

THE COURTS

Title 255—LOCAL COURT RULES

LANCASTER COUNTY

Addition of Local Rules of Civil Procedure; CI-24-05059

Amended Administrative Order

And Now, this 23rd day of July 2024, it is hereby *Ordered* that Local Rules of Civil Procedure 205.2(c) and 205.2(d) of the Court of Common Pleas of the 2nd Judicial District of Pennsylvania, Lancaster County, are adopted as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Lancaster County District Court Administrator is *Ordered* to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish these Rules on the Lancaster County Court website at www.court.lancastercountypa.gov.
4. Incorporation of the local rule into the set of local rules on www.court.lancastercountypa.gov within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.
5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

By the Court

DAVID L. ASHWORTH,
President Judge

Rule 205.2(c). Lancaster County Residential Mortgage Foreclosure Diversion Program (“Foreclosure Diversion Program”).

A. All actions filed on or after August 1, 2021, for mortgage foreclosure of residential owner-occupied properties, with four or fewer residential units, which serve as the primary residence of the defendant homeowner, for which the remaining mortgage balance is \$400,000.00 or less, and which are not the subject of bankruptcy, divorce, or estate proceedings, shall be automatically enrolled in the Foreclosure Diversion Program, unless the plaintiff and the defendant homeowner agree in writing otherwise. Certain other foreclosure cases may be referred to and entered into the Foreclosure Diversion Program at the discretion of the presiding judge.

B. All complaints for residential mortgage foreclosure actions eligible for participation in the Foreclosure Diversion Program shall be accompanied by a \$35 fee payable to the Lancaster County Prothonotary. This fee is nonrefundable.

C. On or after March 21, 2022, complaints filed for residential mortgage foreclosure actions may be paper filed or filed electronically. For purposes of this Program, the Lancaster County Prothonotary may maintain all documents in electronic format and does not need to maintain a paper file for each case.

D. *Urgent Notice*: Every complaint for residential mortgage foreclosure shall include the appropriate “Urgent

Notice” to the defendant, either the “eligible” version of the notice or the “ineligible” version of the notice as follows:

1. for actions certified as eligible for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached as Form “2” advising the defendant homeowner of the Foreclosure Diversion Program, and of the automatic stay of any further proceedings in the case until the conclusion of the conciliation process, shall be affixed to any complaint when presented for filing and shall also be affixed to the copy of the complaint to be served upon the defendant homeowner; or

2. for actions certified as ineligible for the Foreclosure Diversion Program, an “Urgent Notice,” in the form attached as Form “3” advising the defendant homeowner of the Foreclosure Diversion Program, of the lender’s ineligibility claim, and of the defendant homeowner’s right to challenge that claim, shall be affixed to any complaint when presented for filing and shall also be affixed to the copy of the complaint to be served upon the defendant homeowner.

E. *Electronic Filing*: Any electronically filed complaint shall be submitted as follows:

1. The Plaintiff shall file the complaint electronically through Teleosoft, or any other such program as utilized by the Lancaster County Prothonotary for the electronic filing of documents;

2. Such complaint shall include a “Certification Cover Sheet” regarding the status of the foreclosed premises, in the form attached as Form “1” and the appropriate Urgent Notice as specified in Paragraph 4 above.

3. The Plaintiff shall pay the appropriate civil action filing fee and any additional fees for e-filing as set forth by the Lancaster County Prothonotary;

4. Within three (3) business days of the filing of the complaint in mortgage foreclosure electronically, the Plaintiff shall provide (1) a check made payable to the Lancaster County Sheriff’s Office for the civil process fee; (2) a paper copy of the filed complaint with the Certification Cover Sheet and the appropriate Urgent Notice as specified in Paragraph 4 above; and (3) the “Sheriff Service Process Receipt and Affidavit of Return” form.

F. *Paper Filing*: If paper filed, complaints for residential mortgage foreclosure shall be accompanied by the following:

1. one copy of the complaint for the plaintiff and one copy for each defendant homeowner;

2. one check made payable to the Lancaster County Prothonotary for the applicable filing fee, and one check made payable to the Lancaster County Sheriff’s Office for the civil process fee;

3. two self-addressed, stamped envelopes;

4. the “Sheriff Service Process Receipt and Affidavit of Return” form;

5. a “Certification Cover Sheet” regarding the status of the foreclosed premises, in the form attached as Form “1”;

6. The appropriate Urgent Notice as specified in Paragraph 4 above.

G. *Notice to Non-Defendant Homeowners*: If any owner to the subject property is not also a defendant to the action, Plaintiff must also mail a copy of the complaint,

Certification Cover Sheet, and applicable Urgent Notice to any additional non-defendant homeowners.

