause of action in which a litigant is represented by counsel.

(g.) Each attorney shall file and serve a praecipe for appearance with respect to each of his/her cases which are pending as of January 1, 2002.

Editor's note: Adopted April 22, 2002, effective 30 days after publication in the *Pennsylvania Bulletin*.

Local Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.

(b)(1)(a) Unless a court order obtained from the Motions Judge directs to the contrary, the hearing will be held on the same day as the conference.

(c)(3) Any motion by a party for a separate listing of the hearing and/or for a request for discovery shall be presented to the Motions Judge prior to the conference or hearing. Notice of the motion shall be served upon the

opposing party or opposing counsel of record prior to presentation.

(e)(1) Where a hearing officer has reserved decision on a case and the parties were not given a copy of the recommendation at the conclusion of the hearing, three days shall be added to the 10-day filing period for exceptions if notice of the recommendation is given by mail to the parties and/or counsel of record.

(h)(1) Any party filing exceptions shall serve them upon all other parties and file the original and one copy with the Exceptions Clerk by the end of the next business day following the filing of the exceptions with the [**prothonotary**] **Department of Court Records**.

(2) Any party filing exceptions shall also order from the court reporter the transcript of testimony unless the parties stipulate to the contrary or unless the exceptions are not based on the testimony contained in the record.

(3) Each exception shall set forth a separate objection precisely and without discussion. Matters not covered by exceptions are deemed to be waived.

(4) A legible copy of the Hearing Officer's Recommendations and a copy of the transcript order from or stipulation that the transcript is not necessary or a statement that the exceptions are not based on the testimony contained in the record shall be attached to the exceptions.

(i) Exceptions shall be placed on the next available "Support Argument List" occurring more than 13 days after the transcript of testimony and the exceptant's brief are filed with the Exceptions Clerk. The court shall serve notice on all parties of the date and place of the argument. If the respondent files a brief, it shall be filed at least seven calendar days prior to argument, with the Hearing Officer's Secretary in room 616, City-County Building. If cross-exceptions are filed, the cross-

exceptant's brief must be filed at least seven calendar days prior to argument and may respond to the first exceptant's brief. The party filing the first exceptant's brief may file a second brief, in response to the cross-exceptant's brief, at least four calendar days prior to argument. No brief for either party shall exceed 10 pages.

(j) Exceptions must be scheduled for argument no more than 45 days after exceptions are filed. Failure to schedule will result in an automatic termination of the exceptions on grounds of unreasonable inactivity. The exceptant will not be permitted to reinstate exceptions without written application to the Court for good cause shown.

(k) If exceptions are filed to the Recommendation of Hearing Officer recommending that the exceptant be held in contempt, the exceptions shall immediately be placed on the next "Support Argument List" occurring more than five days after the filing of exceptions. The party filing exceptions shall title them "Contempt Exceptions" and serve notice on all other parties, and the court reporter, of the date and time of argument. The court reporter's fees shall be posted, and the transcript prepared immediately after exceptions are filed. For purposes of this subsection the exceptant shall file a brief at least three days prior to argument. If the respondent files a brief, it shall be filed at least one day prior to argument.

(l) No exceptions may be filed to a recommendation of a Hearing Officer labeled "interim." The interim recommendation shall be entered as a temporary support order pending the entry of a final recommendation and order.

(Editor's note: Amended January 5, 1996, effective February 26, 1996; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.)

Local Rule 1915.3(d). Confirmation of Custody.

(i) An order confirming custody to formalize a de facto custody arrangement to which there is no contest or opposition may be established through this Court's Motion Court procedure for represented and unrepresented parties.

(ii) Any party(ies) may seek confirmation of their current arrangement as a legal and/or physical custody of any child(ren) as follows:

(a). A Complaint for Custody must be prepared properly in accordance with Pa.R.Civ.P. 1915.3 and 1915.15. All of the information required by Rule 1915.15 must be provided. Additionally, a copy of the most recent custody order relating to the child or children must be attached, if any exists.

(b). All parties must be served in accordance with Pa.R.Civ.P. 1930.4 with movant's Complaint for Confirmation of Custody together with the exhibits. The complaint is deemed filed when notice of its presentation is give.

(c). All parties are to be provided seven days' notice of the date and time of presentation of movant's petition.

(d). If no party appears to oppose movant's petition, the court will grant interim relief confirming custody in movant without prejudice to any party's right to seek reconsideration or modification at any time.

(e). If this court has granted such relief, the [**prothonotary**] **Department of Court Records** shall accept for filing the Complaint for Custody without a Scheduling Order from the Generations Center if the Complaint for

Custody is accompanied by the Petition of Confirmation of Custody together with exhibits and a signed Order of Court confirming Custody in the movant. Filing fees charged by [**this Court's prothonotary**] **the Department of Court Records** for the Complaint for Custody and any other document in reference therein, must be paid unless the party has sought waiver of the fees through the court's established procedure to secure an in forma pauperis status.

(Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.)

Local Rule 1915.4(a). Service. Rescheduling.

(i) The moving party shall be solely responsible for serving the responding party(ies) with true and correct copies of the court's papers initiating the custody action, the Scheduling Order, the Domestic Violence Waiver and the Program descriptions within five days of the date of the Scheduling Order.

(ii) The moving party shall also file a Proof of Service indicating the date, time and manner of such service with the [**court's prothonotary**] **Department of Court Records** and the Generations Center.

(iii) Rescheduling of the education seminar date and/or time for any of the Programs should be sought only when necessary.

(iv) No case will be rescheduled for a date longer than 70 days after the issuance of the Scheduling Order, except upon order of court, which shall be granted only in exigent circumstances. Requests to reschedule a date after expiration of the 70 days should be made through Family Division's motions court.

(v) Any party seeking to reschedule the education sessions must contact the Center at 412-350-4311 to determine available dates.

(vi) Any party seeking to reschedule the Generations mediation session must seek rescheduling through Motions Court.

(Editor's note: Promulgated April 2, 1998, effective May 25, 1998; amended January 18, 2001, effective 30 days after publication in the Pennsylvania Bulletin.)

Local Rule [1915.17] 1915.11-1. Appointment of Parenting Coordinator.

(a) In cases involving repeated or intractable conflict affecting implementation of a Final Custody Agreement, Parenting Plan or Order, concerning custodial parenting time or responsibility, the Court may, on the application of either party or its own motion, appoint a Parenting Coordinator to assist the parties in implementing the custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order and in resolving related parenting issues about which they do not agree. Appointment of a Parenting Coordinator shall occur when this Court concludes that such action serves the best interests of the child(ren).

(b) The Parenting Coordinator shall discuss relevant parenting issues with both parties and other persons as needed, and shall attempt to facilitate a mutually accepted resolution.

