

YORK COUNTY CIVIL PROCEDURE OUTLINE—PRESENTING A CIVIL MOTION

There are three categories of civil motions in York County. Civil Motions should either be (1) resolved by the appropriate civil judge in Chambers, (2) praeciped for One-Judge Disposition, or (3) noticed for presentation at Current Business. A Motion that is presented incorrectly will either be denied or no action will be taken.

Motions Resolved in Chambers:

- The following Motions, Petitions and Applications need not be (but may be) presented at Current Business and **shall not** be praeciped for one-judge disposition [YCCiv. 208.3(a) (7)]. They will be decided by the assigned Civil Judge in Chambers:
 1. Petitions for Preliminary or Special Injunctions.
 2. Uncontested Motions that include a certificate of concurrence pursuant to YCCiv. 208.2(d)(2).
 3. Stipulations. The Court will not enter an order based solely on a signed stipulation by the Parties. The stipulation must be accompanied either by a Motion requesting that the stipulation be adopted as an order of court *or* there must be a pending action on the docket that the stipulation resolves.
 4. Petitions that request a Rule to Show Cause and/or that request that a hearing be scheduled.
 5. Applications for Reassessment of Damages.
 6. Motions to Make Rule Absolute.
 7. Requests for Continuances of Scheduled Proceedings. A continuance can either be requested by Motion or pursuant to the form available in the AOYCC office.
 8. Applications to Withdraw as Counsel. Note that these applications must substantively comply with both Pa. RCP 1012 as well as the more strenuous requirements of YCCiv. 1012.
 9. Motions for Admission *Pro Hac Vice*.

10. Motions for Reconsideration.
 11. Motions for Alternative Service.
 12. Motions for default judgment in quiet title actions.
 13. Petitions for approval of minor's settlements, wrongful death settlements, transfers of structured settlements, and settlements involving an incompetent.
 14. Applications to intervene pursuant to Pa. RCP 2326 *et seq.*
 15. Petitions for a change of name.
 16. Appointment of constables, private police officers, and municipal officers.
 17. Appointment of a Board of View.
 18. Applications for detective licenses.
 19. Motions related to matters covered by an order resulting from a pre-trial conference.
 20. Motions related directly to matters pending before a divorce master.
 21. Termination of inactive civil cases under YCCiv, 230.2.
- Procedure to present an application for Review in Chambers:
 1. File application with the Prothonotary.
 2. Send a time-stamped copy to AOYCC (Administrative Office of York County Courts). No further action by the moving party is required. AOYCC will assign it and send the Motion to the appropriate Civil Judge.

One-Judge Dispositions:

- The following applications **must** proceed through one-judge disposition [YCCiv. 208.3(b) (2)]. No other applications may be listed for one-judge disposition:
 1. Preliminary Objections.
 2. Motions for Judgment on the Pleadings.

3. Motions for Summary Judgment.
 4. Exceptions to a divorce master's report, to reports of the board of view and to the proposed schedule of distribution from the Sheriff's sale.
 5. Appeals from the zoning hearing board, a board of school directors, or other local government agency.
- Procedure to present an application for One-Judge Disposition:
 1. Applicant: File application with Prothonotary.
 2. Applicant: File Brief in Support with the Prothonotary within 10 days of filing application.
 - a. In a land use appeal, the Appellant shall file their brief in support within 10 days of the date of certification of the record.
 3. Opposing Party/Parties: File Brief in Opposition with the Prothonotary within 30 days of filing of application or filing of brief in support, whichever is later.
 4. Applicant: File optional Brief in Reply with the Prothonotary within 5 days of service of the brief in opposition.
 5. Either Party: Once the time period for filing briefs has expired, either party may file a "praecipe to list for one-judge disposition" with the Prothonotary. The praecipe should be in the form prescribed by YCCiv. 208.3(b)(7). No further action by either party is required.

Current Business:

- All other civil Motions, Petitions, and Applications **must** be presented at Current Business.
- Procedure for presentment of applications at Current Business:
 1. File application with Prothonotary.
 2. File Notice of Presentation at Current Business with the Prothonotary in substantially the form provided at YCCiv. 208.3(a)(2)(a).

- a. For discovery motions, a Discovery Certification in substantially the form provided at YCCiv. 208.2(e)(2) must be filed with the Prothonotary.
3. Send a clocked in copy of the application and the Notice of Presentation (and the Discovery Certification if applicable) to AOYCC as one document. The document must be sent to AOYCC no later than 5 days before the Current Business session identified in the Notice of Presentation [YCCiv. 208.3(a)(2)]. AOYCC will forward the documents to the Current Business Judge.
 - a. All other interested parties must also receive 5 days notice of the presentation of the application at Current Business. Once
 - b. notice has been provided, no further action by the moving party is required.
- Rescheduling Presentation of a Motion, Petition or Application at Current Business:
 1. Only the moving party may reschedule presentation of an application at Current Business. This is accomplished by simply sending a letter to AOYCC stating that the motion is being rescheduled along with a revised Notice of Presentation identifying the new date of presentment. The 5 day notice requirements remain in effect.
- Withdrawal of any Motion Petition or Application:
 1. Any Motion, Petition or Application filed in this County can be withdrawn simply by filing a praecipe to withdraw with the Prothonotary. In order to inform the Court that an application has been withdrawn it would be wise to send a time-stamped copy of the praecipe to AOYCC who will forward it to the appropriate Judge.

Common Local Rule Violations Applicable to all Civil Proceedings:

- The following are common local rule violations applicable whether the application is presented directly for Review in Chambers or for presentation at Current Business. (No paperwork is submitted to the Court in the case of one-judge dispositions and, therefore, there is no opportunity to violate these local rules).
 1. All applications must include a proposed order:

- The Orders **shall** have a brief descriptive title such as “Order Compelling Discovery” or “Order for Special Service.” “Rule to Show Cause” is an appropriate title for a Rule to Show Case.
 - Orders **shall not** be stapled to the pleading.
 - Sufficient numbers of the Orders **shall** be provided for service on all out-of-county counsel and all *pro se* litigants as well as a copy to docket. No copies are required for York County attorneys as the Prothonotary will fax the Orders.
2. Orders may be supplied to the Court at Current Business or may be attached to the application. If the application is not being presented at Current Business than the Orders must be attached to the application.

**The Honorable Stephen P. Linebaugh
Judge, 19th Judicial District of Pennsylvania
Court of Common Pleas of York County**