Rev. 10/2026 (lccpa)

RULES OF CIVIL PROCEDURE
COURT OF COMMON PLEAS OF LEHIGH COUNTY

Rule 51 TITLE AND CITATION OF RULES.

All civil rules of procedure adopted by the Court of Common Pleas of Lehigh County shall be cited as Lehigh Rules of Civil Procedure (“Leh.R.C.P.”)

Rule 52 EFFECTIVE DATES OF RULES.

(a) A rule or amendment to a rule shall become effective upon the date specified by the court in adopting or amending such rule.

(b) If no effective date is specified, the rule or amendment to the rule shall become effective on the first day of July or January following the thirtieth day after its adoption, whichever is earlier.

Rule 76 DEFINITIONS.

Unless the context clearly indicates otherwise, the words and phrases used in any rule adopted by the Court of Common Pleas of Lehigh County shall be given the same meaning as is given said words and phrases by the Pennsylvania Rules of Civil Procedure with the following exceptions and additions: (1) "The court", which shall mean the Court of Common Pleas of Lehigh County; (2) "rule", which shall mean any rule of court adopted by the Court of Common Pleas of Lehigh County; (3) “clerk of courts” shall mean the clerk of courts, civil division; and (4) “except as otherwise provided", which shall mean except as provided by statute, by the Pennsylvania Rules of Civil Procedure, or by specific local court rule.

Rule 100 ADMISSION TO THE BAR OF THIS COURT.

(a) The clerk of courts shall keep and maintain a roll consisting of attorneys who have been admitted to the Bar of the Court of Common Pleas of Lehigh County in accordance with the requirements hereinafter set forth.

(b) Admission to the bar of this court shall be by petition of the applicant, presented by a member of this bar, which petition shall show that the applicant (1) has been admitted to the Bar of the Commonwealth of Pennsylvania; and (2) is a person of good moral character.

(c) Nothing contained in this rule shall prevent any attorney who is in good standing as a member of the Bar of the Commonwealth of Pennsylvania from practicing in this court.

Rule 101 PRINCIPLES OF INTERPRETATION.

The principles of interpretation and rules of construction embodied in Pa. R.C.P. 102 to 153 inclusive shall apply to these rules, with the substitution in each case of the words "Court of Common Pleas of Lehigh County" for the words "Supreme Court."

Rule 105 BONDS AND SURETY.

(1) When a bond with approved security is required, the surety shall be a certified surety company in accordance with a list thereof filed in the office of the clerk of courts, or in lieu thereof**,** a certified check, bank money order payable to Lehigh County Clerk of Courts, or a deposit of cash.

(2) No attorney or other person officially connected with or concerned with the business of the court shall become bail or surety or post bond for any person in any proceeding, except with prior written approval of the court.

(3) Where cash is deposited in lieu of approved surety, the party required to post bond shall execute his personal bond in appropriate form stating the terms and conditions under which such cash deposit is made; provided, however, that this rule shall have no application to the posting of cash bail in criminal cases.

(4) Except in the cases of appeals from proceedings before the minor judiciary, any party filing a bond shall immediately serve a copy thereof upon the adverse party or his attorney.

(5) In all cases the form of the bond and the surety thereon shall be subject to review by the court upon the filing of a petition stating specifically the objections thereto, together with notice to the adverse party or his attorney in accordance with Leh.R.C.P. 206.1.

Rule 205.2 COURT RECORDS.

(1) Records. Filing. Docket Entries.

(i) The Clerk of Courts shall be responsible for maintaining systems for the filing of documents and shall make appropriate entries in dockets maintained for that purpose. Documents filed shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake, shall be conclusive evidence of such date and time of filing.

(ii) The entry of a full or partial satisfaction and of the discontinuance, settlement, or termination of an action may be made by the Clerk of Courts upon praecipe of a party, the attorney of record for the party, or a duly authorized agent of the party, and such entry shall be attested by the Clerk of Courts.

(iii) Except as set forth in this rule, no person other than the Clerk of Courts or a duly appointed and sworn Deputy Clerk shall be permitted to make any entry on the court dockets.

(2) Removal of Court Records

(i) Except as hereinafter provided, no record, exhibit or document shall be taken from the office of the Clerk of Courts without a written order signed by one of the judges of the court and requiring the return of such record, exhibit or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force and effect. In cases where the court authorizes the

removal of records, exhibits or documents, the Clerk of Courts shall take a written receipt for the records, exhibits or documents removed and shall cause the same to be filed with the record papers in the case, which receipt shall be cancelled upon return of the records, exhibits or documents removed.

(ii) In cases pending in this court or in proceedings held before duly authorized officers of the court, the Clerk of Courts may deliver record papers or dockets to an appropriate officer of the court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.

Rule 205.2(a) FILING OF LEGAL PAPERS WITH THE CLERK OF COURTS.

All pleadings and other documents submitted for filing with the Clerk of Courts shall conform with the following requirements:

(1) The use of backers and/or toppers is prohibited.

(2) All documents shall be fastened together by staples.

(3) The text of original documents shall not be highlighted by the use of colored markers. Highlighting of text can be done by **bolding** or by using a different *style* and size of font.

(4) All documents shall be single-sided and double-spaced, except that quotations, footnotes and exhibits may be single-spaced.

(5) The font size of all documents shall be not less 12 points.

(6) Paper shall be of good quality and shall not exceed 8-1/2” x 11” in size.

(7) Attachments smaller than 8-1/2” x 11” shall be attached to regular size paper by using scotch tape.

(8) All exhibits shall be identified as such on the bottom center of each document as well as by exhibit tabs.

(9) All pages shall be numbered consecutively. The number shall appear at the bottom center position of each page.

(10) All copies attached to documents shall be clear and legible.

(11) All documents shall contain the following: (i) the correct caption of the case, including the names of the parties, the docket number, the division of the court, and the name of the assigned judge, if any; (ii) a title indicating the nature of the document; (iii) the name, address, telephone number, fax number and Supreme Court identification number of the attorney filing the document; and (iv) if the party filing the document is not an attorney, the name, address, telephone number of such party.

(12) No document submitted for filing to the clerk of courts – civil shall disclose the social security number of any person, except as specifically authorized by court order.

Rule 205.2(b) COVER SHEETS.

Rescinded

Rule 205.3 FEE TO PROVIDE ELECTRONIC FILING SERVICES.

The Clerk of Courts – Civil Division may impose a reasonable fee approved by the Court, to be included in the fee for Commencement of Actions, for the provision of electronic filing services. Such fees collected shall be maintained in a separate account and shall be used solely to defray the costs of electronic filing.

Rule 205.4 ELECTRONIC FILING OF LEGAL DOCUMENTS FILED IN THE CLERK OF JUDICIAL RECORDS - CIVIL DIVISION.

(a)(1) Authorization for Electronic Filing of Civil and Family Legal Papers

(i) In accordance with Pa. R. C. P. No.239.9, the Lehigh County Court of Common Pleas mandates the electronic filing of legal papers in Civil cases and the electronic service of such papers effective March 19, 2018, and mandates the electronic filing of legal papers in Family cases (i.e. custody and divorce matters), with the exception of Protection From Abuse and Domestic Relations cases, and the electronic service of such papers effective January 1, 2020 as specifically defined within this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing. Electronic filing and service shall be governed by this rule.

(ii) In the context of this rule, "legal papers", which shall be filed electronically shall be in all civil, custody and divorce cases, but not including Domestic Relations, Protection from Abuse cases or Orphans' Court matters.

(iii) All registered participants are eligible to file the legal papers as indicated in paragraph (a)(1)(ii) above.

Comment

The primary intent of this rule is to facilitate the filing of all legal papers that are expressly permitted under this subsection.

(b)(1) Authorized Electronic Format of Legal Papers Electronically Filed. All legal papers shall be filed electronically in–Portable Document Format (PDF). Any legal paper or exhibit submitted in hard copy/paper format shall incur an administrative fee of $1.00 per page for the Clerk of Judicial Records-Civil Division to convert the legal paper or exhibit to a Portable Document Format (PDF) and the Clerk of Judicial Records-Civil Division shall return the hard copy legal paper or exhibit to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(4).

(c)(1) A legal paper filed electronically shall be deemed the original document.

(c)(2) Website - Access to the Website

(i) Website. All legal papers shall be filed electronically through the Clerk of Judicial Records – Civil Division's Electronic Filing System "Odyssey

File and Serve" (OFS) which shall be accessible through the Lehigh County Website, www.lehighcounty.org

(ii) Access to the Website. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply for and receive a User Name and Password.

(d)(1) Payment of Filing Fees

(i) The Clerk of Judicial Records – Civil Division will accept electronic payment of all filing fees with the following credit and debit cards: Discover, MasterCard, American Express, Visa and eCheck.

(ii) The credit or debit card will be charged with a convenience fee dictated by the credit card vendor.

(iii) The Clerk of Judicial Records-Civil Division will accept payment of electronic filing fees in cash, checks, credit or debit card when filing in person at the counter in the Clerk of Judicial Records-Civil Division.

(e) Reserved

(f) Local Procedures

As authorized by Pa.R.C.P.No.205.4(0, the following local administrative procedures are adopted:

(i) As provided by Pa.R.C.P No. 1023.1, the required signature on an electronic filing of legal papers is established by submission of a filing and the application of a digitized signature or the name of the filer proceeded by /s/ accompanied by the attorney's printed name or a scanned document with an original signature. Verification will be achieved through the use of an email address and a password obtained from the OFS System. The OFS system will verify the user ID against the state ID number. Verification for parties other than attorneys will be verified through the user ID.

(ii) The legal paper must include a signature block, and the name of the filer under whose user name and password the legal filing is submitted.