(c) If the parties are unable to resolve the issue(s), the Parenting Coordinator is authorized (but is not required) to decide the issue.

(d) The Parenting Coordinator has the authority to decide issues concerning partial physical custody and visitation to the extent set forth in the Custody Agreement/Parenting Plan/Order appointing the Parenting Coordinator. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority:

- a. A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;
- b. A change in primary physical custody (residential parenting time) as set forth in the Custody Agreement/Parenting Plan/Order;
- c. A change in the court-ordered custody schedule (parenting time) that substantially reduces or expands the child(ren)'s time with one or both parents;
- d. A change in the geographic residence of the child(ren)'s (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;
- e. Determination of financial issues, other than allocation of the Parenting Coordinator's fees.

The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon written agreement of the parties

(e) The Parenting Coordinator shall be either:

- (1) A licensed mental health professional with a master's degree (or equivalent or higher degree) who has practiced at least 5 years; or
 - (2) A licensed attorney practicing family law for at least 5 years.
- (f) The Parenting Coordinator's qualifications shall include, at a minimum:
- (1) Training or expertise in family dynamics, childhood development, custody, separation and divorce; and
 - (2) Training in the parenting coordination process and family law as established by the Pennsylvania Supreme Court; and
 - (3) Forty hours of mediation training under Pa.R.Civ.P. 1940.4, excluding mediation supervision under Pa.R.Civ.P. 1940.4(a)(4); and
 - (4) Completion of at least ten continuing education credits in any topic related to Parenting Coordination in each two-year period.

(g) Protocols for the Parenting Coordination process shall be set forth in the Order appointing the Parenting

Coordinator and/or by separate agreement between the parties and the Parenting Coordinator. In cases where abuse (as defined under 23 Pa.C.S. § 6102) is alleged, the protocols should include measures for the safety and protection of the participants, unless the Court deems the measures unnecessary.

(h) A Court-appointed Parenting Coordinator is an officer of the Court, and has quasi-judicial immunity.

(i) Communications with the Parenting Coordinator are not confidential

(j) The Parenting Coordinator's decisions may be provided to the parties verbally, but shall be communicated in writing as soon as practicable and filed in the [**prothonotary's office**] **Department of Court Records** at the parties' custody docket.

(k) Decisions made by the Parenting Coordinator shall be binding upon the parties pending further Order of Court.

(l) Any party seeking judicial review of the Parenting Coordinator's decision must file a Petition for de novo hearing within 20 days of the filing of the decision stating specifically the issue(s) to be reviewed and attaching a copy of the decision. The Petition must be served on the other party(ies) and the Parenting Coordinator, in accordance with the Rules of Civil Procedure. The hearing before the Court shall be de novo. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Tule 1915.4.

(m) The parties shall share the cost of the Parenting Coordinator pursuant to the parties' respective financial circumstances or as the Parenting Coordinator or Court may otherwise direct.

(n) In allocating costs, the Parenting Coordinator or Court may consider whether one party has caused a disproportionate need for the services of the Parenting Coordinator.

(o) In review proceedings under subsection (l), the Court may elect to impose counsel fees and/or the Parenting Coordinator's fees upon the non-prevailing party, upon cause shown.

(p) The Court may maintain a roster of individuals it deems qualified to serve as Parenting Coordinators, and may establish training and grievance procedures if it deems them appropriate.

(q) The Order entered pursuant to this Rule shall be substantially in the [**following**] form **found in Pa.R.Civ.P 1915.22.**

[IN THE COURT OF COMMON PLEAS _____, COUNTY, PENNSYLVANIA

Plaintiff

CASE NO

v.

Defendant]

CIVIL ACTION—CUSTODY [**AGREEMENT, PARENTING PLAN AND**] ORDER FOR PARENTING COORDINATION

AND NOW, [**the above-captioned Parties agreeing and**] the Court finding that it is in the best interest of the child(ren), [**NAMES OF CHILDREN, DOB**] that a Parenting Coordinator be appointed to assist in implementing the

custodial arrangement set forth in the Custody Agreement/Parenting Plan/Order dated _____ and in resolving related parenting issues about which they do not agree, the following is [**STIPULATED AND**] ORDERED.

1. APPOINTMENT AND TERM:

_____ is appointed as the Parties' Parenting Coordinator for a term of [____] months, or until the resignation of the Parenting Coordinator or termination of the appointment by the Court, whichever occurs first. The Parenting Coordinator's Terms of Engagement are attached hereto and are incorporated into this [**Custody Agreement/Parenting Plan/Order**]. The Court shall have authority to sanction a party for non-compliance with the Parenting Coordinator's Terms of Engagement.

Legal counsel for _____ [**or either party, if pro-se**] shall provide copies of all Orders, Pleadings and Custody Evaluations in this case to the Parenting Coordinator within ten (10) days of the date hereof.

2. ROLE OF THE PARENTING COORDINATOR

3.

A. Parenting Coordination involves two components:

1) The Parenting Coordinator shall attempt to resolve issues arising out of the custody order/court approved agreement/parenting plan through facilitation, mediation, consultation, coaching and education, all of which are non-decision-making functions;

2) If it is apparent to the Parenting Coordinator that the continued similar efforts are unlikely to resolve the issue(s), the Parenting Coordinator shall have the authority to resolve the dispute by providing a Decision for the parties on the issue(s).

B. The Parenting Coordinator will not function as the psychotherapist, counselor, attorney or advocate for the parties, or the parties' child(ren), or family. However, the Parenting Coordinator is permitted and encouraged to facilitate communication and agreement between the parties whenever possible, and shall always act in a manner conducive to the best interests of the child(ren).

4. PARENTING COORDINATOR'S AUTHORITY

The Parenting Coordinator, in order to implement the custodial arrangement, set forth in the custody agreement/parenting plan/order and resolve related issues about which they do not agree, is authorized to make decisions about issues that may include, but are not limited to, the following:

- A. Dates, times, places and conditions for transitions between households;
- B. Temporary variation from the schedule for a special event or particular circumstance;
- C. Minor adjustments to the physical custody schedule as set forth in the Custody Order/Agreement/Parenting Plan;
- D. School issues, apart from school selection;
- E. [**Children's**] **Child's** participation in recreation, enrichment, and extracurricular activities, programs travel;
- F. Childcare arrangements;
- G. Clothing, equipment, toys and personal possessions of the [**children**] **child**;
- H. Behavioral management of the [**children**] **child**;
- I. Information exchange (school, health, social, etc.) and communication with or about the [**children**] **child**;
- J. Coordination of existing or court-ordered services for either of the parties or [**children**] **child** (e.g., Psychological testing, alcohol or drug monitoring/testing, psychotherapy, anger management, parenting classes, etc.);
- K. Other related custody issues that the parties mutually agree, in writing, to submit to the Parenting Coordinator.

