

BEAVER COUNTY
Local Rules of Civil Procedure
Local Rules of Judicial Administration

(These are the current local rules in effect as of Jan. 20, 2009.)

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STANDING ORDER:

In Re: Objections To The Consolidate Return Of The Tax Claim Bureau From An Upset Sale For Delinquent Taxes And Petitions To Disapprove A Private Sale (May 25, 2004)

PREFACE (Eff. 3/6/2000)

The Local Rules of the Court of Common Pleas of Beaver County are intended to supplement the Pennsylvania Rules of Civil Procedure. The latter's system of numbering has been preserved. A local rule dealing with the same or related subject matter as that dealt with by a Pennsylvania Rule of Civil Procedure has been given the same number as the Pennsylvania Rule of Civil Procedure and is preceded by the letter "L" to indicate its local character. All local rules should be read in connection with the Pennsylvania Rules of Civil Procedure bearing the same numbers.

The rules of construction found in the Pennsylvania Rules of Civil Procedure shall apply to all Local Rules of the Court of Common Pleas of Beaver County.

The Local Rules may be cited as "Beaver County L.R. No. ____."

LR 205.1. Court Action On Legal Papers. (Eff. 3/6/2000)

Any party who desires court action on a legal paper and who has delivered or will deliver the paper to the Prothonotary for filing in accordance with Pa. R.C.P. No. 205.1, must cause the paper to be presented to the court for entry of the order.

Note: The paper must be presented to the court personally by or through counsel. After action is taken on the paper, the court will return the paper to counsel for filing and service. This rule does not apply to motions for summary judgment, motions for judgment on pleadings or post-trial motions.

LR 205.2 (a) – Requirements for Pleadings and Other Legal Papers (Eff. 7/26/2004)

All pleadings and other legal papers shall be printed in double space on white paper size 8½ x 11 inches and secured by an appropriate metal or plastic fastener. The use of a gummed or taped substance is not permitted. Exhibits shall be tabbed and labeled.

LR 205.2 (b) – Cover Sheet (Eff. 7/26/2004)

All pleadings and other legal papers shall be accompanied by a cover sheet which contains the information required by Pa. R.C.P. No. 1018. In addition, the cover sheet for a complaint shall designate the type of action and for all other pleadings and other legal papers, the name, mailing address, telephone number and facsimile number, if any, of the party or the party's attorney, and, if represented by counsel, counsel's current Supreme Court identification number.

The cover sheet shall be in the forms hereinafter set forth.

(Editor's Note: This cover sheet may or may not format correctly on the viewer's screen. If it does not appear as one 8.5" x 11" sheet of paper, go back to the [Beaver County Local Rules webpage](#) and download the separate Civil Complaint Cover Sheet.)

FORM OF COVER SHEET FOR OTHER PLEADINGS

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
P E N N S Y L V A N I A
CIVIL DIVISION

JOHN DOE,

Plaintiff,

vs.

RICHARD ROE,

Defendant.

:

:

:

:

:

:

:

:

No. _____ of 2004

Civil Action – Law

Answer, Answer/New Matter

Counterclaim, Reply, etc.

Filed on behalf of:

Names of Parties

Name of Party or

Counsel of Record

Individual Name

Firm Name

Office Address

Telephone Number

Facsimile Number

PA State ID Number

LR 205.4. Electronic Filing and Service of Legal Papers. (eff. June 24, 2008 [38 Pa.B. 2363])

Rescinded and deleted in total.

MOTIONS, RULES AND PETITIONS

LR 206A. Motions Court. (eff. June 24, 2008 [38 Pa.B. 2363])

The Court will be available to receive motions and petitions at the times and in accordance with the practice which is published with the annual Court Calendar.

Note. The prescribed time to receive motions appears on the Beaver County web site: <http://www.beavercountycourts.org/motions.htm>

LR206B. Notice to Opposing Counsel. (Eff. 3/6/2000; Superseded 1/2/07)

The Court will not entertain a motion or petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the motion or petition. The motion or petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a motion or petition after oral notice only in emergency situations. Ex parte motions and petitions will not be entertained without prior notice unless notice is not possible.

LR 206B Notice To Opposing Party Or Counsel (eff. 1/2/07, Superseded June 24, 2008 [38 Pa.B. 2363])

Unless consented to by all affected parties or otherwise authorized by law or rule of court, no motion or petition will be considered by the Court until the opposing party or his counsel has received at least six (6) business days notice of the Presentation thereof. Notice should be given through the Court's electronic file and serve system but, if given in another manner, must be given in writing. Proof of such other service shall be filed.

LR 206B. Notice to Opposing Counsel. (eff. June 24, 2008 [38 Pa.B. 2363])

The Court will not entertain a motion or petition in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the motion or petition. The motion or petition shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a motion or petition after oral notice only in emergency situations. *Ex parte* motions and petitions will not be entertained without prior notice unless notice is not possible.

LR206C. Presentation of Motion. (Eff. 3/6/2000; Superseded 1/2/07)

All motions and petitions, except as set forth in Rules L206D, L206F and emergency motions and petitions, shall be presented to the appropriate Judge at the time set for Motion Court. In all cases, written notice of presentation of the motion or petition shall have been given to counsel of record or to the opposite party in compliance with Rule L206B.

LR 206C Presentation of Motion or Petition (eff 1/2/07, Superseded June 24, 2008 [38 Pa.B. 2363])

Except for all Family Law matters, uncontested motions or petitions need not be presented to the Court in hard copy or in person. If any party intends to oppose a motion or petition, that party shall file a Notice of Objection. An Answer to the motion or petition may also be filed.

In all contested civil matters and in all Family Law matters, whether or not an answer is filed, counsel or an unrepresented party shall arrange a time to appear before the Court to present their arguments pursuant to LR 206A.

Note: Former Rule 206C is superseded by this New Rule.

Note: The Court's Order can thereafter be filed electronically by either scanning the same at the Office of the filing party and then filing it electronically or by transmitting the Order to the Prothonotary for scanning and filing electronically. The Prothonotary shall not charge a scanning fee for scanning an Order of Court which is to be filed electronically without a legal paper attached thereto.

Note: A responding party need not file Notice of Objection where the filing party is seeking the issuance of a rule to show cause unless the responding party intends to object to the issuance of the rule to show cause.

LR 206C. Presentation of Motion. (Eff. June 24, 2008 [38 Pa.B. 2363])

All motions and petitions, except as set forth in Rules L206D, L206F and emergency motions and petitions, shall be presented to the appropriate Judge at the time set for Motions Court. In all cases, written notice of presentation of the motion or petition shall have been given to counsel of record or to the opposite party in compliance with Rule L206B.

LR206D. Filing of Certain Motions. (Eff. 3/6/2000)

All Motions For Summary Judgments, Judgment on the Pleadings and Post-trial Motions shall be filed in the office of the Prothonotary.

LR206E. Content of Petition or Motion. (Eff. 3/6/2000)

In addition to the requirements of Pa.R.C.P. No. 206.1 et seq., a petition or motion shall set forth the history of prior judicial activity in the case. The history shall include the nature and date of prior judicial activity and the name of the judge who handled the matter.

Any Exhibit attached thereto shall be a legible photocopy or other reproduction of the original.

LR 206.1 (a) – Petition Definition

Where all persons affected by the request for relief have not consented thereto, the following applications for relief are included in the definition of “Petition” and shall be governed by Pa. R.C.P. No. 206.1 et seq.

1. An application for coordination of actions filed in different counties under Pa. R.C.P. No. 213.1.
2. An application to strike off a discontinuance.
3. An application to reinstate an action terminated by reason of inactivity which is presented pursuant to Pa. R.C.P. No. 230.2 (d) (3).
4. Applications to transfer an action for convenience of parties and witnesses or to secure a fair and impartial trial.
5. Applications for sanctions under Pa. R.C.P. No. 1023.2 or 1042.7.
6. Applications to intervene.
7. Applications for attorney fees under 42 Pa. C.S.A. § 2503.

LR 206.4 (c) – Procedures for Issuance of a Rule to Show Cause (partially superseded 1/2/2007)

(a) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa. R.C.P. No. 206.5.

(b) Whether or not the petition has been filed, it shall be presented to the court by counsel for the petitioner at the time prescribed for the receipt of motions by the court.

Note. The prescribed time to receive motions appears on the Beaver County Website: www.co.beaver.pa.us. Links are available to the court and then to motions court.

(c) The Petition must be accompanied by an order in the form set forth in Pa. R.C.P. No. 206.5(d). If appropriate to do so, the court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(d) After the court issues the rule, counsel for the Petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

(e) Any exhibits attached thereto must be tabbed and identified.

LR 206.4(c) Procedures for Issuance of a Rule to Show Cause (eff. 1/2/07, Superseded June 24, 2008 [38 Pa.B. 2363])

(b) A Petition seeking the issuance of a rule to show cause shall be filed electronically pursuant to LR 205.4. Notice of the filing and the service of the Petition shall be effected in accordance with LR 206A, 206B and the presentation thereof in accordance with LR 206C.

(c) The Petition must be accompanied by a proposed order in the form set forth in Pa.R.C.P. No. 206.5 (d).

Note: Subdivisions (a) and (e) of the former rule remains in effect. Subdivisions (b) (c) and (d) are superseded by new Subdivisions (b) and (c).

LR 206.4(c). Procedures for Issuance of a Rule to Show Cause. (eff. June 24, 2008 [38 Pa.B. 2363])

(a) Upon petition, the issuance of a rule to show cause shall be discretionary pursuant to Pa.R.C.P. No. 206.5.

(b) Whether or not the petition has been filed, it shall be presented to the Court by counsel for the petitioner at the time prescribed for the receipt of motions by the Court.

Note. The prescribed time to receive motions appears on the Beaver County web site: www.beavercountypa.gov. Links are available to the Court and then to Motions Court.

(c) The petition must be accompanied by an order in the form set forth in Pa.R.C.P. No. 206.5 (d). If appropriate to do so, the Court will issue the rule, set a time to respond thereto, set a deadline to complete depositions or other appropriate discovery and schedule argument.

(d) After the Court issues the rule, counsel for the petitioner must deliver the petition and rule to the Prothonotary for filing, serve it upon all other parties or their counsel, deliver a copy of the order to the Court Administrator and file proof of service.

(e) Any exhibits attached thereto must be tabbed and identified.

LR207.1--Motions to Exclude Expert Testimony Which Relies Upon Novel Scientific Evidence (Eff. 9/23/2003)

All motions to exclude expert testimony authorized by Pa. R.C.P. No. 207.1 shall be filed and served no later than the date and time of the pre-trial conference.

Note: This rule is intended to require a party to raise the issue of the admissibility of testimony of an expert witness prior to trial pursuant to Pa. R.C.P. No. 207.1(b). Establishing the last day to do so at the pre-trial conference will provide the opposing party a fair opportunity to prepare to rebut the motion so as to avoid surprise at trial. If a motion is filed after the pre-trial conference, the issue will be deemed waived and the motion dismissed sua sponte.

LR 208.2 (e) – Discovery Motions (Eff. 7/26/2004)

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

LR 208.3 (b) – Procedure Governing Motions (Eff. 7/26/2004, Partially

Superseded 1/2/2007)

(a) All motions, as defined in Pa. R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the court by counsel for movant at the time prescribed for the receipt of motions by the court. (Superseded 1/2/07)

Note. The prescribed time to receive motions appears on the Beaver County Website: www.co.beaver.pa.us. Links are available to the court and then to motions court.