H. *Service*: The Lancaster County Sheriff shall file a return of service which shall indicate the service of the Certification Cover Sheet and the Urgent Notice along with the service of the complaint. The return of service shall also indicate service of the initial stay Order, if applicable. The Certification Cover Sheet and the Urgent Notice shall accompany any complaint to be served by deputized service. The initial stay Order, if applicable, shall also accompany any complaint to be served by deputized service, and the return of service shall indicate that this Order was served. If service of the complaint is to be effectuated by alternate service as provided by Pa.R.C.P. No. 410 and Pa.R.C.P. No. 430, the Certification Cover Sheet and the Urgent Notice shall be posted on the property along with the initial stay Order, if applicable, and served via mail if such service of the complaint is authorized by the court order authorizing alternate service.

I. If the Certification Cover Sheet indicates that the residential foreclosure action is not eligible for the Foreclosure Diversion Program, the Court may choose to enter the case marked ineligible into the diversion program at its discretion notwithstanding Plaintiff's determination of eligibility. If the Court does not enter a case deemed ineligible into the diversion program, the remaining procedures in this Rule shall not be applicable, and the plaintiff may proceed as per the Pennsylvania Rules of Civil Procedure without any further requirement to attend conciliation. If the defendant homeowner believes that the action is eligible for the Foreclosure Diversion Program, the defendant homeowner shall have 20 days after service of the complaint to file with the Court an "Objection to Plaintiff's Certification Cover Sheet and Request for Stay," in the form attached as Form "6." The filing of the Objection shall result in a temporary stay of any further proceedings until further Order of Court. Within ten days of the filing of the defendant homeowner's Objection, the Court shall, in consideration of both the plaintiff's designation of ineligibility and the defendant homeowner's Objection, issue an order ruling on the foreclosure action's eligibility for the Foreclosure Diversion Program.

J. *Automatic Stay*: For actions deemed eligible for the Foreclosure Diversion Program, the issuance of the initial stay Order shall result in an automatic stay of any further proceedings and suspend pleading deadlines at the onset of the case to afford the parties an opportunity to participate in and complete the court-supervised conciliation process. No answer shall be required, no judgment in foreclosure may be entered by default or otherwise, and no sheriff's sale may be scheduled or held prior to the completion of the conciliation process, unless the defendant homeowner files a Notice of Homeowner Nonparticipation, or the case is removed from the Foreclosure Diversion Program by further Order of Court. Within ten days of the filing of the Notice of Homeowner Nonparticipation, the Court shall issue an order canceling the conciliation conference, lifting the stay on the action, and directing the defendant homeowner to file an answer to the mortgage foreclosure complaint.

K. *Initial Stay Order*: Upon the filing of a Foreclosure Diversion Program-eligible residential mortgage foreclosure complaint, the Court shall issue an initial stay order directing the defendant homeowner to participate in an intake process with the Court by phone, mail, email, or by other methods prescribed so that the defendant may

be assigned to an approved HUD and PFHA housing counseling agency. The foreclosure services and the assistance of the housing counseling agency through this Program are FREE OF CHARGE to the defendant homeowner. Once the defendant homeowner completes the court intake process, the Court shall issue a Case Management and Scheduling Order which shall schedule a date for conciliation, direct the Defendant to promptly contact the assigned housing counseling agency for an intake appointment, and direct the Plaintiff to complete "Mortgage Information for Housing Counselor" with supporting documentation, attached as Form "5."

L. *Housing Counseling*: The defendant homeowner is expected to participate in group and/or individual foreclosure counseling with the housing counseling agency as scheduled by the housing counseling agency. The defendant homeowner shall bring to the counseling session all requested financial and employment information to enable the housing counselor to assist in the completion of the loss mitigation package and workout proposal. If the Diversion Program Coordinator determines at the intake that a Defendant may proceed without the assistance of a housing counseling agency, Defendant will be directed to continue in good faith loss mitigation efforts with the Plaintiff in order to remain in the Residential Mortgage Foreclosure Diversion Program. Defendant may subsequently opt in for free assistance from a housing counseling agency by notifying the Diversion Program Coordinator at cddp@lanastercountypa.gov or by calling 717.209.3290.

M. Within 20 days of filing of the Case Management and Scheduling Order, the plaintiff shall submit to the Diversion Program Coordinator a completed "Mortgage Information for Housing Counselor" form with supporting documentation by secure email method, and to the assigned housing counselor, if any, using the form attached as Form "5."

N. *Conciliation Conferences*: The conciliation conference will be held before the Diversion Program Coordinator, or a court-appointed representative who will serve as the conciliation conference hearing officer, who will assist the parties in reaching an agreement. Conciliation conferences may be held utilizing Advanced Communication Technology.