5. EXCLUSIONS FROM PARENTING COORDINATOR'S AUTHORITY:

A. The following specific issues are excluded from the Parenting Coordinator's function and decision-making authority, except as provided in subparagraph (B) hereinbelow:

- 1) A change in legal custody decision-making authority set forth in the Custody Agreement/Parenting Plan/Order;
- 2) A change in primary physical custody (residential parenting time) set forth in the Custody Agreement/Parenting Plan/Order;
- 3) A change in the Court-ordered custody schedule (parenting time) that substantially reduces or expands the [**children's**] **child's** time with one or both parties;
- 4) A change in the geographic residence of the [**children's**] **child's** (relocation) that would render implementation of the current Custody Agreement/Parenting Plan/Order impossible or impracticable;
- 5) Determination of financial issues, other than allocation of the Parenting Coordinator's fees;
- 6) Other: _____ .

B. The Parties may mutually agree in writing to submit any of the excluded issues set forth above to the Parenting Coordinator for facilitation and recommendation which recommendation shall only become binding upon the written agreement of the parties.

6. NON-CONFIDENTIALITY OF COMMUNICATIONS:

No communications of the parties and/or their lawyers with the Parenting Coordinator are confidential. The Parenting Coordinator may communicate in writing with the Court regarding any matter, and shall send contemporaneous copies of any such communications to [**the parties (if pro se)**] legal counsel.

7. SOURCES OF INFORMATION:

Each party shall provide the Parenting Coordinator with all information that the Parenting Coordinator requests, including signed HIPPA releases and other forms requested. The Parenting Coordinator is authorized to contact any professional or other individual as the Parenting Coordinator deems necessary (e.g., the children, therapists, physicians, childcare providers, teachers, family members, etc.).

8. COMMUNICATION WITH THE PARENTING COORDINATOR:

A. *Protocol:*

The Parenting Coordinator shall determine the protocol of all communications, interviews, and sessions, including who shall or may attend the sessions (including the children), and whether the sessions will be conducted in person or by other means. Where domestic violence or abuse, as defined under 23 Pa.C.S. 6102, is alleged, the protocols should include measures addressing the safety of all participants, unless the Court deems the measures unnecessary.

B. *Oral or Written Communications With the Parenting Coordinator*

The parties and their attorneys shall have the right to receive, but not to initiate, oral ex-parte (one-sided) communications from the Parenting, but the fact of such communication shall be known to the other party. Any party or legal counsel may communicate in writing with the Parenting Coordinator provided a copy is sent to the other party simultaneously. Any documents, tape recordings or other material which one party gives to the Parenting Coordinator must also be made available to the other party or his/her legal counsel for inspection and copying. In accordance with paragraph 5 hereinabove, no such communications are confidential.

C. *Written Communications Between Parenting Coordinator and Appointing Judge*

(1) The Parenting Coordinator will have the ability to initiate written communication with the Appointing Judge, and shall contemporaneously send copies to both attorneys.

(a) in the event of non-compliance of a party with any provision of the Appointment Order (including provisions relating to the compensation of the Parenting Coordinator); and/or

(b) detailing the Parenting Coordinator's reasons for withdrawing from service in this case.

(2) Absent an emergency affecting the [**children's**] **child's** health or welfare, any communication from the Parenting Coordinator to the court shall be in writing, and shall be copied simultaneously to the parties (or, if represented, counsel). If the Parenting Coordinator has communicated only orally with the Court on an emergency basis, the Parenting Coordinator promptly shall communicate to the parties (or, if represented, counsel) in writing the substance of the oral communication.

9. PARENTING COORDINATION DECISION-MAKING PROCESS

A. Prior to the Parenting Coordinator making a Decision, the Parenting Coordinator shall provide a notice and opportunity for each of the parties to be heard, unless exigent circumstances render contact with both parties impracticable or potentially dangerous to a party and/or the [**children**] **child**. In the event a party is given advance written notice of a session but does not attend, the Parenting Coordinator may make a Decision despite that party's absence.

B. *Decisions:*

1) The Parenting Coordinator's Decisions may be communicated to the parties orally, but must be confirmed in writing as soon as practicable and filed in the [**prothonotary's office**] **Department of Court Records** at the parties' above captioned custody docket;

2) The Parenting Coordinator's Decision shall be binding upon the parties unless and until revised by Court Order.

10. JUDICIAL REVIEW:

A. *Review of Decisions:*

Any party seeking judicial review of a Parenting Coordinator's Decision must file a Petition for a de novo hearing within 20 days of the filing of the Decision, specifically stating the issue(s) and attaching a copy of the Decision. The Petition must be served on the other party(ies) and Parenting Coordinator in accordance with the Rules of Civil Procedure. The hearing before the Court shall be de novo. The Court shall hear the case on the record, and shall render a decision within the time periods set forth in Rule 1915.4.

B. *New Court Proceedings:*

Prior to filing any new motions, petition or complaint with the Court involving non-emergency custody or parenting of the [**children**] **child** within the scope of the Parenting Coordinator's authority, the parties shall participate in no fewer than two sessions with the Parenting Coordinator to attempt resolution of the specific disputed [**issues**] **issue** (and to permit a Decision to be made to the extent authorized by paragraph 3 hereinabove).

C. The procedures set forth in this Section 9 are mandatory and may not be waived by the parties.

11. QUASI-JUDICIAL IMMUNITY

In accordance with Pa.R.Civ.P. 1915.17, the Court-appointed Parenting Coordinator is an Officer of the Court, and has quasi-judicial immunity. As such the Parenting Coordinator cannot be sued based on his/her actions performed within the scope of this [**Custody Agreement/Parenting Plan/Order**].

12. CHILD ABUSE REPORTING:

The Parenting Coordinator is a person required to report suspected child abuse pursuant to 23 Pa.C.S.A. 6311.

13. TESTIMONY:

The Parenting Coordinator cannot be compelled to testify in any proceeding absent a Court Order. In the event the Parenting Coordinator elects or is required to testify, he/she shall be compensated commensurate with his/her rate by one or both of the parties as the Court deems appropriate.

14. ALLOCATION OF FEES:

The parties will share the obligation to pay the fees of the Parenting Coordinator:

____ % Mother, ____ % Father. Fees may be reallocated by the Court or the Parenting Coordinator if he/she determines that one party has disproportionately caused the need for the service. The Parenting Coordinator may, in his/her discretion charge parties for missed sessions or sessions cancelled less than 24 hours prior to the scheduled session.

15. TERMINATION/WITHDRAWAL OF PARENTING COORDINATOR

A. Neither party may unilaterally terminate the Parenting Coordinator’s services without Court approval, nor may the parties do so by mutual agreement without Court approval.