Note. LR 206 B requires at least three business days notice of intention to present the motion and requires the manner of notice to be disclosed therein and a copy of the notice to be attached. Such notice is not required if all parties affected by the requested relief have consented thereto.

Note. On occasion, counsel will have filed the motion by mail and then present a photocopy of the motion to the court. Such a practice is condemned. It is generally not necessary to file the motion in advance. However, if counsel has already filed the motion, counsel must secure it from the Prothonotary and present it to the court.

(b) Any exhibits attached thereto must be tabbed and identified.

(c) After the court enters the order, counsel for movant must deliver the original motion and order to the Prothonotary for filing, serve a copy upon all other parties or their counsel, deliver a copy of the order to the Court Administrator if the order schedules future court action and file proof of service. (Superseded 1/2/07)

LR 208.3 (b) Procedure Governing Motions (eff. 1/2/07)

(a) All motions shall be filed electronically pursuant to LR 205.4. Notice of the filing and the service of the motion shall be effected in accordance with LR 206A, 206B and the presentation thereof in accordance with LR 206C.

Note: Subdivision (b) of the former Rule remains in effect. Subdivisions (a) and (c) of the former Rule are superseded by New Subdivision (a).

LR 208.3(b). Procedure Governing Motions. (Eff. June 24, 2008 [38 Pa.B. 2363])

(a) All motions, as defined in Pa.R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the Court by counsel for movant at the time prescribed for the receipt of motions by the Court.

Note. The prescribed time to receive motions appears on the Beaver County web site: www.beavercountypa.gov. Links are available to the Court and then to Motions Court.

LR 210 – Form of Briefs (Eff. 7/26/2004)

In addition to the requirements of Pa. R.C.P. No. 210, briefs shall comply with the following requirements:

A. Except for quotations, briefs shall be double spaced on white paper size 8½ x 11 inches.

B. Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon.
Opinions of the Appellate Courts of Pennsylvania shall be cited to the official reports of the Pennsylvania Reporter as well as to Atlantic Reporter;
6. a conclusion setting forth the requested relief sought.

(C) Any exhibits attached thereto must be tabbed and identified.

Note: In cases involving post-trial motions, motions for judgment on the pleading or for summary judgment, it may be appropriate for counsel to also supply the court with a compact disc which contains counsel's brief.

LR211A. Oral Arguments. (Eff. 3/6/2000)

The court will be available to hear oral arguments on the dates designated on the court calendar or such other dates as may be determined by the court.

LR211B. Argument Lists. (Eff. 3/6/2000)

(1) Cases shall be placed on the argument list by Praecept of a party or by order of court. Immediately after the last day to file a praecipe for argument, the Court Administrator shall compile a list of cases to be argued. Thereafter, the Court Administrator shall assign the cases to those judges assigned to preside over civil cases, schedule the cases for oral argument, cause notice of the assignment and the time and place for oral argument to be mailed to all parties unrepresented by counsel as well as all counsel of record, and publish the assigned list in the Beaver County Legal Journal.

(2) The praecipe for argument shall be in the form approved and revised from time to time by the court. The original praecipe for argument shall be filed with the Prothonotary and a copy thereof delivered to the Court Administrator.

LR211C--Briefing Schedule. (Eff. 3/11/2001)

(1) The moving party's brief shall be submitted to the Court Administrator and served in accordance with the following schedule:

(a) where the moving party files the praecipe for argument, not later than simultaneously therewith;

(b) where the responding party files the praecipe for argument or the court orders the matter on the argument list, at least twenty (20) days prior to the argument date;

If the moving party fails to timely submit a brief, the court may deny the relief sought or impose other sanctions.

(2) The responding party's brief shall be submitted to the Court Administrator and served at least ten (10) days prior to the argument date provided that the moving party's brief has been timely served. If the brief is not timely submitted, the court may prohibit the responding party from presenting oral argument or may impose other sanctions.

LR211D. Miscellaneous Provisions. (Eff. 3/6/2000)

(1) Any issue which has not been raised and properly discussed in a timely submitted brief may be deemed absolutely to have been waived.

(2) Each party will be allowed fifteen (15) minutes to present oral argument subject, however, to the court's power to limit or extend the time for argument. The time for argument shall be limited to not more than thirty (30) minutes for each side notwithstanding the existence of more than two moving or responding parties. The maximum time shall be divided between or among the moving parties or between or among the responding parties as they may decide.

(3) Oral argument will not be continued except on written motion, for cause shown. Such motion shall be subject to L206B.

LR212.1. Civil Actions. Certification For Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery. (Eff. 3/11/2001)

A. All civil actions which are to be tried by a jury may be tried, at the earliest, during the term of trials next following the filing of a Certificate of Readiness for Trial.

Note: This provision is intended to constitute the Notice Required by Pa. R.C.P. No. 212.1(a).

B. (1) A civil action shall be certified for trial by filing with the Prothonotary of Beaver County a Certificate of Readiness for Trial. A copy of the Certificate of Readiness for Trial shall likewise be transmitted by the moving party to the Court Administrator of Beaver County.

(2) No case may be certified for trial without having first given at least sixty (60) days written notice of intention to do so to all other parties or their counsel of record.

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

(3) After a case has been certified for trial, no motion for judgment on the pleadings or for summary judgment may be filed without having first secured leave of court to do so for cause shown.

(4) After a case has been certified for trial, no discovery, including an independent medical examination, may be initiated without having first secured leave of court to do so for cause shown.

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L206B has been given.

Note: The purpose of subdivision (2) is to provide parties with an opportunity to initiate appropriate pre-trial procedures prior to the certification of the case for trial. Failure to do so prior to certification for trial may result in the waiver of the right to do so under subdivisions (3) and (4).

Rule L 212.2. Pre-Trial Conference and Pre-Trial Statements. (Eff. Jan. 20, 2009 [38 Pa.B. 6884])

A. Unless otherwise directed by the court, a Pre-Trial Conference shall be Scheduled by the Court Administrator for every case certified for jury trial. Pre-Trial Conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

- (1) Prior to the Pre-Trial Conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose.
- (2) Pre-Trial statements which comply with Pa.R.C.P. No. 212. Shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than five (5) business days prior thereto seven (7) days prior thereto. Failure to file a timely pre-trial statement may result in continuance of the Pre-Trial Conference and sanctions in the form of counsel fees payable to opposing counsel. In addition, to the requirements of Pa.R.C.P. No. 212.2, the Pre-Trial Statement shall contain:
 - (a) A statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority;
 - (b) An itemized statement of all medical and hospital and other bills and expenses claimed;
 - (c) An itemized statement of lost earnings and impairment of earning power together with the basis therefore;
 - (d) A statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included;

Note: Although Pa.R.C.P.No. 212.2(5) requires the inclusion of an expert report or proper answer to interrogatory and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records nor illegible office notes are to be included.

All trial exhibits are to be marked for identification but need not be attached to the Pre-Trial Statement.

- (3) Unless excused by the court upon cause shown, the Pre-Trial Conference shall be attended by trial counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the CAT **MCARE** Fund and any defendant whose personal approval of a settlement offer is required and has not been given.

Note: Where a liability insurance carrier, the CAT **MCARE** Fund or a party has given counsel written authority to settle in an amount deemed by the court to be

reasonable, the court will probably excuse attendance at the Pre-Trial Conference. All requests to be excused should be by formal motion or petition setting forth the reasons for the request.

If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanction may be imposed.

(b) After the Pre-Trial Conference has concluded, no Supplemental Pre-Trial Statement may be filed without leave of court for cause shown.

LR212.2. Pre-Trial Conference and Pre-Trial Statements. (Eff. 3/6/2000, Resc. Jan. 20, 2009)

A. Unless otherwise directed by the court, a pre-trial conference shall be scheduled by the Court Administrator for every case certified for jury trial. Pre-trial conferences shall be scheduled on those dates designated for that purpose on the court calendar and on such other dates as may from time to time be designated by the court.

(1) Prior to the pre-trial conference, a party shall provide the opposing party with a copy of all documents or records secured through an authorization of the opposing party. Any such documents or records not so provided may not be used at trial for any purpose.

(2) Pre-trial statements which comply with Pa. R.C.P. No. 212.2 shall be submitted to the judge assigned to conduct the pre-trial conference not later than five (5) business days prior thereto. In addition, to the requirements of Pa. R.C.P. No. 212.2, the pre-trial statement shall contain:

(a) a statement of legal and evidentiary issues which are anticipated to arise together with a citation to authority;

(b) an itemized statement of all medical and hospital and other bills and expenses claimed;

(c) an itemized statement of lost earnings and impairment of earning power together with the basis therefore.

(d) a statement, if applicable, as to the plaintiff's selection of the limited or full tort option. If a limited tort option applies, a statement to support eligibility for recovery of non-economic damages shall be included.

Note: Although Pa.R.C.P. No.212.2(5) requires the inclusion of an expert report or proper answer to interrogatory and the note thereto permits physician notes or records in lieu of a report, neither copies of hospital records nor illegible office notes are to be included.

All trial exhibits are to be marked for identification but need not be attached to the pre-trial statement.

(3) Unless excused by the court upon cause shown, the pre-trial conference shall be attended by trial counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the CAT Fund and any defendant whose personal approval of a settlement offer is required and has not been given.

Note: Where a liability insurance carrier, the CAT Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court will probably excuse attendance at the pre-trial conference. All requests to be excused should be by formal motion or petition setting forth the reasons for the request.

If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanctions may be imposed.

(B) After the pre-trial conference has concluded, no supplemental pre-trial statement may be filed without leave of court for cause shown.

LR212.3 Imposition of Sanctions for Obdurate Conduct in Pre-Trial Proceedings (Eff. 9/23/2003)

A. An official court stenographer shall attend each pre-trial conference and take notes of the discussions of the participants. The notes shall not be transcribed except upon order of the presiding judge.

B. The presiding judge shall recommend a settlement amount to counsel for parties if the judge determines that he or she can fairly evaluate the case for settlement purposes. The recommendation and the reasons in support thereof shall be included in the stenographer's notes as well as the parties' settlement positions and the reasons therefore.

C. The court may make a finding that a party has engaged in obdurate conduct in regard to the party's settlement position either sua sponte or on petition of another party. In either event, not later than ten (10) days after a jury verdict or a decision of the court, a rule shall be issued to show cause why counsel fees should not be awarded under 42 Pa.C.S.A. § 2503(7). The Petition Practice set forth in Pa. R.C.P. No. 206.1 et seq. will apply.

D. The court should consider and weigh the following factors determining whether or not to impose sanctions:

1. The facts and circumstances which existed at the time of the pre-trial conference;
2. Whether there was a change in such facts or circumstances to account for a variation between the plaintiff's demand, the defendant's offer and the jury's verdict;
3. The final settlement demand and offer;
4. The settlement value;
5. Whether there was substantial merit to the parties' claim or defense, and;
6. Whether a party's settlement position had a reasonable basis in law or in fact.

Rule L212.4. Case Management Conferences and Complex Cases. (Eff. 1/20/2009[38 Pa.B. 6884])

- A. At any time after the initial pleadings have closed (e.g. Complaint, Answer and New Matter and Reply to New Matter), any party may move the Court to schedule a case management conference, without the need for consent from the other party or parties.
- B. After receiving the motion, the Court shall schedule a case management conference, at which the Court will set a discovery schedule, date for filing of dispositive

motions, date for exchange of expert reports, and a date for a pretrial conference. Said dates will only be extended for good cause shown.

