IN THE COURT OF COMMON PLEAS
FOR THE 30TH JUDICIAL DISTRICT OF PENNSYLVANIA

CRAWFORD COUNTY RULES OF CIVIL PROCEDURE

JOHN F. SPATARO, President Judge
MARK D. STEVENS, Judge
FRANCIS J. SCHULTZ, Judge

CRAWFORD COUNTY RULES OF CIVIL PROCEDURE

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Rule 51. TITLE [AND CITATION] OF RULES. PURPOSE.

These Local Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They may be cited as "Cra.R.Civ.P. ___."

Rule 76. DEFINITIONS.

Unless the context clearly indicates otherwise, the words and phrases used herein shall bear the same meaning as they bear in the Pennsylvania Rules of Civil Procedure.

Rule 101. PRINCIPLES OF INTERPRETATION.

In the construction of any of these rules, the principles of interpretation set forth in the Pennsylvania Rules of Civil Procedure shall be used.

Rule 205.2(a). PLEADINGS AND LEGAL PAPERS. FORMAT.

Physical characteristics of pleadings and other legal papers.

(1) All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law and in other matters designated under the state and local Rules of Civil Procedure shall be prepared for flat filing.

(2) No paper or other document may be filed in the Clerk of Courts' Office, or the Prothonotary's Office, on any paper other than paper approximately 8½ x 11 inches in size. Any paper or other document filed in any office shall substantially comply with the following requirements:

(a) All such papers shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality with typed or printed matter 6½ x 9½ inches in size.

(b) The cover sheet shall contain a three (3) inch space from the top of the paper for all Court stampings, filing notices, and other Court purposes.

(c) Multi-page filings shall be stapled in the upper left-hand corner only. No tape, headers or backers shall be used.

(d) Page numbers shall be placed at the bottom of each page.

(e) Exhibits introduced in judicial proceedings and wills are exempt from this rule.

Rule 205.2(b). COVER SHEET.

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following form: [see] Exhibit 205.2(b).

Rule 205.2(c). *PRO SE* FILINGS.

(1) Except as provided in Pa.R.C.P. 240, the Prothonotary may refuse to accept filings that are not accompanied by the requisite filing fee. In doing so, the Prothonotary shall advise the party of the right to proceed in forma pauperis under Pa.R.C.P. 240 and make available to the party a form motion and affidavit for the party to use, if the party desires to do so, in seeking

leave of Court to proceed in forma pauperis. Any filing which is not in compliance with law, rule of Court, etc. shall be forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

Said notice shall be substantially in the following form:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY WHICH IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. THE PROBLEMS WITH THE FILING ARE: _____

_____.

YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE COURT ADMINISTRATOR AT THE FOLLOWING OFFICE:

Court Administrator
Crawford County Judicial Center
Meadville, Pennsylvania 16335
Telephone: 814-333-7498

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

(2) *Pro se* filings by counseled parties.

Pro se filings with the Prothonotary by parties with counsel of record, which are not signed by the attorney, shall be accepted for filing. The Prothonotary shall time stamp the filing, make a docket entry reflecting the date of receipt and place the document in the case file. A copy of the time stamped document shall be sent to the attorney for the party. The Court may not be required to take any action in response to any pro se filing by a counseled party.

Rule 205.3.1. USE OF ELECTRONIC MAIL ADDRESSES IN FILINGS AND CORRESPONDENCE

(a) Electronic mail (email) addresses shall be included in all filings in the Office of the Prothonotary, and in all correspondence to the Office of the Prothonotary, Court Administration, and the Court.

(b) Reponses from the Office of the Prothonotary, Court Administration, and the Court may be by email at the responder's discretion, which shall be deemed the same as if the responses were sent by mail.

(c) If the email address changes, the filer or sender shall provide an updated email address to the Office of the Prothonotary, Court Administration, and the judge to whom the case has been individually assigned (if any), within one business day.

(d) This Rule shall not apply to an unrepresented individual who does not have an email address.

(e) This Rule does not authorize filing by email.

Rule 206.1(a). PETITION. DEFINITION. CONTENT. FORM.

"Petition" as used in these rules shall mean:

(1) An application to open a default judgment or a judgment of non pros;

(2) A petition for relief from a judgment by confession;

(3) A petition for civil contempt, except in a support or custody action;

(4) A request for delay damages;

(5) A petition to transfer venue on grounds of forum non conveniens.

Rule 206.4(c). RULE TO SHOW CAUSE.

(1) Issued as of course.

A rule to show cause shall be issued by the Court as of course upon petition pursuant to Pa.R.C.P. 206.6. The rule to show cause shall direct that an answer to the petition must be filed within twenty (20) days after service of the petition on any respondent unless the Court directs that an answer be filed within a shorter period of time. The Court may, in appropriate circumstances, dispense with the necessity of filing an answer all together.

(2) Steps that the moving party must take:

(a) The moving party must file a petition with the Prothonotary or by way of the process governing the filing of contested motions as set forth in Cra.R.C[iv].P. 208.3(a).

Comment

It is preferred that a petition seeking only the issuance of a rule to show cause shall be filed with the Prothonotary so as to not inconvenience a responding party by requiring the responding party to appear in Motions Court.

(b) The moving party shall attach to the petition a proposed order. The form of the proposed order shall be as set forth in Pa.R.C.P. 206.5, with alternative provisions in paragraph 4, so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

(c) The moving party must indicate, in a thoroughly considered and good faith manner, the amount of time the moving party anticipates that an evidentiary hearing or argument will take.

(d) The moving party must comply with the required pre-filing notice set forth in Cra.R.C[iv].P. 208.3(a)(6).

(e) The Court will determine whether to proceed by deposition or an evidentiary hearing on disputed issues of material fact.

(f) The moving party must comply with the required Service of Order Entered rule set forth in Cra.R.C[iv].P. 208.3(a)(10).

(3) Request for stay.

If a moving party requests a stay of execution pending disposition of a motion to open a default judgment:

(a) The petition must be filed in Motions Court in accordance with the rules governing contested motions as set forth in Cra.R.C[iv].P. 208.3(a).

(b) A proposed order shall be attached and shall include the stay provisions the moving party requests.

(c) The Court will exercise its discretion as to whether to grant a stay and the terms and conditions of any stay after hearing from the parties in Motions Court or, if a protracted argument and more deliberate consideration is required, at a date and time to be set by the Court.

Rule 208.2(c). STATEMENT OF AUTHORITY.

Except for uncontested motions, all motions shall contain a statement of authority citing a statute, rule of Court, or case law in support of the relief requested. The statement may be in the body of the motion itself or may be in the form of a brief filed contemporaneously with the motion.

Rule 208.2(d). CERTIFICATION OF UNCONTESTED MOTION.

If a motion is uncontested, the moving party or counsel must certify that the motion is uncontested in a manner set forth in Cra.R.C[iv].P. 208.3(a).

Rule 208.2(e). DISCOVERY MOTIONS.

Any motion relating to discovery shall include a statement signed by counsel for the moving party that counsel has conferred, or attempted to confer, with all interested parties in order to resolve the matter without Court action.

Rule 208.3(a). MOTIONS PROCEDURE. MOTIONS COURT.

(1) Motions Court session.

There shall be a session of the Court for the presentation of motions, appropriate requests and applications, every Monday, Wednesday and Friday at 8:45 o'clock a.m., except on holidays and other times when no judge is available ("Motions Court"). The business of the Court, in open Court or in chambers, shall not be interrupted by the presentation of motions or requests and applications, except where the Court, by statute or rule, is required to be available, and except for emergencies.

(2) Filing.

(i) Uncontested motions shall be filed in the Office of the Prothonotary. Contested motions may be filed in the Office of Prothonotary or in Motions Court. The Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry, and promptly forward the motion to the Court Administrator for presentation to a Judge and the entry of an appropriate order.

(ii) Simultaneously with the filing of a motion in the Office of the Prothonotary, the moving party shall serve a copy, clearly marked as a “copy,” upon the Court Administrator. The Court Administrator is not required to act or respond to a “copy.”

(iii) Motions, appropriate requests and applications intended for consideration by a motions Judge, shall be presented in Motions Court and are not required to be filed in the Office of the Prothonotary in advance of such presentation. The Prothonotary or a designee shall be present at every session of Motions Court to receive such papers for filing.

(3) Emergencies.

In the case of a true emergency, a motion, appropriate request or application, shall be presented to the Court Administrator who will immediately refer the matter to a Judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency and the reasons why any required notice could not be given must be set forth in the motion, request or application being filed.

(4) Uncontested motions. Definition.

Uncontested motions are defined as those

(a) Where all parties or their counsel of record have consented to the motion and order. Counsel may certify that all parties or their counsel have consented, or attach written consents.

(b) Where the proposed order seeks only a rule to show cause with the return hearing or argument date and no such other further relief.

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) Continuances.

Absent exceptional circumstances, motions for continuances shall be presented no later than ten (10) days before the date of the proceeding for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable. A request for a continuance based on proceedings scheduled in another Court may not be granted unless that Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on a conflict with the matter scheduled in another Court of Common Pleas, the scheduling order from the other Court shall be attached to the motion. By signing a motion to continue, an attorney is representing to the court that the attorney's client has been consulted and is aware of the motion.

(6) Required pre-filing notice.

Before any motion is filed, the moving party shall serve a copy of the motion, request or application, and any proposed order, and a statement of the date and time of the intended presentation to counsel of record and any unrepresented party at least three (3) business days in advance of the presentation. Service may be accomplished personally, by first class mail or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

(7) Cover sheet.

A cover sheet in the following form shall be attached to each contested and uncontested motion and every copy of the same that is filed or served: [see] Exhibit 208-3(a).

(8) Verification.

A motion that sets forth facts not of record shall be properly verified.

(9) Suggested order. Every motion, request and application shall have attached thereto a suggested order granting the relief that is requested by the moving party.

(10) Service of order entered.

All orders entered by the Court after the presentation of a motion, request or application shall be served upon all opposing parties or their counsel by the moving party within three (3) business days after the entry of the order by the Court. Service of a conformed order is sufficient. As a courtesy, the Prothonotary may furnish a copy of the actual order at a later date, but the responsibility of the moving party to effectuate service is not relieved thereby.

Comment

The purpose of this rule is to process motions, requests and applications as efficiently as possible. Uncontested motions will move through the system quickly, should be clearly identified as "uncontested" and must be filed with the Prothonotary. Contested motions may either be filed in the Office of the Prothonotary or in Motions Court. The use of Motions Court practice is greatly encouraged for all matters which are not likely to require lengthy evidentiary hearings or involve argument on complex legal issues. Counsel desiring to take advantage of the Motions Court practice must be diligent in complying with the notice requirements as a matter of fundamental fairness.

Rule 210. BRIEFS.

Briefs shall be typewritten, dated and double spaced (except for quotations) on paper 8½ x 11 inches in size, and shall contain:

(1) A history of the case.

(2) A statement or counterstatement of facts.

(3) A statement of the question or questions involved.

(4) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation or order.

(5) An argument with citations relied upon.

(6) A conclusion stating the relief sought.

(7) A certificate of service that the brief has been served upon all parties or counsel in accordance with Pa.R.Civ.P. 440.

Briefs shall be filed with the Prothonotary who shall date and time stamp the briefs and transmit them to the Judge or Court Administrator promptly after receiving the same. (See Cra.R.C[iv].P. 307(5) for the timing requirements). [¶]

(See Cra.R.C[iv].P. 1034(a) and 1035.2(a) covering briefs on motions for judgment on the pleadings and motions for summary judgment.)

Rule 212.1. CIVIL ACTIONS TO BE TRIED BY JURY. NOTICE OF EARLIEST TRIAL DATE. TIME FOR COMPLETING DISCOVERY AND FILING PRETRIAL STATEMENT. NONJURY TRIALS.

(1) Jury trials in civil actions shall be held:

(a) In the months of February, April and October, as designated in the Court calendar published annually by the Court Administrator by the last day of the preceding year.

(b) At such other times specially set by the Court.