B. The Parenting Coordinator may withdraw from service at any time, upon ten days written notice to [**the parties**], all counsel of record, and the Court.

C. Dissatisfactions with the Parenting Coordinator’s Decisions is not grounds for termination. The opposing party and Parenting Coordinator shall be given notice of any petition for termination. The court may rule on the [**petitions**] **petition** submitted, or may schedule argument or an evidentiary hearing.

16. ACCEPTANCE

A. The parties acknowledge that each has reviewed this agreement and had the opportunity to consult with legal counsel.

B. Each party agrees that the appointment of as Parenting Coordinator, and agrees to fully cooperate with the Parenting Coordinator in compliance with this Custody Agreement/Parenting Plan/Order.

17. This Custody Agreement, Parenting Plan/Order shall not be effective until accepted by the Parenting Coordinator as evidenced by his/her/ signature below:

[**SIGNATURES**]

Mother: _____ Father: _____

Date: _____ Date: _____

Attorney for Mother: Attorney for Father:

Other Party (if any):

Date _____

I agree to my appointment as the Parenting Coordinator for the parties as set forth above.

Date

Parenting Coordinator

ORDER

[The above Agreement is entered as a Court Order]

SO ORDERED. BY THE COURT:

, Judge _____

Distribution:

Plaintiff [Attorney for Plaintiff]:

Defendant [Attorney for Defendant]:

[Parenting Coordinator:]

**Action of Divorce or for Annulment of Marriage
Local Rule 1920.12. Complaint. Contents and Filing.**

(a) *The Complaint*

(1) The plaintiff in the complaint and the defendant in the answer, counterclaim or other petition shall set forth each claim as a separate count.

(2) If a claim is made by either party to the action for custody, partial custody, or visitation, the relevant count in the pleading must comply with the requirements of the applicable rules.

(3) If a claim is made by either party to the action for alimony pendente lite, alimony, or support, the party shall attach to the pleading as an exhibit the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet. These sheets may be obtained from the Intake Office or the Screening Window in Family Division.

(b) *Filing the Complaint.*

(1) All divorce and annulment complaints shall be filed, and the filing fee paid in the [**Prothonotary's Office (Suite 200, Allegheny Building) Department of Court Records(City-County Building, 1st Floor)**] where they will be assigned a docket number. The number given to the divorce will also be assigned to any other claim contained in the divorce complaint or other pleadings subsequently filed in this action. If there is a prior action between the parties, the case shall be docketed in conformity with Local Rule 1930(f).

(2) A party filing any secondary pleading to the divorce action (answer, counterclaim or other petition) shall file such pleadings at the [**Family Division Prothonotary on the second floor of the Allegheny Building, 429 Forbes Avenue] Department of Court Records (City-County Building, 1st Floor).**

(3) If the divorce proceeding includes a claim for support, alimony pendente lite or counsel fees, any party seeking a conference/hearing on said claim shall file a praecipe at the screening window in Family Division requesting that a conference/hearing date be scheduled

and further stating that there is no existing order of support and/or alimony pendente lite providing for the support of a spouse. The party seeking the conference/hearing shall provide a copy of the pleading raising the claim for support, alimony pendente lite or counsel fees and the Family Division Support/Alimony Pendente Lite/Alimony Information Sheet to the clerk at the screening window at the time the praecipe for conference/hearing is filed. Where there is an existing order for support and/or alimony pendente lite providing for the support of a spouse, a hearing will be scheduled only pursuant to an order of court obtained by following the procedures required for filing motions at Family Division Motions Court as provided in Local Rule 1930(a).

Local Rule 1920.42. Affidavit and Decree Under Section 3301(c) or 3301(d) of the Divorce Code. Obtaining Decrees.

(a) If a complaint and the 3301(d) affidavit have been filed under Section 3301(d) of the Divorce Code and 20 days have passed from service of the 3301(d) affidavit have elapsed¹ and the responding party has not filed a contested responsive pleading within 20 days of service of the affidavit, the moving party shall mail to the responding party's current address or otherwise deliver to the responding party a Notice of Intention as required by Pa.R.Civ.P. 1290.42(c) giving the responding party 20 additional days in which to deny these allegations. The 20 additional days to be given the responding party in the Notice of Intention begins to run on the date on which the notice is mailed or delivered. Registered or certified mail is not required. The moving party shall insert in the notice a date on which the court is in session that is at least 20 days from the date of mailing or delivery.

(b) If the responding party has not responded to the additional notice of intention, the court, on praecipe in the form prescribed by rule 1920.73, will review the complaint and the 3301(d) affidavit and, if appropriate, enter a final decree. An affidavit off service shall be filed for both the 3301(d) complaint and the 3301(d) affidavit.

¹ Conforms to Amended State Rule 1920.42*(d)(1) effective January 1, 1996

However, only on affidavit of service is necessary if the complaint and the 3301(d) affidavit were served at the same time.

(c) In all cases the moving party is responsible for submitting a proposed decree in the form required by Pa.R.Civ.P. 1920.76 prior to court review of the divorce claim.

(d) Scheduling a Conciliation Before the Court Under Section 3301(d)(1)(iii).

(A) Where the responding party has denied one or more of the allegations set forth in the moving party's affidavit under Section 3301(d) of the Code, either party may obtain a date for conciliation of the divorce claim from the docket clerk, Room 611, City- County Building, and then filing a "Praeceptum for Conciliation Date" listing such date with the [**Prothonotary, Suite 200, Allegheny Bldg., 429 Forbes Avenue, Pittsburgh, PA 15219**] **Department of Court Records (City-County Building, 1st Floor)** and serving copies of same on all parties of record.

Local Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing. Contested and Uncontested Divorce Claims Under §§ 3301(a) and 3301(b) of the Divorce Code.

(f)(1) All contested actions for divorce or annulment shall be first conciliated by the court. A conciliation date may be obtained from the Family Division Docket Clerk. If the case cannot be settled at the conciliation, the following rules will apply.

(2) In all contested actions for divorce or annulment the case shall be heard by a master in the absence of a court order to the contrary. Unless the court directs otherwise, the moving party shall be preliminarily responsible for paying the master's fee for trial and preparation of the master's report, the reporter's fees and any costs or poundage due to the [**Prothonotary**] **Department of Court Records**; all of said sums shall be paid to the [**Prothonotary**] **Department of Court Records** prior to the hearing before the master.

(3) Within 10 days after the fees are paid into the court the master shall give written notice to the parties of a hearing to be held not more than 30 days thereafter. At the time and place set forth in the notice, the master shall begin the hearing and, unless the court directs otherwise, shall continue the same from day to day until completed.