C. If the case is a complex case (one that involves significant legal and factual issues, has multiple experts, will take more than several days to try and requires significant attention of the Court in connection with pretrial and trial motions), the party filing the motion for a case management conference should advise the Court of that fact in the motion so that a special schedule and trial date can be set.

LR213. Joinder of Cases. (Eff. 3/11/2001)

All Orders which join separately filed actions shall specify whether the joinder is intended to provide for a joint trial or hearing, or is intended to consolidate the actions for all purposes. The Order shall further specify the caption(s) and court number(s) to be utilized thereafter.

LR213A. Motion for Joint Hearing or Trial. (Eff. 3/11/2001)

All Motions for a Joint Hearing or Trial shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this ____ day of _____, upon consideration of the foregoing Motion for Joint Hearing or Trial, it is hereby ORDERED and DECREED that a joint hearing or trial shall be held in the cases of _____, _____ filed at No. _____, and _____, filed at No. _____. Each case shall maintain its separate caption and case number. The Prothonotary shall docket this Order at both case numbers and shall place a duplicate copy of same in the file at No. _____. All future filings shall be docketed and maintained separately at the case number they relate to.

BY THE COURT

_____ J.

LR213B. Motion For Consolidation. (Eff. 3/11/2001)

All Motions to Consolidate shall contain a Proposed Order of Court in substantially the following form:

(Caption)

ORDER

AND NOW, this ____ day of _____, upon consideration of the foregoing Motion to Consolidate, it is hereby ORDERED and DECREED that the cases of _____ at No. _____, and _____ at No. _____, shall be consolidated for all purposes at No. _____. The Prothonotary shall transfer all previous filings at No. _____ to the consolidated case number at No. _____. All future filings shall be captioned and docketed as follows:

vs.

and

vs.

No. _____

BY THE COURT

J.

Note: Rules L.213, L.213A and L.213B are intended to clarify for the parties, Court, Prothonotary and Appellate Courts, the intended effect of a joinder and whether the cases are to have a separate or consolidated identity as discussed by the Pennsylvania Superior Court in Keefe v. Keefe, 741 A.2d 808 (Pa. Super. 1999).

LR214. Trial Lists. (Eff. 3/6/2000)

A. The Court Administrator shall maintain a master list of cases to be tried before a jury and a master list of cases to be tried by a judge without a jury. Cases shall be placed on either list pursuant to order of court.

B. After consultation with the court, the Court Administrator shall prepare a list of cases to call for trial before a jury from the master list. The trial list shall be prepared so as to give preference in accordance with Pa. R.C.P. No. 214 and then as the court may see fit. Cases that have not been given preference shall be listed for trial, as nearly as possible, in the chronological order in which they were placed on the master trial list.

The Court Administrator shall then mail a notice of trial to counsel for each party and to each party not represented by counsel. Notice may be by regular mail addressed to counsel or the party at the address they have endorsed on their last pleading.

C. The Court Administrator shall assign cases from the master list of non-jury cases to a judge and give notice of the assignment by regular mail to counsel for each party and each party not represented by counsel. All scheduling of such cases will be done by the assigned judge.

BILL OF COSTS

LR217A. Bill of Costs. (Eff. 3/6/2000)

Bills of costs must set forth the names of witnesses, the dates of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his attorney that the witnesses named were actually present in Court, and that, in his opinion they were material witnesses. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa. R.C.P. 440.

LR217B. Exceptions to Bill of Costs. (Eff. 3/6/2000)

The party upon whom a bill of costs has been served waives all objections to it unless, within ten (10) days after such service, exceptions thereto are filed. Thereafter, the issue shall be determined by the Court in accordance with Pa. R.C.P. No. 206.1--206.7.

LR217C. Security for Costs. (Eff. 3/6/2000)

Where the plaintiff resides out of the state, or is a foreign corporation, the defendant, upon filing a petition, may have a rule issued on the plaintiff to enter security for costs within twenty (20) days after notice. In the meantime, all proceedings may be stayed. Upon proof of default filed, the court may enter a judgment of non pros.

LR220.1. Voir Dire of Prospective Jurors. (Eff. 3/6/2000)

Voir Dire of Prospective Jurors shall include the use of a written questionnaire and oral examination. Oral examination shall be conducted by an employe of Beaver County who shall be designated by the trial judge. Such oral examination shall consist of standard questions, a list of which is follows hereto and which may be revised from time to time by the court.

Standard questions may be deleted or revised to accommodate the particular case either by agreement of counsel for all parties or by leave of court. Additional questions may be posed to prospective jurors by agreement of counsel for all parties or by leave of court. Such deletions, revisions or additions may be requested orally during voir dire provided that all parties or their counsel consent thereto. Otherwise, all deletions, revisions and additions to the list of questions shall be in writing, filed with the Prothonotary and submitted to the trial judge or, if unknown, to the Court Administrator and served on all other parties or their counsel at least five (5) business days prior to the first day of trial term and, unless agreed upon by counsel for all parties, shall not be propounded to the prospective jurors without court approval. All parties shall submit an agreed summary for Question 3 and list of witnesses for Question 4 to the trial judge prior to the first day of the trial term.

VOIR DIRE QUESTIONS (Eff. 3/6/2000)

Questions 1 through 5 shall be propounded to the entire panel of prospective jurors. Questions 6 through 10 shall be propounded to each prospective juror individually unless otherwise agreed by the parties.

1. The attorneys in this lawsuit and their respective law firms are:

For Plaintiff(s), _____ (Attorney) from _____ (Law Firm)

For Defendant(s), _____ (Attorney) from _____ (Law Firm)

For _____, _____ (Attorney) from _____ (Law Firm)

For _____, _____ (Attorney) from _____ (Law Firm)

Have (any of) you had any social, business or professional contact with any of these attorneys or

their law firms?

2. The parties to this lawsuit include:

Plaintiff(s) _____

Defendant(s) _____

Do (any of) you know or have you had any social, business or other contact or employment with any of the parties? Are you a stockholder in _____?
(Name of Corporation/Defendant)

3. This lawsuit concerns _____ (Brief description to be provided by counsel for the parties).

Do (any of) you know anything about the case?

4. The following individuals may be called to testify on behalf of one or more of the parties. Have you or any of your family members had any social, business or professional contact with any of the potential witnesses?

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

5. Are you not a licensed operator of a motor vehicle?

6. Have you or any members of your family ever been involved in a civil lawsuit, either as a plaintiff, a defendant or as a witness? If so,

(a) what kind of lawsuit was it?

(b) were you a party or a witness?

(c) Would your experience in any way affect your ability to remain fair and impartial in this case and to decide the case based upon the evidence and follow the court's instruction on the law?

7. Do you know anyone who has been a victim of a crime or involved in a criminal case?

If so,

(a) what criminal charges were involved?

(b) was the involvement as a victim, a witness or the accused?

(c) Would your experience in any way affect your ability to remain fair and impartial in this case and to decide the case based upon the evidence and follow the court's instruction on the law?

8. Do you or does any member of your family or household have any kind of relationship,

whether personal, professional or social, with law enforcement personnel?

If so, would that relationship prevent you from being fair and impartial in this case and to decide the case based upon the evidence and follow the court's instruction on the law?

9. Do you or does any member of your family or household own any stock in an insurance company or ever work in the insurance industry?

(a) If so, please explain.

(b) Will that affect your judgment in this case so that you may not be able to be fair and impartial and to decide the case based upon the evidence and follow the court's instruction on the law?

10. Do you have an opinion or belief about personal injury lawsuits, lawyers or our justice system in general?

(a) If so, what is your opinion?

(b) Will that influence your judgment so that you may not be able to be fair and impartial and to decide the case based upon the evidence and follow the court's instruction on the law?

11. Are there any other reasons which cause you to believe you cannot or should not serve as a juror in this case?

LR223. Custody and Storage of Trial Exhibits. (Eff. 3/1/2001)

A. All non-documentary exhibits and documentary exhibits larger than 8.5 × 11 inches shall remain in the custody of the moving party and shall be removed from the courthouse at the conclusion of the trial. Such exhibits shall be produced upon order of the trial judge to do so.

B. Any party desiring to utilize a magnified copy of a document or photograph or image at trial shall first submit the original or a copy thereof to be marked as an exhibit for receipt into evidence.

Note: The purpose of this rule is to eliminate problems encountered by the court stenographers relating to custody and storage of large exhibits. The rule is not intended to limit the exhibits which are either shown to the jury or sent out with the jury during deliberation.

LR229A. Sanctions for Failure to Deliver Settlement Funds. (Eff. 3/11/2001)

(A) As used in this rule, the following words shall have the following meaning:

"Released Party." A party released from a claim or claims of liability by a release executed pursuant to an agreement of settlement.

"Releasing Party." A party who, by execution of a release pursuant to an agreement of settlement, has agreed to forego a claim or claims of liability against a Released Party.

"Settlement Funds." Payment, by a Released Party in any form of monetary exchange, to a Releasing Party pursuant to an agreement of settlement.

(B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement agreement.

(C) The Releasing Party and Released Party may agree in writing to modify or waive any of the provisions of this rule.

(D) A Released Party shall have twenty (20) calendar days from receipt of an executed release or, if appropriate, an order of court approving settlement, within which to deliver the settlement funds to the Releasing Party or its counsel.

(E) If settlement funds are not delivered to the Releasing Party or its counsel within aforesaid twenty-day period, the Releasing Party may:

(1) invalidate the settlement; or

(2) present to the Court a Petition for Sanctions which shall include: (a) an affidavit attesting to nonpayment; (b) a copy of any document evidencing the terms of the settlement agreement; (c) a copy of the executed release; (d) a copy of a receipt reflecting delivery of the executed release more than twenty (20) days prior to the date of filing of the Petition; and (e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph (F) below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

(F) (Eff. 1/20/2004) Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E)(2) above, the Released Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems it necessary. If the Court finds that the Released Party has violated this local rule and that there is no material dispute as to the terms of the settlement or the terms of the release, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the twenty-first day to the date of delivery of the settlement funds; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the settlement funds.

(G) The Petition shall be accompanied by two Orders in substantially the following form:

ORDER

AND NOW, this ____ day of ____, 20 ____, a Rule is issued upon _____ to show cause why sanctions should not be imposed for failure to deliver settlement funds to _____ or _____ within twenty (20) days after receipt of an executed release. Rule returnable twenty (20) days hereafter, or _____, 20 ____, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT

J.

ORDER

AND NOW, this ____ day of _____, 20 __, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to _____ or _____ within twenty days of receipt of the executed release in the above captioned action, and _____ conduct in failing to deliver the settlement funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the settlement funds of \$(_____), _____ is ordered to pay forthwith simple interest thereon at the rate of _____ from _____ to the date of delivery of the settlement funds, together with \$ _____ in attorneys' fees, and \$ _____ in liquidated damages, pursuant to Beaver County Local Rule 229A.

BY THE COURT

J.

LR229B. Sanctions For Failure to Pay an Award From an Arbitration or Dispute Resolution From Which No Appeal Has Been Taken. (Eff. 3/11/2001)

(A) As used in this rule, the following words shall have the following meaning:

"Award." The finding of a Board of Arbitration, an arbitrator(s), or a dispute resolution proceeding which compels payment, in any form of monetary exchange, to a prevailing party from a non-prevailing party.

(B) The provisions of this rule shall not apply to the annuity or future installment portion of a structured settlement award.

(C) The Prevailing Party and Non-prevailing Party may agree in writing to modify or waive any of the provisions of this rule.