O. In preparation for the conciliation conference, the Court expects that no later than 14 days prior to the scheduled conciliation conference, the defendant homeowner, with the assistance of the housing counselor, will have submitted to the Plaintiff and/or Plaintiff's attorney, a complete loss mitigation package with all supporting financial and employment documentation. If this does not occur, Defendant shall be required to provide good cause for not completing and submitting a complete loss mitigation package by the date of the first conciliation for the Court to consider allowing more time in diversion for the package to be completed and submitted.

P. The defendant homeowner and the housing counselor, or the defendant homeowner's attorney, if any, shall attempt to negotiate, prior to the conciliation conference, a resolution of the mortgage default with the plaintiff or the plaintiff's representative. If the plaintiff or the plaintiff's representative fails to participate in good-faith negotiations with the defendant homeowner and/or the housing counselor and/or the defendant homeowner's attorney, the Court will issue an order directing the plaintiff to comply with the Foreclosure Diversion Program requirements otherwise sanctions will be imposed for continued noncompliance. If the plaintiff continues to fail to comply

with Program requirements, the Court may issue an order dismissing the mortgage foreclosure complaint without prejudice and imposing sanctions, if appropriate, for noncompliance with the Foreclosure Diversion Program.

Q. If the defendant homeowner does not want to participate in the Foreclosure Diversion Program, they may file a "Notice of Defendant Nonparticipation" in the form attached hereto as Form "4." If the defendant files a "Notice of Defendant Nonparticipation" or if the defendant homeowner fails or refuses to cooperate with the Diversion Program Coordinator and/or the housing counseling agency, if the Diversion Program Coordinator is unable to contact the defendant homeowner within 30 days of the service of the mortgage foreclosure complaint, or the case is later determined to be ineligible for the Program, the Court will issue an order removing the case from the Foreclosure Diversion Program.

R. If an agreement is reached through negotiations prior to the scheduled conciliation conference, the plaintiff shall (a) prepare any documents necessary to implement the agreement, (b) immediately notify the Diversion Program Coordinator of the agreement so the conciliation conference may be cancelled, and (c) take the necessary action to ensure the record reflects the resolution of the matter. If no agreement is reached through negotiations, the case shall proceed to the scheduled conciliation conference.

S. If the defendant homeowner is represented by counsel in the mortgage foreclosure action, the defendant homeowner need not contact a housing counselor but, instead, counsel for the defendant homeowner shall notify the Diversion Program Coordinator of the legal representation and shall provide the loss mitigation package and workout proposal to the plaintiff, with a copy to the Diversion Program Coordinator, within the time deadlines set forth herein.

T. Any unrepresented defendant homeowner will be advised by the Court, the Diversion Program Coordinator, and the assigned housing counselor of the right to consult with an attorney at any time during the conciliation process and to bring an attorney to the conciliation conference. The defendant homeowner will also be advised that the defendant homeowner may apply for a pro bono attorney through the Foreclosure Diversion Program, if any help of that kind is available, or through programs run by the lawyer referral, legal services, and legal aid programs as may exist within the Second Judicial District. If the defendant homeowner obtains a volunteer pro bono attorney through the Foreclosure Diversion Program, that attorney's appearance will be limited to representation only to assist the defendant homeowner with conciliation through the Foreclosure Diversion Program. Once appointed, pro bono counsel shall file with the Prothonotary a "Praeceptum for Entry of Limited Appearance" and "Praeceptum for Withdrawal of Limited Appearance", attached as Forms "7" and "8," respectively.

The appearance by a volunteer pro bono attorney at the conciliation conference shall not be deemed to be an entry of appearance in the underlying mortgage foreclosure action. If a defendant homeowner secures the paid legal services of an attorney, counsel of record must file a notice of appearance and shall attend the conciliation conference in lieu of the assigned housing counselor.

U. At any time during the conciliation conference, the defendant homeowner may make a written request to the plaintiff for any of the following information and docu-

ments: (a) documentary evidence that the plaintiff is the owner and the holder in due course of the note and mortgage sued upon; (b) a complete history showing the application of all payments by the defendant homeowner during the life of the loan; (c) the payment dates, purpose of payment and recipient of any and all foreclosure fees and costs that have been charged to defendant homeowner's account; (d) the payment dates, purpose of payment and recipient of all escrow items charged to the defendant homeowner's account; (e) a statement of the plaintiff's position on the present net value of the mortgage loan; and (f) the most current appraisal of the property available to the plaintiff.

V. Unless an agreement is reached prior to the scheduled conciliation conference, the plaintiff's attorney, the defendant homeowner, and the defendant homeowner's housing counselor or attorney, if the defendant homeowner is represented, shall appear at the conciliation conference. A representative of the plaintiff who has actual authority to modify mortgages, and/or to enter into alternate payment agreements with the defendant homeowner, or to otherwise resolve the action, must be present at the conciliation conference by telephone or by use of advanced communication technology.

W. The right to appear via telephonic means or advanced communication technology may be terminated as to any and all plaintiffs who fail to secure participation by a representative with full authority to negotiate for any conciliation conference.