(4) All testimony shall be taken stenographically by one of the reporters of this court or a judge's secretary, and the transcript thereof shall be filed of record within 30 days. Any additional costs of the transcript over the amount deposited shall be paid by the moving party. Any delay in this payment shall be grounds for dismissal of the proceedings unless adequate cause is shown for the delay

(5) Within 30 days of receipt of the transcript, the master shall file a report making findings of fact and conclusions of law and suggesting a form of decree; the master shall serve copies of the report on the parties and shall file an affidavit of service.

(6) Exceptions to the master's report may be filed by the parties within 10 days after receiving notice of the filing of the master's report. Copies of the exceptions shall be served on the opposing party. The exceptant shall, on the date of filing of the exceptions, give a copy of the exceptions to the docket clerk in order to obtain an argument date.

(7) The master's fee and transcript costs shall be taxed as part of the costs and paid as directed by the final decree.

(8) The master appointed by the court to hear a contested divorce shall, after prior notice to both parties, petition the Motions Judge to award the master's fees. The petition shall state that the master has filed a report with the [**Prothonotary**] **Department of Court Records** and given notice to counsel of the filing thereof and that the master has no further duties to perform, and the master shall include a detailed list of the services provided and the amount which the master considers to be reasonable compensation.

(g) *Uncontested Actions Under § 3301(a) and (b) of the Code.*

(1) Actions for divorce or annulment which are uncontested shall be listed for hearing upon filing a praecipe for hearing and, except as otherwise provided by Bule 1920.62, depositing with the [**Prothonotary**] **Department of Court Records** the sum of \$43 to be applied as follows: Master's Fee—\$25; Court Reporter's Fee—\$15; Poundage and Mailing Expense—\$3. The amount deposited shall be taxed as costs.

(2) The praecipe for hearing shall be in the following form:

PRAECIPE FOR HEARING DATE

(Caption) Case No _____)

- 1. Kindly list the above-captioned action for hearing.
- 2. Defendant was served under Rule 412 or 403. Serve notice of hearing upon Defendant by ordinary mail addressed as follows:

_____ (address) or

- 2. Defendant was served under Rule 430. Serve notice of hearing upon defendant by registered mail at Defendant's last known address:

_____ (address)

with a copy by ordinary mail to each of the following: (list names and addresses of persons named in the investigation affidavit under Rule 430 as likely to know the present whereabouts of the defendant.)

or

2. An appearance has been entered for Defendant. Serve notice of hearing upon Defendant's attorney of record.

Attorney for Plaintiff

(end of form)

(3) All notices of hearing shall be mailed by the [**Prothonotary**] **Department of Court Records** at least 20 days before the hearing date, and proof of notice shall be filed in the form of a statement of the names and addresses of the persons notified.

(4) Notice of hearing shall be in the following form:

Note: If a party is confined in prison and desires to appear, application may be made to the court for a writ of habeas corpus and testificandum.

Notice of Hearing

To _____

You are notified that the case of _____ v. _____, No. _____
 _____ Term _____ will be heard on _____ at _____ o'clock ____ .m. (prevailing time) at Room No. _____, Pittsburgh, PA when and where you may appear and be heard if you desire.

[**Prothonotary**] **Department of Court Records**

(end of form)

Note: If a party is confined in prison and desires to appear, application may be made to the court for a writ of habeas corpus and testificandum.

(5) The daily list of uncontested actions shall be heard by one or more masters appointed by the Administrative Judge of the Family Division.

(6) The attorney of record for the plaintiff must be available and ready to proceed at the time for which the hearing is scheduled or arrange to have a substitute appear for him, unless (1) the action has become contested or (2) upon cause shown by written motion, the hearing has been continued by court order.

(i) If the action is contested, the procedure for contested actions shall apply.

(ii) If the hearing is continued, it will not be relisted for hearing until another praecipe for hearing is filed together with payment to the [**Prothonotary**] of the addition sum of \$1 to be applied toward the expenses of new service of notice of hearing.

(7) If the action has not become contested or the hearing has not been continued by court order and the plaintiff does not appear at the hearing, the master will be paid from the funds deposited and the action will not be relisted for hearing until another praecipe for hearing is filed and an additional sum of \$27.25 is deposited with the [**Prothonotary**] **Department of Court Records**.

(8) The testimony shall be transcribed and filed within 10 days of the hearing. Within five days after testimony has been transcribed and filed, the master shall file a report and recommendations and serve notice thereof on all interested parties. The record, including the master's report and recommendations, shall be submitted to the court for disposition.

(9) In the event the moving party does not wish to file exceptions to the master's report and recommendations,

the moving party shall submit a proposed decree in divorce to the court. In the event a party wishes to file exceptions to the master's report and recommendations, the party shall do so within 10 days from the filing thereof. The exceptions shall be filed in the office of the [**Prothonotary**] **Department of Court Records** with notice to the court and the opposing party. Also, the exceptant shall provide a copy of the exceptions to the Docket Clerk in order to obtain an argument date.

Local Rule 1920.62. Proceedings by Indigent Parties.

(a) Any person claiming to be an indigent party and who either desires to commence an action in divorce or is a party to a pending action in divorce in Allegheny County shall be referred to the Allegheny County Bar Association to make application under oath.

(b) The Allegheny County Bar Association is hereby authorized to assign an attorney from among its members to represent each applicant determined by it to be an indigent person.

(c) An order permitting a party to proceed without payment of costs may provide:

That the [**Prothonotary**] **Department of Court Records** shall accept, file, docket and process all pleadings, orders and decrees without prepayment of costs;

That the Sheriff shall make service and return of service without prepayment of costs;

That the master shall hear the testimony and make and file a report without prepayment of costs.

(d) In the event it is determined that the applicant or any other person who is legally responsible to the applicants is or has become financially able to pay the costs, an order may be entered against that person for the payment of all or any part of costs including reasonable counsel fees.

Local Rule 1930. Domestic Relations Matters Generally.**(a) Family Division Matters**

(1) Family Division motions may be presented to the motions judge at 1:30 p.m. on each court day, unless notice that motions will not be heard, or that motions will be heard at a different time, is published in the *Pittsburgh Legal Journal*.

(2) The party who presents a motion shall include a notice of presentation and certificate of service in the absence of written consent thereto. The notice of presentation and certificate of service shall be contained on a separate page of the motion or petition following the identification sheet. This notice is required even if the opposing party is not represented by counsel. Seven days' notice of presentation of any motion is required absent an emergency or consent by the opposing party to a shorter notice of presentation.

(3) On the same date that the motion is presented, the party who presents a motion to the motions judge shall obtain any required hearing or conciliation date from the Family Division docket clerk and file with the [**Prothonotary**] **Department of Court Records** the motion and the court order entered by the court. If a party fails to present the motion to the docket clerk as required by this rule the docket clerk shall refuse to give a hearing or conciliation date. If the signed order schedules a conference or hearing before a domestic relations officer, a copy of the pleading and order must be left with the docket clerk.