(D) A Non-prevailing Party shall have thirty-five (35) calendar days from receipt of an award within which to deliver the award to the prevailing Party or its counsel.

(E) If awarded funds are not delivered to the Prevailing Party or its counsel within aforesaid thirty-five day period, the Prevailing Party may present to the Court a Petition for Sanctions which shall include: (a) an affidavit attesting to nonpayment; (b) a copy of any document evidencing the procedural history of the matter; (c) a copy of the award; (d) a copy of a receipt reflecting delivery of the award more than thirty-five (35) days prior to the date of filing of the Petition; and (e) the form of Order specified in paragraph (G) below. The attorney shall certify to the Court the applicable interest rate specified in paragraph (F) below and shall certify that the Petition and its accompanying documents have been served on all interested counsel.

(F) **(Eff. 1/20/2004)** Upon receipt of the Rule to Show Cause, the Petition and its supporting documentation required by paragraph (E) above, the Non-prevailing Party shall have twenty (20) days to file an Answer to the Rule and thereafter shall conduct discovery and appear for a hearing, if the Court deems necessary. If the Court finds that

the Non-prevailing Party has violated this local rule and that there is no material dispute as to the terms of the award, the Court shall impose sanctions in the form of simple interest calculated at the rate equal to the prime rate as listed in the first edition of the Wall Street Journal published for the calendar year last preceding the date on which the Petition was filed, running from the thirty-fifth day to the date of delivery of the award; reasonable attorneys' fees incurred in the preparation and presentation of the Petition and any subsequent action related thereto; and such other sanction as the Court deems necessary, including liquidated damages not in excess of 10% of the award.

(G) The Petition shall be accompanied by two Orders in substantially the following form:

ORDER

AND NOW, this ____ day of _____, 20____, a Rule is issued upon _____ to show cause why sanctions should not be imposed for failure to deliver awarded funds to _____ or _____ within thirty-five (35) days after receipt of an award. Rule returnable twenty (20) days hereafter, or _____, 20____, by which time an Answer shall be filed. If necessary, a hearing or discovery on this matter will be held following the return of the Rule at a time or in a manner to be designated by the Court. Thereafter, an appropriate Order shall be entered.

BY THE COURT

J.

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to _____ or _____ within thirty-five days of receipt of the award in the above captioned action, and _____ conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(_____), _____ is ordered to pay forthwith simple interest thereon at the rate of _____ on \$(_____) from _____ to the date of delivery of the awarded funds, together with \$(_____) in attorneys' fees, and \$ _____ in liquidated damages, pursuant to Beaver County Local Rule 229B.

BY THE COURT

J.

LR301. Exhibits. (Eff. 3/6/2000)

Wherever a copy of a writing is attached to a pleading, brief or other paper submitted to the Court, such copy shall be clearly legible and faithfully represent the original in every respect. The Court may require a substitute copy to be made and filed before the pleading, brief or other paper will be considered by the Court.

LR305. Court Calendar. (Eff. 3/6/2000)

There shall be an annual official Court Calendar published by the Prothonotary in November of each year for the ensuing year under the direction of the Court. The calendar shall have the effect of a Court Order. The business of the Court shall be conducted on the dates established by the Court Calendar and on such other dates as may from time to time be determined by the Court.

LR310. Removal of Papers. (Eff. 3/6/2000)

A. Permission By Judge 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. No permission will be given for the removal of an original note, bond or other instrument upon which a judgment has been entered by any person other than a Judge of the court.

B. Removal of Papers By Court Officer: A referee, auditor, master, arbitrator or similar officer appointed by the court as well as judicial law clerks and other personal staff members of the court may remove papers for the purpose of the appointment for a period not to exceed ninety (90) days unless the time be extended by the court.

C. Prior to the removal of any papers from the Office of the Prothonotary, the person requesting removal shall give a receipt therefore. The receipt shall be signed by the person requesting removal and shall set forth the case caption and number, a description of the papers removed, the date of removal and the printed name of the person requesting removal.

D. The Prothonotary shall have no responsibility to transmit papers to any person or office other than the court. The responsibility to transmit documents to the sheriff for service of process or notice shall be that of the parties or their counsel.

LR400.1. Service of Original Process. (Eff. 3/6/2000)

Except as provided in Pa. R.C.P. Nos. 1930.4 and 430, original process shall be served within the Commonwealth as follows:

A. By the Sheriff or a competent adult in actions in equity, partition, prevent waste, and declaratory judgment when declaratory relief is the only relief sought, and;

B. By the Sheriff of the county in which service is to occur in all other actions.

LR430. Service By Publication. (Eff. 3/6/2000)

The Beaver County Legal Journal is designated as the publisher of legal notices in Beaver County. Unless the manner of publication of service of process or notice is otherwise specified by law or rule of court, such service or notice shall be made by publishing the same once in the Beaver County Legal Journal and once in a newspaper of general circulation in Beaver County.

LR1018.1. Notice To Defend. (Eff. 3/6/2000)

The following organization shall be named in the Notice to Defend as the organization from whom legal help can be obtained.

Lawyer Referral Service of the Beaver County Bar Association, 788 Turnpike Street Beaver, PA 15009 Telephone Number: (724) 728-4888

LR 1028 (c) – Procedures for Disposition of Preliminary Objections (Eff. 7/26/2004)

(A) Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by counsel for the objector.

(1) A Praeceptum for Argument form can be secured from the Prothonotary. The original must be filed with the Prothonotary and a copy must be delivered to the Court Administrator by counsel along with a copy of the preliminary objections.

(2) Upon receipt of a copy of the Praeceptum for Argument and the preliminary objection, the Court Administrator shall place the case on a list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument. In appropriate cases, the court may order the matter to be decided on briefs only unless a party requests oral argument thereafter.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at <http://www.beavercountycourts.org/LocalRules/LocalRules.htm>.

LR 1034 (a) – Disposition of a Motion for Judgment on the Pleadings (Eff. 7/26/2004)

(a) Motions for Judgment on the Pleadings shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by counsel for the movant.

(1) A Praeceptum for Argument form can be secured from the Prothonotary. The original Praeceptum must be filed with the Prothonotary and a copy must be delivered by counsel to the Court Administrator, along with a copy of the Motion for Judgment on the Pleadings.

(2) Upon receipt of a copy of the Praeceptum for Argument and the Motion for Judgment on the Pleadings, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at

<http://www.beavercountycourts.org/LocalRules/LocalRules.htm> .

LR 1035.2 (a) – Disposition of Motions for Summary Judgment (Eff. 7/26/2004)

(A) Motions for Summary Judgment shall be placed on the argument list by the Court Administrator upon the filing of a Praecipe for Argument by counsel for the movant.

(1) A Praecipe for Argument form can be secured from the Prothonotary. The original Praecipe must be filed with the Prothonotary and a copy must be delivered by counsel to the Court Administrator, along with a copy of the Motion for Summary Judgment.

(2) Upon receipt of a copy of the Praecipe for Argument and the Motion for Summary Judgment, the Court Administrator shall place the case on the list to be argued, assign the case to a judge and send notice of the date, time and place of oral argument.

(3) The briefing schedule is governed by L 211 C, as amended, unless otherwise ordered by the court.

Note. Access to the Beaver County Local Rules of Civil Procedure is available online at <http://www.beavercountycourts.org/LocalRules/LocalRules.htm> .

LR 1042.210. MEDICAL MALPRACTICE MEDIATION (Eff. 1/4/05)

LR 1042.211. Scope (Eff. 1/4/05)

These rules shall govern mediation in all medical malpractice cases before the Court. These rules must be read *in pari materia* with Pa. R.C.P. 1041.21, 1042.51. Nothing in these rules shall be construed to deprive the Court of its inherent authority to control cases before it or to conduct settlement conferences, which are distinguished from mediation.

LR 1042.212. Mediation Defined (Eff. 1/4/05)

Mediation is a confidential, informal, non-adversarial process whereby a neutral, third party, known as the “Mediator,” assists disputing parties in resolving by agreement some or all of the differences between them. The Mediator has no authority to render a decision; rather the decision-making discretion rests with the disputing parties. The role of the Mediator is to facilitate communication, help clarify interests and issues, identify any further information that may be gathered to assist in making decisions, and foster joint problem solving, in order to enable the parties to come to a resolution that is mutually acceptable to them. The Mediator may offer his or her opinion as to a range of settlement values if the parties so desire.

LR 1042.213. Scheduling and Selection of Cases for Mediation. (Eff. 1/4/05)

- (a) Upon the filing of every medical malpractice case, a mandatory status conference shall be scheduled by the Court. The purpose of this conference shall be to determine if a case should be submitted to Mediation pursuant to these Rules. The time of this conference may be rescheduled upon motion of any party with good cause shown.

- (1) Plaintiff's counsel shall provide the Court Administrator with a clocked copy of the cover sheet of the Complaint at the time the Complaint is filed. The Court Administrator shall, at the one-year anniversary of the filing of the Complaint, schedule a status conference to determine whether the case is appropriate for mediation. The Court Administrator shall notify counsel of record and/or pro-se litigant of the date and time of the conference. All trial counsel and/or pro-se litigant must attend this conference. Other parties, healthcare providers, insurance carriers, and representatives of the M-Care Fund shall be available by phone.
- (b) Upon motion of any party, including a motion pursuant to Pa. R.C.P. No 1041.21, or upon written agreement of the parties, the Court may refer a case to mediation. Any objection to the 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 the court docket and the trial list, if applicable.
- (c) The Court shall consider the objection that the health care provider has not consented to settlement. The Court may order the parties or their representative, counsel or insurance carriers to attend a status conference to explore the consent to settle issue.
- (d) The Court shall consider the objection that the parties have not exchanged experts' reports and can order the parties to do so before Mediation begins.

LR 1042.214. Listing of Approved Mediators. (Eff. 1/4/05)

The Court Administrator shall maintain and make available to the parties a list of all approved mediators. The Court shall select mediators to be placed on the list who meet the following minimum qualifications: (1) admitted to the practice of law in Pennsylvania for at least ten (10) years; (2) at least ten (10) years of experience trying civil cases with considerable experience trying medical malpractice cases; (3) completion of the approved mediation training program offered in Beaver County, or other training verified and approved by the Court after a written submission by the attorney seeking to be approved and, (4) has been determined by the Court to be competent to perform the duties of a mediator. Any attorney desiring to be considered as an approved mediator must make such request in writing to the Court and furnish evidence of meeting the above qualifications. The Court may consider any other mediator agreed upon by the parties.

LR 1042.215. Selection of Mediator; Disqualification. (Eff. 1/4/05)

- (a) Within fifteen (15) days of the entry of an order for mediation, or an agreement to mediate, the parties must choose their mediator.
- (b) Unless otherwise agreed, the mediator shall be disqualified if:
 - (1) The mediator has personal knowledge of disputed evidentiary facts related to the mediation;
 - (2) The mediator or any lawyer with whom the mediator practiced law served as a lawyer for the matter in controversy;
 - (3) The mediator, or anyone with whom the mediator has a close business or familial relationship, has an economic interest in the matter in

controversy.

- (c) The Mediator shall disclose any past or present affiliations with any and all parties, including the insurance carriers and/or the M-Care Fund.