(iii) The Electronic Filing Application (OFS) shall provide to the filer, using the email address registered by the filer, a Courtesy Email acknowledging that the filing was received. An Official Notification will be displayed in the Electronic Filing System, which includes the time and date, as a pending filing awaiting approval by the Clerk of Judicial Records-Civil Division. Within six (6) business hours of the receipt of the legal paper, the Clerk of Judicial Records-Civil Division shall provide the filer with notification through the Electronic Filing System that the legal paper has been either accepted or rejected.

(iv) If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the Electronic Filing System; however, if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment is

received pursuant to 42 P.S Section 21073(b),"The Clerk of Judicial Records-Civil Division shall not be required to enter on the docket any suit or action or order of court or to enter any judgment thereon and perform any services whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid."

Note: As required by Pa.R.C.P. No. 205.4(c) (1) access to the Electronic Filing System shall be available at all times, except for routine maintenance; however, legal documents can only be reviewed by the staff of the Clerk of Judicial Records-Civil Division during normal office hours. Therefore, filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and re-submission in the event a legal paper is not acceptable for filing.

(v) Pa.R.C.P. No. 204.1(3) requires that the first sheet of all pleadings, motions and other legal filings shall contain a 3-inch space from the top of the paper. This space shall be reserved solely for the use of the Clerk of Judicial Records – Civil Division for the electronic date and time stamp, and other official use.

(vi) As required by Pa.R.C.P 205.5, the filer shall include the statewide cover sheet with the initial filing.

(vii) If a legal document is refused for filing, the Clerk of Judicial Records-Civil Division shall specify a reason. Subject to the Rule 205.4 (e)(3), a legal paper refused for filing shall be deemed as not having been filed.

(viii) Neither the Court nor the Clerk of Judicial Records-Civil Division shall be required to maintain a hard copy of any legal paper, notice, or order filed or maintained under this rule.

(g) Service of Legal Papers

(i) Once an electronic filing has been accepted by the Clerk of Judicial Records-Civil Division, it shall be the responsibility of the filing party to provide to the Sheriff of Lehigh County, the proper service fee and the documents for Original Service and Writs.

Rule 206.1(a) PETITIONS.

(1) A petition to open a default judgment or a judgment of non-pros shall be governed by Pa.R.C.P. 206.1 et seq.

(2) A petition to open and/or strike a judgment shall be governed by Pa.R.C.P. 2959 et seq.

(3) A petition to compromise, settle, or discontinue an action in which a minor has an interest under Pa.R.C.P. 2039 shall be prepared and filed pursuant to Leh.R.C.P. 2039.

(4) A petition to compromise, settle, or discontinue an action in which an incapacitated person has an interest under Pa.R.C.P. 2064 shall be prepared and filed pursuant to Leh.R.C.P. 2064.

(5) A petition to settle, compromise, or discontinue a wrongful death or survival action in which a minor or incapacitated person has an interest under Pa.R.C.P. 2206 shall be prepared and filed pursuant to Leh.R.C.P. 2206.

(6) Except as otherwise provided by the Pennsylvania Rules of Civil Procedure or by statute, all other applications for relief shall be in the form of a motion and shall be governed by Leh.R.C.P. 208.3(a) or (b).

Note: All Lehigh County Rules of Civil Procedure may be found on the web site for the Lehigh County Court of Common Pleas, http://www.lccpa.org.

Rule 206.4(c) RULE TO SHOW CAUSE.

(1) All petitions shall be filed with clerk of courts, and a copy thereof shall be delivered to the court administrator's office together with an unattached form of order as set forth in Pa. R.C.P. 206.5. If the petition is uncontested, the petition shall contain a certification to that effect.

(2) The assigned judge will address the petition and proposed rule to show cause. If the petition states prima facie grounds for relief, the assigned judge shall issue a rule to show cause and may grant a stay of proceedings. The assigned judge will determine the return date for the rule as well as the deadlines for completion of depositions, for an evidentiary hearing, or for argument, as the judge shall deem appropriate.

(3) The clerk of courts shall be responsible for service of the petition and rule to show cause on all parties.

(4) After being served with a copy of the petition and rule to show cause, the respondent shall file an answer on or before the return date fixed in the rule.

(5) All answers to petitions shall be filed with the clerk of courts, and a copy thereof shall be delivered to the court administrator's office.

Rule 208.2(c) CONTENT OF MOTIONS.

(1) All motions shall identify any statute, caselaw, and/or procedural rules relied upon to justify the relief requested.

Rule 208.2(d) UNCONTESTED MOTIONS.

(1) An uncontested motion shall be accompanied by a certification of counsel that the motion is uncontested.

Rule 208.2(e) DISCOVERY MOTIONS.

(1) A motion relating to discovery must aver (i) that counsel for the movant or petitioner has conferred with opposing counsel and all unrepresented parties with respect to each matter set forth in the motion and has made a good faith effort to resolve the parties' differences, but has been unable to do so; or (ii) that counsel has made a good faith effort to confer, but has been unable to do so.

Rule 208.3(a) PROCEDURES FOR THE DISPOSITION OF CERTAIN MOTIONS.

(1) The following motions shall be governed by Pa.R.C.P. 208.3(a):

(i) Motions certified as uncontested

(ii) Motions for continuance

(iii) Motions to extend time for discovery

(iv) Motions to withdraw as counsel

(v) Motions for special service

(vi) Motions to compel discovery

(vii) Motions regarding subpoenas, attendance and testifying based upon Pa.R.C.P. 234.1-239.9.

(viii) Motions to reassess damages in mortgage foreclosure actions

(ix) Emergency motions

(2) Motions shall be filed with the clerk of courts and a copy thereof, along with the original proposed order which would grant the relief requested, shall be delivered to the court administrator's office for transmittal to the assigned judge.

(3) Service of all motions shall be made and a certification of service filed in accordance with Rule 208.3(b)(3) herein below. A motion to withdraw as counsel shall be served upon the movant's client as well as upon all counsel of record and any unrepresented parties.

(4) Notwithstanding the foregoing, motions for continuance may be presented directly to the assigned judge on the continuance form available from the court administrator's office. Such motions may be submitted directly to the assigned judge's chambers by hand delivery, by mail, or by facsimile transmission. Prior to submitting any such motion, the movant or his/her counsel shall confer with all counsel of record and any unrepresented parties to determine their position with respect to the continuance request, and shall indicate their position in the motion.

Note: Motions for continuances of arbitration cases shall be made pursuant to Leh.R.C.P. 1303.1

(5) Unless the motion is certified as uncontested, the assigned judge shall provide an opportunity for argument either orally in open court, by written briefs, or by telephone conference, as the judge shall direct by written notice to all parties.

(6) In lieu of the procedures set forth in subparagraphs (2) through (4) of this rule, any motion governed by Pa.R.C.P. 208.3(a) may be presented in open court to the judge assigned to the case at this judge's weekly motion court. The movant shall give the assigned judge, all counsel of record, and all unrepresented parties not less than five days advance written notice of the date, time and place of the intended presentation of the motion, together with a complete copy of the motion. If the movant is unable to comply with this notice requirement because of an emergency, the movant shall have made a good-faith effort to notify all opposing counsel of record and all unrepresented parties as soon as possible of the intended presentation of the motion, and shall describe those efforts in the motion. This

notice requirement may be waived with the consent of all interested parties, or it may be waived or modified by the court in emergency situations.

(7) Emergency motions. Motions that are certified as being emergent in nature, and setting forth the nature of the emergency, shall be filed with the clerk of courts and delivered to the judge assigned to the case, if any. If the assigned judge is not available, or if no judge has been assigned, the motion shall be delivered to the court administrator's office for referral to another judge for scheduling and disposition.

Rule 208.3(b) PROCEDURES FOR THE DISPOSITION OF ALL OTHER MOTIONS.

(1) All motions other than those governed by Pa.R.C.P. 208.3(a) shall be governed by the procedures set forth in this rule.

(2) Motions subject to this rule shall be filed with the Clerk of Courts, Civil Division, and shall be accompanied by a supporting brief. A copy of same, along with the original of the proposed form of order, shall be delivered to the court administrator's office for transmittal to the assigned judge.

(3) Immediately after filing a motion, the party filing the same shall serve a complete copy upon all other counsel of record and all unrepresented parties, in accordance with Pa.R.C.P. 440 (relating to service of legal papers other than original process). Within five days of the filing of the motion, the party filing the same shall file a certification of service, certifying that proper service has been made. The court in its discretion may strike, dismiss or deny any motion for failure to comply with the service and certification requirements of this rule.

(4) Any party opposing the motion shall file a response along with a supporting brief, within twenty (20) days after service of the motion. A copy thereof shall be delivered to the court administrator's office for transmittal to the assigned judge. If a response is not filed as provided above, the court may treat the motion as uncontested.

(5) If the movant does not file a supporting brief, the non-moving party need not do so, and the court may consider the movant to have abandoned the request for relief.

(6) If any motion governed by this rule requires emergency action by the court, the moving party shall indicate same in the title of the motion and shall follow either procedure set forth herein:

(i) Movant may present, with five (5) days written notice to all parties, the motion to the judge at his/her civil motion day; or

(ii) Movant may proceed as set forth in subparagraph (2) of this rule. The assigned judge, or such judge as is available, shall upon receipt of such motion from the court administrator's office, handle the motion as he/she determines appropriate.

Rule 210 FORM OF BRIEFS.

(1) Each brief shall contain (1) a history of the case, (2) a statement of the pertinent facts, (3) a statement of the questions involved, and (4) the argument**.**

(2) The argument shall be divided into as many parts as there are questions involved. Citations to opinions of an appellate court of this or another jurisdiction shall be to the official reports of that court.