(2) Nonjury trials in civil actions shall be held on dates certain to be set by the Court Administrator after the close of the civil trial list.

(3) Notice of earliest trial date.

The earliest trial date will be the first trial term following the date when the case is at issue and all pretrial procedures have been completed.

(4) Trial lists and pretrial procedures.

Unless the Court, upon a party's or its own motion enters a case management or scheduling order, the procedure for moving a case to trial is as follows:

(a) Completion of discovery.

Unless an extension of time is agreed to in writing by all parties or permitted by the Court upon cause shown, all discovery shall be completed within 75 days after a party has given notice to all other parties to do so. The notice may be given at any time after the pleadings are closed, shall specifically refer to the time limitation provided herein, shall be filed in the office of the Prothonotary and copies shall be served on all other parties.

(b) Certificate of readiness.

To place the case on the trial list, counsel for a party or an unrepresented party shall file a certificate of readiness with a copy to be served on all other parties in accordance with Pa.R.C.P. 440 and with a certificate of service attached thereto. The certificate of readiness shall affirmatively state that the pleadings are closed, that discovery has been completed and that all preliminary matters have been concluded. A party that files a certificate of readiness may not be granted a continuance of the trial by reason of not being ready.

A non-filing party who does not file timely objections to the certificate of readiness may not be granted a continuance by reason of not being ready. Whether the case is to be tried by a jury or nonjury must be stated clearly on the cover sheet. This does not affect the right to a jury trial or the manner in which a jury trial must be demanded.

(c) Consent to trial listing.

If a certificate of readiness is signed by or on behalf of all parties, then discovery shall be deemed to be completed whether or not any party has complied with the notice to complete discovery.

(d) Objection to certificate of readiness.

Any party or counsel who objects to the filing of a certificate of readiness shall file a Motion to Strike in Motions Court within 14 business days after receipt of the certificate of readiness. The Motion to Strike must specifically state the reasons for the objection.

(e) Trial lists.

Upon receipt of a certificate of readiness, the Prothonotary shall list the case for the trial term that begins at least 75 days after the date the certificate of readiness was filed and shall give a written notice to all parties of the date and time for the first day of trials.

(f) Compilation and publication of jury and nonjury trial lists.

At the close of any trial list, the Prothonotary shall compile a list of the cases in chronological order according to the date the certificate of readiness was filed, giving preference, however, in the preparation of trial lists, to cases described in Pa.R.C.P. 214. The list shall be posted on the bulletin board in the Prothonotary's office, five (5) copies shall be sent to the Court Administrator and one (1) copy mailed to each attorney of record and non-represented parties promptly.

(g) Dates when pretrial statements are due.

(i) A pretrial statement shall be filed by all plaintiffs within 30 days after certificate of readiness is filed.

(ii) Pretrial statements shall be filed by all defendants and all additional defendants within 45 days after the certificate of readiness is filed.

(iii) The Court may not set a pretrial conference or a trial date in any case where any party has failed to file a pretrial narrative.

(h) Call of trial list.

There will not be a call of the civil trial list. Matters that historically were taken up at the call of the civil trial list in Crawford County will only be brought to the attention of a judge in response to a motion filed in accordance with motions practice.

(5) Status Conferences.

(a) Status conferences may be ordered by the Court on its own or upon written motion of a party, which motion shall set forth reasons in support of a request for a status conference. The Court may enter appropriate orders at the conclusion of the status conference.

(b) The Prothonotary in conjunction with the District Court Administrator shall enter an "Order Setting Mandatory Status Conference for Docket Inactivity" for the Court scheduling a mandatory status conference for any case for which there has been no docket activity for a period of 90 consecutive days. The order shall be in a form consistent with Exhibit 212.1(5)(A).

Each counsel of record or any party for which there is not counsel of record shall be given at least thirty (30) days written notice of the mandatory status conference in a manner consistent with Pa.R.Civ.P. 440 and Rule 440.

The Prothonotary shall not be required to schedule a mandatory status conference pursuant to this Rule for any case that is pending for termination pursuant to Cra.Rule JA1901 [now Cra.R.J.A. 1901.1].

At least ten (10) days prior to the scheduled mandatory status conference, a party may file a "Motion for Cancellation of Mandatory Status Conference" in a form consistent with Exhibit L212.1(5)(B) which shall include a certification consistent with Exhibit 208.3(a) of the Local Rules that notice has been provided to all other parties through counsel of record or directly to any party that is unrepresented.

The Prothonotary, upon receiving any such "Motion for Cancellation of Mandatory Status Conference" shall promptly transmit that motion to the Court for consideration as to whether the mandatory status conference shall be cancelled by an Order of the Court.

If the Court enters an order cancelling a mandatory status conference pursuant to a "Motion for Cancellation of Mandatory Status Conference" any other party may move to reschedule that mandatory status conference in a manner consistent with Cra.R.C[iv].P. 208-3a.

Comment

Status conferences may be beneficial for several reasons. For instance, at the early stages of a case, it may be appropriate that a case specific scheduling order be established. Likewise, at the later stages of the case, the parties may want to set a schedule for the disposition of the case that calls for shorter time periods than those set forth in these rules in order to bring a case to trial much faster. Status conferences may not be necessary in every case, but can afford a perfect opportunity for the parties and the Court to meet, discuss and determine the best path and schedule that the case should take.

(6) Special management cases.

(a) Any party may file a motion for special management status with a proposed order in keeping with motions practice. The motion shall be filed at any time up to 60 days after the close of the pleadings and shall state the reasons for the request. The Court on its own may designate a case for special management.

(b) Criteria for special management may include any of the following:

(i) Large number of parties.

(ii) Large number of claims or defenses.

(iii) Complex factual or legal issues.

(iv) Large volume of evidence.

(v) Problems locating or serving evidence.

(vi) Extensive discovery.

(vii) Exceptionally long time to prepare for disposition.

(viii) Exceptionally short time needed for a decision.

(ix) Need to decide preliminary issues before final disposition.

(c) Special management designation shall be made at the discretion of the Court. Cases granted special management status shall be assigned to an individual Judge.

(d) After a case has been given special management designation all subsequent filings shall include, under the civil action number on the cover page, the words "SPECIAL MANAGEMENT: ASSIGNED TO JUDGE _____."

(e) After the Court has granted special management designation any party may request, by motion, or the Court may, on its own, schedule a status conference to address, *inter alia*, the following:

(i) Discovery issues.

(ii) Issues involving experts.

(iii) Pretrial motions.

(iv) Settlement conferences, mediation or other alternative dispute resolution.

(v) Management and scheduling provisions.

(vi) Establishing tentative trial dates.

Comment

In compulsory arbitration cases these rules only apply if an appeal is taken.

Rule 212.2. CIVIL ACTIONS TO BE TRIED BY JURY. PRETRIAL STATEMENT. CONTENT. SANCTIONS. NONJURY TRIALS.

In addition to the requirements governing the content of pretrial statements set out in Pa.R.C.P. 212.2 each pretrial statement in any civil case shall contain:

(1) A brief statement of all legal issues involved or reasonably anticipated. The Court may require trial briefs on specific legal issues.

(2) An estimate of the length of the trial, any trial scheduling preferences and any scheduling conflicts.

(3) A certificate that the attorney has checked with all witnesses who are listed and they are available for trial.

Rule 212.3. PRETRIAL CONFERENCES. SETTLEMENT CONFERENCES.

(1) Pretrial Conferences.

(a) Unless otherwise ordered by the Court, pretrial conferences will be scheduled by the Court Administrator shortly after the trial list closes.

(b) In addition to the matters set forth in Pa.R.C.P. 212.3 for consideration of a pretrial conference, the Court will consider, and attempt to resolve, all motions in limine filed up to that time. All known or anticipated pretrial motions in limine should be presented prior to or at the pretrial conference.

(c) Attorneys present at a pretrial conference must have complete authority to enter into stipulations concerning liability, and other trial-related and evidentiary issues.

Comment

It is expected that by the time of the pretrial conference all depositions for use at trial have been completed and there will be no further depositions, for discovery or for use at trial, to be held between the time of the pretrial conference and the beginning of the upcoming civil trial term. The Court may, on its own, continue the trial to a later term if there are any depositions to be taken after the pretrial conference. By the time the case gets to the pretrial conference stage, the Court expects that all parties are then ready for trial.

Comment

In compulsory arbitration cases these rules only apply if an appeal is taken.

(2) Settlement Conferences.

(a) A settlement conference may be held at the discretion of the Court or on written request of a party, which said request shall set forth substantial reasons for the conference. The Court may hold a settlement conference prior to or after a pretrial conference .

(b) At least five (5) days prior to the settlement conference, all plaintiffs shall have made a bona fide written demand and proposal of settlement on all opposing counsel and non-represented parties. By the time of the settlement conference, each defendant or additional defendant shall respond in writing to such written to demand.

(c) Each party, corporation, and insurance carrier of a party who has an actual interest in the case, or can have an effect on the settlement of the case, shall be personally present at the settlement conference and be represented by someone authorized to speak for such party, corporation or insurance carrier with respect to the trial of the case and the settlement of the case, and who is also authorized to settle the case within any policy limits or up to any plaintiff's demand that is within the policy limits. The Court, on motion filed at least five (5) business days prior to the settlement conference, may for good cause, permit a party or representative to appear by telephone rather than in person.

Rule 216. GROUNDS FOR CONTINUANCE.

(1) Trial Continuances.

All requests for a continuance of a jury trial must be made at least 45 days prior to the first date of trials. Thereafter, no request for continuance will be granted except for substantial reasons. By signing a motion to continue, an attorney is representing to the court that the attorney’s client has been consulted and is aware of the motion.

(2) Consent to Second Continuance.

Only one (1) continuance of a case by agreement of counsel will be permitted. Thereafter, any further motions for continuance by agreement may be refused and will not be considered by the Court unless there is endorsed thereon a statement signed by all of the parties to the action that they are aware of the filing of said motion and consent to a continuance.

(3) Counsel - Other Required Court Appearances.

If the basis for a continuance is a required appearance of an attorney or party in a Court in another county the policy of this Court is to grant such a continuance only if the other matter

was scheduled before the Crawford County matter was scheduled. Any motion for a continuance on these grounds must include a true and correct copy of the scheduling order entered by the other Court. This Court may communicate with the other Court in order to resolve any conflicts to the benefit and satisfaction of both courts.

Rule 223. CONDUCT OF THE TRIAL. GENERALLY.

All exhibits entered into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. In cases where final disposition of all appeals predates the effective date of this Rule by more than sixty (60) days, the sixty (60) day time period within which to reclaim trial exhibits shall run from the effective date of this Rule. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary.

Rule 301. PROTHONOTARY.

(1) Records and Dockets.

The Prothonotary shall be responsible for the safekeeping of all records and papers. No records or papers of any kind shall be removed from the Office of the Prothonotary, except as herein provided. Dockets shall not be removed except when required in Court.

(2) Endorsing Filing Time of Papers.

The Prothonotary shall endorse upon all papers the filing date thereof, together with the precise hour of the entry of all judgments, verdicts, mechanic's liens, municipal liens, tax liens of all kinds, financing statements or other encumbrances or liens. The filing date, or filing date and time, shall in like manner be entered on the dockets.

(3) Entries on Dockets.

No entries of any kind shall be made in any docket or other record of the Court unless attested to by the Prothonotary, a deputy or clerk. All entries so made shall be in ink and shall be dated.

(4) Records in Court.

At all sessions of Argument Court and at all trials and special hearings, the Prothonotary shall have the entire record of each case before the session arranged in the order that the papers therein were filed and present the same to the Court when the case is called. At the conclusion of the case, the Prothonotary shall repossess all papers and return the same to the file. In the event the Court retains the papers after the session, the Prothonotary shall so indicate on a withdrawal receipt. Except as otherwise provided in these Rules, all papers concerning any case which are not presented in open Court at a session in which any matter connected with the case is being heard, shall be first filed in the Prothonotary's Office; and if the papers with relation thereto are in the hands of the Court in connection with its deliberation on the case or for any other reason, the paper, after filing, shall be transmitted to the Court by the Prothonotary.