LR 1042.216. Compensation of Mediator. (Eff. 1/4/05)

The fees for the mediator shall be a minimum of \$250.00 per hour plus reasonable expenses. The parties shall agree to share the costs evenly, unless as part of the settlement, they agree to a different allocation. The parties agree to advance payment of \$1,000.00 to the mediator at least five (5) business days in advance of the scheduled mediation. The mediator shall submit to the parties a bill for all time and expenses spent in the case. The party or parties responsible to pay the mediator shall do so no later than thirty (30) days after receipt of the mediator's bill. Mediator fees in excess of the amount deposited by the parties shall be promptly paid in equal proportions or in such other portions as the parties agree. Any unused advance payment shall be promptly refunded to the parties by the mediator.

LR 1042.217. Submissions to Mediator. (Eff. 1/4/05)

Before the first mediation session, the mediator may require the parties to provide to the mediator confidential and/or pertinent information including, but not limited to, pleadings, discovery responses/production, transcripts, expert reports, and/or any other litigation related documents.

LR 1042.218. Time Frame for Conduct of the Mediation. (Eff. 1/4/05)

Unless otherwise agreed to by the parties and the mediator or ordered by the Court, the first mediation session shall be conducted not later than sixty (60) days from the agreement to mediate or order to mediate. Mediation shall be completed within thirty (30) days thereafter.

LR 1042.219. Attendance and Authority; Sanctions. (Eff. 1/4/05)

The parties and persons with authority to enter into a full and complete compromise and settlement of the case on behalf of the parties shall attend the mediation, including the lawyers who will try the case. 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 a party or its representative, counsel or insurance carrier 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 the responsible party.

LR 1042.220. Settlement Agreement; Enforcement. (Eff. 1/4/05)

Each settlement is to be confirmed in a written settlement agreement, signed by a party or a party representative with authority to sign. A party representative who signs is presumed to have full authority to bind the party. The settlement agreement is enforceable in the same manner as any other written contract and/or by a motion to enforce the settlement agreement.

LR 1042.221. Confidentiality. (Eff. 1/4/05)

- (a) Mediation sessions and discussions constitute settlement conferences under the applicable rules of evidence. Nothing said or disclosed during

the mediation sessions, nor any document produced during the sessions that is not otherwise discoverable, shall be admissible as evidence or for impeachment or other purposes in any judicial proceeding.

- (b) Pursuant to 42 Pa. C.S.A. §5949, disclosure of mediation communications and mediation documents may not be required or compelled through discovery or any other process.
- (c) Statements made to the mediator privately shall remain confidential unless disclosure to the other side is expressly authorized for the purposes of the mediation conference.
- (d) All statements made by the parties or mediator during the sessions and any documents created expressly for or during the session will be inadmissible for any purpose except to enforce an alleged settlement agreement or adjudicate an attorney's lien.
- (e) No transcript or other recording may be made of the mediation session.

LR 1042.222. Mediator Immunity. (Eff. 1/4/05)

The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production will be liable and shall indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to Common Pleas Judges.

LR 1042.223. Report to the Court (Eff. 1/4/05)

Upon the conclusion of the case, the Mediator shall complete and return the Mediator's Report form supplied by the Court Administrator within five (5) days. If a case is settled through Mediation, the case shall be settled and discontinued with the Prothonotary in a timely manner.

MORTGAGE FORECLOSURE

LR1147 Mortgage Foreclosure (Eff. 8/23/2005, 35 PB 4088)

- a.) In order to comply with Pa. R.C.P. No. 1147 (2), every complaint in mortgage foreclosure shall contain a full and complete description of the land subject to the mortgage. *NOTE: A Metes and bounds description of the land is preferable. The attachment as an Exhibit to the complaint of a copy of the deed which conveyed the land to the mortgagor(s) will usually constitute compliance with this rule. A reference in the complaint to a recorded deed or mortgage for a fuller description will not constitute compliance with this rule)*
- b.) The Prothonotary of Beaver County shall not accept for filing a complaint in mortgage foreclosure which does not contain a full and complete description of the land subject to the mortgage.

COMPULSORY ARBITRATION

LR1301A--These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code: (Eff. 9/23/2003)

1. All civil actions, as defined in Pa. R.C.P. No. 1001(a) and (b)(1), as amended, for money damages where the amount in controversy on any claim is \$25,000.00 or less, exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.
2. Where no appearance has been entered or a default judgment has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed \$25,000.00.
3. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.
4. Cases in which the amount in controversy exceeds \$25,000.00 but does not exceed \$50,000.00 may be submitted to arbitration under these rules where all parties have consented thereto in writing and such written consent is filed. (*eff 12/4/06*)

LR1301B—Exceptions (Eff. 9/23/2003)

These rules shall not apply to the following matters:

1. Action in Ejectment;
2. Action to Quiet Title;
3. Action in Replevin, unless authorized by the court;
4. Action in Mandamus;
5. Action in Quo Warranto;
6. Action of Mortgage Foreclosure;
7. Actions upon Ground Rent;
8. Foreign Attachment;
9. Fraudulent Debtors Attachment; and
10. Where claims for relief were heretofore asserted in an action in equity.

LR1301C--Compensation of Board (Eff. 9/23/2003)

Each member of the Board of Arbitration who has signed an award, whether as a majority or as a dissenter, shall receive as compensation a daily fee in an amount as set by the Court from time to time by special order. Where hearings exceed one day, the arbitrators may petition the court for additional compensation which may be granted for cause shown. Any such request should be made prior to submitting the award to the Court Administrator as required by Local Rule 1306.

LR1301D--Procedure for Payment (Eff. 9/23/2003)

Upon the filing of the arbitrator's award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller, together with the names of the members of the Board and an Order for payment. The County Commissioners and

Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

LR1301.1--Powers of Arbitrators (Eff. 9/23/2003)

The Board of Arbitrators shall have the powers conferred upon them by law, including:
(1) The power to permit the amendment of any pleading. The Arbitrators' permission and the amendment must be filed in writing promptly.

Note: 1. See Pa. R.C.P. Nos. 1303(b) and 1304(a) for the power of arbitrators to act when a party fails to appear or is not ready.

ARBITRATORS

LR1302A--Eligibility to Serve as Arbitrators (Eff. 9/23/2003)

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as Arbitrators. For purposes of this rule, "persons actively engaged in the practice of law" is defined as: persons who are authorized by the Pennsylvania Supreme Court to practice law and who regularly maintain their principal office in Beaver County for the practice of law, excluding all attorneys employed full time by Beaver County unless their Department Head consents in writing to their eligibility. Judicial law clerks who are employed by the Court of Common Pleas of Beaver County on the date this amendment becomes effective may continue to be eligible.

LR1302B--Qualifications of Chairman (Eff. 9/23/2003)

Only persons admitted to the practice of law for at least fifteen (15) years and who have extensive civil trial experience are eligible to serve as Chairman of the Boards of Arbitrators.

LR1302C--List of Arbitrators (Eff. 9/23/2003)

The Court Administrator of Beaver County shall, with the approval of the President Judge, on or before October 1 of each year, compile a list of persons eligible to serve as Arbitrators including persons eligible to serve as Chairmen of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an Arbitrator or Chairman with the Court Administrator. Arbitrators and Chairmen shall be selected alphabetically as nearly as possible by the Court Administrator in accordance with L1302D from the persons who have filed a consent to serve.

LR1302D--Selection of Board (Eff. 9/23/2003)

Boards of Arbitrators shall be selected by the Court Administrator to serve on each arbitration day designated by the Court. Two Arbitrators and a Chairman shall be selected from the list of eligible persons who have consented to serve and appointed to each Board. At least one of the two other arbitrators shall have significant civil trial experience. The Court Administrator shall give each Arbitrator at least ninety (90) days written notice of the date the Arbitrator is to serve.

LR1302E--Scheduling of Cases (Eff. 9/23/2003)

The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give at least 45 days written notice of the hearing date to counsel for the parties and to pro se litigants. All requests for a continuance must be submitted to and approved by the Court to a date to be selected by the Court Administrator. Copies of all hearing notices shall be filed with proof of mailing.

When scheduling cases for hearing, the Court Administrator shall avoid the creation of conflicts of interest with Arbitrators. The notice of hearing shall identify the members of the Board of Arbitration. Any objection to an Arbitrator shall be made to the Court within twenty (20) days of mailing the notice and, if sustained, will be ground to continue the hearing.

LR1302F—Vacancies (Eff. 9/23/2003)

Should a vacancy on the Board of Arbitration occur for any reason prior to hearing, or should a member of the Board be unable to serve or fail to attend on the arbitration day, the Court Administrator shall be notified and shall appoint a substitute. The appointment of the substitute Arbitrator shall be communicated to all parties or their counsel prior to the commencement of the hearing. If a party has an objection to the substitute, it shall be made forthwith or be waived.

Should an Arbitrator fail to appear on the scheduled arbitration day, without good cause or without having notified the Court Administrator at least ten (10) days prior thereto, that Arbitrator shall be removed from the list of eligible Arbitrators. In the event a substitute Arbitrator cannot be appointed, sanctions may be imposed against the delinquent Arbitrator.

LR1303--Arbitration Hearings (Eff. 9/23/2003)

Arbitration hearings shall be conducted at the Beaver County Courthouse pursuant to assignment by the Court Administrator. Prior to the commencement of the hearing, the Prothonotary shall administer the oath of office in the form mandated by Pa. R.C.P. 1312, to each arbitrator and deliver the file to the Chairman.

LR1306--Arbitration Award (Eff. 9/23/2003)

The Board shall submit its award to the Court Administrator who shall note the same on its records and forthwith file the award with the Prothonotary. Failure to submit the Award promptly may result in the imposition of sanctions, including forfeiture of the Arbitrator's fees.

LR1307--Amount of Arbitrator's Compensation for Appeal (Eff. 12/7/2003)

The amount of compensation of arbitrators to be paid upon an appeal shall be the per diem amount paid to each member of the Board which heard the case. That amount shall be transmitted with the award to the Prothonotary who shall include that amount in the "Notice of Award" given to each party or their counsel.

LR1308 Discovery (Eff. 9/23/2003)

Discovery in cases subject to these rules shall be governed by L.R. 4011.

LR1507. Equity. (Eff. 3/6/2000)

When notice is required to be given under Pa. R.C.P. No. 1507, the notice shall be directed to the persons to be notified and shall state: the names of the Court and the parties; the general nature of the action and of the relief sought; briefly inform the party of the nature of his possible interest in the action; that he may appear in the action to represent his interest; and that if he fails to do so by a day certain, which shall not be less than thirty (30) days after the notice is complete, a Decree may be entered which will bind his interests in the subject matter of the action. The manner of the notice shall be fixed by the Court in each case by special order.

LR1703. Class Actions--Assignment to a Judge (Eff. 3/6/2000)

A party who commences a class action shall forthwith deliver a copy of the complaint to the Court Administrator who shall forthwith assign the case to a Judge of the Court assigned to preside over civil cases.

FAMILY LAW RULES

LR1901.5. Procedure for Enforcement of Protection From Abuse Orders. (Eff. 3/6/2000)

A. When a defendant is arrested for violation of a Protection From Abuse Order issued by the Court or a Temporary Protection Order issued by a District Justice, the defendant shall be preliminarily arraigned by a District Justice forthwith.

B. In that event, a complaint for a violation of an existing order must be filed with the District Justice by the plaintiff in such action or by the police. The complaint shall be substantially in the form following hereto as Exhibit "A."

C. At the Preliminary Arraignment, the defendant shall be notified:

- (a) that he or she is charged with indirect criminal contempt for violation of the Protection From Abuse Order. A copy of the complaint shall be given to the defendant;
- (b) that a hearing will be held before a judge of the Court on the first available date; and
- (c) that the defendant is entitled to be represented by counsel and, if unable to afford counsel and otherwise qualifies, counsel will be appointed.