Rule 211 ORAL ARGUMENTS.

(1) Any party who has failed to file a brief in accordance with applicable rules of court may be denied oral argument.

Rule 212.1 TRIAL DATES, DISCOVERY DEADLINES, PRE-TRIAL STATEMENTS.

(1) The requirements of Pa.R.C.P. 212.1 and 212.2 shall apply to civil actions to be tried non-jury.

(2) Notwithstanding the requirements of Pa.R.C.P. 212.1(b), in the event a pre-trial conference is scheduled, a pre-trial statement shall be filed by all parties, and a copy delivered to chambers of the assigned judge, not later than five (5) days prior to the pre-trial conference.

Rule 212.2 CONTENT OF PRE-TRIAL STATEMENT.

Pursuant to Pa. R.C.P. 212.2 (a) (7), the pre-trial statement required by Pa. R.C.P. 212.2 shall also include the following information:

(a) the estimated length of trial;

(b) a statement of reasons to support a request for view, if desired;

(c) any scheduling problems;

(d) any special evidentiary issues;

(e) a realistic settlement demand or offer.

Rule 212.3 PRE-TRIAL AND PRE-TRIAL SETTLEMENT CONFERENCES.

(a) In any action, i.e. jury, non-jury, equity and arbitration appeals, the court on its own motion, or upon praecipe or written request of any party, may direct the attorneys for the parties to appear for a pre-trial conference or settlement conference. The assigned judge shall determine the procedures for any pre-trial or pre-trial settlement conference. Notice of such conferences shall be given to all counsel or unrepresented parties by the court.

(b) Failure to participate in such conference(s), or to provide the required pre-trial statement, will justify the imposition of sanctions, including fines, reimbursement of reasonable attorney fees, and/or dismissal of the case or the entry of judgment against the offending party.

(c) Only counsel fully familiar with the case and authorized by their clients to discuss settlement candidly shall appear at pre-trial and pre-trial settlement conferences.

If an attorney does not have complete settlement authority, the party or person with full settlement authority shall accompany the attorney to the conference or shall be immediately available by telephone during the conference. Counsel shall be prepared to discuss all phases of the case and are required to bring the relevant portions of their files. Failure of counsel to appear or to state his or her position candidly or to bring all essential materials may result in the imposition of sanctions against the attorney or the client.

(d) If a settlement conference is to be scheduled in a non-jury or equity case, at the time the court schedules the settlement conference on its motion, the court may assign the case to a judge, other than the assigned judge, for the purpose of holding the settlement conference. If the settlement conference is scheduled pursuant to the filing of a praecipe or written request filed by any party, the movant may also request the assignment of the case to a judge other than the assigned judge for the purpose of holding a settlement conference. Once the settlement conference is concluded, the case will then be returned to the assigned judge.

(e) In aid of settlement, the trial judge may order a summary trial to be held in accordance with such rules and procedures he/she deems appropriate.

Rule 212.4 LAWYER MEDIATION PROGRAM.

Settlement conferences in civil cases may be conducted through a court supervised "Lawyer Mediation Program."

(a) Appointment of Mediators.

Lawyer mediators shall be selected at the sole discretion of the judges of the civil division.

(b) Assignment of Cases for Mediation.

(1) The judge to whom a civil case has been assigned may in his or her discretion, assign a case to a lawyer mediator to conduct a settlement conference.

(2) Any litigant involved in a pending civil action can request that the case be submitted to a lawyer mediator to conduct a settlement conference; however, the assignment of the case to a lawyer mediator is at the sole discretion of the trial judge. All such requests must be made on written motion submitted in accordance with rules of this court governing motions practice. In the event a case has not been listed for trial, no motion for the appointment of a lawyer mediator to conduct a settlement conference will be considered by the court except on stipulation of all parties to the action.

(3) The lawyer mediator assigned to conduct the settlement conference shall be determined at the sole discretion of the trial judge.

(c) Duties.

It shall be the responsibility of the lawyer mediator to conduct settlement conference(s) in the case to which he or she is assigned.

(d) Notice.

(1) When the trial judge assigns a case to a lawyer mediator to conduct a settlement conference, the parties will be notified by the court administrator's office of the identity and business address of the lawyer mediator. Upon notification of the appointment of the lawyer mediator it shall be the responsibility of each attorney of record to promptly contact the lawyer mediator and advise him/her of dates on which the attorney is available to attend a settlement conference. The date for the settlement conference shall be selected by the lawyer mediator based upon availability of all counsel of record. Settlement conferences conducted by the lawyer mediator will be held at a location determined by the lawyer mediator.

(2) In the event a case is assigned to a lawyer mediator for settlement conference, at least seven (7) days prior to the conference, counsel shall provide the lawyer mediator with the following information:

(i) A copy of all pre-trial conference statements previously filed by that party.

(ii) A copy of all expert reports (relating to liability as well as damages) in the possession of that party and which the party intends to use at the time of trial;

(iii) While it is not necessary that a complete set of all medical records be provided to the lawyer mediator in advance of the pre-trial conference, any party to the action may in their discretion provide relevant portions thereof which may be of assistance to the lawyer mediator in conducting the conference and making recommendations;

(iv) Any other information that counsel deems important for the proper evaluation of the case including, but not limited to, any "settlement brochure", photographs, digests of relevant depositions, etc.

(e) Settlement Conferences.

(1) Only trial counsel shall appear at any settlement conference held before a lawyer mediator.

(2) Trial counsel for each and every party to the action shall appear at the date, time and location set for settlement conference, which conference shall continue until adjourned by the lawyer mediator.

(3) Trial counsel shall have their respective clients available by telephone at the time of the conference in order to actively pursue settlement.

(4) No *ex parte* communications shall take place between the lawyer mediator and counsel for the litigants without consent of all parties to the litigation. Where a case is to be tried by jury, all offers/demands of settlement will be communicated to the trial judge unless counsel specifically request that

the offers or demands not be divulged. Where a case is to be tried non-jury, demands/offers of settlement will not be communicated to the judge.

(5) Within five (5) days following each settlement conference, the lawyer mediator shall submit to the court administrator's office a written report in the format approved by the court provided to the lawyer mediator by the civil court coordinator at the time of appointment, which report shall identify the parties to the litigation, their counsel, whether any attorney failed to appear, offers/demands of settlement (except as provided in (e) (4) above), recommendations of the lawyer mediator, whether the case settled and/or the possibility of settlement, and whether additional involvement of the lawyer mediator is necessary to effectuate settlement.

(f) Failure to Act in Good Faith.

Failure to abide by these rules or to refuse to act in good faith with regard to settlement conferences may result in sanctions by the court.

Rule 220 JURY SIZE IN CIVIL TRIALS.

(a) Except as provided in subdivision (b), juries in civil cases may, at the discretion of the trial judge, consist of as few as eight members. Trials in such cases shall continue so long as at least six jurors remain in service. If the number of jurors falls below six, a mistrial shall be declared upon prompt application therefor by any party then of record.

(b) When a jury trial has been demanded pursuant to Pa. R.C.P. 1007.1, a trial by a jury consisting of twelve members may be had if written demand therefor is filed with the court on any pleading or as a part of the original pre-trial statement. Such demand may appear on the pre-trial memorandum form under the heading "miscellaneous."

(c) Regardless of jury size, each party shall be entitled as a matter of right to four peremptory challenges, except that in cases involving multiple plaintiffs and/or multiple defendants, the trial court shall, in its discretion, determine the number of peremptory challenges available to each of the parties then of record.

Rule 223 CONDUCT OF JURY TRIAL.

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

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

Rule 225 OPENING AND CLOSING STATEMENTS.

Except as otherwise directed by the trial judge, one attorney for each party or group of parties having the burden of proof shall address the jury at the conclusion of the evidence, after which the attorney for each adverse party or group of parties shall sum up. One attorney for each party or group of parties having the burden of proof shall then be allowed to address the jury in rebuttal.

Rule 226 POINTS FOR CHARGE.

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

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

Rule 227.1 MOTION FOR POST-TRIAL RELIEF.

(a) All post-trial motions shall be filed with the clerk of courts in accordance with Pa.R.C.P. 227.1, together with a request designating that portion of the record to be transcribed. A copy of the items filed, along with a proposed order for transcription, shall also be delivered to the trial judge, the court administrator, the court reporter, and every other party to the action and a certificate of such service shall be filed of record.

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

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

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

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

Rule 227.3 TRANSCRIPT OF TESTIMONY.

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

(b) The party requesting a transcript of the record or any portion thereof in a motion for post-trial relief shall pay the cost thereof. Where any other party files an objection requesting that an additional portion of the record be transcribed, the trial judge, in the absence of agreement by the parties, shall in his/her discretion and to the extent this matter is not covered in the Pennsylvania Rules of Judicial Administration 5000.1 *et. seq.*, assign the cost of such additional transcribing to any or all parties or to the county.

Rule 229 DISCONTINUANCE.

Upon the filing of a praecipe to settle, discontinue and end an action, the filing party shall deliver a copy of same to the court administrator’s office for transmittal to the assigned judge.

Rule 260 MONEY PAID INTO COURT.

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

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

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

Comment

This rule does not apply to cash bail or to payment of advanced costs such as masters' fees.

Rule 270 APPEALS FROM ZONING HEARING BOARDS.

(a) Form of Caption.

The caption of an appeal from a decision of a zoning hearing board shall contain a reference to the name of the municipality and shall be in the following form:

John Doe, Appellant,

vs.

_____,
Zoning Hearing Board
(Insert full name of municipality.)

(b) Additional Testimony.