(4) The *Pittsburgh Legal Journal* publishes a monthly list setting forth the dates that a judge assigned to the Adult Section of the Family Division will hear motions. Unless there are unusual circumstances, where a judge has been actively involved in the matter that is the subject of the motion, counsel should present the motion to the assigned judge.

(5) Any motion which involves support payments that are assigned to the Pennsylvania Department of Public Welfare or in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 155216 as well as on the plaintiff.

(6) Any motion which involves support payments or any other matter which is governed by the Uniform Interstate Family Support Act (UIFSA) or the Intrastate Family Support Act (IFSA) and in which the plaintiff is not represented by private counsel shall be served on the IV-D Attorney, Fort Pitt Commons Building, Third Floor, 445 Fort Pitt Boulevard, Pittsburgh, PA 155216 as well as on the plaintiff.

(7) Meet & Confer Requirement for Family Division Motions.

i. Litigants are to confer prior to the filing and/or presentation of any motion before the Court and are to attempt, in good faith, to reach amicable resolution of the issues involved. (Litigants include: counsel representing a party and parties who are self-represented.) Each motion filed shall contain a certificate of compliance setting forth a brief statement of the extrajudicial means employed to resolve the dispute, in substantially the form set forth below.

ii. Failure to comply with this rule may result in sanctions. Good faith efforts toward amicable reso-

lution shall be considered as a factor in determining whether or not the requested relief is appropriate, the propriety of sanctions, or in determining the exigency of circumstances, if relevant.

iii. In the event that any party is self-represented in a matter where any party involved in the matter is either a protected party in a PFA, or has been the subject of domestic violence allegedly perpetrated by the opposing party at any time within the past 24 months, the party must state so in their certificate and said reason shall be sufficient for purposes of this rule in excusing the requirement to confer in advance.

iv. (iv) Certificate of Compliance with Rule 1930(a)(7) Form:

Docket No. _____

CERTIFICATE OF COMPLIANCE WITH RULE _____

I certify that I have complied with Local Rule _____ as noted below.

Signature _____

(b) Procedure for Preliminary Objections and Motions for Judgment on the Pleadings or Summary Judgment.

(1) Preliminary Objections shall be scheduled on the next available Friday Support Exception Argument List occurring more than 13 days after the Preliminary Objections are filed with the [**Prothonotary**] **Department of Court Records** and the Exceptions Clerk. Objector shall serve notice on all parties of the time and place of argument. No preliminary objections shall be accepted for filing by the Exceptions Clerk unless accompanied by a brief. Failure to file a brief with the Preliminary Objections shall be cause for dismissal of the Preliminary Objections. If Respondent files a brief, it shall be filed with the Exceptions Clerk at least seven days prior to argument. Except as provided by Local Rule 1910.7, the scheduling of Preliminary Objections shall stay all proceedings.

Note: Local Rule 1910.7 relates to support proceedings. Divorce and custody proceedings are stayed upon scheduling of preliminary objections.

(2) Motions for Judgment on the Pleadings or Summary Judgment shall be scheduled on the next available Friday Support Exception Argument List occurring more than 41 days after the motion is filed. Movant shall serve notice on all parties of the time and place of argument. Respondent's Answer, if any, together with any opposing affidavits shall be filed at least 21 days prior to the argument date. Movant shall file a brief at least 14 days prior to argument. Respondent's brief, if any, shall be filed at least seven days prior to argument.

(c) *Scheduling Conciliations:* Matters that are tried by a judge will not be lists for trial until they have been conciliated by a judge.

The following matters may be scheduled for a conciliation by filing a praecipe with the Docket Clerk: conciliation on § 3301(d) divorce claims; custody claims with order of court attached, see Pa.R.Civ.P. 1915(a) and (c); partition and equity claims and equitable distribution and alimony claims (provided that both parties have filed an inventory, appraisal, income and expense statement that either (a) the parties are divorced, (b) both parties have filed an affidavit under Section 3301(c) of the Divorce Code or (c) both parties agree that they have lived separate and apart for at least two years and that the marriage is irretrievably broken.

Note: A detailed description of the procedures, as well as the necessary forms, can be found in the Family Division Court Manual, see (g) of this Rule. For other matters a party may present a petition to the motions judge which contains the factual background, the relief sought, and a request for conciliation.

(d) *Continuances* [**Rescinded**]

Note: Procedure of obtaining a continuance in Family Division is set forth in detail in the Family Division Court Manual.

(e) *Enforcement of and Equitable Distribution Award*

A party seeking to enforce an equitable distribution award shall present to the motions judge a petition for enforcement with a proposed order requesting the court to schedule a conciliation or a contempt hearing before a hearing officer. No petition shall be presented unless notice of its presentation is given to the respondent. If the court enters an order permitting the petitioner to proceed, the petitioner shall obtain immediately from the Docket Clerk a date for the conciliation or contempt hearing, file the original copy of the petition with the [**Prothonotary**] **Department of Court Records**, serve the respondent with the court order and file proof of service.

(f) *Case Numbers. Suffixes.*

(1) All pleadings filed with the Adult Section of the Family Division shall be filed under the originally assigned case number for the involved family. After an original case number has been assigned to all pleadings, regardless of the caption or nature of the case, all pleadings shall be filed under the originally assigned number. The caption shall reflect the appropriate party initiating each original action as the plaintiff.

(2) If counsel or a party believes that there may be a previously assigned case number, but the number is not known, the information may be obtained from the [**Prothonotary's Office**] **Department of Court Records'** Name Index located on the mezzanine level of the Department of Court Records' office.

(3) In addition to the docket number assigned to all matters involving the family, the [**Prothonotary**] **Department of Court Records** shall assign a three-digit suffix designating the judge to whom the case is assigned. All pleadings must include the suffix as well as the docket number.

(4) All motions, exceptions, conciliations, hearings and other matters shall be listed only before the judge to whom the case is assigned, absent a compelling emergency or the long-term unavailability of the designated judge.

(5) Cases in which the initial pleading was filed before May 1, 1998, may be amended to add the suffix of the judge most familiar with the case.

(6) In the event that a defendant in a support matter has more than one case, the captions of all of the cases shall be amended to assign them to the judge assigned to the case filed first in time. If there is no judge assigned to the case filed first in time, the cases will be assigned to the next judge in the rotation for assigning suffixes.

(g) *Family Division Court Manual*

Except as otherwise provided by the Pennsylvania Rules of Civil Procedure (Pa.R.Civ.P.) or by local rule adopted by the Court of Common Pleas of Allegheny County (Local Rules), practice in the Adult Section of the

Family Division shall be governed by the Court Manual for the Adult Section of Family Division of the Court of Common Pleas of Allegheny County. Current copies of the Court Manual shall be available at the office of the Administrator, Adult Section of Family Division.