D. Bail shall be set to insure defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure No. 4004 including, without limitation, the condition that the defendant not contact the petitioner or members of the petitioner's household, or anyone with whom the petitioner then resides, directly or indirectly.

E. If the defendant is not able to post bail, he shall be committed to the Beaver County Jail. Bail may be thereafter posted through Beaver County Pre-Trial Services at the earliest appropriate time.

the accused be required to answer the charges I have made.

I verify that the statements made in the complaint are true and correct to the best of my knowledge, information and belief. I further understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. " 4904 relating to unsworn falsification to authorities.

Date _____ (Signature of Affiant)

The above subscribed affiant personally appeared before me on _____, _____, signed the complaint in my presence and asserted that the facts therein are true and correct; and wherefore it appears that there is probable cause for the issuance of process.

_____ (SEAL)(Issuing Authority)

ACTIONS FOR SUPPORT

LR1910A Procedure (Eff. 11/14/2006)

(a) Actions for support shall proceed as prescribed by PA.R.C.P. 1910.11.

(b) Continuances--A conference scheduled as a result of the filing of a complaint or petition shall be continued by the Domestic Relations Section only if the parties, or their counsel, agree thereto in writing or if an order of Court is obtained directing the same. A motion seeking such an order shall be presented in Motions Court after appropriate notice of same is given to the opposing party or that party's lawyer pursuant to local rule LR206B.

(c) Demand For De Novo Hearing--A demand for de novo hearing filed after the entry of an Interim Order following a Domestic Relations conference should set forth the issues to be raised with specificity. A copy of the demand for de novo hearing is to be served within five days of its filing upon the opposing party or that party's counsel of record.

LR1910B Appearance of Counsel (Eff. 11/14/2006)

(a) All counsel shall file a Praecipe for Appearance with the Domestic Relations Section, which includes the attorney's name, business address, telephone and facsimile numbers, and Supreme Court identification number. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not be entitled to receive copies of orders, notices, or other record matters.

(b) Following entry of a final order from the matter for which counsel entered his or her appearance as set forth in L-1910.12(b), counsel may withdraw his or her appearance by filing of record a praecipe to withdraw to which is attached a certificate of service on that attorney's client as well as on the opposing party or that party's counsel forthwith.

LR1910C Special Relief Orders (Eff. 11/14/2006)

All petitions or motions seeking immediate relief shall be presented to the assigned Motions Judge after notice of same is given to the opposing party or that party's counsel of record pursuant to local rule LR206B.

A copy of any such petition or motion which is anticipated to be contested shall be delivered to the Motions Judge at least twenty four hours prior to presentation.

LR1910D Temporary Suspension of Order (Eff. 11/14/2006)

(a) An enforcement officer of the Domestic Relations Division who suspends or adjusts any order in the absence of an order to do so, must send written notification of the suspension or adjustment, and the reason therefore, to all parties the same day that the action is taken.

(b) Any party may under circumstances where it is anticipated that continuation of a support order will result in an uncollectible overpayment of that obligation petition the court for a suspension of the obligation in accordance with Rule L1910C.

CUSTODY

LR1915.26 (Eff. 2/13/2000)

1. When a claim for custody, partial custody or visitation is made in a Complaint or a subsequent Petition (including Petition(s) for Contempt of a prior Order) or Counterclaim, such pleading shall be substantially in the form provided by The Pennsylvania Rules of Civil Procedure. Said pleading shall also have attached thereto an Order of Court referring the claim to a Child Custody Conference Officer for a Conciliation Conference. The moving party shall:

- a. First secure a date and time for the Conciliation Conference from the Court Administrator's Office;
- b. Secure the signature of the Judge on the scheduling Order of Court before the close of Court on the same day the date and time are secured from the Court Administrator's Office;
- c. File the original pleading and Order in the Prothonotary's Office;
- d. Deposit a clocked copy of the pleading and Order with the Court Administrator's Office, who shall forward the same to the Child Custody Conference Officer, and
- e. Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

2. The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any. Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the Conference. Counsel for the parties, or the parties themselves if

unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren). The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody, partial custody and/or visitation. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued after appropriate notice to the opposing party or counsel.

3. If the parties reach agreement, the Child Custody Conference Officer shall submit an Agreed Order to the Court bearing the written consents, evidenced by signatures of the parties and their counsel, if any. Neither the parties nor counsel need to appear before the Court for the Court's approval of the Agreed Order.

4. If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless otherwise extended by agreement of counsel, or the parties if unrepresented. The report shall be in a narrative form and shall include the positions of the parties, proposed settlements of the parties, if any, and the recommendation of the Child Custody Conference Officer, together with reasoning for the recommendations and either a Proposed Order or a proposed Temporary Order. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order and promptly provide a copy thereof, together with a copy of the Child Custody Conference Officer's report, except for that portion of the report relating to comments from the minor child(ren), to counsel for the parties, or the parties themselves if not represented by counsel.

5. A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed by either party within twenty (20) days after the effective date set forth in the Proposed Order. Exceptions may also be filed to a Temporary Order at any time during the existence of the Temporary Order, but the Court will decide whether the Exceptions will be remanded back to the Child Custody Conference Officer for further proceedings and recommendation or set down by the court for a Pre-Hearing Conference as provided for herein. The Court may Order, in any given case, that should Exceptions be filed, the Proposed Order shall be effective as a Temporary Order pending further Order of Court.

6. Exceptions to the Proposed Order or Temporary Order must be in writing and must state, with particularity, the portion(s) of the Order objected to. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the

Presiding Judge's Chambers, as well as to all counsel and/or unrepresented parties of record.

7. Simultaneously with the Exceptions, a Certificate of Readiness for Trial shall be filed with the Prothonotary and a copy thereof delivered to the Presiding Judge's Chambers, as well as to all counsel and/or unrepresented parties of record. The Certificate of Readiness for Trial shall contain an estimate of trial time.

8. Upon receipt of the Exceptions and the Certificate of Readiness for Trial, the Court will schedule a Pre-Hearing Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Hearing Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

9. No later than five (5) days prior to the date scheduled for Pre-Hearing Conference, each attorney and each party not represented by counsel must file a completed Pre-Hearing Information Statement, on or in a form approved by the Court, at the Presiding Judge's Chambers, with copies provided to opposing counsel and/or unrepresented parties of record.

10. Failure of any party, having primary physical custody of a child, to appear at a scheduled Child Custody Conference or Pre-Hearing Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

11. Failure of any party, not having primary physical custody of a child, to appear at a scheduled Child Custody Conference or Pre-Hearing Conference will result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present.

12. Any party applying to the Court for special relief must comply with Rule 1915.13 Pa.R.C.P. and with Rule L206B of the Local Rules of Civil Procedure.

13. Any party filing Preliminary Objections raising issues of jurisdiction or venue of the court to act, shall, concurrently with filing the same with the Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

14. In order to facilitate compliance with the requirements of the Uniform Child Custody Jurisdiction Act, a party shall provide the Court with all known information concerning a Custody proceeding pending in another state which involves the same parties or children.

Note: *In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been*

assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

LR1915.27 (Eff. 2/15/2000)

Any individual who is referred under Neighborhood Legal Services Association's Pro Bono or Reduced-Fee Programs to a participating member of the Beaver County Bar Association for representation as a litigant in a Custody Action and who is certified by NLSA to be income eligible under Legal Services regulations, shall be granted leave to proceed In Forma Pauperis. Counsel representing these individuals shall present to the Prothonotary a Praecipe for Permission to Proceed In Forma Pauperis, which shall be endorsed by counsel, and which shall have attached to it a Certificate of Eligibility prepared by NLSA. The Praecipe shall substantially conform to the attached sample.

Any participating member of the Beaver County Bar Association who provides representation to a Custody litigant on a Motion for Special Relief or at a Child Custody Conference pursuant to a referral from NLSA's Pro Bono or Reduced-Fee Programs, shall be permitted to enter a Limited Appearance. The Praecipe for Entry of Limited Appearance shall substantially conform to the attached sample.

Upon completion of the representation under the above-described referral programs, the attorney shall file a Praecipe for Withdrawal of Limited Appearance. This Praecipe shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance at the same time. This Praecipe shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praecipe for Withdrawal of Limited Appearance shall substantially conform to the attached sample.

**IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA**

CIVIL DIVISION--LAW

Plaintiff's Name, :

Plaintiff :

vs. : No. ____ of ____

:

Defendant's Name, :

Defendant :

Praecipe to Proceed in Forma Pauperis

To the Prothonotary:

Kindly allow {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, to proceed In Forma Pauperis.

I, {Attorney's Name}, attorney for the party proceeding In Forma Pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal services or reduced-fee legal services to the party pursuant to the Reduced-Fee or Pro Bono Referral Programs of Neighborhood Legal Services Association. The party's Certificate of Eligibility prepared by Neighborhood Legal Services Association is attached hereto.

Name of Attorney
Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

**IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION--LAW**

Plaintiff's Name, :

Plaintiff :

vs. : No. ____ of ____
:
Defendant's Name, :
Defendant :

Praecipe for Entry of Limited Appearance

To the Prothonotary:
Kindly enter my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. This Appearance is limited to providing representation {on the Motion for Special Relief filed on behalf of this party/at the Custody Conference scheduled in this matter for [date of Conference]}.

Name of Attorney
Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

**IN THE COURT OF COMMON PLEAS OF
BEAVER COUNTY, PENNSYLVANIA**

CIVIL DIVISION--LAW

Plaintiff's Name, :

 Plaintiff :

vs. : No. ____ of ____
 :
Defendant's Name, :
 :
 Defendant :

Praeipice for Withdrawal of Limited Appearance

To the Prothonotary:

Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. Withdrawal of this Limited Appearance is permitted pursuant to Miscellaneous Order No. ____ of ____ . All future notices should be sent directly to {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, at {set forth last-known address for this party}.

Name of Attorney
Attorney for {Plaintiff/Defendant}
Address
Telephone Number
Supreme Court ID Number

LR1915.28 (Eff. 2/15/2000)

Educational Seminary Pertaining to Children of Divorcing Parents

All parties to Custody Actions filed on or after June 1, 1994 where the interests of children under the age of eighteen (18) years are involved, shall, unless excused by the Court, complete a program which we have entitled the Educational Seminar Pertaining to Children of Divorcing Parents (the "Seminar").

All parties shall register for the first available Seminar after the date the Defendant has been served with process. Counsel for the Plaintiff shall require the Plaintiff to register for the Seminar and shall have a copy of the attached Notice and Registration Form served on the Defendant at the same time as the Complaint.

Failure of a party to successfully complete the Seminar will result in sanctions by the Court, including Contempt.

Every Complaint in Custody shall set forth in a separate attached statement, the names, addresses and telephone numbers of the parties, and the names and ages of all children under the age of eighteen (18) years.

DIVORCE

LR1920E Review of Court Files (Eff. 11/14/2006)

Parties, and their attorneys of record in the Domestic Relations action, may upon written request at the Domestic Relations Office view the entire file maintained by the Domestic Relations Office, with the exception of the confidential notes of the hearing officers. No documents from the file may be removed from the Domestic Relations Office.

LR1920F Marriage Settlement Agreement and Divorce Decree (Eff. 11/14/2006)

A party who wishes to terminate an alimony pendente lite obligation or to initiate enforcement of an alimony obligation in accordance with the terms of a divorce decree or a decree with marriage settlement agreement shall forward a true and correct copy of the decree to the Domestic Relations Division with a copy of the request forwarded to the opposing counsel or the opposing party if not represented by counsel. Unless the decree or decree with marriage settlement agreement specifically directs collection of alimony by the Domestic Relations Division, the Domestic Relations Division will not enforce collection without a court order.