X. Failure of the plaintiff's counsel or the plaintiff's representative to attend the conciliation conference, absent good cause shown, or failure to participate in the conciliation in good faith may result in the dismissal of the action, the rescheduling of the conciliation conference, the imposition of attorney's fees and costs, or the imposition of such other sanctions as the Court deems appropriate.

Y. Failure of the defendant homeowner or defendant homeowner's counsel of record to attend the conciliation conference, absent good cause shown, may result in the removal from the Foreclosure Diversion Program, lifting of the automatic stay, and the matter proceeding to judicial disposition.

Z. At the conciliation conference, the parties and their representatives and/or counsel shall be prepared to discuss and explore all applicable loss mitigation programs offered by the plaintiff for which the defendant homeowner could be eligible, along with other potential resolution options that may allow the defendant homeowner to own the property or otherwise avoid a foreclosure judgment or sheriff's sale, including but not limited to: bringing the mortgage current through a reinstatement, paying off the mortgage, proposing a forbearance agreement or repayment plan to bring the account current over time, consenting to homeowner refinancing, agreeing to vacate in the near future in exchange for not contesting the matter, offering the lender a deed in lieu of foreclosure, entering into a loan modification or a reverse mortgage, reducing principal, agreeing to a pre-foreclosure sale/short sale, paying the mortgage default over 60 months, consenting to judgment, and instituting bankruptcy proceedings.

AA. If an agreement is reached at the conciliation conference, the plaintiff shall prepare any documents necessary to implement the agreement and shall take the necessary action to ensure the record reflects the resolution of the matter. After reaching an agreement in

principle, if either party fails to execute documents reflecting that agreement, or if the material terms of the agreement are not fully met, then either party may contact the Diversion Program Coordinator to request a new conciliation conference. The Diversion Program Coordinator will schedule a conference as soon as reasonably practicable.

BB. At the conclusion of each conciliation conference, the Diversion Program Coordinator or the conciliation conference officer shall complete a conciliation report which shall be submitted to the Court. After review by the Court of the conciliation report with recommendations, an appropriate order shall issue, which may include lifting the automatic stay if the parties are unable to come to an agreement, continuing the stay for a reasonable time to allow for further voluntary negotiations and the preparation and execution of documents to implement any agreement, scheduling an additional conciliation conference, imposing sanctions for a violation of Program requirements, or any other action the Court deems appropriate.

CC. *Continuance Requests:* If, at any time prior to a scheduled conciliation conference, the plaintiff becomes aware that it will be unable to proceed to the conference due to the need for more time to review the documents provided by the defendant homeowner or the defendant requires an additional 30 days to complete housing counseling, the plaintiff or defendant may submit to the Diversion Program Coordinator a "Request for Continuance of Conciliation Conference" in the form attached hereto at Form "9."

DD. Absent good cause, as determined by the Court, conciliation must be completed within 180 days after suit is filed. If conciliation fails to be completed within 180 days after suit is filed, and the Court makes the determination that such failure is attributable to either party, and that party is unable to show good cause as to why conciliation could not be completed within the specified time, the Court may dismiss the action without prejudice, enter an order removing the action from the Program, or impose such other sanctions as the Court deems appropriate.

EE. In any residential mortgage foreclosure action which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, but in which no default judgment has been entered or in which an Important Notice (the ten-day notice required by Pa.R.C.P. No. 237.1(a)(2)) has not yet been sent to the defendant homeowner, the Important Notice shall be accompanied by the Urgent Notice substantially in the form attached as Form "2." The defendant homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an "Application for Entry", substantially in the form attached as Form "10", requesting placement in the Program and a stay of proceedings.

FF. If a judgment has been entered against a defendant homeowner or if a sheriff's sale has been scheduled in a residential mortgage foreclosure action which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, the defendant homeowner may seek participation in the Program by filing with the Court an "Application for Entry", substantially in the form attached as Form "11", requesting placement in the Program and a stay of sheriff's sale.

GG. Any plaintiff lender who files a motion for summary judgment or a motion for judgment on the pleadings

in any residential mortgage foreclosure case which was commenced on or before July 31, 2021, and which would be an eligible action for the Foreclosure Diversion Program if it had been filed after that date, must also serve on the defendant homeowner the Urgent Notice substantially in the form attached as Form "2." The defendant homeowner may seek participation in the Foreclosure Diversion Program by filing with the Court an Application for Entry, substantially in the form attached as Form "10", requesting placement in the Program and a stay of proceedings. However, the Court may require a disposition of the motion for summary judgment or motion for judgment on the pleadings to be made prior to placing a stay on the proceedings and scheduling a conciliation conference.