(5) Bulletin Board.

The Prothonotary shall maintain a bulletin board of sufficient size and conspicuously placed in the Prothonotary's office for posting thereon all notices directed by rules or by special order of Court. The Prothonotary or deputy shall certify on such notices the precise date and time of the posting thereof.

(6) Register of Attorneys.

The Prothonotary shall keep a register setting forth a list of the attorneys of the Bar of Crawford County with the date of their admission for historical purposes.

(7) Rules of Court.

The Prothonotary shall maintain a printed copy of the Rules adopted by the Court and shall insert therein all amendments which may be hereafter adopted from time to time. Within ten (10) days after the adoption of any new rule or amendment of any existing rule and proper publication of the same, the Prothonotary shall mail or deliver a copy thereof to all members of the Crawford County Bar. The printed copies of new rules or amendments shall be in loose-leaf form and of such proportions and arrangement as to permit the compilation and insertion thereof in appropriate loose-leaf binders. The Prothonotary shall maintain complete sets of the Local Rules of Civil Procedure for sale at cost.

(8) Collection of Costs.

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date that costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs at the beginning of the year, the amount of costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. Costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

(9) Removal of Papers.

Except as otherwise provided herein, no original papers shall be removed from the Office of the Prothonotary without prior written permission of the Court upon cause shown.

(a) Removal of Original Papers.

No original note, bond or other instrument upon which a judgment has been entered, shall be removed from the Office of the Prothonotary except for use by the Court.

(b) Procedure for Removal of Other Papers.

All other papers may be removed by an attorney who is a member of any bar upon filing with the Prothonotary a signed receipt as prescribed in Cra.R.C[iv].P. 301(11) below, provided, however, that (1) no such paper shall be taken out of the Crawford County Judicial Center and (2) all such papers shall be returned to the Prothonotary’s office by the end of the same business day.

(10) Removal by Masters, Arbitrators, Mediators, Hearing Officers.

A master, arbitrator, mediator or hearing officer appointed by the Court or Prothonotary may remove papers for the purpose of that appointment for a period not to exceed sixty (60) days.

(11) Receipt for Documents.

When any person removes papers from the Office of the Prothonotary, that person shall sign a receipt therefore, setting forth the caption and number of the case, a description of the papers removed and the date of removal.

(12) Return of File and Documents.

All papers removed on receipt, with or without leave of the Court, shall be returned promptly, and in no case shall the papers be retained for a period longer than prescribed herein, except by special permission of the Court. If papers are retained beyond the proper time limit, the Prothonotary shall notify the attorney in default of this failure to return such papers, and if such default continues for three (3) days following notice, the attorney shall thereafter be prohibited from removing any papers from the office until the default is corrected. The Prothonotary shall report such cases of continuing default to the President Judge for appropriate action.

Rule 302. COURT CALENDAR.

At the beginning of each calendar year, the Court shall publish in the Crawford County Legal Journal, a Court calendar for the year, which shall have the effect of a rule of Court for the matters and dates set forth therein.

Rule 303. BILL OF COSTS.

(1) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them, and the places from which mileage is claimed. The bills should be verified by the affidavit of the party filing them or by the attorney of the party that the witnesses named were actually present in Court, and in the affiant's opinion, they were material witnesses. A copy of the bill of costs shall be served on all opposing counsel and all unrepresented parties.

(2) A party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issues shall be determined by the Court. Failure to file exceptions within ten (10) days shall be deemed a waiver of all objections and exceptions.

Rule 304. LAW LIBRARY.

(a) The Crawford County Law Library shall be managed by a law librarian. A law library committee shall be appointed by the President Judge.

(b) The committee shall make recommendations to the President Judge and Court Administrator for the management and operation of the library as may be expedient and necessary for its proper care and preservation.

Rule 305. APPOINTMENT OF COUNSEL.

The Court desires that legal services in civil actions will be provided to indigents and qualified persons by some legal services provider and/or the Crawford County Bar Association through a pro bono project. Upon petition filed with the Court pursuant to motions practice, the Court will assign counsel to represent indigents in civil actions where deprivation of substantial rights may occur, such as paternity actions and actions to terminate parental rights. The petition for the assignment of counsel in a civil action shall be in the form set forth herein [see Exhibits 305(a) and 305(b)]. A supply of these forms shall be maintained by the Prothonotary, the Domestic Relations Section, and the Court Administrator.

Rule 306. TRANSMITTAL OF DOCUMENTS BY PROTHONOTARY.

The Prothonotary may not undertake to transmit papers to any office other than the Court. It shall be the sole responsibility of the party or counsel to effectuate proper service of pleadings and other legal papers. This responsibility is not relieved by courtesies which may be extended from time to time by the Prothonotary.

Rule 307. ARGUMENTS AND ARGUMENT LISTS.

(1) Applicability.

This rule applies to matters to be listed for argument for which there is no specific local rule governing the manner in which arguments shall be heard. See for instance Cra.R.C[iv].P. 1034(a) and 1035.2(a) covering motion for judgment on the pleadings and motion for summary judgment, respectively.

(2) Argument List.

The Prothonotary shall keep an Argument List Watch Book and shall enter all causes or matters in any civil action requiring argument upon praecipe of any party in interest or at the direction of the Court or Court Administrator.

The praecipe that is filed to place a matter on the argument list must identify the matter(s) that is/are to be argued.

(3) Argument Court.

Sessions of Argument Court shall be established by the Court Administrator in the annual court calendar. Generally, the Court reserves the last Monday of each month for Argument Court. Counsel should consult the last available schedule. All causes or matters which have been set down for argument more than thirty (30) days before a session of Argument Court shall be listed for that session of Argument Court.

(4) Notice.

At the close of the Argument List, the Prothonotary shall forthwith deliver a copy of the List to each attorney appearing for any party and to any unrepresented party in any case listed and shall post a copy of the List on the Prothonotary's bulletin board. Delivery to attorneys shall be effected, in the case of attorneys whose principal office is located in the City of Meadville, by placing a copy in the attorney's box in the Prothonotary's office or by fax, and in the case

of attorneys whose principal office is located outside the City of Meadville, by mailing the same by ordinary mail to the address on the last pleading or by fax. Delivery to an unrepresented party shall be by first class mail to the last known address of record.

(5) Briefs.

(a) The moving party shall file its brief at the time it files a praecipe for argument. The Prothonotary shall not list the case for argument until that has occurred.

(b) Where the praecipe for argument is filed by the responding party, the praecipe shall contain thereon a certification that service of the praecipe has been made upon all other parties.

(c) If the matter is placed for argument by the responding party, the moving party shall file a brief at least fifteen (15) business days prior to the session of Argument Court at which the case is to be argued.

(d) The responding party in all cases shall file a brief at least five (5) business days prior to the session of Argument Court at which the case is to be argued.

(6) Form of Briefs.

Briefs shall conform to Cra.R.C[iv].P. 210.

(7) Supplemental Briefs.

Supplemental briefs filed after the time for filing regular briefs, or after oral argument, shall be filed only upon special allowance by the Court, in which case the Court shall set the time within which such supplemental brief shall be filed. If the party desiring to file a supplemental brief fails to do so within the time limit established, the Court shall proceed to determine the matter without the supplemental brief.

(8) Default of Brief.

If a matter has been set down for argument upon praecipe of a responding party and the moving party fails to file a brief within the time limitations set forth in this rule, the matter may be dismissed by the Court upon motion of the responding party.

(9) Order of Argument.

Each party shall be allotted 15 minutes for argument unless extended or limited by the court. Unless the Court shall otherwise direct at argument, counsel for the moving party shall begin and conclude the argument.

(10) Emergency Arguments.

On cause shown and on reasonable notice to all parties, the Court may schedule an argument in the particular matter at a regular session of Argument Court or at some other time, and can make other provisions for the filing of briefs.

(11) Submission on Briefs.

Upon written consent of all parties in interest and with the consent of the Judge to which a matter is assigned for argument, the matter may be submitted upon briefs without oral argument. If a matter has been submitted on briefs, and the Judge determines after review of

the briefs that oral argument is necessary, the case shall be scheduled for oral argument by special order.

(12) Continuances.

Cra.R.C[iv].P. 208.3(a)(5) governing continuances of trials shall apply equally to Argument Court. When an argument is continued, the Prothonotary shall automatically list the case for the next available Argument Court.

Rule 308. MONEY PAID INTO COURT.

(1) Motion for Payment into Court.

Where it is appropriate that money be paid into Court, the Court, on motion of any party or on its own motion, may direct the same to be done. A motion for the payment of money into Court shall set forth the reasons for requesting such action and the exact amount to be paid.

(2) Deposit with Prothonotary.

The Prothonotary shall have custody of all money paid into Court and shall deposit such funds in a non-interest- bearing escrow account to the credit of the Court in a bank or banks in which deposits are insured by the Federal Deposit Insurance Corporation.

(3) Withdrawal.

Money paid into Court may not be withdrawn or paid out except upon order of the Court entered in response to a properly filed motion.

Comment

This Rule does not apply to payment of advanced costs such as Masters' fees.

Rule 309. APPEALS FROM ZONING HEARING BOARDS.

(1) Disposition of Appeals.

In an appeal from a decision of a Zoning Hearing Board, upon the return of the writ of certiorari, any party to the appeal may place the case on an argument list with due notice to the municipality or its solicitor and to the parties interested in the case.

(2) Additional Testimony.

In the event that a party desires to present additional evidence, a motion indicating the reasons therefore shall be presented to the Court within twenty (20) days after service of the appeal is made.

(3) 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*)

(4) 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 presented in a properly filed motion.

Rule 310. 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.

Rule 311. EMINENT DOMAIN.

(1) Petition for Viewers.

The initial petition presented to the Court in any eminent domain proceeding shall cite the statute under which the petition is filed.

(2) Viewers.

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 proceedings referred to them.

(3) Hearings.

Viewers' hearings shall be held in the Court House. A hearing shall be held at the time fixed by the Viewers.

(4) Record of Hearing.

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 stenographically or electronically.

Rule 312. CHANGE OF NAME OF A NATURAL PERSON.

(1) All proceedings for a change of name of a natural person pursuant to 54 Pa.C.S. § 701-705 shall be filed with the Prothonotary. These rules do not apply to other types of name change proceedings such as adoption proceedings or the resumption of a prior surname in a divorce proceeding.

(2) The petition shall include the following:

(a) The petitioner's name and complete residential address. Where the person whose name is sought to be changed is a minor, the petition shall be brought in the name of the minor by the parent(s) or legal guardian(s) of the minor;

(b) The petitioner's complete residential address(es) for and during a period of five (5) years prior to the date of the filing of the petition;

(c) The petitioner's proposed new name;

(d) The reasons for the desired name change;

(e) That the petitioner has never been convicted of a felony or, if petitioner has been so convicted, that:

(i) At least two calendar years have elapsed from the date of completion of petitioner's sentence and that the petitioner is not subject to probation or parole jurisdiction of any court, county probation agency or any state board of probation and parole, or

(ii) The petitioner has been pardoned;

(f) That the petitioner has never been convicted of any of the crimes itemized in 54 Pa.C.S. § 702(c)(2).

(3) The petition shall contain two (2) proposed orders as follows:

(a) Order setting a hearing date; and

(b) Order granting change of name.

(4) The hearing order shall include the following:

(a) That notice be given of the filing of the petition and date set for the hearing thereon;

(b) That a copy of the petition and hearing order be served by United States First Class Mail, postage prepaid, on any person that may have an interest in the proceeding including, but not limited to, any non petitioning parent of a minor, all at said person's last known address;

(c) That counsel, or a petitioner who is self-represented, shall comply with the requirements of 54 Pa.C.S. § 702(b) relating to determination by the Pennsylvania State Police that the petitioner is not subject to the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101 *et seq.*, except where the petitioner is a minor who is twelve (12) years of age or younger. See for instance 54 Pa.C.S. § 703 and 23 Pa.C.S. § 5105.