LR1920.42. Affidavit under Section 3301(d) of the Divorce Code. (Eff. 6/31/2003)

The affidavit required under Section 3301(d) of the Divorce Code (the "Affidavit") shall be filed with the Prothonotary before it is served. The opposing party must be served with a certified copy of the Affidavit. The moving party must wait a minimum of twenty (20) days after service of the Affidavit before serving the Notice of Intention to File Praecipe to Transmit the Record and Counter Affidavit or filing the Waiver of Notice authorized by Pa.R.C.P. 1920.42(e).

LR1920.43. Special Relief. (Eff. 8/21/2001)

A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief. The notice shall set forth the place and time at which the request for special relief will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the request is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the petition seeking relief and of the proposed order.

If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) calendar days before the request is to be presented.

When presented, the petition seeking relief must be accompanied by an affidavit of service setting forth that notice has been given in compliance with the provisions of this Rule L1920.43, which will be strictly enforced. If immediate relief is requested, or if the request for relief is such as would likely be opposed, and opposing counsel or an unrepresented opposing party has not appeared, the party presenting the petition must be prepared to place on the record any communication with opposing counsel or the unrepresented opposing party, or the nature of any unsuccessful attempt to engage in such communication.

LR1920.50. Pre-Trial Conference. (Eff. 8/21/2001)

When a divorce case which contains contested claims is at issue, either party may present to the judge assigned to divorce matters a motion for a pre-trial conference. A party requesting a pre-trial conference must first have filed an inventory prepared in compliance with Pa.R.C.P. No. 1920.33(a); the motion requesting the pre-trial conference must so certify.

Advance notice must be given. The notice shall set forth the place and time at which the motion will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the motion is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the motion.

At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. (The five (5) calendar day period will be computed in accordance with Pa.R.C.P. No. 106.)

The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a Master will hear any unresolved issues.

LR1920.51. Proceedings Before Master. (Eff. 8/21/2001)

If a party seeks to continue a hearing or other proceeding which has been set by the Master, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the Master shall be presented to the judge who appointed the Master.

Advance notice must be given. The notice shall set forth the place and time at which the motion will be presented, and it must be received by opposing counsel or an unrepresented opposing party at least three (3) calendar days before the motion is to be presented. (The three (3) calendar day notice period will be computed in accordance with Pa.R.C.P. No. 106.) The notice shall be accompanied by a copy of the motion.

LR1920.55. Exceptions to a Master's Report. (Eff. 8/21/2001)

Counsel or an unrepresented party who files exceptions to a Master's Report shall, concurrently with the filing, deliver a copy of the exceptions to the judge who appointed the Master.

LR1920.76. Form of Divorce Decree. (Eff. 8/21/2001)

1. If no economic claims have been raised in the pleadings, and the party seeking a divorce decree is entitled to it, the decree shall read, in full, as follows:

DECREE

And now, _____, 200 __, it is ordered and decreed that _____, plaintiff, and _____, defendant, are divorced from the bonds of matrimony.

2. If economic claims have been raised in the pleadings, and the parties have consented both to a divorce and to the entry of a bifurcated decree, the bifurcated decree shall be in the form prescribed by Pa.R.C.P. No. 1920.76.

3. Where economic claims have been raised in the pleadings, a bifurcated decree has previously been entered, and the parties have now entered into a marriage settlement agreement ("MSA") which resolves the economic issues, a request for entry of the MSA shall be by motion and decree. The motion shall set forth the date on which the bifurcated decree was entered and a request that the MSA be entered. The decree shall enter the MSA as a part of the divorce decree, whether merged into it or not.

MINORS AS PARTIES

LR2039A. Approval of Compromise and Settlement by the Court. (Eff. 3/6/2000)

The Court may approve the compromise, settlement or discontinuance of an action filed on behalf of a minor or an action in which a minor has interest without a hearing provided that the petition complies with L2039B. Should the Court determine that a hearing is necessary, the Petition will be entertained pending the hearing.

LR2039B. Content of Petition. (Eff. 3/6/2000)

A petition for leave to compromise, settle or discontinue an action in which a minor is a party, or an action in which a minor has an interest shall set forth:

- (a) the facts out of which the cause of action arose;
- (b) the elements of damage sustained;
- (c) all expenses incurred or to be incurred, including the counsel fees requested;
- (d) the facts relied upon by the adverse party; and,
- (e) all circumstances relevant to the propriety of granting the petition including medical reports and records.

INCAPACITATED PERSONS AS PARTIES

LR2064. Approval of Compromise and Settlement by the Court. (Eff. 3/6/2000)

The procedure to secure Court approval of the compromise and settlement of actions in which incapacitated persons have an interest shall be governed by LR2039A and LR2039B.

ACTIONS FOR WRONGFUL DEATH

LR2206. Approval of Compromise and Settlement of Actions for Wrongful Death. (Eff. 3/6/2000)

The procedure to secure Court approval of the compromise and settlement of an action for wrongful death in which a minor or incapacitated person has an interest shall be governed by LR2039A and LR2039B.

DEPOSITIONS AND DISCOVERY

LR4002. Place of Depositions. (Eff. 3/6/2000)

Unless counsel for all parties agree otherwise, all discovery depositions shall take place in Beaver County. Depositions for use at trial may be taken outside Beaver County upon agreement of counsel or leave of court.

Note: It is contemplated that depositions will take place in the office of counsel for a party so long as the office is located in Beaver County.

LR4011. Limitation of Scope of Discovery and Deposition. (Eff. 3/11/2001)

In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule L1301A et seq. (relating to compulsory arbitration) shall be limited in scope to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown.

FORM A

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY

PENNSYLVANIA

CIVIL ACTION

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

**PLAINTIFF'S ARBITRATION DISCOVERY
REQUESTS FOR PERSONAL INJURY CLAIMS**

These discovery requests are directed to _____ .
Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth your full name and address.

INSURANCE

2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes _____ No _____
(b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes _____ No _____
(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have _____ have not _____ fully complied with request 4(b).

- (c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes _____ No _____ .

(d) If you answered yes, attach each of these documents. I have _____ have not _____ fully complied with request 4(d).

MEDICAL DOCUMENTS

5. (a) Do you have any medical documents relating to the plaintiff? Yes _____ No _____

(b) If you answered yes, attach each of these documents. I have _____ have not _____ fully complied with request 5(b).

CRIMINAL CHARGES

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents as a result of the incident that is the subject of this lawsuit?

Yes _____ No _____

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony or misdemeanor conviction.

(c) Were you ever convicted of a crime that involved dishonesty or false statement, whether by verdict, or by plea of guilty or nolo contendere?

Yes _____ No. _____

(d) If you answered yes, list the charge you were convicted of, the court where the conviction was entered and the date of the conviction.

Defendant verifies the statements made herein are true and correct. Defendant understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

Date: _____

Defendant

FORM B
IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
P E N N S Y L V A N I A
CIVIL ACTION

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

DEFENDANT'S ARBITRATION DISCOVERY
REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to _____.
Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party in this lawsuit.

IDENTITY OF PLAINTIFF(S)

1. Set forth your full name and address.

WITNESSES

2. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

3. (a) Do you have any written or oral statements from any witnesses, including the defendant? Yes _____ No _____

(b) If you answered yes, attach any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witnesses from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement made by a party to that party's attorney.)

I have _____ have not _____ fully complied with request 3(b).

- (c) Do you have any photographs, maps, drawings, diagrams, etc. that you may seek to introduce at trial? Yes _____ No _____

(d) If you answered yes, attach each of these documents. I have _____ have not _____ fully complied with request 3(c).

MEDICAL INFORMATION CONCERNING PERSONAL
INJURY CLAIM

4. (a) Have you received any inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes _____ No _____

(b) If you answered yes, list the names of the hospitals, the names and addresses of the attending physicians, and the dates of hospitalization.

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes _____ No _____

(d) If you answered yes, list the name and address of each chiropractor and the dates of treatment.

(e) Have you received any other medical treatment not covered by the previous interrogatories for any injuries or other medical conditions for which you seek damages in this lawsuit? Yes _____ No _____

(f) If you answered yes, list the names and addresses of each physician or other treatment provider and the dates of treatment.

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in response to interrogatories 4(b), 4(d) and 4(f) or authorizations for these records.

I have _____ have not _____ fully complied with request 4(g).

OTHER MEDICAL INFORMATION

5. (a) List the name and address of your family physician for the period from five (5) years prior to the incident to the present date.

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital or medical office within the period from five (5) years prior to the incident to the present date? Yes _____ No _____

(c) If you answered yes, attach a separate sheet which lists the name and address of the hospital or medical office, the date of each treatment, the reasons for the treatment, and the length of the hospitalization.

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date? Yes _____ No _____

(e) If you answered yes, attach a separate sheet which lists the chiropractor's name and address, the dates of the treatment, and the reasons for the treatment.

(f) Have you received any other medical treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date? Yes _____ No _____

(g) If you answered yes, attach a separate sheet which lists the name and address of the medical treatment provider, the dates of the treatment, and the reasons for the treatment.

I have _____ have not _____ fully complied with requests 5(c), 5(e) and 5(g).

WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?
 (b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.
7. If a claim is being made for lost income, state the following information:
 (a) the name and address of your employer at the time of the incident;
 (b) the name and address of your immediate supervisor at the time of the incident;
 (c) your rate of pay;
 (d) the dates of work loss due to the injuries from this alleged accident; and
 (e) the total amount of your work loss claim.

OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from Workers' Compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P. S. § 1719(b)? Yes _____ No _____
 (b) If you answered yes, set forth the type and amount of these benefits.

INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P. S. § 1705 (a) and (b)?
 _____ Limited Tort Option (no claim is made for nonmonetary damages)
 _____ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P. S. § 1705(d)(1)-(3) applies).
 _____ Full Tort Option
 (b) (Applicable only if you checked "Full Tort Option".) Describe each vehicle (make, model and year) in your household.
 (c) (Applicable only if you checked "Full Tort Option.") Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have _____ have not _____ fully complied with request 9(c).

Plaintiff verifies the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsifications to authorities.

Date: _____ Plaintiff

LR4012. Discovery Motions. (Eff. 3/6/2000)

No motion relating to discovery will be entertained by the court unless counsel for the parties involved shall have first conferred and attempted to resolve the issues. All such motions shall be accompanied by a written certification of counsel for the moving party. The certification shall state the date and manner of the conference with respect to each matter in dispute and that counsel was unable to resolve the issues.

In the event counsel has not conferred, counsel for the moving party shall certify the reason or reasons therefore.

LR4017.1. Use of Videotape Depositions at Trial. (Eff. 3/11/2001)

The trial judge may refuse permission to use a videotape deposition at trial if either the audio or video portions of the tape are of poor quality. Prior to offering a videotape deposition of a witness at trial, counsel for the proponent of the deposition shall file a certification that he or she has reviewed the videotape and that both the audio and the video portions thereof are of good quality. Failure to comply with this rule may result in the refusal of permission to use the videotape at the time of trial.

Material to which objection has been sustained shall be excluded at trial by "fast forward" by the video machine operator so as to eliminate both the image and the sound of the objectionable material. A copy of the stenographic transcript of the deposition shall be delivered to the court stenographer with redacted portions, if any, clearly marked, before the close of the parties' case in which the deposition was utilized.