HH. At the discretion of the presiding judge, a defendant homeowner who was removed from the Foreclosure Diversion Program may be granted re-entry into the Program by filing with the Court an "Application for Re-Entry," substantially in the form attached as Form "12" and by providing a courtesy copy to the Diversion Program Coordinator by email to: cddp@lancastercounty.pa.gov. If a case is granted re-entry into the foreclosure diversion program, the Court will issue a Case Management and Scheduling Order to schedule the case for conciliation and direct the Defendant to work with an assigned housing counseling agency.

II. Sanctions may be imposed by the Court at any time for lack of good faith participation and/or noncompliance with any aspect of the Foreclosure Diversion Program on any party.

JJ. All communications occurring as a result of Local Rule 205.2(c) regarding the Foreclosure Diversion Program, including information submitted to the Diversion Program Coordinator and/or the conciliation conference officer that is not filed with the Court, shall be confidential and inadmissible in any subsequent legal proceeding, unless otherwise provided by law.

KK. The Program Coordinator may assist with enforcing compliance with Local Rule 205.2(c).

LL. Local Rule 205.2(c) shall remain in effect until further order of the Court.

Rule 205.2(d). Lancaster County Consumer Credit Card Collection Diversion Program ("Program").

A. All actions filed for consumer credit card debt collection shall be automatically enrolled in the Program, subject to the "opt-out" procedure set forth below. Certain other consumer credit card cases may be referred to conciliation at the discretion of the presiding judge, as specified in the paragraphs below.

Business or commercial credit card debt collection actions, where a business or commercial entity is listed as a defendant or as a co-defendant, are not eligible for the Program and will not be automatically enrolled. For a business or commercial credit card debt collection action, on the Supreme Court of Pennsylvania Cover Sheet, Plaintiff shall check the box for Debt Collection: Credit Card and include in the lines below, "Business Credit Card." Plaintiff shall not include the "NOTICE," also known as Form 1, or make any reference to the credit card diversion program for a business or commercial credit card debt collection action in its complaint.

However, to avoid the necessity of issuing an Order for Plaintiff to amend its complaint for inadvertently including the "NOTICE," which may confuse Defendants as to whether the proceeding and pleading requirements are

paused, the Court may issue a companion order which will clearly state that there is no stay placed on the proceedings, that the pleading requirements are not suspended, and that Defendant should heed the Notice to Defend within 20 days of service of the complaint. The Plaintiff shall serve the companion order with the complaint.

If Plaintiff includes the "NOTICE" in its initial complaint where the case is not eligible for the Program because it is a business or commercial credit card debt collection action and the Court does not issue a companion order to be served with the complaint, Plaintiff shall file an Amended Complaint that includes a clear statement that the case does not qualify for the consumer credit card collection diversion program, that there is no stay placed on the proceedings, the pleading requirements are not suspended, and that Defendant should heed the Notice to Defend within 20 days of service of the Amended Complaint. The Amended Complaint shall not include the "NOTICE."

B. Plaintiffs are required to electronically file complaints for consumer credit card debt collection actions and are subject to additional e-filing fees as may be implemented by the Lancaster County Prothonotary. For purposes of this Program, the Lancaster County Prothonotary may maintain all documents in electronic format and does not need to maintain a paper file for each case.

C. In all consumer credit card collection actions, the caption of the complaint shall include the words "Consumer Credit Card Collection Action."

D. Electronically filed complaints shall be submitted as follows:

1. The Plaintiff files the complaint electronically through the Lancaster County Prothonotary Online Portal or any other such program that may be utilized by the Lancaster County Prothonotary for the electronic filing of documents;

2. The Plaintiff pays the appropriate civil action filing fee and any additional fees for e-filing as set forth by the Lancaster County Prothonotary;

3. Within three (3) business days of the filing of the complaint electronically, the Plaintiff shall provide (1) one check made payable to the Lancaster County Sheriff's Office for the civil process fee and (2) a paper copy of the filed complaint with the "Notice of Consumer Credit Card Collection Diversion Program," in the form attached hereto as Form "1," affixed to the front of the complaint to the Lancaster County Sheriff's Office.

E. Upon the filing of a consumer credit card collection complaint, the Court shall issue a "Case Management Order," substantially in the form attached hereto as Form "2". The Prothonotary shall serve a copy of the Case Management Order ("CMO") on the plaintiff's attorney and on the defendant. If there is a conflict between the local rules and the CMO, the CMO takes precedence over the local rules and is controlling.