Minors as Parties

Local Rule 2039. Compromise, Settlement, Discontinuance and Distribution.

(1) *Contents of Petition.*

A petition under Pa.R.Civ.P. 2039 shall be verified by the guardian of the minor and shall contain a statement of the nature of the evidence relied upon to show liability, the elements of damage, the injuries sustained, and the list of expenses incurred or to be incurred. The petition shall be accompanied by the following exhibits:

(a) A statement of counsel's professional opinion regarding the desirability of the settlement and reasons therefor, including a discussion with specific references to the factual circumstances as to both the liability and damages aspects of the case; a description of the services rendered; a description and the amount of reimbursable expenses requested; and the amount of fees requested, which, except in extraordinary circumstances, shall not exceed 33-1/3% of the present value of a structured settlement or 33-1/3% of the gross recovery of any other settlement.

Note: If settlement proceeds are to be split between a minor and another party(ies) to the litigation, the injuries to this other party(ies) must also be described.

(b) A statement by the attending physician as to the injuries sustained by the minor, treatment administered and the prognosis.

(c) In property damage claims, a statement by the party who made the repairs or appraised the loss.

(2) *Deposit of Funds by Order of Court.*

(a) All petitions under Pa.R.Civ.P. 2039, where the proceeds of settlement are to be deposited in a savings account or in a certificate of deposit, shall have attached to the petition an order including the following:

It is hereby ordered and decreed that the amount of \$ _____ shall be deposited in the name of _____, a minor, by counsel of record, in a savings account or certificate of deposit in a federally insured bank, savings and loan association or credit union. The savings account or certificate of deposit shall be marked "NOT TO BE WITHDRAWN UNTIL THE MINOR REACHES THE AGE OF MAJORITY OR BY FURTHER ORDER OF COURT."

Proof of deposit is to be filed with the Department of Court Records, Wills/Orphans' Court Division within thirty days by counsel of record.

(3) *Presentation of Petition.*

All petitions under Pa.R.Civ.P. 2039 shall be first delivered for signature to the Administrative Judge of the Orphans' Court Division who will then deliver the petition to the Calendar Control Judge for signature.

(4) *Annuity Contracts.*

(a) Where the terms of settlement of a minor's claim include an annuity contract, the annuity contract shall provide that the policy will not be transferred or assigned to another company without the prior approval of the Orphans' Court Division of this Court.

(b) A copy of this local rule shall be served upon the company issuing the annuity contract and proof of service thereof shall be filed with the Clerk of the Orphans' Court Division of this Court.

(c) Proof of purchase of any annuity contract is to be filed with the Clerk of the Orphans'

Note: For approval of a settlement of a minor's claim where no action has been instituted, see Orphans' Court Local Rule 12.16G.

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

Actions Upon Mechanics Liens, Municipal and Tax Claims and Charges on Land

Local Rule 3190. Judgment. Execution.

(1) Tax Sales.

Before objection to the adequacy of the price offered for real estate pursuant to Section 14 of Act of July 5, 1947, P.L. 1258, 53 P.S. § 26114, is filed, the objector shall deposit a certified or cashier's check with the solicitor for petitioner for ten (10) percent of the original offer, or a minimum of one hundred dollars (\$100.00), subject to forfeiture to all interested taxing authorities in the event the original offer is not raised in said amount in open Court.

The objection **electronically** filed in the office of the Department of Court Records shall have endorsed thereon acceptance of service and receipt for deposit by counsel for petitioner. After bidding in open Court and acceptance of successful bid by the Court, deposits shall be returned to unsuccessful bidders, provided the accepted bid exceeds by ten percent, or a minimum of one hundred dollars (\$100.00), the price offered.

(2) Delinquent Tax Liens.

(a) All orders to strike off and amend delinquent tax liens shall set forth:

- (i) original description and change of description;
- (ii) original ownership and change of ownership;
- (iii) location by political subdivision and lot and block number, if any;
- (iv) amount of taxes to be stricken in dollars and cents;
- (v) and disposition of costs of the proceedings.

(b) Counsel shall serve certified copies of all such orders of Court on the Controller's Office and the County Law Department.

(c) Counsel shall also serve certified copies of orders of Court changing ownership or description of property on the Register of Deeds Office.

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

LOCAL RULES OF CONDUCT, OFFICE STANDARDS AND CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES

Local Magisterial District Judge Rule 409. Writ of Execution. Money Judgment Entered by District Justice.

The agency to be named in the Notice Accompanying Order of Execution of judgments for the payment of money rendered by a Magisterial District Judge pursuant to Pa.R.Civ.P.M.D.J. 409(6) shall be:

Lawyer Referral Service
Allegheny County Bar Association
3rd Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
Telephone: (412) 261-5555

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

[Local Magisterial District Judge Rule 420 Statement of Objection ("Goods Claim").

(1) **At the same time a Statement of Objection is filed which will be heard by a Board of Arbitrators, and using envelopes provided by the Prothonotary with the Prothonotary return address, every claimant filing a Statement of Objection shall address an envelope to every party at his or her address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any; or an address as listed in the Prothonotary records.**

(2) **The Prothonotary select an arbitration hearing date within three to four weeks and inform the claimant of that date by stamping it on a copy of the Statement of Objection.**

(3) **Using the envelopes addressed by the claimant filing the Statement of Objection under subsection (1) of this local rule, the Prothonotary shall mail by first-class mail to every party a copy of the Statement of Objection which has been stamped with the date, time and place of the arbitration hearings.**

(4) **Such first-class mailings under subsection (3) of this local rule, when indicated on the record by the Prothonotary, shall operate as service and proof of service. Any returned mail shall be noted on the Court's docket.**

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

Local Magisterial District Judge Rule [1005] 1005C.
Service of Notice of Appeal and Other Papers.

(1) **At the same time an appeal is filed [and] from a judgment entered by a Magisterial District Judge in actions seeking possession of real property ("Landlord Tenant Matters", every appellant shall, using envelopes provided by the [Prothonotary] Department of Court Records with the [Prothonotary] Department of Court Records' return address[, every appellant from a judgment entered by a Magisterial District Judge]:**

(a) [shall] address an envelope to every other party at that party's address as listed on the complaint form filed in the office of the Magisterial District Judge or as otherwise appears in the records of that office, or the attorney of record, if any;

(b) [shall] address an envelope to the Magisterial District Judge in whose office the judgment was rendered; and

(c) [shall,] if the appellant was a defendant in the action before the Magisterial District Judge, (i) self-address an envelope, to the address used by the appellant for the appeal[, and (ii) in addition to the envelopes required by subsection (1)(a) of this local rule,

address another envelope to every other defendant, if any, at that defendant's address as it appears in the records of the Magisterial District Judge, or that defendant's attorney of record, if any] .