In the event that a party desires to present additional evidence, a motion indicating the reasons therefor shall be presented to the court within twenty (20) days after filing of the appeal.

(c) Supersedeas.

An appeal from a decision of a zoning hearing board shall not act as a supersedeas without special order of court. An application for a supersedeas shall be in motion or petition form, as may be appropriate, and due notice of its presentation shall be given in accordance with these rules to the municipality or its solicitor and to the parties adversely interested in the case who have entered an appearance or to their attorneys of record.

Rule 275 LAND USE APPEALS.

The procedure for hearing and deciding appeals from decisions of municipal governing bodies with respect to land use matters shall be the same as for zoning hearing board appeals,

except that the case may be placed on a hearing list if there are disputed questions of fact pertinent to the appeal.

Rule 290 EMINENT DOMAIN.

(1) Petition for the appointment of viewers.

(i) The petition shall be filed with the clerk of courts, civil division.

(ii) Three copies of the petition and one proposed order to appoint the viewers shall be delivered to the court administrator's office for transmittal to the court and to the appointed viewers.

(iii) The initial petition presented to the court in any eminent domain proceeding shall cite the statute under which the petition is filed.

(2) Viewers shall be sworn to discharge the duties of their appointment as viewers with impartiality and fidelity according to the best of their learning and ability, upon their initial appointment to the board of view, and thereafter need not be sworn in any proceeding referred to them.

(3) A hearing shall be held at the time fixed by the viewers, and the witnesses shall be directed by the viewers or by the attorneys to appear at a time certain.

(4) Stenographic records of hearings will not be made except in unusual cases where, for good cause shown, the court has ordered the testimony to be taken steno graphically or electronically.

Rule 430 SERVICE BY PUBLICATION.

(1) Every motion for a special order directing the method of service pursuant to Pa. R.C.P. 430 shall be accompanied by a cover sheet in the form set forth as Appendix 1 of these rules.

(2) The Lehigh Law Journal shall be the legal periodical for the publication of all notices.

(3) The court will not consider a motion for special service pursuant to Pa.R.C.P. 430(a) unless

(a) A cover sheet in the form set forth in Appendix 1 of these rules is attached to the motion;

(b) An affidavit and supporting documentation is attached to the motion indicating that all prerequisites and at least one discretionary effort have been attempted; and

(c) The motion is electronically filed.

Rule 510 FILING OF LEGAL PAPERS WITH CONFIDENTIAL INFORMATION.

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trials Courts, persons who file documents that

contain confidential information as defined by the Policy shall use and file a Confidential Information Form, along with the redacted document, in order to comply with the Policy. The Confidential Information Form shall be available in each filing office as well as on the court's website at www.lccpa.org.

Rule 1012 APPEARANCES.

(a) The first pleading filed by any party in a case shall have endorsed thereon an address in the commonwealth at which all papers and notices thereafter may be served upon that party. The first pleading filed by an attorney on behalf of a party shall constitute the attorney's entry of appearance for that party, and shall have endorsed thereon the attorney's supreme court identification number and an address in the commonwealth at which all papers and notices thereafter may be served upon said attorney on behalf of that party. Subsequent filings by other counsel on behalf of that party shall not have the effect of an entry of appearance unless a praecipe for appearance is filed with the clerk of courts.

(b) A change of address of an attorney of record may only be accomplished by filing a written request with the clerk of courts, directing that the clerk's attorney file be updated to reflect the attorney's change of address. The request must be on the attorney's letterhead, shall be signed by the attorney, and shall contain the attorney's full name, Supreme Court identification number and new address. When a law firm changes its address, each attorney employed by said firm shall comply with this procedure.

Rule 1018.1 NOTICE TO DEFEND.

The following shall be designated in the notice to defend contained in a complaint filed by a plaintiff and a complaint filed by a defendant against an additional defendant as the organization from whom legal referral can be obtained, as required by Pa.R.C.P. 1018.1:

Lawyer Referral Service

1114 West Walnut Street

Allentown, Pennsylvania 18102

Telephone No. 610-433-7094

Rule 1021 CLAIM FOR RELIEF-- ACCOUNTING.

If the court orders a party to account under Pa.R.C.P. 1021, the procedure shall be governed by Leh.R.C.P. 1530.

Rule 1028(c) PRELIMINARY OBJECTIONS.

(1) Preliminary objections shall be filed with the clerk of courts, served upon the adverse parties or their counsel, and a time-stamped copy thereof shall be delivered to the court administrator's office for delivery to the assigned judge.

(2) Preliminary objections must be accompanied by a brief in support thereof unless factual issues are raised, in which case the procedure set forth in (4) shall be followed. Failure to file a brief may result in automatic dismissal of the preliminary objections.

(3) Within twenty (20) days after service of the preliminary objections, the adverse parties or their counsel shall file an amended pleading or a responsive brief with the clerk of courts, serve same upon the opposing parties or counsel, and deliver a copy to the court administrator's office for delivery to the assigned judge.

(4) Preliminary Objections raising factual issues

(i) Preliminary objections which assert facts not otherwise of record, including but not limited to, an objection under Pa. R.C.P. 1028 (a) (1), (5), or (6) shall be endorsed with a notice to plead pursuant to Pa. R.C.P. 1361. Such preliminary objections shall state specifically in underlined capital letters: THESE PRELIMINARY OBJECTIONS ASSERT FACTS NOT OTHERWISE OF RECORD.

(ii) Any response thereto shall be filed with the clerk of courts, and a time-stamped copy delivered to the court administrator's office. If an answer is filed and served, the moving party or any other party wishing to do so, shall supplement the record with the necessary facts by affidavit or deposition within thirty (30) days from the filing of the answer, unless a hearing is required by the court.

(iii) Within fourteen (14) days from the completion of the supplementation of the record, whether by the adverse party's failure to file an answer to the preliminary objections or by affidavit, deposition, or hearing the moving party shall file a brief in accordance with these rules. The opposing party shall file its brief within fourteen (14) days thereafter.

Rule 1034(a) MOTION FOR JUDGMENT ON THE PLEADINGS.

(1) A motion for judgment on the pleadings shall be filed with the Clerk of Courts, Civil Division, and shall be accompanied by a supporting brief. A Copy of the motion and brief shall be delivered to the court administrator's office for transmittal to the assigned judge.

(2) Any party opposing the motion shall file a response along with a supporting brief, within twenty (20) days after service of the motion. If a response is not filed as provided above, the court may treat the motion as uncontested.

(3) If movant does not file a supporting brief, the non-moving party need not do so, and the court may consider the movant to have abandoned the request for relief.

(4) After a response to the motion is filed or after the response period has elapsed, the assigned judge may schedule the motion for oral argument. If so, written notice of the argument date will be given to counsel for the parties and to any unrepresented parties.

Rule 1035.2(a) MOTION FOR SUMMARY JUDGMENT.

(1) A motion for summary judgment shall be filed with the clerk of courts, and shall be accompanied by a supporting brief. A copy of the motion and brief shall be delivered to the court administrator's office for transmittal to the assigned judge.

(2) Any party opposing the motion shall file a response along with a supporting brief, within thirty (30) days after service of the motion. If a response is not filed as provided above, the court may treat the motion as uncontested.

(3) If movant does not file a supporting brief, the non-moving party need not do so, and the court may consider the movant to have abandoned the request for relief.

(4) After a response to the motion is filed or after the response period has elapsed, the assigned judge may schedule the motion for oral argument. If so, written notice of the argument date will be given to counsel for the parties and to any unrepresented parties.

Rule 1037 JUDGMENT BY DEFAULT.

(a) Where a rule to show cause has been obtained or a demand made or a notice to plead given under any applicable court rule or statute, the neglect of which entitles a party to a judgment, the clerk of courts shall enter such judgment upon praecipe by the party not in default, which praecipe shall set forth all the facts substantiating the present right to said judgment and include a certification as to the addresses of the parties. Assessment of damages shall be in accordance with Pa. R.C.P. 1037.

(b) A petition to open or strike off a judgment shall not operate to stay proceedings unless the court, in its discretion, grants a stay of proceedings. As a condition of such stay, the court may require the posting of security, whether or not execution has issued.

Rule 1037.1 LIABILITY FOR COSTS.

(a) Liability to the clerk of courts, sheriff, or other official for costs shall rest primarily on the party or attorney incurring such costs, and such primary liability shall continue until the costs are paid, notwithstanding any award of costs allowed by rule of law or order of court.

(b) No case shall be marked "settled" or "discontinued" unless and until all record costs have been paid in full.

Rule 1037.2 BILL OF COSTS. TAXATION.

(a) A bill of costs for attendance of witnesses, service of subpoenas, and other expenses recoverable according to law or rule of court must be filed in the office of the clerk of courts, as may be appropriate, within ten (10) days after the trial, continuance or failure to reach the case, and a copy thereof shall be forthwith served upon all adverse parties or their attorneys. In equity hearings and trials without jury where an adjudication or decision is delayed by the court, a bill of costs will be deemed timely if filed within ten (10) days after entry of the adjudication or decision on the docket.

(b) Bills of costs shall bear the correct caption of the action and must contain the names of witnesses, the days of attendance, the number of miles traveled by each witness, and sufficient information to support all items of expense for which recovery is sought. The bill of costs shall be verified by the party or counsel of record, who shall state under oath, that the expenses listed are accurate and

correct and that the witnesses listed were actually present in court on the days alleged and that in the opinion of the deponent their testimony was material.

(c) A party upon whom a bill of costs has been served may, within ten (10) days, file exceptions thereto and demand that the same be taxed by the clerk of courts. Other items of cost may be taxed in the same manner. The clerk of courts shall thereupon fix a time and place for hearing, which hearing shall be not later than thirty (30) days after demand therefor. Each party shall be given at least ten (10) days notice of the hearing. Prior payment of costs shall not constitute a waiver of the rights conferred by this rule.