The CMO shall:

1. schedule a conciliation conference for no sooner than 90 days and no later than 120 days from the date of the Order;

2. direct the plaintiff to electronically file with the Court, within 30 days of the date of the CMO, the "Statute of Limitations And Documentation of Debt Certification" form, identified in paragraph 6 below, along with supporting documentation ("DOCS") of the alleged debt

(i.e., credit card statements, original credit card application, credit card agreements, bill of sale, account transfer or assignment, etc.);

3. notify the defendant that the defendant may call a certified credit counseling agency directly at the telephone number provided in the CMO to assist the defendant in preparing for the conciliation conference;

4. notify the defendant that the defendant may opt out of the Consumer Credit Card Collection Diversion Program by filing with the Court "Defendant's Election of Nonparticipation," in the form attached hereto as Form "3," or such later court-approved form;

5. require the attendance at the conciliation conference of the defendant or defendant's counsel of record, and a representative of the plaintiff, or plaintiff's counsel of record;

6. provide that further proceedings in the action will be stayed pending the conclusion of the conciliation process, unless the defendant opts out of the Program, or the case is removed from the Program by further Order of Court;

7. advise the defendant of the right to consult with an attorney at any time and to bring an attorney to the conciliation conference, as well as provide contact information for local legal services and pro bono attorney programs, if any; and

8. provide such other terms as may be necessary and appropriate.

F. The sheriff shall file a return of service which shall indicate the service of the complaint. The entry of the Case Management Order ("CMO") shall result in an automatic stay of any further proceedings to afford the parties an opportunity to participate in the court-supervised conciliation process. No answer shall be required, and no judgment by default may be entered prior to the completion of the conciliation process unless the case is removed from the Program by further Order of Court.

However, a consent judgment, a judgment by agreement, or an agreed upon stipulation in lieu of judgment containing the signatures of both parties may be filed and entered prior to the completion of the conciliation process, and, if this occurs, it will cause the case to be automatically released from the program without further Order of Court.

G. Within 30 days of the date of the CMO, the plaintiff shall e-file with the Court a "Statute of Limitations and Documentation of Debt Certification" ("SOL") in substantially the same form as the form attached hereto as Form "4" and provide supporting documentation ("DOCS") of the alleged debt as defined in the SOL. Supporting documentation, i.e., credit card statements, must be filed in chronological order, preferably oldest to newest. The SOL form and DOCS shall be filed with the appropriate Confidential Document/Information forms in accordance with the Case Records Public Access Policy of the Pennsylvania Courts.

The "Statute of Limitations and Documentation of Debt Certification" and all supporting documentation must be filed electronically through the Lancaster County Prothonotary Online Portal or any other such program as utilized by the Lancaster County Prothonotary for the electronic filing of documents.

The Diversion Program Coordinator will review the SOL and DOCS submitted to the Court to determine whether the appropriate supporting documentation and

information has been filed. Any questions as to the sufficiency of documentation shall be referred to a judge of the Court of Common Pleas. If the documents are not submitted or lack the required information, the Court shall issue a non-compliance Order directing the plaintiff to supplement its documentation to conform with the pleading requirements under Pennsylvania Rules of Civil Procedure 1019. If Plaintiff fails to comply with the CMO and/or the non-compliance Order, the Court will issue a Rule upon Plaintiff to show cause why the action should not be dismissed without prejudice for failure to comply, with the Rule returnable at a hearing.

H. If the defendant elects not to participate in the Program or if the defendant fails or refuses to cooperate within the parameters of the Program, the Court shall issue an Order removing the consumer credit card debt collection action from the Program. Within ten days of the filing of Defendant's Election of Nonparticipation, see Form "3" below, the Court shall issue an Order canceling the conciliation conference, lifting the stay on the action, and directing the defendant to file a response to the plaintiff's complaint.

I. The scheduled conciliation conference will be held before the Diversion Program Coordinator, or a court-appointed representative, who will facilitate the settlement negotiations. Conciliations may be held virtually utilizing advanced communication technology.

J. Any unrepresented defendant will be advised by the Court, the Diversion Program Coordinator, and the credit counseling agency of the right to consult with an attorney at any time during the conciliation process and to bring an attorney to the conciliation conference. The defendant will also be advised that the defendant may apply for an attorney through programs run by the lawyer referral, legal services, and legal aid programs as may exist within the Second Judicial District. If a defendant secures the legal services of an attorney, counsel of record must file a Praecipe for entry of appearance.

K. If an agreement is reached through negotiations prior to the scheduled conciliation conference, the plaintiff shall (a) immediately notify the Diversion Program Coordinator of the agreement so the conciliation conference may be cancelled, (b) confirm the agreement in writing with the defendant and the Program Coordinator within five business days, and (c) prepare any documents necessary to implement the agreement.

L. If, at any time prior to the date on which a conciliation conference is scheduled, the plaintiff becomes aware that it will be unable to proceed to the conference, then the plaintiff must contact the defendant, the defendant's attorney, if any, and the Diversion Program Coordinator, in writing, to request a continuance of the conciliation conference. Any failure of the plaintiff to comply with the specific terms of this paragraph may result in the imposition of sanctions.

M. Unless an agreement is reached prior to the scheduled conciliation conference, the plaintiff's attorney of record, the defendant, or the defendant's attorney of record shall appear in person at the conciliation conference. Use of local or appearance counsel is not permitted.