Note: The videotape should be marked as an exhibit and physical custody thereof remain with counsel for the proponent subject to surrender to the court upon order to do so pursuant to L.R. 223.

LR4020. Use of Depositions at Trial. (Eff. 3/11/2001)

Objections made during the taking of depositions or intended to be made at trial pursuant to Pa. R.C. P. No. 4020(c) shall be submitted to the court for ruling thereon prior to the first day of the trial term.

The proponent of the deposition shall petition the court to assign the case to a judge of the court for trial for the purpose of review and ruling on all objections.

Note: This rule is designed to make more efficient use of juror time by avoiding the need to preview depositions while venire persons are present and waiting to be selected. However, the rule is not intended to prevent the judge to whom the case is assigned for trial to elect to preview depositions immediately prior to jury selection or to elect to rule on objections as the testimony is being presented to the jury.

REAL ESTATE ASSESSMENT APPEALS

LR8000. Real Estate Assessment Appeals. (Eff. 3/6/2000)

A. All appeals taken from a real estate assessment fixed by the Board of Assessment Appeals shall be presented or filed in the form of a Petition for Allowance of Appeal.

B. The Petition for Allowance of Appeal, whether initially presented to the Court or filed with the Prothonotary, shall have attached to it a proposed preliminary decree which shall provide:

1. that the appeal is allowed;
2. that the taxing authorities within whose jurisdiction the real estate is situate and the property owner, if the appellant is not the property owner, are hereby notified that leave to intervene in said appeal, if desired, must be sought in accordance with Pa. R.C.P. 2328--2330; and

3. that within five days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the Board of Assessment Appeals, the Board of Commissioners of Beaver County, the governing bodies of the school district and each municipality in which the real estate is situate, and upon the property owner, if the appellant is not the property owner.

C. If the Petition for Allowance of Appeal is initially filed in the Prothonotary's Office, the petition and proposed preliminary decree shall be presented by the appellant to the Court within five (5) days thereafter for the entry of a preliminary decree.

LR8001. Pre-Hearing Statement and Conference. (Eff. 3/6/2000)

A. Within forty-five (45) days after required service of the petition and preliminary decree, all parties of record shall submit a pre-hearing statement to the Court Administrator and serve a copy on all other parties of record. The pre-hearing statement shall include:

1. A summary of the facts which will be offered by oral and documentary evidence at the hearing;
2. a list of exhibits to be offered;
3. a list of the names and addresses of all witnesses to be called;
4. copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;
5. a statement of the current valuation which is the basis for the appeal;
6. a statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio, and assessment;
7. a statement that there have been negotiations between the parties and a good faith attempt to settle the case;
8. the statement shall be signed by the parties or their counsel; and
9. an affidavit that service of the petition and the preliminary decree was made on all parties as required by Rule LR8000B(3)

B. Upon receipt of the pre-hearing statement of the parties of record, the Court Administrator shall refer the case to a member of the Court who shall schedule a pre-hearing conference at which the parties of record and their counsel shall be present. Notice of the pre-hearing conference shall be given by the Court Administrator to all affected taxing authorities whether or not parties of record.

C. At the pre-hearing conference, the parties of record shall consider:

1. possible stipulations as to evidence and facts;
2. simplification of the issue; and
3. settlement.

D. At the pre-hearing conference each party of record shall either be personally present, or shall be represented by counsel authorized to act on behalf of the absent party of record with respect to the trial of the case or its settlement.

E. Following the pre-hearing conference the Court will enter an appropriate order which may include the scheduling of a hearing.

LOCAL RULES OF JUDICIAL ADMINISTRATION

LJA1901A. Termination of Inactive Cases. (Eff. 3/6/2000)

The Court Administrator shall compile a list of inactive cases as of January 1 of each year comprised of all Civil Actions, except child custody cases, in which no steps or proceedings have been taken for two (2) years or more prior thereto.

LJA1901B. Notice of Termination. (Eff. 3/6/2000)

Counsel or the parties in each case listed shall be given at least thirty (30) days written notice of the date on which the case shall be terminated. That date shall be the first Monday of April each year.

LJA1901C. Manner of Notice. (Eff. 3/6/2000)

Said written notice shall be given in person or by regular mail to the last address of the counsel of record, or if there is no counsel of record, to the last address of the party. Where notice cannot be so given or has been returned undelivered, said notice shall be by one publication in the Beaver County Legal Journal at least thirty (30) days prior to such date. The publication may combine any number of such cases in such form as the Court Administrator may determine.

LJA1901D. Content of Notice. (Eff. 3/6/2000)

Said written notice shall identify the matter and shall state the date of the termination and that the matter will be terminated by Court Order for unreasonable inactivity unless at least five (5) business days prior thereto, a party or counsel file objection to such termination stating reasons why such inactivity has not been unreasonable.

LJA1901E. Presentation of Objection and Content. (Eff. 3/6/2000)

Objections to termination shall be in writing in the form of a motion prepared in accordance with LR206 and presented to the Court Administrator no later than five (5) business days before the scheduled termination date. Such objections shall state whether the matter has previously been listed for termination due to unreasonable inactivity and if so, the date or dates of such listing in addition to the reasons therefor. Such objections shall also certify that the notice required by subsection F of this rule has been given.

LJA1901F. Service of Objections. (Eff. 3/6/2000)

Any party or counsel filing objections to termination shall deliver a copy of the objections to all other parties interested in such matter, or their counsel of record, either personally or by regular mail at least five (5) business days prior to presentation.

LJA1901G. Response to Objection. (Eff. 3/6/2000)

Any party or counsel who desires to respond to an objection to termination must file a response in writing with the Court Administrator on or before the termination date. If no response is filed the objection may be sustained.

LJA1901H. Disposition of Objections. (Eff. 3/6/2000)

Where objections and a response to the objections have been filed, the Court Administrator will refer the case to the Court for disposition either on the pleading, or after hearing or argument.

LJA1901I. Reinstatement. (Eff. 3/6/2000)

Any matter terminated after notice by publication may be reinstated by the Court upon motion filed and served upon all other parties to the matter and upon good cause shown.

LJA5000. Transcripts. (Eff. 3/6/2000)

A. Transcripts Ordered by Court: Where a party wishes to proceed in forma pauperis, a motion shall be presented to the trial judge setting forth the reasons for such request, the specific portion or portions of the record which it is requested that the Court order transcribed and the reasons therefor. At least three business days written notice shall be given to the adverse party of the time such motion is to be presented to the trial judge. The attorney for the adverse party is to be present at the time of the motion and may make requests for additional transcription of the record, stating the reasons therefor. The Court will consider the requests and will make an appropriate order, which order and motion shall be filed of record in the office of the Prothonotary, with a copy to the Court Reporter.

B. The Court may, on its own motion, order an original or a copy of a transcript of a record or a portion therefore for its own use. All transcripts ordered for the Court shall be paid by Beaver County at the rates provided for in Pa. R.J.A. No. 5000.7 and shall be taxed as part of the record costs.

LJA5000.6. Fees. (Eff. 3/6/2000)

Except where the Commonwealth or a subdivision is liable for the costs, the Court Reporter shall require a deposit of one-half the estimated charge for the transcript as a condition precedent to starting transcription.

After ascertaining from the Court Reporter the amount required, the said deposit shall be paid to the Prothonotary by the party requesting the transcript.

After obtaining a receipt from the Prothonotary signifying said deposit has been made, the person making said deposit shall deliver a copy of said receipt to the Court Reporter who will then proceed with the transcript, as requested, in the manner provided pursuant to Pa. R.J.A. No.

5000 et seq.

When the transcript is completed, the Court Reporter shall notify the party requesting the same.

The completed transcript shall be delivered by the Court Reporter to the office of the Prothonotary. The transcript shall be held by the Prothonotary in a transcript escrow file and shall not be delivered to the party ordering the transcript until any balance due for the transcript has been paid to the Prothonotary. The original transcript may then be filed of record and copies thereof released to requesting parties.

All transcript payments shall be remitted by the Prothonotary to the County of Beaver. When the Court Reporter has submitted the completed transcript, the Court Reporter may then bill the County of Beaver for payment for said transcripts. The County of Beaver shall then pay the same pursuant to its present practice.

UPSET TAX SALES – STANDING ORDER

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
P E N N S Y L V A N I A

CIVIL DIVISION

IN RE: OBJECTIONS TO THE :
CONSOLIDATED RETURN :
OF THE TAX CLAIM BUREAU :
OF BEAVER COUNTY FROM :
AN UPSET SALE FOR : No. 10949 Misc. 2004
DELINQUENT TAXES AND :
PETITIONS TO DISAPPROVE :
A PRIVATE SALE :

STANDING ORDER of COURT

KUNSELMAN, P.J.

MAY 25, 2004

The provisions set forth in this order shall govern the procedure in (a) all Objections to the Consolidated Return of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes, (b) all Petitions to Disapprove a Private Sale of Property Not Sold Because of Insufficient

Bid at the Upset Sale, (c) all Applications for Judicial Sale of Real Property, (d) all Requests to Prohibit Judicial Sales of Real Property, and (e) all Requests to Set Aside Judicial Sales of Real Property.

As used in this Standing Order, an “Objection” is an Objection to the Sale of a Property at an Upset Sale for Delinquent Taxes (See 72 P.S. §§ 5860.601 through 5860.607), a “Petition” is a Petition to Disapprove a Private Sale of Property Not Sold Because of Insufficient Bid at the Upset Sale (See 72 P.S. §§ 5860.613 through 5860.615), “Application” is an Application to Sell Real Property at Judicial Sale (See 72 P.S. §§ 5860.610 through 5860.612), and “Request” is a Request to Prohibit a Judicial Sale of Real Property or a Request to Set Aside a Judicial Sale of Real Property (See 72 P.S. §§ 5860.610 through 5860.612).

1. The Prothonotary shall establish a special, separate numbering system and sequence to assign separate case numbers to the Consolidated Return of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes, Objections, Petitions, Applications and Requests. The docketing of these matters shall be at the number assigned within this system and sequence. All Objections, Petitions, Applications, and Requests shall be assigned the next available docket number within this special, separate numbering system.

2. All Objections and Petitions shall contain a caption which designates it as an “Objection” or a “Petition” and which includes the identity of the delinquent taxpayer, the property address, the tax parcel number of the property and the name of the purchaser at the Upset or Private Sale. All Applications and Requests shall contain a caption which designates it as an “Application” or a “Request” and which includes the identity of the delinquent taxpayer, the property address, the tax parcel number of the property and the name of the purchaser, if any, at the Judicial Sale. These captions shall be substantially in the form set forth in Paragraphs 6, 7, 8, 9 and 10 of this Order.

3. The Prothonotary shall initiate and maintain an individual file folder for each Objection, Petition, Application, and Request as defined herein. The Prothonotary shall also continue to initiate and maintain an individual file folder for the Consolidated Return of the Tax Claim Bureau of Beaver County from an Upset Sale for Delinquent Taxes. Henceforth, these files will be maintained in the filing sequence and system specified herein.

4. The Court requests the Court Administrator, the County Solicitor and the Law Librarian co-operate to have this order and its attachments appended to the Local Rules that are published on-line.

5. If the County Solicitor, Tax Claim Bureau or any interested party correctly notifies a filer of a Petition, Objection, Application, or Request that the same is not in compliance with this Standing Order and provides a copy of this Standing Order with that notice, the filer will have 10 working days in which to file an amended Petition, Objection, or Application that complies. If such amendment is not filed, the filer may be subject to sanctions.