(d) Either party may appeal from the decision of the clerk of courts to the court within ten (10) days after notice of the decision. The appeal shall contain a specification of the items to which exception is taken and the reasons in support thereof and shall be accompanied by a praecipe placing the matter on the next available argument list. Copies of the appeal papers shall be served upon the adverse parties or their attorneys.

(e) Execution on a judgment will not be stayed pending proceedings to tax the costs or during an appeal therefrom unless the court shall so order, but any sum or sums collected on execution which represent items of costs which are then in dispute shall be paid to the clerk of courts, as may be appropriate, to be held pending the final outcome of the proceedings to tax such costs.

Rule 1054 SPECIFIC AVERMENTS -- ACTION IN EJECTMENT.

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

Rule 1081 CONCEALMENT OF PROPERTY; EXAMINATION OF DEFENDANT -- ACTION OF REPLEVIN.

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

COMPULSORY ARBITRATION

Rule 1301 COMPULSORY ARBITRATION - SCOPE.

(a) All civil actions which are subject to compulsory arbitration under the Judicial Code, in which the amount in controversy, exclusive of interest and costs, is Fifty Thousand ($50,000.00) Dollars or less, shall be submitted to compulsory arbitration.

Comment

Actions in ejectment, unless involving title to real property, are subject to compulsory arbitration.

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

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

Rule 1302 COMPULSORY ARBITRATION - ARBITRATORS.

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

(b) Each attorney who satisfies the requirements of Rule 1302(a) may submit his or her name to the court administrator who shall, with the approval of the administrative judge-civil division, assign said attorneys to various permanent arbitration panels. The composition of the panels may be changed from time to time as may be deemed appropriate by the court administrator, with the approval of the administrative judge-civil division.

(c) Each panel so comprised shall consist of five (5) attorneys, three (3) of whom shall be the assigned arbitrators, and two (2) of whom shall be substitutes. The chairperson of each panel shall have been actively engaged in the practice of law in this court for at least three (3) years. Should a substitution of an assigned arbitrator be necessary, he or she shall arrange for one of the two substitutes to be present at the arbitration. Should neither of the two substitutes of the panel be able to sit, the assigned arbitrator may arrange for a substitute from a list of court-approved permanent substitute arbitrators. A panel member who cannot sit and who has made the proper arrangements for a substitute shall notify, in writing, the other panel members and counsel for all parties or the parties themselves if unrepresented by counsel. In addition, a copy of this writing shall be mailed to the court administrator.

(d) Each arbitrator will be compensated such rate as may be set by the court from time to time by administrative order.

Rule 1302.1 LIST OF ARBITRATORS.

(a) The court administrator shall prepare and maintain a permanent roster of available arbitrators which shall be designated "List of Arbitrators" and shall contain the names of all attorneys who have met the qualifications set forth in Leh. R.C.P. 1302(a), *supra*, together with the date of admission to the bar of this court.

(b) The court administrator shall prepare and maintain a permanent roster of available chairpersons of boards of arbitrators which shall be designated "List of Chairpersons of Boards of Arbitrators" and shall contain the names of all attorneys who have met the qualifications of Leh. R.C.P. 1302(b), *supra*.

(c) Both of the lists mentioned in (a) and (b) above shall be organized in chronological order according to the date on which each attorney has become eligible for inclusion therein with the attorney having the earliest date of eligibility listed first. In the event two or more attorneys have become eligible on the same date, they shall be listed in alphabetical order.

(d) As each attorney listed on the "List of Arbitrators" completes three (3) years of active practice in this court, the name shall be added to the "List of Chairpersons of Boards of Arbitrators" and the date of the listing noted behind the name.

(e) An attorney whose name is contained on either or both of the lists above-mentioned may resign from either or both lists by letter addressed to the court administrator, whereupon the court administrator shall note the resignation and date thereof on the appropriate list or lists behind the attorney's name.

(f) The court administrator shall also note all deletions from the aforementioned lists whether by death, removal of principal office from Lehigh County, cessation of active practice in this court, suspension from practice or disbarment and the date thereof.

Rule 1302.2 SPECIAL LISTS.

The court may from time to time establish special lists of arbitrators who by virtue of seniority and experience in specific fields of the law are particularly qualified to serve as arbitrators in particular types of cases as for example, medical and legal malpractice cases, products liability cases and construction contract cases.

Rule 1302.3 COMPOSITION OF BOARDS OF ARBITRATORS.

(a) Each board of arbitrators shall be composed of one attorney from the "List of Chairpersons of Boards of Arbitrators" and two attorneys from the "List of Arbitrators".

(b) Substitutions shall be made from the appropriate list or lists by the court administrator.

(c) Appointments to boards of arbitrators shall be made by the court administrator in the order in which the names appear on the respective lists.

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

Rule 1302.4 NOTIFICATION OF APPOINTMENT OF ARBITRATORS.

The court administrator shall mail a copy of the appointment of a board of arbitrators to each arbitrator appointed, each attorney of record and in the event a party is not represented by an attorney to such party at his last known address by regular mail and file of record proof of such notice.

Rule 1302.5 COMPENSATION OF ARBITRATORS.

(a) For the first hearing, the arbitrators shall receive compensation as set by administrative order of this court.

(b) Where more than one hearing becomes necessary, additional compensation may be allowed at the discretion of the court upon petition and cause shown by the chairperson on behalf of all of the members of the board. Such a petition shall be presented to the administrative judge of the civil division of the court.

(c) No compensation shall be allowed when settlement occurs prior to the hearing, when counsel and the arbitrators report for a hearing and a settlement is announced or when no testimony is received at the hearing. In such cases, however, that panel of arbitrators shall be assigned another case at the first opportunity.

Rule 1303 HEARING.

(a) Arbitrations will be held on the date and at the time and place prescribed by the court administrator.

(b) The Clerk of Judicial Records—Civil Division shall notify all attorneys of record of the date, time and place of the hearing by email addressed to the attorneys' email address of record. If a party is not represented by counsel of record, that party shall be given notice by email addressed to the party's email address of record. The Clerk of Judicial Records—Civil Division shall file of record proof of such notice.

Notice shall be given to the parties or their attorneys of record at least thirty (30) days prior to the scheduled arbitration. The Court Administrator shall, by email addressed to the email address on file with the Court Administrator, notify all arbitrators assigned to an arbitration panel of the dates on which the arbitration panel is assigned to hear arbitration cases and the location of the arbitration hearings. In addition, prior to the scheduled arbitration date, the Court Administrator shall, by said email, send all of the arbitrators assigned to the arbitration panel a list containing the names of the cases to be heard, the names of the parties and the names of all counsel for the parties. In the event any of the arbitrators believes that he/she has a conflict of interest in connection with hearing any particular case, the arbitrator shall immediately notify the Court Administrator in writing that the arbitrator believes there is a conflict of interest and the reasons therefore, with a copy to all counsel or unrepresented parties involved in the particular case.

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

(d) In the event that the panels of arbitrators are unable to reach all of the cases scheduled for arbitration on a particular day, the arbitration hearing for those cases that are not reached shall be continued by the court administrator’s office to the morning of the next available date for arbitrations generally. In the event that an arbitration hearing has been commenced but is not concluded on the day

scheduled for the arbitration hearing, the arbitration hearing shall be continued to the morning of the next available date that the same members of the arbitration panel which commenced hearing the case are scheduled and available to hear arbitration cases.

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

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

Rule 1303.1 CONTINUANCES.

(a) Any application for a continuance of a scheduled arbitration hearing shall be presented on the approved continuance request form to the administrative judge, civil division, or his designee, at least five (5) days prior to the arbitration date. The continuance request must be on a form approved by the court, and shall contain all of the reasons for the request for continuance. Amplification of reasons, by letter or in person, will not be considered by the court. The application for continuance will not be considered unless it contains the position of opposing counsel, either by signature of the opposing counsel or by verification of the counsel presenting the request for continuance. Good cause shall be required for continuance of an arbitration hearing. The filing of a pre-trial motion after a case has been scheduled for arbitration will not result in an automatic continuance of the arbitration hearing.

(b) If the application for continuance of a scheduled arbitration hearing is granted, the court administrator shall select and set a date certain for the arbitration hearing to be held. Counsel may select a date certain for the continuance of the arbitration hearing from a list of available dates provided by the court administrator's office, provided that all counsel agree to said date. A selection of a date certain certifies to the court that the date has been cleared with opposing counsel and the court administrator. Continuances will not be granted from a date certain selected by counsel.

(c) If an application for continuance is not made at least five (5) days prior to the arbitration hearing, then a continuance shall only be granted by the court for good cause which was not apparent five (5) days prior to the date set for the arbitration hearing.

Rule 1303.2 SCHEDULING OF ARBITRATION HEARING: NOTICE.

(a) A matter subject to compulsory arbitration shall be listed for hearing by (1) praecipe of any party when the pleadings are closed or the time for filing pleadings has ended, and there are not any outstanding motions requiring disposition by the court, or by (2) the court administrator under circumstances hereafter described.

(b) By Praecipe of Any Party

A party may, following compliance with the discovery notice herein required, request that a matter be scheduled for arbitration by using forms provided by the clerk of courts, civil division for such purpose.

(i) A party shall not praecipe a case for arbitration until the party has served upon opposing counsel and any unrepresented parties a notice of intent to request arbitration. Within twenty (20) days after the date of the notice, a party desiring any additional discovery shall notify other counsel and unrepresented parties of the scope and nature of such additional discovery. Discovery must be completed within 120 days from the giving of notice to pursue additional discovery.