N. If the conference is held virtually utilizing advanced communication technology, Plaintiffs shall appear by video, unless granted an exception by the Court to participate by telephone. Defendant's counsel shall also appear by video, unless granted an exception by the Court to participate by telephone. Unrepresented Defendants may participate by video or by telephone without

exception. All parties or attorneys who appear at the conciliation must have actual settlement authority.

O. Failure of the plaintiff's counsel or the plaintiff's representative to attend the conciliation conference, absent good cause shown, or failure to participate in the conciliation in good faith may result in the dismissal of the action without prejudice, the rescheduling of the conciliation conference and/or further postponement of any action in the matter, the award of attorney's fees and costs, and any lost wages or other related expenses for the defendant, or the imposition of such other sanctions as the Court deems appropriate.

P. Failure of the defendant or defendant's counsel of record to attend the conciliation conference, absent good cause shown, may result in the lifting of the automatic stay and in the matter proceeding to judicial disposition, and may further result in the imposition of sanctions as the Court deems appropriate, including, but not limited to, attorney's fees and costs.

Q. If an agreement is reached at the conciliation conference, the Court will issue an Order to continue the case generally in the Program pending finalization of the agreement. Plaintiff shall prepare any documents necessary to implement the agreement within five business days of the date of the conciliation conference. If no agreement is filed with the Court within 90 days from the date of the general continuance order, then Plaintiff may make a request to the Diversion Program Coordinator that the case be released from the Program to be further litigated. If an agreement is filed within 90 days from the date of the general continuance order, the case shall be automatically released from the Program on the date the agreement is filed so that Plaintiff may enforce the agreement if necessary.

R. Conciliation must be completed within 30 days of the conciliation conference, unless extended by Order of the Court or by stipulation of the parties.

S. Absent good cause, as determined by the Court, conciliation must be completed within 180 days after suit is filed. If conciliation fails to be completed within 180 days after suit is filed, and the Court makes the determination that such failure is attributable to either party, and that party is unable to show good cause as to why conciliation could not be completed within the specified time, the Court may dismiss the action with or without prejudice or impose such other sanctions as the Court deems appropriate.

T. Any plaintiff who files a motion for summary judgment or a motion for judgment on the pleadings in any consumer credit card collection case that was commenced on or before December 31, 2021, must also serve on the defendant: (a) a copy of the Notice of Consumer Credit Card Collection Diversion Program and Certification Regarding Eligibility of Action, in the form attached hereto as Form "5," giving the defendant in that pending action notice of the availability of the Program; and (b) an Application for Entry, in the form attached hereto as Form "6," allowing the defendant to request placement in the Program and a stay of proceedings. The defendant may seek participation in the Program by filing with the Court, within 20 days of receipt of the Notice, an Application for Entry.

The motion for summary judgment or motion for judgment on the pleadings shall have attached to it a "Statute of Limitations and Documentation of Debt Certification" in the form attached hereto as Form "4". The Court may deny the motion for failure to comply with the requirements of this paragraph.

U. In any consumer credit card collection case that commenced on or before December 31, 2021, in which there are outstanding preliminary objections, the Court, in its discretion, may refer the case to the Program.

V. Any plaintiff who files a Praecipe for judgment by default in any consumer credit card collection case that was commenced on or after January 1, 2022, that is governed by these rules, must attach an "Affidavit of Compliance and Entitlement to Default Judgment" in the form attached hereto as Form "7."

If the plaintiff has not complied with the requirements of the local rules, the Prothonotary shall not automatically enter a default judgment against the defendant and shall forward the filing to the Program Coordinator. No judgment by default against the defendant shall enter unless the Court determines the documentation filed by the plaintiff establishes the plaintiff's entitlement to judgment in the amount claimed by the plaintiff.

W. Any plaintiff who files a motion for summary judgment or a motion for judgment on the pleadings in any consumer credit card collection case that was commenced on or after January 1, 2022, must attach an Affidavit of Service indicating the manner and date of service of the "Notice of Consumer Credit Card Collection Diversion Program", in the form attached hereto as Form "1," upon the defendant.

X. At the discretion of the presiding judge, a defendant who has previously participated in, and been removed from, the Program may request the Court to re-admit the case to the Program for good cause shown by presenting an "Application for Re-Entry", substantially in the form attached hereto as Form "8", or such later court-approved form. If the defendant's request is granted, the Court will issue a CMO to schedule a conciliation conference.

Y. Sanctions may be imposed by the Court at any time for lack of good faith participation and/or noncompliance with any aspect of the Program.

Z. All information submitted to the Diversion Program Coordinator that is not filed with the Court shall be confidential and inadmissible in any subsequent legal proceeding, unless otherwise provided by law.

AA. The Diversion Program Coordinator may assist with enforcing compliance with these rules.