(5) Where the petitioner has a prior conviction of a felony but is not barred by 54 Pa.C.S. §7 02(c) from obtaining a judicial change of name, to enable the Court to comply with 54 Pa.C.S. § 702(b) and (c), and as a prerequisite to the entry of an order granting change of name, the petitioner, at the hearing, shall provide the Court with envelopes affixed with sufficient postage and pre-addressed to the following:

Office of the Attorney General
Commonwealth of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

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

The District Attorney of Crawford County
Crawford County Judicial Center
359 East Center Street
Meadville, PA 16335

Note: These addresses may change. The legislature may amend the statute. Therefore, any such changes would preempt these rules of procedure

Rule 400. SERVICE BY SHERIFF.

A party filing a complaint, or any other pleading that constitutes original process which is to be served by the Sheriff's Office, shall deliver to that office a certified copy of the complaint or pleading for each party to be served, together with instructions for service on a form available from the Sheriff's Office. The Sheriff shall have the right to require payment for the requested service before service is made or attempted, unless the party seeking service has been given the right to proceed *in forma pauperis*.

Rule 430. SERVICE BY PUBLICATION/LEGAL JOURNAL.

(1) Designated Publication.

Whenever service by publication is authorized by law or rule/order of Court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Crawford County, and one time in the *Crawford County Legal Journal*. Affidavits of publication shall be filed in the Prothonotary's office.

(2) *Crawford County Legal Journal*.

The *Crawford County Legal Journal*, owned by the Crawford County Bar Association, and operated by the Legal Publications Committee of said Association, is hereby designated the official legal publication of Crawford County.

(3) Publication as Per Court Order.

The *Crawford County Legal Journal* shall also print such other matters as are required by these Rules or by order of Court.

Rule 440. SERVICE OF COPIES.

Copies of all legal papers other than original process that are filed in an action may be served upon an attorney for a party by placing the paper in the attorney's Judicial Center box in the Prothonotary's office if the attorney has agreed, by a separate written statement filed of record in each case, to receive service by this method. The attorney may withdraw such consent by a separate written statement filed of record with the Prothonotary and served upon all parties.

Rule 1012. WITHDRAWAL OF APPEARANCE. NOTICE.

Withdrawal of Appearance.

Any attorney seeking leave of Court to withdraw an appearance as counsel for any party to a proceeding shall file a motion for leave to withdraw for that party with a certificate that the withdrawal will not unreasonably delay any stages of the litigation or prejudice the party, and that all notice requirements governing motion practice and notice to the client have been given. Before filing such a motion, counsel must give notice to the client at least five (5) business days prior to the date and time for filing the motion. The motion must be filed in Motions Court.

Rule 1018.1. NOTICE TO DEFEND. FORM.

The organization to be named in the Notice to Defend to find out where legal help may be obtained is:

Court Administrator
Judicial Center
Meadville, PA 16335
Telephone 814.333.7498

Rule 1028(c). PRELIMINARY OBJECTIONS. BRIEFS.

Preliminary objections shall be processed and disposed of in accordance with the rule governing arguments and argument lists, except that no praecipe for argument may be filed within twenty days after service of a copy of preliminary objections. Briefs shall conform to Cra.R.C[iv].P. 210 and Cra.R.C[iv].P. 307.

Rule 1034(a). MOTION FOR JUDGEMENT ON THE PLEADINGS. BRIEFS. SCHEDULING ORDER.

At the time of filing, all motions for judgment on the pleadings shall be accompanied by a separate brief in support thereof, addressing the issues raised in the motion. The motion must also be accompanied by a proposed order for the purpose of scheduling a hearing or argument thereon, substantially in the following form: [see] Exhibit 1034(a).

Rule 1035.2(a). MOTION FOR SUMMARY JUDGEMENT. BRIEFS. SCHEDULING ORDER.

At the time of filing, all motions for summary judgment shall be accompanied by a separate brief in support thereof, addressing the issues raised in the motion. The motion must also be accompanied by a proposed order for the purpose of scheduling a hearing or argument thereon, substantially in the following form: [see] Exhibit 1035.2(a).

Rule 1042.21. MEDICAL PROFESSIONAL LIABILITY ACTIONS. MOTION FOR SETTLEMENT CONFERENCE OR MEDIATION.

(1) Status Conference.

Plaintiff's counsel shall deliver to the Court Administrator, at the time a medical professional liability action is filed with the Prothonotary, a time stamped copy of the cover sheet of the complaint or praecipe to issue a summons. Ninety (90) days after a medical professional

liability action is filed with the Prothonotary, the Court Administrator shall thereafter schedule a status conference before a Judge for the purpose of, inter alia, considering and determining the manner and time in which the case shall proceed through discovery, pretrial motions, mediation, settlement conferences, pretrial conferences and trial for the mutual benefit of the parties and the Court.

(2) Selection of Cases for Mediation.

Upon motion of any party, including a motion pursuant to Pa.R.C.P. 1042.21, or upon written agreement of the parties or on its own motion, the court may refer a case to mediation. Any objection to a motion to request mediation must be filed within ten (10) days of the filing of the motion. A case ordered for mediation shall remain on any trial list upon which it has been placed, but shall not proceed to trial until the mediation process has concluded.

(3) Mediation.

(a) Agreement of the Parties.

All parties are encouraged to stipulate to the terms and conditions of mediation including, but not limited, to the matters referred to in this rule.

(b) Expectations of the Parties.

When ordered by the Court to participate in medical professional liability mediation, the parties are not required to reach a resolution. They are expected to: engage in principled negotiations, commit to the process, keep an open mind, discuss openly and freely, understand the needs of others, and explore ways to create a mutually acceptable resolution in good faith.

(c) Selection of Mediators.

The parties are encouraged to agree on the mediator and, if appropriate, co-mediator. If they cannot agree, then the Court will select a mediator and, if appropriate, a co-mediator, either on its own or by choosing among suggestions made by the parties.

(d) Judge as Mediator.

The Court, in its discretion, may choose a Judge to serve as mediator.

(e) Type of Mediation.

The parties and the Court shall decide at the outset whether the mediation shall be the facilitative model, the evaluative model, or the facilitative/evaluative hybrid model.

(f) Qualifications of the Mediator/Co-Mediator.

Any mediator or co-mediator, except a Judge, shall have at least the following qualifications: successful completion of an appropriate mediation course of formal training or education (preferably a recognized course of at least forty (40) hours); participation in a minimum of five (5) mediated medical professional liability cases or, in lieu thereof, a minimum of ten (10) mediated civil personal injury cases; mediation professional liability insurance; compliance with all ethical standards of the mediator profession; and the ability to satisfy the parties' practical needs for availability and affordability.

(g) Objections to the Mediator.

Any objection to a named mediator is waived by any party who fails to file an objection within fifteen (15) days after the mediator is named by the Court.

(h) Role of the Mediator.

Mediation is a confidential, informal, non-adversarial process where a neutral third party assists disputing parties in resolving by agreement some or all of the differences between them. It shall be the role of the mediator to facilitate communication, clarify interests and issues, identify information that may be gathered to assist in making decisions, foster joint problem solving and assist the parties in reaching a mutually acceptable settlement of their dispute.

Mediators will not provide legal advice, although in evaluative mediations, mediators may express opinions on the applicability of the law to the facts to the extent that such opinions may, in the judgment of the mediator, be helpful in facilitating a settlement. Mediators may offer recommendations, evaluations or suggest settlement proposals, but mediators act for no party and have no authority to make any decisions or compel an agreement. Parties will rely solely on the advice of their attorneys, as well as their own judgment in arriving at a resolution of the dispute and cannot claim to have relied to their detriment on any advice or comment of a mediator.

(i) Time and Place.

The mediation shall be conducted at a time and place to be arranged by the parties. It is expected that mediation shall take place within forty-five (45) days of the date the mediation order is entered. It is preferred that mediation will not take more than one (1) day. Each party shall pledge to be fully prepared for mediation at that time and make every effort to keep the mediation session within that time frame. Subsequent sessions will be arranged if the parties or the mediator believe(s) that sufficient progress is being made to merit another session. Mediation should be completed within sixty (60) days from the date of the order or agreement to mediate.

(j) Preconference Submissions.

Each party will prepare a preconference statement that shall be presented to the mediator not less than ten (10) days prior to the mediation conference. The summary should not exceed six (6) pages or such additional length as the mediator may permit. Statements should address, in concise form:

(i) Statement of facts including description of the injury and list of special damages and expenses incurred and expected to be incurred;

(ii) Theory relative to liability and damages, and authorities in support thereof;

(iii) Summary of reports of experts and testimony of key non-expert witnesses;

(iv) Status of the case, and expected trial date;

(v) Last demand and offer, if any.

A limited number of documents may be attached to assist the mediator and the parties, but counsel and parties are urged to keep the number of attachments to a minimum.

Summaries of data are encouraged, as are stipulations of the parties. The parties are not to attach copies of discovery requests, pleadings, motions, etc. but to provide fair and accurate statements/attributions, since the primary purpose of the preconference submission is to accurately inform the mediator of the facts and issues.

(k) Attendance and Settlement Authority.

Every party or entity that has an interest in the outcome of the case, may be affected by the outcome of the case, has the ability to effect a resolution, etc. is required to attend the mediation session. Each shall have the authority to settle the case. Each defendant, or each party representing or having an interest in a defendant's case, shall have the authority to settle up to its policy limits or the last demand of a plaintiff, whichever is less. Mediators may postpone the mediation or require the participation of an individual by telephone or by direct communication with the mediator. Telephone attendance must be arranged ahead of time. In an appropriate case, representatives of the M(Care) Fund must either attend in person or be available by telephone during all mediation sessions. If any party or person required to attend fails to appear at the mediation session without good cause, or appears without decision making discretion, the Court, sua sponte, or upon motion, may impose sanctions, including an award of reasonable mediator and attorney's fees and other costs, against any defaulting responsible party.

(l) Confidentiality.

The mediation process must comply with any Pennsylvania statutory mediation confidentiality provisions (42 Pa.C.S. § 5949). Mediation proceedings constitute settlement negotiations between and among the parties and mediators. Therefore, all statements made by, or on behalf of, the parties or their representatives relating to anything arising out of or relating to the mediation process, and any documents created for or during the mediation process are beyond the scope of discovery and are not admissible into evidence for any purpose, including impeachment, in any pending or subsequent proceeding. The obligation of total confidentiality will apply to all participants in the mediation process. Evidence that is discoverable or admissible is not rendered inadmissible or undiscoverable as a result of its use in the mediation process (for example: medical records maintained by a physician). If a settlement agreement is reached, it shall be binding upon the parties thereto, and its terms and enforcement shall be governed by the terms of the agreement and not subject to the confidentiality provisions herein. Confidential communications and settlement offers of the parties may not be disclosed or discussed with any other persons, including attorneys representing parties with similar or unrelated claims or the media, or via electronic means, to the general public, or in any other judicial proceedings, including a conciliation before a trial court Judge, or special master. If the mediation did not result in settlement, the final settlement position of any party may not be divulged to any third party, including a Judge, without the consent of all parties.

(m) Mediators Privilege and Immunity.

No party shall request nor subpoena a mediator to testify or provide evidence in any matter for any reason, nor will a party request or subpoena any mediator's notes, records or any material in possession of the mediator, for any purpose. Mediators shall have the same immunity as Judges and judicial employees have under the laws of the Commonwealth

of Pennsylvania, and no mediator is, or will claim to be, a necessary party in any judicial, quasi-judicial or administrative proceeding arising out of or relating to any mediation or the underlying litigation.

(n) Fees and Expenses.

Unless the parties agree otherwise, the Court will order the parties to share, equally, the cost and charges of the mediator, including any deposit or prepayment required by a mediator.

(o) Communications Between Mediators and the Court.

During a mediation, a Judge should only be informed of the following:

(i) The failure of a party to comply with the order to attend mediation;

(ii) Any request by the parties for additional time to complete the mediation;

(iii) If the parties agree, any procedural action by the Court that would facilitate the mediation; and

(iv) The mediator's assessment that the case is inappropriate for mediation.