(2) In all appeals from a Judgment entered by a Magisterial District Judge, except Landlord Tenant Matters, the Department of Court Records shall use the addresses for service under subsection (3) as they appear on the Participant List attached to the Judgment entered by the Magisterial District Judge.

[(2)] (3) Using the envelopes addressed by the appellant under subsection [(1)(a) of this local rule] (1), or **the party addressed under subsection 2** the [**Prothonotary**] **Department of Court Records** shall mail by first-class mail:

(d) to every party other than appellant, [(i)] a copy of the notice of appeal, and

(i) if any other party was a plaintiff in the action before the Magisterial District Judge, a copy of the rule pursuant to [**Pa.R.Civ.P.M.D.J**] **Pa.R.Civ.P.M.D.J.** 1004B, with such service and any return being noted on the Court's docket or,

(ii) if any other party was a defendant in the action before the Magisterial District Judge, a copy of the complaint, with such service and any return being noted on the Court's docket;

(e) to the Magisterial District Judge, a copy of the notice of appeal, with such service and any return being noted on the Court's docket [; and

(f) if appellant was a defendant in the action before the Magisterial District Judge, to appellant and any other defendant, a copy of any complaint filed pursuant to a rule to file a complaint, with such service and any return being noted on the Court's docket.] .

(2) Pursuant to [**Pa.R.Civ.P.M.D.J**] **Pa.R.Civ.P.M.D.J.** 1005C, such first-class mailings by the [**Prothonotary**] **Department of Court Records** pursuant to this Local Magisterial District Judge Rule shall operate as service and proof of service as required by [**Pa.R.Civ.P.M.D.J**] **Pa.R.Civ.P.M.D.J.** 1005A and 1005B.

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

Local Magisterial District Judge Rule [1008] **1008D.**
Appeal as Supersedeas.

In the event the [**Prothonotary**] **Department of Court Records** terminates the supersedeas by virtue of the failure of the appellant to make the payments into Court when and as required, the [**Prothonotary**] **Department of Court Records**, upon praecipe of the party on whose behalf the Magisterial District Judge entered the judgment for possession, shall issue a Certificate of Termination of the Supersedeas which will evidence the termination of the supersedeas when received by the Magisterial District Judge.

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

Local Magisterial District Judge Rule [1011] **1011B.**
Writ of Certiorari.

[(1) At the same time a praecipe for a writ of certiorari is filed and suing envelopes provided by

the Prothonotary with the Prothonotary's return address, every party filing a praecipe:

(a) Using the envelopes addressed by the party filing the praecipe under subsection (1) of this local rule, the Prothonotary] (1) **The Department of Court Records** shall mail a copy of the writ of certiorari by first class mail using the addresses listed on the complaint form filed in the office of the Magisterial District Judge:

- to every party other than the party filing the praecipe [, a copy of the writ of certiorari] , and

- to the Magisterial District Judge to whom it is directed [, a copy of the writ of certiorari] .

(2) Such first-class mailings under subsection [(2)] (1) of this local rule, when indicated on the record by the [**Prothonotary**] **Department of Court Records**, shall operate as service and proof of service as required by Pa.R.Civ.P.M.D.J. 1011B and 1011C. Any returned mail shall be noted on the Court of **Common Pleas'** docket.

(3) Upon receipt of the record, the [**Prothonotary**] **Department of Court Records** shall notify the filing party, using the [**self-addressed envelope**] **address listed on the complaint form filed in the office of the Magisterial District Judge**, to file its specification of errors.

(4) The party filing the praecipe is responsible for scheduling an argument date [**with the Arbitration Office, 536 Courthouse, 436 Grant Street and notifying**] by emailing the **Housing Court Help Desk on Landlord Tenant appeals, or civilgenmotions@alleghenycourts.us on all other civil appeals from the Magisterial District Judge's decision. The filing party shall notify** the other parties of the argument date [**before the Special Motion's Judge**] **set before the General Motions Judge or the Housing Court Judge.**

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

Local Magisterial District Judge Rule 1016. Statement of Objections.

1) At the same time a Statement of Objection is filed pursuant to Pa.R.C.P.M.D.J. 1016—1020, every claimant shall address an envelope to every party at their address as listed on the complaint form filed in the Magisterial District Court or as otherwise appears in the records of that court, or the attorney of record, if any; or an address as listed with the Department of Court Records.

2) Using the envelopes addressed by the claimant filing the Statement of Objection under subsection (1) of this local rule, the Department of Court Records shall mail by first-class mail to every party a copy of the Statement of Objection which has been stamped with the date, time and place of the arbitration hearings.

3) Such first-class mailings under subsection (3) of this local rule, when indicated on the record by the Department of Court Records, shall operate as service and proof of service. Any returned mail shall be noted on the Court's docket.

Local Magisterial District Judge Rule 1019. Consideration of Statement of Objection by Court of Common Pleas.

1) Any Statement of Objection to the order or determination made by a Magisterial District Judge under Pa.R.C.P.M.D.J.420 or Pa.R.C.P.M.D.J. 519.1, shall be considered *de novo* by a Board of Arbitrators.

2) Upon the filing of the Statement of Objections, the Department of Court Records shall select an arbitration hearing date within three to four weeks and inform the claimant of that date by stamping it on a copy of the Statement of Objection using the envelopes provided by the claimant under Local Magisterial District Judge Rule 1016(1).

[Pa.B. Doc. No. 23-1398. Filed for public inspection October 13, 2023, 9:00 a.m.]

SUPREME COURT

Limited Pilot Program for Remote Access to Images of Briefs in PACFile; No. 597 Judicial Administration Docket

Order

Per Curiam

And Now, this 28th day of September, 2023, pursuant to Pa.R.A.P. 125, it is hereby Ordered that remote access to images of briefs filed in the Supreme, Superior, or

Commonwealth Courts, and maintained in the Pennsylvania Appellate Case Management System (PACMS), is authorized in a limited pilot program through the PACFile system as outlined below.

1. Remote access is the ability to electronically search, inspect, print, or copy these briefs without visiting the court facility where the briefs are maintained or available.

2. This pilot program is available to attorneys:

a. who are active members of the Pennsylvania Bar, as reflected in the records of the Disciplinary Board of the Supreme Court of Pennsylvania (Board), or

b. who are identified by the Board as an emeritus attorney performing pro bono services; and

c. who have an active account to use the PACFile system.

3. Access is limited to images of briefs filed with the Supreme, Superior, or Commonwealth Courts, on or after the date of this Order.

4. Access is limited to images of briefs that are not otherwise deemed confidential pursuant to relevant authority, such as the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.

5. The appellate courts shall retain control over remote access to the images of the briefs and may exclude such remote access in whole or in part.

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