BB. These rules are effective for all consumer credit card collection actions filed on or after January 1, 2022.

CC. These local rules shall remain in effect unless and until they are rescinded by the Court.

[Pa.B. Doc. No. 24-1375. Filed for public inspection September 27, 2024, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated August 12, 2024, pursuant to Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$275.00. The Order became effective September 11, 2024.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Aguilar, Isabella
Chicago, IL

Aumenta, William Nicholas
Scotch Plains, NJ

Bazan, Priscilla
Fallbrook, CA

Blackburn, Harry R.
Melbourne Beach, FL

Bohannon, Mark
Washington, DC

Breslin, James J. III
Mount Laurel, NJ

Brower, Cody Dean
Portland, OR

Brown, Noah Herro
Wilmington, DE

Brusuelas, Kimberly Susan
Albuquerque, NM

Byrnes-Frankel, Kristyn Lynn
Hammonton, NJ

Caplow, Yonit Arona
New York, NY

Cass, Jennifer
Arlington, VA

Chambers, Phyllis M.
White Plains, NY

Coats, Ira Fitzgerald Jr.
Washington, DC

Collins, Julius Bernard
Fairburn, GA

Cooke, Corrine Evanochko
Freehold, NJ

Cruice, William P. Jr.
Emeryville, CA

Damico, Gregory Charles
Bayonne, NJ

Deal, Joseph D.
Atlantic City, NJ

Doernberg, Alan M.
Silver Spring, MD

Dougherty, Douglas Bryan
Houston, TX

Drahos, Jennifer Ann
Atco, NJ

Eisenstat, Larry F.
Ketchum, ID

Etter, Thomas C. Jr.
Arlington, VA

Flint, Cristifer Gaike
Atlanta, GA

Gamache, Eugene R.
East Rockaway, NY

Garber, Lois Seiden
Cherry Hill, NJ

Gentile, Frederick Joseph
Ventnor City, NJ

Greenberg, Allen L.
Canton, GA

Gulbranson, Mark Alan Jr.
Moorestown, NJ

Hammons, Terrence Gordon Jr.
Charlotte, NC

Hasner, Louis George
Clementon, NJ

Hof, Joseph Anthony
New York, NY

Hurst, Hunter Elizabeth
Northfield, NJ

Hutt, Nellie
Ellicott City, MD

Johnson, Robin Bridges
Lawrenceville, NJ

Korth, Arthur
Atlantic City, NJ

Lane, Michael Darryl
Fayetteville, NC

Latsko, Jamie Lee
East Brunswick, NJ

Lee, Timothy F. T.
Gibbsboro, NJ

Leeds, Christopher Nelson
Iselin, NJ

Lowry, Earle Richard
Chicago, IL

Lunon, Darryl Wayne II
Sharpsburg, GA

Maddalone, Jonathan Stuart
Arvada, CO

Martinson, Richard D.
New York, NY

Marzec, Darius Adam
Brooklyn, NY

McCann, Margaret A.
Silver Spring, MD

McDaniel, Mary-Elizabeth
Bellmawr, NJ

McDonnell, Karen D.
Princeton, NJ

McGovern, Julie S.
Washington, DC

McKeown, Scott A.
Washington, DC

McLaughlin, Charles Henry
Elkridge, MD

McNulty, Joseph P.
Flemington, NJ

Mendez, Edwin Ariel
Ruskin, FL

Mitlitzky, Steven Ross
Woodmere, NY

Mitnick, Craig R.
Margate City, NJ

Mungello, Mark D.
Sicklerville, NJ

Nevo, Itai
Newton, MA

Paik, Heather Hyejin
Brooklyn, NY

Patel, Neepa Pankaj
Jackson, NJ

Petrone, John R. II
Jupiter, FL

Prioleau, Jennifer Ann
Tenafly, NJ

Raven, Terrence J.
New Boston, MI

Ray, Sumita
Encino, CA

Riblett, Gail F.
Wilmington, DE

Riley, John Patrick
Syracuse, NY

Roazen, Matthew Daniel
Cape Coral, FL

Scheiner, Jay David
Monsey, NY

Sekely, Linda M.
Greer, SC

Sheldrick, Cristina de Hollanda
New York, NY

Shepard, Ross Stephen
Livingston, NJ

Shubert, Kimberly Ann
Princeton, NJ

St. George, Vincent III
Bronxville, NY

Stanley, James Tyrell Sr.
Durham, NC

Staplin, Benjamin Forrest
Hanover, NH

Tarlov, Edward Abe
Wilmington, DE

Weiner, Richard N.
Manhattan Beach, CA

Weissman, David M.
Moorestown, NJ

Wis, Walter A.
Gainesville, FL

Wynn, Constance Ann
Washington, DC

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 24-1376. Filed for public inspection September 27, 2024, 9:00 a.m.]