When the mediation has been concluded, the Court should be informed of the following:

(i) That an agreement has been reached;

(ii) That the parties did not reach an agreement on any matter. The mediator shall report the lack of an agreement to the Court without comment or recommendation; and

(iii) With the consent of the parties, the mediator's report may also identify the pending motions or outstanding legal issues, discovery process or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement.

Whenever possible, all communications with the Judge should be made jointly by the parties. Ex parte communications by less than all of the parties with the Court will not be permitted. Any party seeking further Court action must follow state and local petition and motion practice. Where the mediator must communicate with the Judge, such communications shall be made in writing.

Rule 1301. COMPULSORY ARBITRATION.

(1) Cases Subject to Arbitration.

All cases which are at issue where the amount in controversy, exclusive of interest and costs, does not exceed the maximum limitation prescribed by 42 Pa.C.S. § 7361(b)(2) shall be submitted and heard by a Board of Arbitrators consisting of three (3) members of the Bar in active practice in this County.

In all cases where a party has obtained a judgment by default, said party may elect to have unliquidated damages assessed at a trial by arbitration with the issues limited to the amount of damages which shall not exceed the maximum limitation prescribed by 42 Pa.C.S. § 7361(b)(2). The election to assess damages by arbitration shall constitute a waiver by the party making such election of any damages in excess of the maximum limitation prescribed by 42 Pa.C.S. § 7361(b)(2).

(2) Arbitration by Stipulation.

By agreement signed by the parties or their counsel, the parties may agree to submit a case to arbitration. Such agreement shall define the issues and contain such stipulation as to facts, admissions, or waivers of defenses or proofs as are agreed upon.

(3) Exceptions.

These rules shall not apply to the following actions:

(a) Ejectment;

(b) Quiet Title;

(c) Replevin—except by Order of Court ;

(d) Mandamus;

(e) Quo Warranto;

(f) Mortgage Foreclosure; and

(g) Actions requiring Equitable or Declaratory Relief.

(4) Compensation of Board.

(a) Each member of a Board of Arbitration shall receive as compensation a fee in an amount as set by the Court from time to time by special order. Where hearings exceed ½ day, the arbitrators may petition the Court for additional compensation, which may be granted for cause shown.

(b) In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties before the board members have attended any hearing, the attorney for plaintiff(s) in such case shall file a praecipe with the Prothonotary, requesting that the board so appointed be vacated. A copy of the praecipe shall be given to the Court Administrator.

(5) Procedure for Payment.

Where the arbitrators are entitled to a fee, the Prothonotary shall certify to the County Commissioner and to the County Treasurer the names of the members of the Board and an Order for payment. The County Commissioners and Treasurer shall pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs.

Rule 1302. LIST OF ARBITRATORS. APPOINTMENT TO BOARD. OATH.

(1) Eligibility to Serve as Arbitrators.

Only persons actively engaged in the practice of law in Crawford County shall be eligible to serve as arbitrators. For purposes of this rule, persons “actively engaged in the practice of law” are persons who regularly maintain a law office in Crawford County for the practice of law. That shall include part-time assistant public defenders and part-time assistant district attorneys. Excluded are the chief public defender, the district attorney, and full time assistant public defenders and full-time assistant district attorneys. Only persons admitted to the practice of law for at least five (5) years are eligible to serve as chair of the Board.

(2) List of Arbitrators.

The Court Administrator shall, on or before January 1 of each year, compile a list of persons eligible to serve as arbitrators and a list of persons eligible to serve as chair of Boards of Arbitrator.

(3) Selection of Board.

A party wishing to have an arbitration hearing shall file a Praecipe for Arbitration with the Prothonotary and simultaneously serve a copy on the Court Administrator. A Praecipe for Arbitration shall contain a certificate of service indicating service upon all other parties and the date of service.

The Court Administrator shall select the first three (3) available attorneys in alphabetical order from the list maintained by the Court Administrator. The first member named who is eligible to be chair shall be chair of the board.

(4) Notification of Appointment and Objections.

The Prothonotary shall file the appointment of the Board of Arbitrators and shall deliver a copy thereof to the chair and to each party or their counsel of record. Attorneys must sign their qualifications within five (5) business days after their appointment. The Prothonotary shall approach the President Judge if attorneys have not signed their qualification within said period of time. Any party may object to the composition of the Board of Arbitration at this point only for good cause shown. The filing of such objections shall operate as a stay of proceedings. The party filing such objections shall serve a copy thereof upon all other parties or their counsel and shall give notice of intention to present the objections to Motions Court. Failure to file such objections within five (5) days of delivery of notice of the appointment shall operate as a waiver thereof.

(5) Companion Cases.

The Court Administrator shall appoint the same Board to serve as arbitrator sin any companion case.

(6) Vacancies on Board—Prior to Hearing.

An attorney appointed to the Board of Arbitrators who desires to be excused must file a motion with the Prothonotary, with a copy to the Court Administrator, at least ten (10) days prior to the date of the arbitration hearing and must set forth adequate reasons in support of said motion. Upon approval of the motion by the Court, the Court Administrator shall make an appointment to fill that vacancy. Should a member of the Board fall to attend the hearing, a member of the Board shall notify the Court Administrator who shall immediately vacate that appointment and make an appointment to fill that vacancy.

(7) Post-Hearing Vacancies.

Should a vacancy on the Board of Arbitration occur after hearing but before an award is signed by all arbitrators, or should a member of the board fall or refuse to perform his/ her duties, the award shall be signed and filed by the remaining members of the Board. If they are unable to agree, they shall notify the Court Administrator who shall appoint a third member. Thereafter, the arbitrators may in their discretion schedule a rehearing for the new Board, which shall thereafter file an award.

Rule 1303. HEARING. NOTICE.

(1) Scheduling of Hearing.

The Court Administrator shall fix the date, time and place of arbitration hearings, which shall be held within sixty (60) days after appointment of the Board of Arbitrators and shall be held at the Crawford County Courthouse.

(2) Notice.

Notice of the hearing shall be in writing and mailed to all unrepresented parties by certified mail, return receipt requested, and counsel for represented parties by regular mail at least thirty (30) days prior to the hearing date, all in accordance with Pa.R.C.P. 1303. Arbitrators shall be notified by regular mail or email.

(3) Continuances.

The Board of Arbitrators shall have the power to grant one continuance for good and sufficient reason before the hearing convenes and shall immediately reschedule the hearing for a time not more than thirty (30) days beyond the date set for the original hearing. A party requesting further continuances must file a motion with the Court in keeping with Cra.R.C[iv].P. 208.3 governing motions practice.

(4) Compliance with Time Requirements.

The Court expects arbitrators and parties to comply with all time limits governing arbitration. Any arbitrator or party who believes the arbitrators or any other party are not following any time limits or time requirements governing arbitrations may file a motion with the Court for relief. The Court may sanction those who do not comply with the arbitration time requirements.

Rule 1304. CONDUCT OF HEARING. GENERALLY.

The Board or Arbitrators shall have no power to allow amendment of pleadings, the addition or substitution of parties, nor rule on preliminary objections, motions for judgment on the pleadings or motions for summary judgment.

Rule 1305. CONDUCT OF HEARING. EVIDENCE.

(1) Pretrial Exchange of Information.

In all cases subject to compulsory arbitration, the parties shall exchange the following information at least twenty (20) days prior to the arbitration hearing:

(a) A copy of all expert reports, including those from physicians, whom the party expects to call as a witness at the arbitration. These shall include the substance of the facts, findings or opinions of the expert, as well as a summary of the grounds or reasons for each opinion. The report must be signed by the expert.

(b) Names and addresses of all witnesses the party expects to call.

(c) Copies of all exhibits the party intends to use at the arbitration, with the designation of those documents to be produced pursuant to Pa.R.C.P. 1305.

If timely production is not made of any of the information required above, such evidence may be excluded by the arbitrators.

(2) Rulings on Objections.

Initially, all rulings on objections to evidence or on other issues which arise during the hearing shall be made by the Chair of the Board of Arbitrators and such rulings shall be final unless objected to by one of the other arbitrators. In the latter instance, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(3) Release of Exhibits.

Following the hearing and entry of award, the Chair of the Board of Arbitrators shall release the exhibits to the party that offered them.

Rule 1306. AWARD.

The arbitrators shall file their award within seven (7) days after the completion of the arbitration hearing. Arbitrators who fail to file the award as required by this rule may forfeit their fees. The arbitrators may consider the subject of damages for delay after an award has been made in accordance with Pa.R.C.P. 238. Any such delay damages shall be added to the principal amount awarded, but shall be separately stated on the report and award.

Rule 1901.3. COMMENCEMENT OF ACTION.

(1) Commencement of Action - Court Unavailable.

The Court shall be unavailable to accept petitions on holidays, weekdays after the close of Court, weekend periods from 4:30 o'clock p.m. on Friday until 8:30 o'clock a.m. the next regular Court business day as well as all other times when the Judicial Center is closed for business. The Court may deem itself unavailable at such other times. During such times when the Court is unavailable a petition seeking protection from abuse shall be filed before a Magisterial District Judge in accordance with the Protection From Abuse Act. The Court Administrator shall notify all Magisterial District Judges when the Court deems itself unavailable.

(2) Procedure - Court Unavailable.

When a Magisterial District Judge enters an emergency order under Protection From Abuse Act:

(a) The Magisterial District Judge shall inform the plaintiff as follows:

(i) The emergency order shall be explained to the plaintiff;

(ii) A plaintiff may obtain counsel. The Court does not provide free counsel. If a plaintiff cannot afford counsel that he or she may try to get counsel through Northwestern Pennsylvania Legal Services or the Crawford County Bar Association Service to the Public Committee at no cost to the plaintiff;

(iii) Plaintiff has the right to file without first paying costs;

(iv) Programs that exist for victims of domestic violence;

(v) Plaintiff's failure to appear at the Common Pleas Court hearing may cause the petition to be dismissed;

(vi) Proceedings must be commenced in Common Pleas Court by the end of the next Court business day and of the procedure for initiating a contempt charge should be defendant violate the emergency order.

(b) The Magisterial District Judge shall cause the emergency order and petition to be delivered to the Court Administrator by the end of the next business day of the Court.

(c) The Emergency Protection From Abuse Order entered by the Magisterial District Judge shall expire at the end of the next business day of the Court of Common Pleas. On that day the petitioner shall prepare and file a petition in the form required by the Rules of Civil Procedure and shall appear before a Judge of the Court of Common Pleas whereupon said Judge shall review and continue in effect protection orders that are necessary to protect the plaintiff and/or minor child(ren) from abuse and enter other temporary relief provided in the Act.

(3) Costs.

The petition shall be filed and served without prepayment of fees.

(4) Discontinuance.

(a) If a petitioner desires to discontinue an action after a temporary abuse order has been entered but before the hearing, the petitioner shall sign a written discontinuance on a form provided by the Prothonotary and file the same with the Prothonotary prior to the time scheduled for the hearing. All record Court costs shall be paid at the time the discontinuance is filed. If costs are not paid at that time, the Prothonotary shall not accept the discontinuance and the plaintiff is required to appear at the hearing so that the Court may determine the ability of the plaintiff to pay costs.

(b) A petitioner desiring to discontinue an action under the Protection From Abuse Act after a hearing and after the entry of a permanent order shall file a written discontinuance on a form provided by the Prothonotary and pay, or arrange for the payment of, the record Court costs. If costs are not paid at that time, the Prothonotary shall not accept the discontinuance.

(c) A discontinuance shall also automatically vacate any bench warrant issued for the defendant or bail requirement imposed upon the defendant.

(d) The Prothonotary shall deliver a copy of any discontinuance to County Control and to the appropriate police departments, and if a bench warrant has been issued upon the defendant or a bail requirement has been imposed upon the defendant, copies of the discontinuance shall be delivered to the Sheriff and Warden.

Rule 1901.5. ENFORCEMENT.