(ii) If no discovery request is sent within twenty (20) days after the date of the notice of intent to arbitrate, a party may praecipe the case for arbitration by filing same with clerk of courts.

(iii) If a discovery request is made, a party may praecipe the case for arbitration upon completion of discovery or the expiration of 120 days from the giving of the notice to pursue discovery, whichever comes first, unless the time for discovery is extended by the court.

(iv) A party shall not be required to serve notice of intent to request arbitration if the matter has been pending for a period one (1) year or more.

(v) Notwithstanding the foregoing, discovery in cases involving district justice appeals shall be completed within sixty (60) days from the filing of the appeal.

(c) As Set by the Court Administrator

The court administrator may schedule matters for arbitration under the following circumstances:

(i) All matters that are appeals from a district justice decision may be scheduled for arbitration hearing sixty (60) days after the appeal is taken, unless there are outstanding pleadings, motions, petitions, or other matters that require court disposition. The parties to a district justice appeal shall file pleadings and complete discovery within sixty (60) days of the date of the appeal.

(ii) All other matters which are subject to compulsory arbitration may be scheduled for arbitration hearing no later than one (1) year after the commencement of the action, unless there are outstanding motions, petitions, or other matters that require court disposition. The parties to an action which is subject to compulsory arbitration shall file all pleadings and complete all discovery within six (6) months of the date of the commencement of the action, unless the time for completion of discovery has been extended by the court upon motion of any party.

(d) In the event one or more parties do not appear for the scheduled arbitration, the remaining parties may request to have the motions judge hear the matter on the same date as the scheduled arbitration hearing. It shall be discretionary with the judge whether to hear the case as requested.

(e) The filing of dispositive motions within thirty (30) days of the scheduled arbitration hearing shall not be grounds for continuance of the hearing unless good cause is shown.

Rule 1304 CONDUCT OF HEARING, GENERAL.

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

(b) Procedural rules described in Pa. R.C.P. 1304 shall apply to the conduct of arbitration hearings.

(c) Parties may present agreements on awards to be entered by the arbitrators orally on the date of hearing, or in writing prior thereto.

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

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

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

Rule 1305 CONDUCT OF HEARING, EVIDENCE.

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

(b) Following the hearing, the chairperson of the board of arbitration may release to the respective parties the exhibits introduced.

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

Rule 1306 AWARD -- DELAY DAMAGES.

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

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

(c) If damages for delay under Pa.R.C.P. 238 are awarded, the amount thereof shall be added to the principal amount awarded, but shall be separately stated on the award.

Rule 1307 COSTS.

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

Rule 1308 APPEALS FROM ARBITRATION.

All appeals compulsory arbitration must be timely filed with the Clerk of Judicial Records—Civil Division accompanied by payment in the amount of $750.00 or 50% of the amount in controversy, whichever is less. Appellant shall contemporaneously provide a copy of the appeal to the Court Administrator's office.

Rule 1534 ACCOUNTING BY FIDUCIARIES.

(1) When a receiver, assignee or other fiduciary files an account, notice shall be given of the intention to apply for confirmation thereof not less than twenty (20) days in advance of such application.

(2) Notice to all parties in interest shall be given by certified mail unless the court otherwise directs and proof of service shall be filed with the application for confirmation.

Rule 2039 SETTLEMENT, COMPROMISE AND DISCONTINUANCE OF ALL NON-DEATH ACTION CASES IN WHICH MINORS HAVE AN INTEREST.

(a) All actions in which a minor has an interest, except wrongful death and survival actions governed by Leh.R.C.P. 2206, shall not be settled, compromised, or discontinued until entry of a decree in the civil division or orphans' court division of this court as hereinafter provided, upon petition in accordance with this rule.

(b) If suit has been instituted in the civil division of this court, all petitions for settlement, compromise or discontinuance of a minor's action shall be handled by the administrative judge of the orphans' court division, unless the civil judge assigned to the case directs otherwise.

(c) If no suit has been instituted and if the minor is a Lehigh County resident, all petitions for settlement, or compromise of a minor's claim shall be handled by the administrative judge of the orphans' court division.

(d) Contents of Petitions

(1) Regarding non-structured settlements:

(i) the minor's name, date of birth and where and with whom s/he currently resides;

(ii) the names and addresses of both of the minor's parents;

(iii) delineation of the factual circumstances of the case; *i.e.* date of accident/injury, how it occurred; identification of defendants, etc.

(iv) the nature and extent of the minor's injuries; the current diagnosis of and prognosis for the minor's condition.

(v) the gross amount of the settlement and whether or not it represents policy limits.

(vi) if the settlement amount proposed to the minor is a portion of a gross figure allocated among others injured in the same accident (even if adults) the names of those persons, their relationship to the minor, the nature and extent of their injuries and the amount of their proposed recoveries.

(vii) the total amount of medical costs incurred and how paid.

(viii) the nature and amount of any subrogation or Department of Public Welfare lien proposed to be paid from the settlement proceeds.

(ix) the amounts of the proposed legal fee and of costs proposed to be paid to counsel from the settlement proceeds.

(x) explanation of and justification for any amount proposed to be paid from the settlement proceeds to a parent or parents of the minor.

(xi) whether or not it is anticipated that a judicial determination of capacity will be necessary when the minor attains majority.

(xii) the name and address of a bank or credit union doing business in Lehigh County where amounts payable during minority will be placed in an interest-bearing savings account, money-market account, or certificate of deposit entitled in the minor's name alone; or the name and date of appointment of a corporate guardian of the estate who will administer the minor's funds.

(xiii) whether or not non-disclosure of the terms is a condition of the settlement; and if so, a request that the petition and decree be sealed.

(2) Regarding structured settlements:

(i) All of the information required by subsection (1) of this section (d) that is factually applicable except the gross settlement figure, which shall not appear in the petition; and

(ii) the name of the company issuing the annuity that will fund the structure together with its rating by 2 of the following: A.M. Best Company; Standard & Poor; Moody; or Duff& Phelps.

(iii) the same information as in subsection (ii) above, regarding any guarantors of the structure.

(iv) the duration for which the future payments are guaranteed, and the names and relationship to the minor of the contingent beneficiaries of the guaranteed payments.

(v) that the right to alter the contingent beneficiary designation (in the manner prescribed by the issuer) is reserved to the minor upon attainment of majority.

(vi) the amount, if any, of cash presently payable to the minor.

(e) Exhibits to Petitions for Approval of Settlement

(Structured and Non-Structured)

(1) An itemization of costs to be reimbursed (including orphans' court filing fees to be incurred by compliance with section (g) of this rule and regarding Filing of Petitions and Decrees).

(2) A copy of contingency fee agreement.

(3) Written evidence of Department of Public Welfare or any other subrogation lien proposed to be paid from the settlement proceeds.

(4) A medical report or opinion that contains a description of injury, course of treatment, recovery and prognosis.

(5) Consent and joinder of a parent and natural guardian of the minor who is not a petitioner; or, proof of service of a copy of the petition upon such parent.

(6) A copy of the release.

(f) Disposition of Petitions: In all cases whether or not suit has been instituted.

(1) Submission

A copy of the petition, with exhibits shall be submitted (by mail, telefax or hand delivery) to the orphans' court counsel. After review, the orphans' court counsel will contact counsel for petitioner to schedule a date for presentation. The petition shall not be filed prior to presentation to the court.

(2) Presentation

Formal presentation is required in all cases unless excused by the court. Attendance at presentation is required of the minor and both parents unless the non-appearing parent:

(i) is a co-petitioner; or

(ii) has signed a consent and joinder to petition; or

(iii) has been served with a copy of the petition and notice of its presentation; or

(iv) is unable to be located after efforts deemed satisfactory to the court.

(3) Accompanying Documents

The petition, in addition to the requisite exhibits, shall, when submitted, be accompanied by:

(i) a proposed decree which:

- approves the settlement as set forth in the petition;
- directs that the petitioner's counsel deposit proceeds payable during minority to an interest-bearing restricted account in the minor's name, at a federally insured bank or credit union doing business in Lehigh County.
- directs the distribution of future payments, if any, due under terms of an annuity contract.
- names the contingent beneficiaries of guaranteed payments, reserving the right to alter the designation to the minor upon attainment of majority.
- directs that a time-stamped copy of the decree filed in the civil division be filed with the clerk of orphans' court division to establish a separate orphans' court file and number.
- provides for the filing of affidavits of deposit, affidavits of payment, and/or affidavits of purchase with the clerk of the orphans' court division under the orphans' court caption and number.
- authorizes plaintiff's counsel to mark the civil docket, if any, settled, discontinued and ended.

(ii) if non-disclosure of terms is a condition of settlement, a separate confidentiality order.

(iii) if the settlement is structured, a letter from counsel disclosing the gross settlement figure and cost of the annuity funding the structure.

(g) Filing of Petitions and Decrees

(1) In all cases where suit has been instituted, upon entry of a decree after formal presentation, counsel for petitioner shall:

(i) file the original decree, petition and exhibits with the clerk of courts; and

(ii) file as many time-stamped copies of the decree

(iii) as there are minor recipients of settlement proceeds (structured or non-structured) with the clerk of the orphans' court division in order to obtain a separate orphans' court file number for each minor; and

(iv) obtain from the clerk of the orphans' court division as many separate affidavits of deposit as there are minors receiving cash payments during minority; and

(v) file with the clerk of the orphans' court division a separate affidavit of deposit evidencing establishment of a restricted account for each minor recipient of current settlement proceeds under the orphans' court caption and file number; and/or

(vi) file with the clerk of the orphans' court division a sworn acknowledgment by an authorized official of the issuer that an annuity contract was purchased to provide the payments set forth in the decree approving a structured settlement.

(2) In all cases where no suit was instituted and the minor is a Lehigh County resident, upon entry of a decree after formal presentation, counsel for petitioner shall:

(i) file a separate original decree, petition and exhibits regarding each minor, with the clerk of the orphans' court division; and

(ii) obtain from the clerk of the orphans' court division an affidavit of deposit for each such separate set of pleadings filed per (*i*) above; and

(iii) file with the clerk of the orphans' court division, a separate affidavit of deposit evidencing establishment of a separate restricted account for each minor recipient of current settlement proceeds and a certification of compliance with order establishing restricted account; and/or

(iv) file with the clerk of the orphans' court division, a sworn acknowledgment by an authorized official of the issuer that an annuity contract was purchased to provide the payments set forth in the decree approving a structured settlement.

Rule 2064 COMPROMISE, SETTLEMENT, DISCONTINUANCE, OR DISTRIBUTION – INCAPACITATED PERSONS.

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

Rule 2205 PROOF OF SERVICE.

Proof of service shall be as provided by Pa.R.C.P. 405(c).

Rule 2206 PETITIONS FOR APPROVAL OF SETTLEMENT, COMPROMISE, DISCONTINUANCE AND JUDGEMENT IN WRONGFUL DEATH AND/OR SURVIVAL ACTIONS; ALLOCATION OF PROCEEDS; NOTICE TO THE DEPARTMENT OF REVENUE; CONTENTS AND DISPOSITION OF THE PETITION; FILING OF DECREES.

(a) All wrongful death actions in which a minor or incapacitated person has an interest shall not be settled, compromised, or discontinued until entry of a decree

by the civil division or orphans' court division of this court as hereinafter provided, upon petition in accordance with this rule.

(b) No survival action may be settled, compromised, or discontinued without judicial approval pursuant to petition as hereinafter provided.

(c) If suit has been instituted, all such petitions shall be handled by the judge of the civil division to whom the case has been assigned. If no such assignment has been made, the petition shall be handled or referred as the administrative judge of the civil division shall direct.

(d) If no suit has been instituted, all such petitions shall be handled by the administrative judge of the orphans' court division.

(e) Contents of Petition

Any such petition shall contain the following information:

(1) Delineation of the factual circumstances of the case, *i.e.*, date of the accident/injury, how it occurred, and identification of the defendant(s).

(2) Type of injury suffered together with some medical documentation to advise the court of the extent and effect of the injuries.

(3) How long the decedent lived after the accident.

(4) What portion of the settlement proceeds are to be attributed to wrongful death and what portion to the survival action, together with supporting facts (*e.g.*; pain and suffering; pecuniary loss etc.)

(5) A list of any unpaid creditors of the decedent, and how they will be paid.

(6) Whether the decedent died testate or intestate, and a list of the intestate heirs, including adult children, and whether the decedent's children are also children of the surviving spouse.

(7) Whether the decedent's intestate heirs are the same as his or her testate heirs and, if not, a list of the testate heirs and their relationship to decedent.

(8) To what extent the surviving spouse's $30,000.00 intestate share threshold has been satisfied excluding settlement proceeds.

(9) Whether or not decedent's parent(s) or spouse has forfeited his or her intestate share pursuant to 20 Pa.C.S. §2106.

(10) The date of the birth of any intestate heir who is a minor.

(11) The facts establishing pecuniary loss suffered by adult children claiming a share of wrongful death proceeds; or an averment that an adult child is not claiming any interest in wrongful death proceeds.

(12) The date of appointment and name of the guardian of the estate of any heir who has been adjudged incapacitated.

(13) If the settlement is structured, the information required by Leh. R.C.P. 2039 (d) (2) (regarding compromise of minor's actions).

(f) Exhibits to Petitions

The petition shall have attached to it as exhibits, the following items:

(1) An itemization of the costs to be reimbursed (including orphans' court filing fees to be incurred if copies of the order will need to be filed in orphans' court division as required by section (i) of this rule regarding Filing of Final Decrees).

(2) A copy of the contingency fee agreement signed by clients and counsel.

(3) Birth certificate for any beneficiary who is a minor.

(4) Consents and joinders of an adult child not claiming a portion of wrongful death proceeds, or proof of service of petition and proposed decree upon them.

(5) Guardian's certificate evidencing the appointment of a guardian of the estate of a distributee who is a minor or an incapacitated person.

(6) Regarding non-Lehigh County estates:

(i) a short certificate that is not more than sixty (60) days old evidencing petitioner's appointment as personal representative.

(ii) a copy of the inventory of the decedent's estate.

(iii) a copy of decedent's will.

(iv) notices of claims against the estate filed of record.

(7) Written evidence of Department of Public Welfare or any other subrogation liens proposed to be paid from settlement proceeds.

(8) Written response from the Office of Chief Counsel on behalf of the Department of Revenue approving or disapproving the proposed allocation of proceeds between the wrongful death and survival actions.

(9) A copy of the release.

(g) Disposition of Petitions: In all cases, whether or not suit has been instituted

(1) Submission (uncontested allocation)

If the petition has been approved by the Department of Revenue, or if no response has been received within 20 days of service of a copy of the petition upon the Department through the office of chief counsel, a photocopy of the petition, proposed decree and exhibits shall be submitted (by mail, telefax, or hand delivery) to the orphans' court counsel with a notation as to the civil division judge, if any, to whom the case is assigned. After review, the orphans' court counsel will request counsel for petitioner to submit the original pleadings (together with as many photocopies of the decree as there are counsel of record) for transmittal to

the appropriate civil division or orphans' court division judge for action. The petition shall not be filed prior to submission as provided herein.

(2) Accompanying Documents

The petition, in addition to the requisite exhibits, shall be accompanied by:

(i) a proposed decree, which:

- apportions the proceeds, fees, and costs between the wrongful death action and the survival action;
- directs that the share of a minor be deposited to a restricted, interest-bearing, account in a federally insured bank or credit union doing business in Lehigh County;
- directs that the share of an adjudicated incapacitated person be awarded to the guardian of his/her estate;
- directs the personal representative to promptly file a supplemental inventory and inheritance tax return that both reflect receipt of survival action proceeds with the register of wills of the county of decedent's domicile.

(ii) if non-disclosure of terms is a condition of settlement, a separate confidentiality order.

(iii) if the settlement is structured, a letter from counsel disclosing the gross settlement figure and the cost of the annuity funding the structure.

(3) Presentation (uncontested allocation)

Unless requested by counsel or required by the court, no hearing will be held, nor formal presentation required, where the petition for approval and allocation is uncontested by any party in interest or by the Department of Revenue. Counsel for petitioner will be contacted when a decree is entered at which time counsel shall file the pleadings in accordance with section **(i)** of this rule (regarding Filing of Final Decrees).

(h) Contested Allocations of Proceeds

(1) Submission of Petition and Rule

In all cases, whether or not suit has been instituted, if the petition has not been approved by the Department of Revenue and a hearing is needed on the issue of allocation of proceeds, the original petition and exhibits shall be submitted to the orphans' court counsel (as per subsection (1) of section (g) above) by mail or hand delivery together with a proposed decree (as per subsection (2) of section (g) above) and with a rule returnable which establishes a hearing date and directs service.

(2) Filing of Petition and Rule

(i) Civil division - if suit has been commenced, the rule, petition, and proposed decree shall be filed with the clerk of courts-civil division.

(ii) Orphans' court division - if no suit has been commenced, the rule, petition, and proposed decree shall be filed with the clerk of the orphans' court division.

(3) Service of rule, petition and proposed decree

(i) The Department of Revenue - the rule, petition, and proposed decree shall be served by certified mail, return-receipt requested upon the office of chief counsel, Pennsylvania Department of Revenue at least 10 days prior to the date for hearing on allocation set by the rule returnable.

(ii) Defendants - Counsel for defendants, or unrepresented defendants shall be served with the rule, petition, and proposed decree by ordinary, first-class mail at least 10 days prior to the date for hearing on allocation set by the rule returnable.

(4) Entry of Decree

After hearing on the issue of allocation of proceeds, the court shall issue a decree approving settlement and directing distribution of proceeds, which shall be filed by counsel for the petitioner in accordance with section (i) of this rule (regarding Filing of Final Decrees).

(i) Filing of Final Decrees

(1) In all cases where suit has been instituted, upon entry of a decree by the court, counsel for petitioner shall:

(i) file the original decree and petition plus exhibits (if not previously filed per section (h) above) with the clerk of courts - civil division; and

(ii) if the decedent's estate was raised in Lehigh County, file, pursuant to 20 Pa.C.S.A. §3323 (b) (3), a time-stamped copy of the decree with the clerk of orphans' court division. (If there are minor and/or incapacitated distributees, see subsection (2) of this section (i), below).

(2) In all cases where there are minor or incapacitated distributees and the decedent's estate was raised in Lehigh County, upon entry of a decree by the court, counsel for petitioners shall:

(i) file with the clerk of orphans' court division, a time-stamped copy of the signed decree, or if no civil suit was instituted, the original petition with exhibits and decree under the caption and file number of the decedent's estate; and

(ii) obtain from the clerk of the orphans' court division, as many separate affidavits of deposit as there are minor distributees and/or as many guardian's inventory forms as there are incapacitated distributees whose guardians were appointed in Lehigh County; and

(iii) file with the clerk of the orphans' court division, a separate affidavit of deposit evidencing establishment of a restricted account in the name of each minor distributee, using the caption and file number of the decedent's estate with each minor's name as a parenthetical reference; and/or

(iv) file with the clerk of the orphans' court division a supplemental guardian's inventory disclosing receipt of settlement proceeds on behalf of each ward adjudicated incapacitated in Lehigh County, using the guardianship caption and file number; each such inventory to be accompanied by a copy of the decree directing distribution.

(3) In all cases where there are minor distributees (resident or non-resident) and/or incapacitated distributees (whose guardian was appointed in Lehigh County) and the decedent's estate was not raised in Lehigh County, upon entry of a decree by the court, counsel for petitioner shall:

(i) file with the clerk of the orphans' court division as many clocked copies of the signed decree as there are minor distributees to obtain a separate orphans' court "M" file number for each minor; and

(ii) obtain from the clerk of the orphans' court division, as many separate affidavits of deposit as there are minor distributees and/or as many guardian's inventory forms as there are incapacitated distributees whose guardians were appointed in Lehigh County; and

(iii) file with the clerk of the orphans' court division a separate affidavit of deposit evidencing establishment of a restricted account for each minor distributee, using the minor's name as caption and the newly-assigned orphans' court "M" file number; and/or

(iv) file with the clerk of the orphans' court division a supplemental guardian's inventory disclosing receipt of settlement proceeds on behalf of each ward adjudicated incapacitated in Lehigh County; each such inventory to be accompanied by copy of the decree directing distribution.

Rule 3110 EXECUTION AGAINST CONTENTS OF SAFE DEPOSIT BOX.

Publication shall be as provided in Pa.R.C.P. 430(b)

Rule 3121 STAY OF EXECUTION.

(a) No stay of execution shall be granted under Pa.R.C.P. 3121(b) except on petition (without a rule) setting forth the grounds therefor, with notice, including a copy of the said petition, at least twenty-four (24) hours prior to the presentation thereof, said notice to set forth the time and place where the intended application is to be made; provided, however, that where manual seizure of personal property by the sheriff is imminent, the court may entertain a petition to stay execution in such manner and with such notice as it, in its discretion, may require.

(b) A petition for a stay of execution based upon misdescription of property shall contain a corrected description of the property which thereafter shall be conclusive upon the petitioner.

(c) If the petition for stay of execution is not prosecuted with diligence, the petition may be dismissed on motion of an opposing party.

(d) The allowance of a stay of execution involving perishable property under levy shall be conditioned upon the petitioner filing approved security for the full value of the property.

(e) Allowance of every stay of execution against real estate may also be conditioned upon the petitioner paying the advertising costs incurred in addition to the filing of a bond. If the petitioner is a lessee, the stay shall be conditioned upon payment for use and occupancy pending the stay.

Rule 3128 NOTICE OF SALE -- PERSONAL PROPERTY.

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

Rule 3129.2 NOTICE OF SALE -- REAL PROPERTY.

The brief description of the property required to be set forth pursuant to Pa.R.C.P. 3129.2(b)(1) need not include the metes and bounds description set forth in the last recorded deed as long as the description sets forth the location of the property by street address and by reference to the parcel identifier number (PIN).

Rule 3136 DISTRIBUTION OF PROCEEDS.

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

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

Rule 3252 WRIT OF EXECUTION. MONEY JUDGMENT.

The office to be named in the notice shall be that designated by the court under Leh.R.C.P. 1018.1.

Rule 3256 PRAECIPE FOR WRIT. MORTGAGE FORECLOSURE.

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

Rule 4007.2 DEPOSITIONS -- DISTANT WITNESSES.

(a) A motion to obtain leave of court to take depositions by oral examination, where such leave is required, shall follow the procedure set forth in Leh.R.C.P. 206.1 and shall contain the following:

(1) the name of the proposed witness;

(2) the time and place of the proposed deposition and the name of the officer before whom the depositions will be taken;

(3) the scope and purpose of the questioning;

(4) the reasons relied upon to support the request for oral examination; and

(5) a request for a subpoena or subpoena duces tecum, if necessary.

Rule 4008 DEPOSITIONS BY ORAL EXAMINATION.

Unless leave of court is obtained or all parties agree otherwise, and excepting videotape depositions for use at trial, all depositions in cases filed with this court shall be taken in Lehigh County, Pennsylvania.

Rule 4009 COURT REPORTING AND TRANSCRIPTS – FEES AND PROCEDURES.

(A) Procedures for requesting a transcript:

(1) All requests for transcripts shall be set forth on the standardized form, Request for Transcript or Copy Form, available at

https://www.lccpa.org/forms/courttrans/general/RequestforTranscript.pdf

(2) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other court proceeding shall file the original Request for Transcript Form with the appropriate filing office (i.e., Clerk of Judicial Records – Civil Division, Clerk of Judicial Records – Criminal Division, Orphans' Court, or the Domestic Relations Section) based upon the specific case type. The requesting party shall also serve copies of the Request for Transcript Form upon:

(a) the Judge presiding over the matter; and

(b) the Court Reporter

by delivering two (2) copies of the Request for Transcript Form to the Court Administrator's Office located in Room 614; and

(c) opposing counsel or the opposing party, if not represented.

(3) The Court Reporter shall prepare the transcript upon:

(a) the approval of the Presiding Judge; and

(b) payment of the deposit by the requesting party to the appropriate filing office in accordance with the order of the Presiding Judge.

(4) The Court Reporter shall file the transcript and serve the requesting party with a copy of the transcript upon payment of the balance owed by the requesting party to the appropriate filing office in accordance with the order of the Presiding Judge.

(5) If a party is requesting daily, expedited or same day transcripts, or provisions for secure electronic feed, the request for such transcripts or service shall be filed with the appropriate filing office at least ten (10) days prior to the scheduled proceeding. Copies of the written request shall be delivered in accordance with subsection (2). Such requests will be accommodated only upon approval of the Presiding Judge and the Court Reporter.

(B) Economic hardship

(1) Pursuant to Pa.R.J.A. 4008(B), a request to waive or reduce transcript fees shall be noted on the Request for Transcript Form and include a fully completed *In Forma Pauperis* Petition pursuant to Pennsylvania Rule of Civil Procedure 240, even if *IFP* status was previously granted on the case.

(2) Litigants who have been approved for representation by Legal Aid Services are not required to further prove economic hardship pursuant to section (B)(1) above; however, they must attach to their Request for Transcript Form a letter of certification from Legal Aid Services that the litigant meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(C) Fees – original transcript – requesting party

(1) The fees payable by the party, other than the Commonwealth or a subdivision thereof, initially requesting the transcript in an <u>electronic</u> format shall be as follows:

(a) for an ordinary transcript, $2.50 per page;

(b) for an expedited transcript, $3.50 per page, if the Court Reporter is able to accommodate the request and the Presiding Judge approves; and

(c) for a daily transcript, $4.50 per page, if the Court Reporter is able to accommodate the request and the Presiding Judge approves; and

(d) for same day delivery, $6.50 per page, if the Court Reporter is able to accommodate the request and the Presiding Judge approves.

(2) When the transcript is prepared in <u>bound paper format,</u> the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of $0.25 per page.

(D) Fees - copies of transcript

A request for a copy of any transcript, made prior to filing the transcript of record, in excess of the copy provided for in section (A)(4) of this Rule, shall be provided according to the following schedule:

(1) $0.75 per page paper format; and

(2) $0.50 per page electronic copy.

(E) Fees – copies of transcript - previously ordered, transcribed and filed of record

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

(1) $0.75 per page paper format; and

(2) $0.50 per page electronic copy.

(F) Fees - additional costs

The Presiding Judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice, or other unusually complex litigation where there is a need for Court Reporters to significantly expand their dictionary. Such surcharges are at the discretion of the Presiding Judge.

(G) Fees – secure electronic feed

The Presiding Judge may impose a reasonable surcharge in cases involving a secure electronic feed during the proceeding. Such surcharge is at the discretion of the Presiding Judge.

(H) Payment of fees

All fees shall be made payable to the "County of Lehigh" and shall be delivered to the appropriate filing office (i.e., Clerk of Judicial Records – Civil Division, Clerk of Judicial Records – Criminal Division, Orphans' Court, or the Domestic Relations Section) based on the case type. No fees shall be paid directly to the Court Reporter or Transcriptionist.

(I) Rule as exclusive method to obtain, reproduce, distribute, or copy transcript of portion thereof

No person shall obtain, reproduce, distribute, or copy any transcript or portion thereof except in accordance with this rule.

REQUIREMENTS FOR SPECIAL SERVICE CHECKLIST

)

)

) Case No.

)

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Counsel for the moving party has attempted the following efforts marked with an "X":

Prerequisites:

_____ Attempted Sheriff service to all known addresses

_____ PennDOT Form DL-503[1] (as applicable pursuant to Section D of the Form)

_____ Inquiry of postal authority

_____ Examination of Lehigh County dockets

_____ Examination of social media platforms (Facebook, LinkedIn, etc.)

_____ Search on at least one Internet search engine (Google, Bing, etc.)

Discretionary Efforts:

_____

[1] PennDOT Form DL-503 is available on PennDOT's website. PennDOT Form DL-503 is only required if the requestor satisfies one of the seven categories set forth in Section D of Form DL-503.

Appendix 1

_____ Examination of local tax records

_____ Examination of voter registration records

_____ Examination of telephone directory website (411.com, whitepages.com, etc.)

_____ Inquiry of relatives, neighbors, friends, and employers of defendant(s)

_____ Other:

_____

The court will not consider a motion for special service pursuant to Pa.R.C.P. 430(a) unless

1. This checklist is attached to the motion;
2. An affidavit and supporting documentation is attached to the motion indicating that all prerequisites and at least one discretionary effort have been attempted; and
3. The motion is electronically filed.