(1) Enforcement Methods.

Generally, the Protection From Abuse Act, Act 1994-85, 23 Pa.C.S.A. §§ 6102 *et seq.*, provides three methods for the enforcement of protection from abuse orders to-wit: arrest (23 Pa.C.S.A. § 6113); private criminal complaint (23 Pa.C.S.A. § 6113.1); and civil contempt

(23 Pa.C.S.A. § 6114.1). Except as hereinafter provided, the procedure with respect to enforcement by arrest and private criminal complaint shall be similar.

(2) Probable Cause Arrest.

A police officer may arrest a defendant for violation of a protection order (except for economic matters) upon probable cause, which shall be supplied by the victim, officer, witnesses or combination thereof. A complaint for indirect criminal contempt shall be completed, signed and filed by the arresting officer or the victim, along with a probable cause affidavit, on forms that are available in the Prothonotary's office or Court Administrator's office.

(3) Private Criminal Complaint.

A plaintiff may file a private criminal complaint against the defendant alleging indirect criminal contempt for non-economic violations of any provision of an order issued under the Protection From Abuse Act by the Court or a Magisterial District Judge. The private criminal complaint may be filed with the Prothonotary, the District Attorney, the Magisterial District Judge who entered the Protection From Abuse order or the Magisterial District Judge in the jurisdiction where the violation occurred.

(a) If the private criminal complaint is filed with the District Attorney, the District Attorney's office shall file the same with the Prothonotary as soon as practicable. The Prothonotary shall forward the complaint to the Court Administrator who shall arrange to have it reviewed by a Judge as soon as practicable. If the Judge finds that probable cause exists, the Judge shall issue a warrant or summons. If the Court issues a summons, the summons shall indicate the time, date and place for hearing. If the Court issues a warrant, the warrant shall be served by the Sheriff of Crawford County or a municipal or state police officer. Upon arrest, the defendant shall be taken to the Court or the appropriate Magisterial District Judge, as the case may be, for a preliminary arraignment as provided for in Cra.R.C[iv].P. 1901.5(4) hereinafter.

(b) If the private criminal complaint is filed with the Magisterial District Judge, upon review and determination of probable cause, the Magisterial District Judge shall issue a warrant or summons. If the Magisterial District Judge issues a summons, the summons shall indicate the date, time and place for the hearing which the Magisterial District Judge shall obtain from the Court Administrator, unless the Magisterial District Judge is unable to contact the Court Administrator. In the latter event, the defendant shall be informed by the Court Administrator of the time, date and place for the hearing. If the Magisterial District Judge issues a warrant, the Magisterial District Judge shall cause a warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken without unnecessary delay to the Court or the Magisterial District Judge, as the case may be, for a preliminary arraignment. The Magisterial District Judge shall cause the complaint to be filed with the Prothonotary as soon as practicable. The Prothonotary shall docket the complaint and forward it to the Court Administrator, who shall schedule a hearing.

(c) In any case where a summons or warrant was issued by a Magisterial District Judge a copy of the final disposition in Common Pleas Court shall be sent by the Prothonotary to the Magisterial District Judge.

(d) If the private criminal complaint is filed with the Prothonotary, the Prothonotary shall docket the complaint and forward it to the Court Administrator, who shall deliver the complaint to a Judge, and the procedure set forth above with respect to filings from the District Attorney shall apply.

(e) The Sheriff shall not require a deposit for service, however, the cost of service may be assessed to one or both of the parties when the hearing is held.

(4) Preliminary Arraignment.

(a) When a defendant is arrested by a police officer upon probable cause or pursuant to a private criminal complaint for violation of a Protection From Abuse order issued by a Judge or an emergency order issued by a Magisterial District Judge, the defendant shall be preliminarily arraigned forthwith before the Court, or if the Court is unavailable, before a Magisterial District Judge.

(b) If the arraignment occurs during the Court's business hours, the Magisterial District Judge shall contact the Court Administrator to obtain a time and date for the hearing. The Magisterial District Judge shall then inform the plaintiff and defendant of the date and time for the hearing in writing in the form attached to this rule. If the Magisterial District Judge is unable to contact the Court Administrator at the preliminary arraignment, the Magisterial District Judge shall contact the Court Administrator as soon thereafter as possible. The Magisterial District Judge shall advise the defendant and (if present) the plaintiff in the form attached to this rule that each will be receiving a notice from the Court Administrator setting forth the date, time and place of the hearing in a writing sent to their last known addresses shown on the documents filed before the Magisterial District Judge in this action.

(c) The Court or the Magisterial District Judge shall set bail to insure the defendant's presence at the contempt hearing in accordance with Pennsylvania Rules of Criminal Procedure 525, 526, 527, or 528 with conditions including, without limitation, a condition that the defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, until further order of Court.

(d) At the preliminary arraignment, the defendant shall be served with a copy of the contempt complaint if the defendant has not already received the same, and the defendant shall be notified:

(i) That the defendant is charged with criminal contempt for violation of the Protection From Abuse Order;

(ii) That a hearing will be held in the Court of Common Pleas of Crawford County when scheduled by the Court Administrator; and

(iii) That the defendant is entitled to be represented by counsel, and if unable to afford counsel, free counsel may be appointed. The defendant should immediately contact the office of the Public Defender of Crawford County.

(e) Defendants who fail to post bail shall be committed to the Crawford County Correctional Facility pending the hearing.

(f) The hearing shall be scheduled within ten (10) days.

(5) Contempt - Delivery of Magisterial District Judge File to Court.

The Magisterial District Judge shall cause the following completed forms and bail, if entered, to be delivered immediately to the Prothonotary: (1) criminal complaint; (2) probable cause affidavit, if any; (3) certificate of bail, if any was required, and discharge or commitment; and (4) receipts or copies of notice of the hearing. The Prothonotary shall docket the papers and forward them to the Court Administrator.

(6) Civil Contempt.

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator will set a time for hearing. Unless the court orders service in a particular manner, the plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a domestic relations matter (Pa.R.C.P. 1930.4) or by certified or registered mail to the last known address of the respondent. (Pa.R.C.P. 403, 1930.4).

Rule 1910.11. OFFICE CONFERENCE. SUBSEQUENT PROCEEDINGS. ORDER.

(1) Continuances of Office Conferences.

At the time conferences or hearings are scheduled, the Domestic Relations Section shall notify the plaintiff and defendant in writing of the date, time and place of the conference or hearing. Continuances may be granted at the discretion of the Domestic Relations Director, or in the Director's absence, the Assistant Director. Continuances requested because of a scheduling conflict will be granted in accord with Cra.R.C[iv].P. 208.3(a)(5). Continuances consented to by all parties or their counsel should be granted. Continuances by reason of a bona fide injury, sickness or illness that necessarily prevents an attorney or a party from appearing at the conference or hearing should be granted, provided, however, the Domestic Relations Section may require evidence from a physician, hospital or health practitioner verifying the injury, illness or sickness of a party. Common Pleas Judges may not entertain motions granting or denying continuances by the Domestic Relations Director, or Assistant Director, unless there is an allegation of abuse of discretion. By signing a motion to continue an attorney is representing to the court that the attorney's client has been consulted and is aware of the motion.

(2) Personal Continuances.

Attorneys who desire continuances by reason of their own personal vacations shall notify the Domestic Relations Section of that fact within five (5) days after his/her client is sent notice of the date and time for the conference or hearing. Thereafter continuances by reason of attorneys' vacations may not be granted.

(3) Request for De Novo Support Hearing.

A request for a support hearing de novo in substantially the form of attached shall be filed with the Crawford County Domestic Relations Section. Filing may be hand delivery to the Domestic Relations Section or by first class mail, postage prepaid, addressed to De Novo Hearing Request, Crawford County Domestic Relations Office, P.O. Box 1055, Meadville,

PA 16335. Service by first class mail is complete upon mailing and a certificate of service shall be made by the party or counsel.

(4) Disclosure of Information Prior to De Novo Hearing.

In order that the parties come to the hearing adequately prepared, and that cases may be settled without a hearing, in order to encourage and facilitate possible hearing and evidentiary stipulations, and to speed up hearing time, each party shall furnish to the other: (a) true copies of their most recent federal income tax returns; (b) their pay stubs for the preceding six months; (c) verification of child care expenses signed by the child care provider(s); (d) income and expense statements in the form required by Pa.R.C.P. 1910.26(c), and (e) copies of all exhibits, at least five (5) business days prior to the hearing set before the Court.

Rule 1910.30. AUTHORITY OF DOMESTIC RELATIONS DIRECTOR AND ASSISTANT DIRECTOR.

The Domestic Relations Director and, in the absence of the Director, the Assistant Director (if any), shall have the authority as delegated from time to time by the President Judge to sign documents for the Court. Said orders shall have the same effect as a Court order entered in open court. Said orders shall be executed in the following manner: [see] Exhibit 1910.30.

FOR THE COURT

_____

Director - Domestic Relations Section
Assistant Director - Domestic Relations Section

Rule 1915.3. COMMENCEMENT OF ACTION. COMPLAINT. ORDER.

Order for Custody Conference.

Each custody complaint shall contain a notice and order to appear before a conference officer, substantially in the form provided by the District Court Administrator and posted on the County website.

Rule 1915.4-3. NON-RECORD PROCEEDINGS.

(1) Custody Conference. Conference Officer.

The initial proceeding in all custody cases shall be non-record before the County custody conference officer, in conformity with Pa.R.Civ.P. 1915-4-3(a). A conference officer shall be appointed by the President Judge in all cases where the County's conference officer is unable to serve. Custody conferences shall be held at Level 4 of the Judicial Center except as otherwise directed by the conference officer.

Every party who 1) initiates a custody action by the filing of a custody complaint, 2) includes a custody count in filing a divorce action, or 3) petitions for modification of custody, shall, in addition to any filing fee assessed by the Prothonotary, pay to the Prothonotary a custody conference fee in an amount to be set from time to time by administrative order of court.

(2) Custody Questionnaire.

Each party shall complete and bring to the custody conference a questionnaire in the form provided by the District Court Administrator and posted on the County website, which shall be sent to the parties by the conference officer along with a notice of the conference.

(3) Purpose.

The parties, with the aid and assistance of the conference officer, shall make a good faith effort to resolve the issues and reach an agreement that meets the best interest of the child(ren).

(4) Conference Officer's Report. Court Order.

If the parties reached an agreement, the conference officer shall submit a conference report to the court, along with a proposed order which sets forth the terms of the parties' agreement. Copies of the conference report and proposed order shall be promptly provided to the parties. The court shall issue a custody order in conformity with the proposed order, within twenty days of which custody order, any party may file a request for trial *de novo*.

If no agreement was reached by the parties, the conference officer shall submit a conference report and proposed order to the parties and to the District Court Administrator, who shall schedule a pretrial conference before the court, at which the presiding judge will issue an interim order pending a trial. Upon the unexcused absence of a party at the pretrial conference, the court may issue a custody order in conformity with the proposed order, and cancel the trial if already scheduled.

Rule 1915.15. PETITION TO MODIFY A CUSTODY ORDER.

(1) A petition to modify a custody order shall have attached thereto a notice and order to appear in the form provided by the District Court Administrator and posted on the County website.

(2) A petition to modify must include the current addresses and telephone numbers of the parties.

Rule 1920.33. DIVORCE PREHEARING STATEMENTS.

Prehearing statements prepared in accord with Pa.R.C.P.1920.33(b) shall be filed no later than the date set for the prehearing conference unless a Court order provides otherwise.

Rule 1920.42. PRAECIPE TO TRANSMIT RECORD.

Withdrawal of Claims.

Prior to the filing of a praecipe to transmit the record, any ancillary claim that has not been resolved by an agreement to be incorporated into the decree and has not been resolved by a prior Court order or decree shall be withdrawn by a motion of the party who raised the claim. All motions to withdraw ancillary claims shall include a certification that opposing counsel, any unrepresented party and the Master, if one is appointed, have been served with a copy of said motion and notice of intention to file the same in accordance with the rules governing motions practice.

Rule 1920.51. HEARING BY THE COURT. APPOINTMENT OF MASTER. NOTICE OF HEARING.

(1) Appointment of Masters.

(a) The Court may appoint by separate order a permanent salaried Master who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

(b) The Court may appoint other attorneys to serve as Masters in cases where it is not reasonable to appoint the permanent Master. In such cases, the Court shall attempt to appoint as Masters in complex or potentially protracted litigation, attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

(c) The Master shall hear such matters as are referred to the Master in the order of appointment.

(d) A motion for appointment of a Master shall be in the form set forth below [see Exhibit 1920.51(a)] and shall be accompanied by a certificate of the moving party that the moving party has complied with the filing requirements of Pa.R.C.P.1920.31(a)(1), 1920.33(a) and 1920.46 unless the moving party certifies that one of those rules is inapplicable. Motions for appointment of a Master shall be filed in accordance with Crawford County motions procedure. A Master and may not be appointed where the non-moving party has not complied with Pa.R.C.P.1920.31(a)(1), 1920.33(a) and 1920.46, if applicable.

(2) Fees and Costs.

(a) The designated parties shall pay the following fees, which may be changed by the Court from time to time, to the Prothonotary at the times indicated.

(i) A non-refundable administrative fee shall be paid when the divorce complaint is filed.

(ii) A non-refundable Master's fee shall be paid by the moving party at the time a motion for the appointment of a Master is filed.

(iii) A refundable stenographer's deposit, as determined by the Master, of $100 per scheduled day of hearing shall be paid by each party 14 days or more before the hearing is scheduled to begin. In the event the hearing takes more than the originally scheduled time, an additional $100 per scheduled day of hearing will be paid by each party at least 10 days prior to the reconvening of the Master's Hearing. The Master may refuse to proceed if the deposits have not been made. Either party may pay all of the deposit in order to avoid delay of the hearing.

(iv) The fees set forth in this Rule shall be regarded as costs of the case and upon final disposition the Master may recommend and/or the Court may order each party to pay his/her own costs or may order that the costs be divided equitably and paid by each party as may appear just and reasonable.

(v) No motion for the appointment of a Master shall be filed until all of the fees in this rule have been paid to the Prothonotary. In the motion, the moving party must

certify to the Court that these fees have been paid in full and the Prothonotary shall certify in writing on the face of the motion that the fees have been paid.

(vi) The fees referred to in subparagraphs (i) and (ii) above shall entitle the parties to eight (8) hours of services of the Master.

(vii) When the fees deposited with the Prothonotary are deemed insufficient to provide for the total services of the Master, especially if the hours referred to in sub-paragraph (vi) have been or will be exceeded, or when a stenographer is to be used, the Master may move the Court to order additional deposits or the parties may agree to additional deposits. The Master shall not be required to conduct additional hearings or proceed further in any respect until the payment of the additional deposits as may be ordered or agreed upon have been made to the Prothonotary.

(viii) The original administrative fee paid in all cases as well as Master's fees and deposits paid in cases where the permanent Master has been appointed shall be paid over by the Prothonotary to Crawford County and credited as revenue to the appropriate budget category in the Court's budget.

(b) Master’s fees and deposits, in cases where someone other than the permanent Master has been appointed, shall be as set out in any appointing or other order, and shall be held by the Prothonotary to be paid over as the Court may order to the Master as a fee or returned to the parties, or otherwise. In such a case, the specially appointed Master shall file a motion or motions for the payment of the Master's fees detailing the time and services spent and rendered, and expenses incurred, all in compliance with local motions practice. The special Master shall receive compensation as set by Court Order. The Prothonotary may pay the special Master upon receipt of a bill approved by the parties or their attorneys without the necessity of the Court Order. Special Masters are not required to proceed until the Court-ordered deposit is paid in full.

(c) Whenever a stenographic transcript is required, the Pennsylvania Rules of Judicial Administration shall apply. The Prothonotary may pay the reporter upon receipt of a bill approved by the Master or the Court.

(3) Prehearing Conference.

(a) Masters shall conduct prehearing conferences prior to the Master's hearing, unless both parties or their counsel agree in writing to waive the pretrial conference. The Master may conduct the conference by telephone.

(b) Within ten (10) days after the Master is appointed, the Master shall give notice of the time and place of the prehearing conference to counsel for represented parties and to the parties directly if unrepresented. Said notice shall be by first class mail or fax, posted or sent at least five (5) business days prior to any prehearing conference.

(c) Initial prehearing statements in accord with Pa.R.C.P.1920.33(b) must be filed on or before the time of the prehearing conference.

(d) At the prehearing conference, the Master will review the following with counsel for the parties or, where a party has appeared without counsel, with the party:

(i) The positions of the parties on each claim, including those where settlement has been reached;

(ii) Discovery which has been completed, including the inventory and pretrial statements (See Pa.R.C.P.1920.33);

(iii) Any documentary evidence to be presented at the hearing under Pa.R.C.P.1920.51(a);

(iv) The names and addresses of each witness any party proposes to call at the hearing;

(v) All matters which may be stipulated by the parties at the hearing; and

(vi) Such other relevant matters as should be raised by either of the parties or the Master.

(e) After the prehearing conference, the Master shall:

(i) Prepare a summary of the discussions and action taken at the prehearing conference; and

(ii) Prepare a scheduling order setting forth the time frame for completion of the tasks contemplated at the prehearing conference; the filing of amended prehearing statements; and the date by which the stenographer's deposit must be paid; and

(iii) Serve a copy of the summary and scheduling order on counsel for the parties, or on a party who has appeared without counsel.

(f) Notice and Place of Master's Hearing.

Ten (10) days' notice of the time and place of the initial hearing before the Master shall be given in the manner provided by Pa.R.C.P.1920.51(b) and (c).

(g) Continuances.

Requests for continuances of hearings and conferences before the Master shall be made pursuant to Crawford County rules governing motions practice and shall first be presented to the Master. The Master shall promptly make rulings on the request. The parties and Master shall adhere to Cra.R.C[iv].P.208.3(a)(5). The Court shall not review rulings on continuances that are made by a Master unless there has been an abuse of discretion.

Rule 1920.53. HEARING BY MASTER. REPORT.

(1) Hearing Date.

The Master's hearing shall be held as soon as reasonably possible after the prehearing conference.

(2) Time of Report.

If the Master cannot file the report within thirty (30) days after the hearing and receipt of the transcript if any, and/or written arguments, memoranda or other post-hearing filings by the parties the Master shall file a motion with the Court, pursuant to motions practice, asking for an extension of time.

(3) Compelling the Filing of a Report.

Should the Master fail to file a report within the times required, a party may obtain a rule upon

the Master to show cause why the final report should not be filed promptly. If good cause is not shown and no report is filed, the Court shall take appropriate action.

(4) Hearing Transcripts.

The Master shall engage the services of a stenographer. The testimony shall not be transcribed unless:

(a) It is required by the Master as necessary in making the report and recommendation. As a general rule, the Master will make the report and recommendation based upon the notes of testimony taken by the Master. The Master may request a transcript in complex cases or upon agreement of the parties. In the event a transcript is requested, the master's report and recommendation must be filed within 30 days of receipt of the transcript. The Master may direct the parties to post an advance deposit for the cost of the transcript, with final apportionment of the cost made as part of the report and recommendation; or

(b) It is ordered by the Court following the filing of exceptions; or

(c) It is ordered by a party. If a transcript is ordered by a party, that party shall arrange to pay for the transcript in accordance with the Rules of Judicial Administration and the cost of the transcript may be allocated to one or both of the parties by a Court order.

Rule 1920.55-2. MASTER'S REPORT. NOTICE. EXCEPTIONS. FINAL DECREE.

(1) Where a party believes that there is a patent error in the Master's Report, the Court prefers that patent errors be corrected quickly and efficiently. Said party may file a motion within five (5) business days from the date of the Master's report for the Master to correct patent errors. The original motion shall be filed of record, but not sent to the Court Administrator or the Judges Chambers, and copies shall be served on the Master and the other party. The Master shall respond within ten (10) business days by either filing a corrected/amended report or statement denying the motion. The time for filing exceptions to the Master's Report or corrected/amended report shall start to run that date.

(2) Exceptions shall be filed in writing with the Prothonotary and, simultaneously therewith, served upon the opposing party or counsel of record and the Court Administrator.

(3) The Court Administrator shall list the exceptions for the argument list to be held no sooner than sixty (60) days of the date the exceptions are filed.

(4) The party filing exceptions shall promptly obtain a transcript of the Master's hearing and make certain that the transcript is filed with the Court at least fifteen (15) days prior to the date of the argument. A party desiring that less than the entire proceeding be transcribed shall file a motion with the Court within five (5) business days after filing exceptions.

(5) The parties may agree to one (1) thirty (30) day continuance of the argument, so long as the motion to continue is filed at least ten (10) days prior to the date of the argument. The Court will not consider any other consented-to continuance of the argument unless the motion to continue is signed by both parties to the divorce action.

(6) If no exceptions are filed within ten (10) days of the notice of the filing of the Master's Report, the report and entire file shall be transmitted to the Court upon praecipe of either party to transmit the record. The recommended order may become a Final Order of Court. The Master

shall not be required to file this praecipe. The responsibility for moving the matter to the Court for the Court's attention is placed upon the parties.

(7) The content of briefs and briefing schedule shall follow Cra.R.C[iv].P.210 and 307.

Rule 2039. COMPROMISE. SETTLEMENT. DISCONTINUANCE.

(1) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance in an action in which a minor is a party, or where a minor was injured, shall set forth:

(a) The facts out of which the cause of action arose;

(b) The elements and items of damage sustained;

(c) A list of all expenses incurred or to be incurred, whether or not they have been paid, by whom payment was made, and arrangements for payment of unpaid bills;

(d) Any limits on a defendant's financial responsibility;

(e) A statement of the nature of the evidence relied on to establish liability, if any;

(f) The facts relied upon by an adverse party;

(g) The fees of counsel;

(h) The present status of the minor's health and injuries, together with a written report from attending health care providers stating the extent of the injury, the treatment given and the prognosis for the injured minor; and

(i) Any circumstances relevant to the propriety of granting the petition.

(2) The motion shall be presented in Motions Court in keeping with Crawford County Rules governing motions procedure. The Court may, upon presentation of motion, elect to hold an evidentiary hearing.

(3) The minor shall be present in the Court at the time for the presentation of the motion unless excused by the Court for cause shown.

Rule 2064. COMPROMISE. SETTLEMENT. DISCONTINUANCE AND DISTRIBUTION.

For the petitions under Pa.R.C.P. 2064 refer to Cra.R.C[iv].P. 2039.

Rule 2206. SETTLEMENT. COMPROMISE. DISCONTINUANCE AND JUDGEMENT.

For the petitions under Pa.R.C.P. 2206 refer to Cra.R.C[iv].P. 2039.

Rule 5000.13. OWNERSHIP OF NOTES. SAFEGUARDING. RETENTION.

(1) The original transcript shall be available for the Court. No person shall reproduce the original or a copy of the transcript by copy machine or other methods of image production. Any person

making such a reproduction is liable to the reporter for the costs, and shall be liable for any other appropriate costs or damages.

(2) The Court reporters shall maintain in safekeeping all stenographic notes, tapes or other media used by them to record a proceeding for seven (7) years except as hereinafter provided. Thereafter, the notes, tapes or other media may be destroyed, except as hereinafter provided.

(3) Notwithstanding the foregoing subsections, any interested party may petition the Court to retain stenographic notes, tapes or other media used by Court reporters to record a proceeding for additional periods of time and the Court may enter a specific order in a specific case permitting a longer period of retention.

(4) The Prothonotary and Clerk of Courts shall not permit the original transcript or a copy thereof to leave their custody, except for use by a Judge, or by order of Court, or for the use by an appellate court as required by law or rules of Court.

EXHIBIT 205.2(b)

_____ No. _____

:

Plaintiff :

Vs.

_____

:

Defendant Type of Document: _____

:

_____

Filed on Behalf of

_____

(Plaintiff/Defendant)
Counsel of Record for this Party:

_____

(Name of Attorney
Primarily Responsible)

Supreme Court I.D. No. _____

_____

(Firm Name, if any)

_____

(Address)

_____

_____

_____

(Phone)

_____

(Fax Number)

_____

(E-mail Address)

EXHIBIT 208.3(a)

NOTICE

You are hereby notified that the attached motion will be presented by me on _____, 20_____.

( ) to the Prothonotary;
( ) in Motion's Court at 8:45 o'clock a.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that three (3) business days' prior notice and a copy of this motion and proposed order have been served by ( ) first class mail, ( ) fax, or ( ) hand delivery on the _____ day of _____, 20_____ upon all parties or their counsel of record in accordance with Pa.R.C.P. No. 440.

INFORMATION FOR COURT ADMINISTRATOR

A. Is this an original filing in this case? _____ Yes _____ No

B. Has any judge heard this matter previously? _____ Yes _____ No

C. If yes, name of judge who presided over previous matter:

_____Vardaro _____ Spataro _____ Stevens _____Other/Name

D. Estimated court time required if this matter:

_____ Minutes _____ Hours _____ Days

E. Is this motion opposed by another party?

_____ Yes _____ No _____ Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

_____1. All parties or counsel have consented.
_____2. Consents of all parties or counsel are attached.
_____3. The Order seeks only a return hearing or argument date and no other relief.
_____4. The Order seeks only the appointment of a master or hearing officer and no other relief.

Opposing Counsel: _____
(if opposing party is unrepresented, list his/her current address and telephone):

_____

_____(Telephone)_____

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

By: _____

Attorney For: _____

EXHIBIT 212.1(5)(A)

[obsolete]

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
Civil Action – Law

Plaintiff	:	
vs.	:	A.D. No.
Defendant	:	

ORDER SETTING MANDATORY STATUS CONFERENCE FOR DOCKET INACTIVITY

AND NOW, this _____ day of _____, 20___, consistent with Cra.R.C.P. L212.1(5)(b) a mandatory status conference is set for the _____ day of _____, 20___ at _____ o'clock, _____.M., in Courtroom No. _____ of the Crawford County Judicial Center.

Counsel of record for each party and any unrepresented parties shall be prepared at the mandatory status conference to indicate how they intend to promptly move this case forward to allow trial to occur as quickly as possible.

FOR THE COURT

_____

EXHIBIT 212.1(5)(B)

[obsolete]

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
Civil Action – Law

Plaintiff	:	
vs.	:	A.D. No.
Defendant	:	

MOTION FOR CANCELLATION OF MANDATORY STATUS CONFERENCE

AND NOW, this _____ day of _____, 20___, _____ _____ moves to cancel the mandatory status conference scheduled in this matter for the _____ day of _____, 20___, at _____ o'clock, _____.M., in Courtroom No. _____of the Crawford County Judicial Center for the following reason(s):

☐ 1. There has been ongoing active discovery in this case during the past 90 days, the pleadings are closed and a party has provided notice that discovery must be completed within 75 days pursuant to Cra.R.C.P. L212.1(4)(a). It is anticipated that a certificate of readiness pursuant to Cra.R.C.P. L212.1(4)(b) will be filed on or before the _____ day of _____, 20___.

☐ 2. All pleadings are closed, discovery has been completed and a certificate of readiness has been filed so that this matter is currently scheduled for trial during the _____ term of civil court.

☐ 3. The parties are awaiting a determination by the Court on a motion for _____ _____, which was submitted to the Court for disposition on the _____ day of _____, 20___.

☐ 4. The only active matter at this docket number is a child custody case and the parties are currently satisfied with the existing custody order so there has been no recent docket activity.

☐ 5. (Please state any other reason for docket inactivity)

_____
_____
_____

☐ 6. While there has been no activity in this case for the last 90 days, the following activity has begun to occur or will be occurring so that this case is moved forward promptly to trial.

_____
_____
_____
_____

_____

Attorney for _____

EXHIBIT 305(a)

[obsolete]

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVL ACTION

_____:
Plaintiff :
Vs. : No. _____of 20____
_____:
Defendant :

PETITION FOR THE APPOINTMENT OF COUNSEL IN A CIVIL ACTION

TO THE HONORABLE, THE JUDGES OF SAID COURT:
The petitioner respectfully represents and petitions the Court as follows: 1. Petitioner is _____
who resides at _____
and is the (plaintiff)(defendant) in the above entitled action.

2. Petitioner's income and expense information as set forth below is complete and true.

3. That this is an action for _____
_____
_____

4. That this is a civil action which may lead to the deprivation of substantial rights of the petitioner and
thus raises due process and equal protection questions whereby the petitioner is entitled to the
assignment of counsel.

5. That the petitioner is, for financial reasons, unable to obtain counsel to represent him/her in this action
as the petitioner does not have sufficient income or assets to hire counsel, nor does petitioner have the
ability to borrow money or obtain gifts from relatives, friends, or otherwise in order

to hire counsel. Petitioner has made the following efforts to obtain counsel:
_____

(a) Employment:

(i) I am presently employed and state as follows:
Employer _____
Address _____
_____
Salary or wages per month _____
Type of work _____

(ii) I am presently unemployed and state as follows:
Date of last employment _____
Salary or wages per month _____
Type of work _____

(b) Other income within the past twelve-months:
Business or profession _____
Other self-employment _____
Interest _____
Dividends _____
Pension and annuities _____
Social Security benefits _____
Support payments received _____
Disability payments _____
Unemployment compensation and supplemental benefits _____
_____
Worker's compensation _____
Public Assistance _____
Other _____

(c) Other contributions to the support of my household (Wife) (Husband) (Other adult living with me) _____
( ) My (wife) (husband) (or other adult) is employed, and I state:
Employer _____
Salary or wages per month_____
Type of work _____
Contributions from children _____
Contributions from parents _____
Other contributions _____

( ) My wife, husband or other adult is not employed.

(d) Property owned:
Cash _____
Checking account (s)_____
Savings account (s)_____
Certificates of deposit _____
Real estate (including home)_____
Motor vehicle(s): Make _____ Year _____
Cost _____ Amt. Owed _____
Stocks; bonds _____
Other _____

(e) Debts and obligations:
Mortgage _____
Rent _____
Loans _____
Other _____
_____
_____

(f) Persons dependent upon me for support
(Wife) (Husband) Name _____
Children, if any
Name_____ Age _____
_____
_____
Other persons:
Name _____
Relationship _____

6. Petitioner (is) (is not) receiving Public Assistance.

7. I agree that I have a continuing obligation to inform the Court and my court-appointed counsel of any improvement
in my financial circumstances which then may enable me to pay attorneys fees.

WHEREFORE, petitioner respectfully requests that this Court appoint and assign counsel to represent him/her in this action.

_____
(Print Name)

VERIFICATION

I, _____, verify that the statements made in this petition are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

_____
(Sign Name)

EXHIBIT 305(b)

[obsolete]

ORDER

AND NOW, this _____ day of _____, 20_____ upon consideration of the within petition, including the representations and sworn statements of the petitioner contained therein, the Court finds the petitioner is indigent and that this action affects "substantial rights" of the petitioner raising due process and equal protection concerns such that petitioner has a right to the assignment of counsel to represent him/her in this action. Accordingly, _____, Esquire, is hereby appointed to represent the petitioner in this action until the petitioner is financially able to obtain counsel to represent him/her in this matter. In the latter event, counsel appointed to represent the petitioner may continue to represent the petitioner either pursuant to an agreement between counsel and the petitioner regarding the payment of fees and costs or, in lieu thereof, counsel or the petitioner may file a motion with this Court to determine the petitioner's ability to pay counsel fees and the terms and conditions thereof.

BY THE COURT

_____

J.

EXHIBIT 1034(a)

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIV[I]L ACTION

_____, Plaintiff(s)	:	
v.	:	No. _____ 20____ - _____
_____, Defendant(s)	:	

SCHEDULING ORDER

AND NOW, _____, 20_____, upon receipt of a motion for judgment on the pleadings filed by _____, argument on said motion shall be set on the next available argument list.

Any responding party must file a brief no less than **five** business days prior to the date set for argument, and promptly serve a true and correct copy of said brief on all other parties and the court.

FOR THE COURT,

_____
Court Administrator

EXHIBIT 1035.2(a)

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA

CIVIL ACTION

_____, Plaintiff(s)	:	
v.	:	No. _____ 20____ - _____
_____, Defendant(s)	:	

SCHEDULING ORDER

AND NOW, _____, 20_____, upon receipt of a motion for summary judgment filed by _____, argument on said motion shall be set on the next available argument list.

Any responding party must file a brief no less than **five** business days prior to the date set for argument, and promptly serve a true and correct copy of said brief on all other parties and the court.

FOR THE COURT,

_____
Court Administrator

EXHIBIT 1910.30

[obsolete?]

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
DOMESTIC RELATIONS SECTION

_____:
Plaintiff : No.
vs. :
_____ :
Defendant :

REQUEST FOR A HEARING

AND NOW, this _____ of _____, 20___, the plaintiff/defendant, _____, by his/her attorney, _____, respectfully requests the Domestic Relations Section or Court Administrator to list the above case for hearing de novo before the Court for the following reasons: _____
_____
_____
The hearing is de novo and therefore is not limited in scope to the reasons set forth herein.

_____
Plaintiff/Defendant

Attorney for Plaintiff: _____
Attorney for Defendant:_____
Name of Conference Officer: _____
Date of Recommendations:_____

I certify under penalty of 18 Pa.C.S.A.§4904, relating to unsworn falsification to authorities,
that this Request was mailed on the _____ day
of _____, 20____, by first class mail, postage prepaid, to the opposing party and to
the Domestic Relations Section.

By: _____

EXHIBIT 1920.51(a)

[obsolete]

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA CIVL DIVISION

_____:
Plaintiff :
Vs. : No. _____ of 20____
_____:
Defendant :

MOTION FOR APPOINTMENT OF MASTER IN DIVORCE

AND NOW, _____, 20_____ moves the Court to appoint a Master with respect to the following claims:

- Divorce
- Annulment
- Alimony
- Alimony Pendente Lite
- Distribution of Property
- Support
- Counsel Fees
- Costs and Expenses

and in support of that motion states:

1. Discovery (is) (is not) complete as to the claim(s) for which the appointment of a Master is requested.

2. The statutory ground(s) for divorce (is) (are)
_____

a. If 3301(c), affidavit of consent filed by Plaintiff _____
by defendant _____

b. If 3301(d), affidavit of separation filed by (Plaintiff)(Defendant)
on _____Counter-affidavit, if any, filed on
_____.

3. Delete the inapplicable paragraph(s):

a. The action is not contested.

b. An agreement has been reached with respect to the following claims: _____

c. The action is contested with respect to the following claims: _____

4. The action (involves) (does not involve) complex issues of law or fact.

5. The hearing is expected to take _____ (hours) (days).

6. The complaint was filed _____ and served _____.

7. Matters at issue under the pleadings which are not to be referred to the Master:

_____

8. Attached hereto is the completed form required by Pa.R.C.P.1920.46.

9. I hereby certify that Pa.R.C.P.1920.31(1) is (___ applicable) (___not applicable) and the income and expense statement have been filed as follows:

Plaintiff _____(date) Defendant _____(date)

10. I hereby certify that Pa.R.C.P.1920.33(a) is (___applicable) (___not applicable) and the inventories have been filed as follows:

Plaintiff _____(date) Defendant _____(date)

11. Appropriate monthly take-home income of:

Plaintiff_____ Defendant _____

12. If applicable, approximate value of marital assets to be distributed:

From Plaintiff's inventory: _____

From Defendant's inventory: _____

13. Approximate value of assets as to which there is a dispute as to whether they are marital assets $_____.

14. Additional information, if any, relevant to the motion:

---

15. I hereby certify that all Masters fees required to be paid have been paid.

Date: _____ _____

Attorney for: