YORK COUNTY LOCAL RULES OF CIVIL PROCEDURE

(2014 Revision)
(Effective March 31, 2014)

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YORK COUNTY LOCAL RULES OF CIVIL PROCEDURE

CONSTRUCTION AND APPLICATION OF RULES

YCCiv. 51: Title and Citation of Rules:

These Rules shall be known as the York County Local Rules of Civil Procedure, and may be cited as "YCCiv. ____".

YCCiv. 52: Effective Date. Application to Pending Actions:

(a) These Rules, and any amendments to these Rules, shall become effective thirty (30) days after publication in the Pennsylvania Bulletin as provided in Pennsylvania Rule of Civil Procedure 239,or, with respect to any rules relating to motions practice, upon publication to the UJS Web Portal pursuant to Pennsylvania Rule of Civil Procedure 239.8, unless a different effective date is set forth in the Order adopting the rules. Changes to any fees provided for in these Rules will become effective upon the publishing of an Administrative Order revising the fees.

(b) These Rules, and any amendments to these Rules, shall apply to all civil actions of any kind pending on the effective date, and to those filed thereafter.

(c) The enactment of these Rules repeals all prior York County local rules of civil procedure, and any part of an Administrative Order in conflict with these Rules.

YCCiv. 76: Definitions:

Unless otherwise expressly stated, as used in these Rules,

"Action" means any action or proceeding of any nature pending before the Court of Common Pleas of York County;

"Application" means, unless otherwise noted, any motion, petition, request, or other document requesting or requiring the signature of a judge or action by the court. The term does not include a complaint as set forth in Pa.R.Civ.P. 1017.

"Clerk of Courts" means the Clerk of Courts of the Court of Common Pleas of York County, and the office of the Clerk of Courts and deputies and employees thereof.

"Counsel" means an attorney at law, in good standing, admitted to practice to the bar of this Commonwealth, and may further refer to any party to an action pending before the Court who is unrepresented.

"County" means York County;

"Court" means the Court of Common Pleas of York County or a judge thereof;

"Court Administrator" means the District Court Administrator for the Court of Common Pleas of York County, the Office of the District Court Administrator, and deputies and employees thereof.

"Motion" means any application to the court for an order, except those otherwise designated by these local rules or by Pa.R.Civ.P. 208.1(b).

"Party", whether used in the singular or plural, and whether used in these Rules or in any court order, means the party or parties appearing in the action pro se, or the attorney or attorneys of record for such party or parties, where appropriate, unless otherwise indicated;

"Prothonotary" means the Prothonotary of the Court of Common Pleas of York County and the Office of the Prothonotary and deputies and employees thereof.

YCCiv. 126: Liberal Construction, Application of Rules:

(a) These rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action, though the Court expects all parties to comply with these rules.

(b) The court at every stage of any action may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

(c) The court may suspend the application of these Rules in individual cases by written order. When the court issues any order in a specific case which is not consistent with these rules, such order shall constitute a suspension of these rules for such case only and only to the extent that the order is inconsistent.

(d) The court may, in appropriate cases, impose actual costs or a multiple thereof on a party or an attorney of record for violation of these Rules or for violation of state rules of procedure, pursuant to 42 Pa.C.S. Sec. 1726(a).

(e) In the event of any conflict between the application of these rules and any rule of the Supreme Court, Pennsylvania Rules shall take precedence.

BUSINESS OF COURTS

YCCiv. 205.1: Filing Legal Papers:

(a) Any party filing an application or other document which requires the signature of a judge or action by the court shall first file the original document with the Prothonotary or the Clerk of Courts, as the case may be.

(1) If the document does not involve a matter to be listed for one-judge disposition pursuant to YCCiv. 208.3(b), then the moving party shall cause a clocked in copy of the document requiring action to be delivered to the Court Administrator for assignment to a Judge.

(2) (i) An original proposed order, with a brief title describing the nature of the proposed order (as examples: “Order Scheduling Argument” or “Order Granting Motions for Sanctions”) shall accompany each document delivered to the Court Administrator for assignment, but shall not be

fastened together.

(ii) No proposed orders shall be filed with the Prothonotary or the Clerk of Courts with the original application.

(iii) The judge's signature line shall be on a page with at least some of the body of the order or have an abbreviated caption and the case number on the page.

(3) Sufficient copies of the proposed order for conforming, and for service on all parties who will not be served by electronic means shall accompany each document delivered to the Court Administrator for assignment to a judge.

(4) Where notice of the entry of any order is required under Pa.R.Civ.P. 236, the moving party shall include in the proposed order the names of the parties who are required to be notified, and shall provide sufficient copies of the proposed order, with stamped envelopes addressed to those parties bearing the return address of the Prothonotary, so notice can be made, unless notice will be made to a party by electronic means. For matters that will be presented at current business, the copies of the proposed orders and the stamped envelopes may be presented at the current business sessions at which the matter is presented, instead of being delivered to the Court Administrator as required by (3) above.

(5) Once a document is considered by a judge, the original of any resulting order will be filed by the judge with the Prothonotary and copies of the order will be available for return to the moving party, or for service pursuant to Pa.R.Civ.P. 236.

(6) For matters of which the Prothonotary is not required to give notice under Pa.R.Civ.P. 236, it shall be the responsibility of the moving party to forthwith serve copies of the resulting order, rule, or other action by the court on all parties to the matter and promptly file a certificate of service with the Prothonotary.

(b) Documents shall not be sent by facsimile to a judge or to the Court Administrator without leave of court.

(c) Parties shall not attach copies of pleadings or documents already filed of record.

(d) A filed document in a case shall not contain any of the personal data identifiers listed in this rule unless otherwise required by law or permitted by order of court, or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

(1) Social Security Numbers. If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used;

(2) Dates of Birth. If an individual's date of birth must be included, only the year shall be used;

(3) Financial Account Numbers. If financial account numbers must be included, only the last four digits shall be used.

(4) A party wishing to file a document containing the personal data identifiers listed above may file, under seal, a summary reference list indicating the redacted information and their corresponding complete personal data identifiers.

(5) The responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with this Rule.

YCCiv. 205.2(a): Form of Pleadings, Papers and Affidavits:

(1) All pleadings, applications, documents and affidavits which are not expressly regulated as to form by Act of Assembly or are forms or documents routinely used or prepared by the courts or court-related agencies, shall conform to the Pennsylvania Rules of Civil Procedure.

(i) The originals of all pleadings, applications, documents and affidavits, and any responses thereto, except forms preprinted by the Court, to be presented to and filed with the Court, shall be backed by and securely fastened to a plain sheet of colored paper or to a document backer, using

binder clips. No original document shall be fastened with staples.

(ii) The use of plastic strips is prohibited.

(iii) The use of exhibit tabs is permitted but such tabs shall only be placed at the bottom of the page.

(iv) Filings already of record may be referenced in any subsequent document to be filed, but shall not be attached to the original document to be filed.

(v) Copies of any documents to be provided to the court and opposing parties shall have staples securely covered with no sharp or protruding edges of any kind.

(vi) The first page of any document to be presented to and filed with the Court shall have a three inch margin at the top of the first page pursuant to Pa.R.Civ.P. 204.1, and each subsequent page shall have at least a two inch margin at the top of the page.

(vii) Any application, and any answer thereto, which refers to a record of proceedings, shall specifically refer to the page number and if possible, the line numbers in the record which supports or contradicts the issue which is being addressed.

(viii) Any application being presented to the Court *ex parte*, whether presented during a motions court session or outside of such session, shall state the following in the body of the application:

1. the reason why such matter is being presented *ex parte*;
2. that the applicant notified or attempted to notify all other parties of the presentment of the application and the results of the contact; and
3. the steps taken by the applicant to resolve the matter being presented to the Court.

(2) Any document signed by a party for filing shall contain under the signature line the name, address, and telephone number of the party, and the facsimile number, (if consent is being given to receive service by facsimile) e-mail address (if contact by e-mail is desired), and Pennsylvania or other state bar identification number, if applicable. When listing the bar identification number, the state's postal abbreviation shall be used

as a prefix (e.g. PA 12345; NY 246810).

(3) Attachments such as exhibits, documentary evidence, and other matters extraneous to the consideration of applications requiring action by the Court are discouraged.

YCCiv. 205.2(b): Cover Sheet:

All applications requiring action by the Court, and any responses thereto, shall be accompanied by a cover sheet as the first page of the application. The cover sheet shall be substantially in the form as set forth after this Rule. The cover sheet shall include the following information:

(1) Identification of the Court;
(2) The complete caption of the case;
(3) Identifying case number;
(4) If a matter in the case has been considered by a judge, the name of the judge shall appear immediately under the case number. If the case has been assigned to a judge, the judge's name shall appear under the case number and under the names of any judges who previously considered any matter in the case;
(5) The identifying case numbers of any related cases;
(6) The type of action;
(7) The names, addresses and telephone numbers of primary counsel for all represented parties with identification of the party represented by counsel and all pro se parties;
(8) The title of the pleading being submitted; and
(9) The name of the party submitting the pleading.

Form of Cover Sheet:

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S)	:	[CASE NUMBER]
	:	[NAME OF PREVIOUS JUDGE]
vs.	:	**[NAME OF ASSIGNED JUDGE]**
	:	[NUMBERS OF RELATED CASES]
NAME OF DEFENDANT(S)	:	[TYPE OF ACTION]

For Plaintiff(s): Name of Attorney
Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney
E-mail address of Attorney

For Defendant(s): Name of Attorney
Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney
E-mail address of Attorney

TITLE OF DOCUMENT

Submitted by [Name of Party]

YCCiv. 206.1(a): Petitions – Matters Subject to Petition Practice:

(1) In addition to the applications designated as "petitions" pursuant to Pa.R.Civ.P. 206.1(a), the following applications shall proceed as petitions:

Applications to impose sanctions. (The Rule accompanying this petition shall include provisions for the date, time and place for a hearing.)

Applications for return of property pursuant to 42 Pa.C.S. Sec. 6802. (The Rule accompanying this petition shall include provisions for the date, time and place for a hearing.) The application shall indicate in the caption a cross reference to the defendant's name and criminal action number, and shall be filed in the office of the Clerk of Courts. The matter shall be assigned to the judge to whom the underlying criminal case has been assigned.

Application for return of property otherwise seized by governmental agency or entity, and which has not been the subject of a criminal proceeding or forfeiture action. (The rule accompanying this petition shall include provisions for the date, time, and place for a hearing.) The application shall be filed in the office of the Prothonotary.

Petitions for relief from judgment by confession pursuant to Pa.R.Civ.P. 2959. (The Rule accompanying this petition shall be in the form as set forth in Pa.R.Civ.P. 206.5.)

Petitions to confirm arbitration award pursuant to 42 Pa.C.S.Sec. 7304(a) and 7342.

(2) The following applications may proceed as a "petition" or may be presented to the court at a session of motions court pursuant to YCCiv. 208.3(a):

Applications to reassess damages. (The procedure set forth in YCCiv.206.7 shall apply to Applications to Reassess Damages.)

Applications to obtain ownership of or title to a motor vehicle. If proceeding as a petition, the Rule accompanying this petition must include provisions for a date by which a response shall be filed.

(i) The application and Rule or proposed court order must be served by certified mail, return receipt requested, on the previous owner of record, if any, and upon any other person with a colorable right of title to or possession of the motor vehicle, including all lienholders of record.

(ii) The application shall be verified, and contain a statement of how the applicant came to possess the vehicle, a certified copy of the results of a Department of Transportation records search to identify any previous owner of record, and shall contain a specific description of the vehicle, including year, make, model, and vehicle identification number.

Petitions to Withdraw as Counsel. See Pa.R.Civ.P. 1012(c) and YCCiv. 1012.

YCCiv. 206.4(c): Petitions – Procedure for Rule to Show Cause:

(1) The issuance of a rule to show cause shall be discretionary with the Court and shall be in accordance with Pa.R.Civ.P. 206.5, unless otherwise designated by the Court.

(2) The petition seeking issuance of a rule shall be supported by a brief statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously, but not bound with the petition; or, in routine petitions that do not raise complex legal or factual issues, in the body of the petition itself.

(3) The petition shall be filed as provided in YCCiv. 205.1. The proposed rule shall be in the form prescribed in Pa.R.Civ.P. 206.5(d), unless otherwise set forth by these Rules.

(4) Should a moving party wish to withdraw the petition from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the petition with the Prothonotary, and shall promptly provide notice to the judge to whom the matter was assigned.

(5) Should a moving party wish to reschedule the presentation of a petition to the Court during a session of motions court, a written notice of that intent shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the petition will be presented to the court. The new date shall be in accordance with the notice requirement set forth in YCCiv. 208.3(a)(2).

YCCiv. 206.7: Procedure After Issuance of Rule to Show Cause:

After the time has expired for a response on a Rule to Show Cause and no response has been filed, the relief requested may be presented to the Court by the filing of a Motion for Rule Absolute with the Prothonotary and a clocked in copy forwarded to Court Administration for assignment to a judge.

YCCiv. 208.2(c): Motions– Statement of Authority:

All motions shall be supported by a brief statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously, but not bound with the motion, or in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

YCCiv. 208.2(d): Motions– Certification of Concurrence:

(1) A motion to the court shall contain a certification by the moving party that the party has sought concurrence in the motion from each party and that each party has either concurred in the motion or contests the motion.

(2) A motion that is represented to be uncontested shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties, the full text of the motion and proposed order has been disclosed, and that the requested relief is uncontested. A motion which is uncontested and which contains this certification need not be presented in a session of motions court, but shall be presented

to the court pursuant to YCCiv. 205.1.

YCCiv. 208.2(e): Motions– Discovery Certification:

(1) A moving party shall file a Certification of Good Faith for every motion relating to discovery that the party has conferred, or attempted to confer, with all interested parties in an attempt to resolve the matter without court action, and has been unable to reach a satisfactory resolution of the issues presented, and shall set forth the details of the efforts made to resolve the matter.

(2) The Certification of Good Faith shall be substantially in the following form:

GOOD FAITH CERTIFICATION:

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S)	: [CASE NUMBER]
	: [NAME OF PREVIOUS JUDGE]
vs.	: [NAME OF ASSIGNED JUDGE]
	: [NUMBERS OF RELATED CASES]
NAME OF DEFENDANT(S)	: [TYPE OF ACTION]

Moving Party Certification of Good Faith

Pursuant to YCCiv.208.2(e)(2)

The undersigned counsel for movant [or self-represented movant] hereby certifies that:

☐ a. He or she has had the contacts described below with opposing counsel or unrepresented party regarding discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute(s) at issue and, further, that despite all counsel's good faith attempts to resolve the dispute(s), counsel have been unable to do so.

Description:

☐ b. He or she has made good faith but unsuccessful efforts described below to contact opposing counsel or unrepresented party in an effort to resolve the discovery dispute.

Description:

CERTIFIED TO THE COURT BY:

_____

Attorney for Movant (name party) [or self-represented movant]

Date:

Note: The Signature of Respondent's Counsel is not Required

YCCiv. 208.3(a): Motions – No Response Required: Procedure:

(1) All applications to the court requiring action by a judge, except those hereafter excluded, shall be presented to the court at a session of motions court. The times and dates for motions court sessions shall be published by the Court Administrator in the Court Calendar from time to time. Motions shall be filed as set forth in YCCiv. 205.1. No written response shall be necessary.

(2) The moving party must file a notice of presentment with the Prothonotary and must give actual notice to all other parties in interest, and to the motions court judge, of the intention to present an application at a session of motions court at least five (5) days prior to the date of the specific motions court session at which it will be presented, by:

(a) providing a clocked in copy of the notice of presentment to the District Court Administrator and all other parties in interest substantially in the following form:

FORM OF NOTICE OF PRESENTMENT OF MATTER AT CIVIL MOTIONS COURT:

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S)	: [CASE NUMBER]
	: [NAME OF PREVIOUS JUDGE]
vs.	: [NAME OF ASSIGNED JUDGE]
	: [NUMBERS OF RELATED CASES]
NAME OF DEFENDANT(S)	: [TYPE OF ACTION]

NOTICE OF PRESENTMENT OF MATTER AT CIVIL MOTIONS COURT

TO THE PROTHONOTARY:

The following matter is for presentment at Civil Motions Court:

Date to be presented:
Pleading/matter to be presented:
Date(s) conferred, or attempt to confer with all other interested parties:
Date(s) moving party sought concurrence of each other party:
Date other parties and Court Administration notified of intended presentment:

Date:

_____

Submitted by [Name of Party]
Name of Attorney

Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney
E-mail address of Attorney

(b) providing a copy of the notice of presentment, application and proposed order to all other parties in interest, and a clocked in copy to the District Court Administrator for delivery to the motions court judge, pursuant to YCCiv 205.1.

(c) For purposes of this rule only, timely service on a party by facsimile or other electronic transmission will constitute appropriate notice.

(3) All applications to the court shall include a certificate by the moving party that notice was given pursuant to subsection (a)(2) above.

(4) Should a party wish to file a response, an original of the response shall be filed with the Prothonotary and the party shall cause a copy to be delivered to the Court Administrator who will forward the copy to the assigned judge.

(5) Should a moving party wish to reschedule the presentation of an application to the Court, a written notice of that intent and a revised Notice of Presentment shall be sent to the Court Administrator, with a copy to all other parties, specifying the new date on which the motion will be presented to the court. The new date shall be in accordance with the notice requirement set forth in YCCiv. 208.3(a)(2).

(6) Should a moving party wish to withdraw any motion from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the motion with the Prothonotary, and shall promptly provide notice to Court Administration and to the judge to whom the matter was assigned.

(7) The following applications need not be presented in a session of motions court, but shall be presented to the court pursuant to YCCiv. 205.1:

Petitions for preliminary or special injunctions (See YCCiv. 1531.1 et seq.)

Uncontested motions: Provided, however, that the motion includes a certification as set forth in YCCiv. 208.2(d)(2).

Stipulated orders;

Petitions for rules to show cause; (See YCCiv. 206.1(a) and 206.4.)

Motions to make rules absolute;

Requests for continuances of scheduled proceedings:

(i) In all matters in which a proceeding has been scheduled by a judge and in which a continuance is sought, the moving party shall first contact all other parties in interest to determine whether there is an objection to the continuance.

(ii) If there is no objection, the motion shall so state and an order representing the agreement of the parties shall be filed seeking a rescheduled hearing.

(iii) In the event of an objection by any party, the reasons for the objection shall be stated in the motion.

(iv) Agreement to a continuance by all parties does not assure that a continuance will be granted by the court. The parties are expected to use pre-printed forms developed by the court for such purpose. When such forms are used, the motion shall not be filed with the Prothonotary first, but shall be delivered to Court Administration for assignment to the hearing judge.

Applications for leave of court to withdraw entry of appearance; Provided, however, that counsel seeking to withdraw has given at least twenty (20) days written notice of intent to withdraw to the client and all parties in interest and no objection has been made. The application and proposed order shall contain the last known address and telephone number of the client. See YCCiv. 1012 and Pa.R.Civ.P. 1012.

Motions for alternative service. (Such motions shall have a copy of the Sheriff's return of service attached to the motion, in addition to the other matters required by law or rule of court. See Pa.R.Civ.P. 430.);

Applications for reassessment of damages. (See YCCiv. 206.1(a).)

Motions for reconsideration; These motions shall be assigned to the judge for whose order reconsideration is being requested.

Motions relating to matters covered by an order resulting from a pre-trial conference. These motions shall be assigned to the judge who conducted the pre-trial conference.

Motions relating directly to matters pending before divorce master. These motions shall be filed with the master assigned to the case pursuant to YCCiv. 1920.55-1.

Motions for judgment by default in quiet title actions;

Petitions for approval of minor settlements, wrongful death settlements transfer of structured settlements, and settlements involving an incompetent;

Applications to intervene pursuant to Pa.R.Civ.P. 2326 et seq.

Petitions for a name change;

Appointment of constables, private police officers, and municipal officers;

Appointment of persons to Board of View; provided, however, that no motion shall be filed until such time as the pleadings have closed.

Detective licenses; and

Termination of inactive civil cases under YCCiv. 230.2

Admission Pro Hac Vice motions pursuant to PaRCP 1012.1

YCCiv. 208.3(b): Motions – Response Required: Procedure:

(1) The following pleadings or motions shall require a written response, by way of an answer or a brief in response, or both, as the case may be.

(i) If a motion requires an answer, the answer shall be filed upon all parties within twenty (20) days of service of the motion.

(ii) After all matters necessary to rule on the motion have concluded, the motion shall be presented to the court by the filing of a praecipe with the Prothonotary to list the matter for disposition by one judge, or the court en banc, as the case may

be.

(iii) Copies of the praecipe shall be sent to all counsel and unrepresented parties of record. A certificate of service identifying all counsel of record, who they represent, and all unrepresented parties, with addresses and telephone numbers shall be attached to the praecipe.

(2) Matters for disposition by one judge: Matters to be disposed of by one judge shall include:

Preliminary objections (see YCCiv. 1028(c));
Motions for judgment on the pleadings (see YCCiv. 1034(a));
Motions for summary judgment (see YCCiv. 1035.2(a));
Exceptions to the report of a master in divorce (see YCCiv 1920.55-2), to reports of boards of view, (see YCCiv. 5170), or to proposed schedule of distribution from Sheriff's sale, (see YCCiv. 3136).
Appeals from decisions of a zoning hearing board, a board of school directors or other local government agency. (See YCCiv. 5150 and 5200.)

(3) Procedure in one-judge disposition matters: Unless otherwise noted in these local rules or by order of court:

(i) All applications which are filed requiring disposition by one judge shall be supported by a brief filed within ten (10) days of the date of filing of the application.

(ii) One original brief in opposition shall be filed by all parties opposing the application within thirty (30) days after the date of filing of the application or the filing of the brief of the moving party, whichever is later.

(iii) Any brief in reply shall be filed within five (5) days after service of the brief in opposition to the motion.

(iv) Copies of briefs shall be promptly served on all parties and a certificate of service shall be filed with the Prothonotary.

(v) Upon the expiration of the time for filing and service of briefs, any party may list the matter for disposition by one judge by filing a praecipe with the

Prothonotary. The praecipe shall include the name of any judge (other than motions court judge) to whom the case was previously assigned. The praecipe shall be in substantially the form as set forth in this Rule.

(vi) Appellant's brief in Appeals in Land Use Cases (YCCiv. 5150), shall be filed within ten (10) days of the date of certification of the record.

(4) Matters for disposition by a court *en banc*. Matters to be disposed of by a court *en banc* shall include matters specifically required to be heard *en banc* pursuant to statute, rule or appellate decision, and matters specifically ordered to be heard en banc by a judge of this court, either pursuant to Pa.R.C.P. 227.2 or otherwise.

(5) Procedure for disposition of matters *en banc:* Matters to be disposed of by the court *en banc* shall proceed the same as matters to be disposed of by one judge.

(6) Should a moving party wish to withdraw any motion from consideration by the court, consent to withdraw shall be obtained from all interested parties and the moving party shall promptly file a praecipe to withdraw the motion with the Prothonotary, and shall promptly provide notice to Court Administration and to the judge to whom the matter was assigned.

(7) The praecipe to list a matter for disposition before the court shall be in substantially the following form:

FORM OF PRAECIPE TO LIST MATTER FOR DISPOSITION:

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S)	:	[CASE NUMBER]
	:	[NAME OF PREVIOUS JUDGE]
vs.	:	[NAME OF ASSIGNED JUDGE]
	:	[NUMBERS OF RELATED CASES]
NAME OF DEFENDANT(S)	:	[TYPE OF ACTION]

PRAECIPE TO LIST FOR [ONE JUDGE / EN BANC] DISPOSITION

TO THE PROTHONOTARY:

List this matter for [one judge / en banc] disposition:

Document to be ruled upon:
Brief in support filed on:
Brief in opposition filed on:
Oral Argument Requested? _____ Yes _____ No

Date:

_____
Submitted by [Name of Party]
Name of Attorney
Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney
E-mail address of Attorney

[Attach Certificate of Service with information required by YCCiv. 208.3(b)(1)(iii), above.]

YCCiv. 210: Form and Content of Briefs:

(a) All briefs shall be typewritten on 8 1/2" by 11" paper and shall contain complete and accurate citations of all authorities. The front page of a brief shall have a three (3) inch margin at the top for court stampings and notations, and each subsequent page shall have at least a two (2) inch margin at the top. Briefs shall contain a procedural history of the case, a statement of facts, a statement of questions involved and argument. All briefs more than ten (10) pages in length shall contain a table of contents.

(b) Parties shall file one original of a brief with the Prothonotary. The original shall be backed by and securely fastened in a document cover using binder clips. A party may cause a courtesy copy of the brief to be delivered to the chambers of the judge assigned to the case.

(c) A copy of any brief filed shall be promptly served on all other parties and the original brief shall have attached thereto a certificate of service as to all other parties.

YCCiv. 211: REQUEST FOR ORAL ARGUMENT

(a) All requests for oral argument must be made by a filing substantially in the following form:

FORM OF REQUEST FOR ORAL ARGUMENT:

[Beginning 3 inches from top of page. See Pa.R.Civ.P. 204.1]

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NAME OF PLAINTIFF(S)	[CASE NUMBER]
	[NAME OF PREVIOUS JUDGE]
vs.	[NAME OF ASSIGNED JUDGE]
	[NUMBERS OF RELATED CASES]
NAME OF DEFENDANT(S)	[TYPE OF ACTION]

REQUEST FOR ORAL ARGUMENT

TO THE PROTHONOTARY:

Oral Argument is hereby requested for the following matter:

Pleading/matter for Argument:
Date of filing:
Date Request for Oral Argument served on other Parties:
Date Request provided to Court Administration:
Date:

_____
Submitted by [Name of Party]
Name of Attorney

Address of Attorney
Telephone Number of Attorney
E-mail address of Attorney

YCCiv. 212.3: Pretrial Conferences:

(a) When an action is ready for trial, any party who desires to proceed to trial shall list the action for a pretrial conference by filing a praecipe with the Prothonotary, and delivering a copy of the praecipe to the Court Administrator for assignment to a judge.

(1) The praecipe shall request a pretrial conference and indicate whether the proposed trial is a jury or a nonjury trial.

(2) Copies of the praecipe shall be sent to all counsel and unrepresented parties of record. A certificate of service identifying all counsel of record, who they represent, and all unrepresented parties, with addresses and telephone numbers shall be attached to the praecipe.

(3) The praecipe shall be in substantially the same form as that set forth in YCCiv. 214(h).

(b) No party shall list an action for pre-trial conference until after:

(1) A Case Management Plan has been executed by all parties and filed with the Prothonotary, and all dates contained therein have passed; or

(2) The listing is consistent with the provisions of a scheduling order filed in the action.

(c) All actions listed for a pretrial conference shall be assigned to a judge by the Court Administrator.

(d) One original of each party's pre-trial memorandum in such form and containing such information as is directed in an order scheduling a pre-trial conference shall be filed with the Prothonotary at least one week prior to the date of the pre-trial conference. Pre-trial memoranda shall not contain copies of proposed exhibits, copies of matters previously filed of record, or copies of discovery materials.

(e) In the event that the parties are unable to agree on a case management plan, or upon other cause shown, a party may move the court to schedule a case management conference or issue a case scheduling order.

(f) Motions implicating matters set forth in any order resulting from the pre-trial conference, including requests for discovery, sanctions, and motions in limine shall be assigned to the Judge who conducted the pre-trial conference.

YCCiv. 213: Consolidation of Actions:

(a) An order consolidating actions shall contain the captions of all cases consolidated, shall include a reference to the caption and case number to which the cases are consolidated and to which all future filings shall be made.

(b) An original order consolidating actions shall filed in all case files affected by the consolidation.

YCCiv. 214: Trial List. Continuances. Praecipe for Pre Trial Conference/Trial:

(a) The civil trial terms shall be published annually in the Court Calendar which shall be made available to the public in printed and electronic formats.

(b) A case shall be placed on the trial list for a particular term of trials by the Court Administrator pursuant to a scheduling order issued by a judge. A case may also be placed on a trial list by the filing of a praecipe by a party with the Prothonotary after a case has been certified by a judge as ready for trial. The praecipe shall be in substantially the form as set forth below.

(c) A call of all cases listed for trial shall be made on the second Monday preceding the start of a trial term. In the event that a court holiday falls on that Monday, the call of the list will be held on the Tuesday immediately following.

(d) If a case is not answered at the call, it shall remain on the list of cases and shall

be scheduled for trial.

(e) A case continued from or not tried in a scheduled trial term will be listed for trial by the Court Administrator in the next available trial term.

(f) Absent exceptional circumstances, a case shall not be continued after it has been called for trial at the call of the trial list.

(g) Should a case which has been placed on a trial list settle prior to being called for trial, Plaintiff shall notify, by correspondence, the Court Administrator and the judge who conducted the pre-trial conference, of the fact of settlement. The Court Administrator, upon receipt of such notice, shall remove the case from the trial list.

(h) **FORM OF PRAECIPES FOR PRE-TRIAL CONFERENCE AND FOR TRIAL**

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Plaintiff's Name	: Case Number:
	:
vs.	: Type of Action
Defendant's Name:	:

PRAECIPE TO LIST CASE FOR [PRE-TRIAL CONFERENCE / TRIAL]

TO THE PROTHONORARY:

Please list this case for [Pre-trial Conference / Trial]. A copy of this praecipe was sent to all parties on _____.

Name of Judge previously assigned other than for motions court matters:
_____

Date Case Management Plan filed: _____.

Last Date for matters to be accomplished: _____.

All matters listed in Case Management Plan have been completed.

Type of trial requested: ☐ Jury ☐ Non-jury

If this matter is to be listed for trial, the date of the pre-trial conference was _____ before Judge _____ .

Estimated length of time for trial: _____ .

Date: _____ Submitted by _____

Name of Attorney
Address of Attorney
Telephone Number of Attorney
Facsimile Number of Attorney

[Attach Certificate of Service with the information required by YCCiv. 212.3(a)(2).]

YCCiv. 223: Admission, Custody and Substitution of Tangible Exhibits:

(a) Counsel for the respective parties shall retain possession, and shall be responsible for the care and custody, of all tangible exhibits used at trial, whether or not the same have been presented, marked, identified and used, until such time as they have been formally offered into evidence and the court has made a specific order directing their admission into evidence.

(b) From and after the making of such formal court order of admission, the Prothonotary shall take possession, and shall be responsible for the care and custody, of all such tangible exhibits during the remainder of the trial and thereafter until further order of the court.

(c) Immediately upon the termination of the trial, the Prothonotary shall assemble and identify all such exhibits to the particular case and shall be responsible for their secure care, custody and maintenance, and no such exhibits shall thereafter be removed or destroyed except upon order of the court.

(d) At any time after final disposition of the case, the Prothonotary may, after ten days written notice to counsel for all parties, apply to the court for an order authorizing the removal and disposition by destruction or otherwise of any tangible exhibit of a size or weight precluding its enclosure in a regular case file.

(e) A party who introduces an exhibit which is not readily stored in a standard letter-sized folder shall cause the exhibit to be reduced in size, photographed, or otherwise reproduced so that the exhibit may be readily stored in such folder without impairment of its visual quality.

(f) A party who introduces an exhibit which is not readily stored in a standard letter-sized folder or easily reduced to such size shall take sufficient photographs of the exhibit, or otherwise reproduce it, to accurately capture its likeness, using either film or digital medium and may be expected to substitute the photographs or other

reproduction for the actual exhibit in the trial record.

(g) Parties are expected to reduce large quantities of paper records or exhibits to commonly used electronic formats, stored on compact disk (CD) or digital video disks (DVD), for use at trial and for inclusion in the trial record.

(h) In the event that an exhibit is substituted by one of the means set forth in this Rule, the offering party shall maintain the original exhibit in safe keeping until the conclusion of the case in which the exhibit was admitted into evidence or made a part of the record.

(i) In the event special software is needed to view electronically stored exhibits, the party offering the exhibits may be required to provide such software to the Court for use during trial.

(j) A document or other instrument incorporated into a pleading or an exhibit to a pleading may be offered in evidence without producing or accounting for the absence of the original if the adverse party in a responsive pleading has not demanded the production of the original at the trial.

YCCiv. 225: Arguments of Counsel:

(a) One attorney for each plaintiff or each group of plaintiffs asserting the same cause of action may make an opening address to the jury. One attorney for each defendant or each group of defendants against whom the same cause of action is asserted may make an opening address. The proof offered by any party shall not be restricted to matters referred to in such addresses if otherwise admissible.

(b) After the close of the evidence, one party may first address the jury for each party or group of parties against whom the same cause of action is asserted. The party or parties under a burden of proof shall speak after those addresses.

YCCiv. 227.1: Post-Trial Relief:

(a) Motions for post-trial relief shall be in such form and shall contain the information required by Pa.R.Civ.P. 227.1, 227.3 (relating to transcripts) and YCCiv. 205.2. A citation to the page in the trial transcript or to the case record where an alleged error was raised and addressed by the parties and the court shall be included either in the motion for post-trial relief or in the brief in support of the motion.

(b) A party filing a motion for post-trial relief shall file one original motion with the Prothonotary. A copy shall be promptly served on all other parties, and the moving party shall cause a copy to be delivered to the Court Administrator for delivery to the trial judge within the time periods set forth in Pa.R.Civ.P. 227.1(c).

(c) Briefs in support of or in opposition to motions for post-trial relief shall be in such form and shall contain the information set forth in YCCiv. 210.

(1) One original brief in support of a motion for post-trial relief shall be filed with the Prothonotary within fifteen (15) days after the date of filing of the motion for post-trial relief.
(2) Where a request or an order for the transcription of the record or any part thereof was entered, a brief in support of a post-trial motion for relief shall be filed within fifteen (15) days after the filing of the transcript.
(3) Within twenty (20) days after service of the brief in support of a post-trial motion, all parties desiring to oppose such motion shall file a brief in opposition.

(d) The moving party or parties shall notify the trial judge in writing that the above matters have been completed, or not completed as the case may be, and that the case is ripe for disposition on post-trial relief.

(e) Any party may request oral argument on post-trial motions.

YCCiv. 227.3: Transcription and filing of trial record:

(a) Copies of a formal request for a transcript of all or part of a proceeding shall be delivered as provided in the applicable state rules.

(b) The trial judge, upon receiving a request for a transcript of all or a part of a proceeding in a post-trial motion, shall enter an order designating the record or a portion thereof to be transcribed.

(c) Upon completion and filing of the transcript so ordered, the court reporter shall file and serve on all parties and the trial judge a statement that the transcript so ordered has been filed and shall state the date of filing.

YCCiv. 237.1: Affidavit as to Military Service:

(a) No judgment by default shall be filed unless the moving party shall have first filed the affidavit required by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. §521, stating whether the adverse party is in military service as therein defined.

(b) If the moving party is unable to ascertain whether the adverse party is in military service, the moving party shall so state in the affidavit.

YCCiv. 230.2: Termination of Inactive Civil Cases:

(a) All civil cases filed in this court, except as provided in (a)(1), (2) and (3), which shall not have been reduced to judgment or final order, and in which there has been no activity of record for a continuous period of two (2) years or more shall be terminated as herein provided, in accordance with Pa. R.Civ.P. 230.2.

(1) Condemnation proceedings shall not be terminated.

(2) In all divorce proceedings, the cases shall not be terminated for a period of five (5) years, commencing from the date of last docket activity;

(3) In all support and custody proceedings, the cases shall not be terminated for a period of three (3) years, commencing from the date of last docket activity. For special provisions concerning custody cases, see YCCiv. 230.3

(b) On or before the last Friday in each of the months of January, and June of each calendar year, the Prothonotary shall cause notice containing the information required by Pa.R.Civ.P. 230.2(e) to be sent to counsel of record and to unrepresented parties, that a case shall be terminated, pursuant to the time limits set forth in Pa.R.Civ.P. 230.2(b), which

(1) have become inactive cases as herein defined as of the close of the preceding calendar year; and

(2) previously became inactive cases as herein defined but have not yet been terminated.

(c) Notice shall be served by the Prothonotary in the manner required by Pa.R.Civ.P. 230.2(b)(2), except that if the mailed notice is returned, the notice shall be served by the Prothonotary by advertising one time in the York Legal Record. Publication shall take place at least sixty (60) days prior to the scheduled date of termination.

(d) If an action has been terminated, an aggrieved party may file a motion with the court, pursuant to YCCiv. 208.3(a), to reinstate the action.

YCCiv. 230.3: Termination of Inactive Custody Cases:

(a) All custody cases filed in this Court in which there has been no activity of record for a continuous period of three (3) years or more preceding the end of each calendar year, shall be placed on inactive status as herein provided.

(b) On or before the last Friday of April of each calendar year, the Prothonotary shall cause notice containing the information required by Pa.R.Civ.P. 230.2(e) to be sent to counsel of record and to unrepresented parties, that a case shall be terminated, pursuant to the time limits set forth in Pa.R.Civ.P. 230.2(b), which

(1) have become inactive cases as herein defined as of the close of the preceding calendar year; and
(2) previously became inactive cases as herein defined but have not yet been terminated.

(c) Notice shall be served by the Prothonotary in the manner required by Pa.R.Civ.P. 230.2(b)(2), except that if the mailed notice is returned, the notice shall be served by the Prothonotary by advertising one time in the York Legal Record. Publication shall take place at least sixty (60) days prior to the scheduled date of termination.

(d) Any case placed on the inactive list may be reactivated by the filing of a praecipe to reactivate and the payment of the filing fee then prevailing.

SERVICE BY PUBLICATION

YCCiv. 430: Manner of Publication:

(a) Whenever an Act of Assembly or a rule of court specifies that notice shall be given or service shall be made by publication but does not specify the manner of publication or expressly states that publication shall be made in such manner as the Court of Common Pleas shall direct, publication shall be made one (1) time in each of the York Legal Record and in one (1) daily newspaper of general circulation in the

county.

(b) Service by publication shall be made in such a manner that the person so served shall have at least twenty (20) days after publication to act on the matter served by publication.

(c) Service shall be complete upon the appearance of the last complete publication. Proofs of publication shall be filed before judgment or any other action is taken by the party serving by publication.

(d) When publication of notice of suit is ordered, the notice shall contain, in addition to the information set forth in Pa.R.Civ.P. 430(b)(1), sufficient information to identify all parties to the action, the nature of the subject matter of the suit, and if the suit involves any claim to or about real property, a description of the real property sufficient to identify its location.

LANDLORD TENANT APPEALS

YCCiv. 1008: Appeal as Supersedeas In Landlord Tenant Matters:

(a) Appeals to the Court of Common Pleas in landlord tenant matters shall act as a supersedeas to the extent of and pursuant to the procedure set forth in Pa.R.C.P.M.D.J. 1008.

(b) Motions for relief under Pa.R.C.P.M.D.J. 1008, including motions for release of escrow, shall be presented to the Court pursuant to YCCiv. 208.3(a).

CIVIL ACTIONS

YCCiv. 1012: Withdrawal of Appearance:

(a) An attorney wishing to withdraw from a case by leave of court shall file a petition in such form and containing the information set forth in YCCiv. 205.2 and shall otherwise comply with the requirements of Pa.R.Civ.P. 1012. The petition shall be filed pursuant to YCCiv. 205.1 and YCCiv. 208.3(a). An attorney who has given at least twenty (20) days notice to the client and all other parties of intent to file a motion to withdraw, and who has received no opposition to such motion, may file the petition pursuant to YCCiv. 208.3(a)(7).

(1) A petition requesting leave to withdraw an appearance shall state that prior notice of intent to withdraw has been given to the client and all parties, and the date on which such notice was given.

(2) A petition requesting leave to withdraw an appearance shall state whether any proceeding is pending, the nature of the pending proceeding, and the next date of any court proceeding.

(3) A petition requesting leave to withdraw an appearance shall state that the attorney has sent to the client all court orders which require any action to be taken by the client.

(b) An attorney who has been given permission to withdraw from a case, or who has withdrawn from a case, pursuant to Pa.R.Civ.P. 1012, shall include in the proposed order permitting withdrawal the last known address and telephone number of the attorney's client, or shall, within five days of being granted permission to withdraw, file with the Prothonotary and serve on all other parties a praecipe setting forth that information.

(c) An attorney who has been given permission to withdraw from a case, or who has withdrawn from a case, pursuant to Pa.R.Civ.P. 1012, shall send to the client a copy of any previous court order which may require the client to file documents, attend proceedings, or take any other action in a pending matter after the attorney has withdrawn, and shall file a certificate evidencing such service, if not previously set forth in the petition to withdraw.

YCCiv. 1018.1: Form of Notice to Defend:

(a) Every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall begin with a notice to defend in both English and Spanish, containing the information and in substantially the same form as that set forth in Pa.R.Civ.P. 1018.1(b).

(b) The organization from whom information may be obtained about legal services to eligible persons at a reduced fee or no fee is:

Lawyer Referral Service of
The York County Bar Association
(Attorney Connections)
York County Bar Center
137 East Market Street
York, Pennsylvania 17401
Telephone No. (717) 854-8755

(c) Spanish translations of the notice to defend for divorce and custody complaints and petitions for protection from abuse shall be available in the office of the Prothonotary.

YCCiv. 1028(c): Preliminary Objections:

(1) One original of the preliminary objections shall be filed with the Prothonotary. They shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(2) Preliminary objections filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b) and pursuant to the time periods set forth in Pa.R.C.P. No. 1028(c).

YCCiv. 1034(a): Motion for Judgment on the Pleadings:

(1) One original of the motion for judgment on the pleadings shall be filed with the Prothonotary. It shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(2) A motion for judgment on the pleadings filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b) (3).

YCCiv. 1035.2(a): Motion for Summary Judgment:

(a) An original of the motion for summary judgment shall be filed with the Prothonotary. It shall be in such form and shall include the information as set forth in YCCiv. 205.2(a) and YCCiv. 205.2(b).

(b) A motion for summary judgment filed by a party shall be resolved by one judge pursuant to YCCiv. 208.3(b) (3).

ACTION IN EJECTMENT

YCCiv. 1051: Praecipe for Writ:

If an action of ejectment is commenced by filing a praecipe for a writ of summons, the praecipe shall contain:

(a) A description of the land sufficient to identify it, either by metes and bounds or by reference to street number, dimensions, area or adjoinders; and

(b) A reference to a place of record from which a complete description may be obtained.

ARBITRATION

YCCiv. 1301: Actions to which Arbitration Applies:

(a) **Actions at issue**. All actions which are at issue in which the amount in controversy is fifty thousand dollars ($50,000) or less, except those involving title to real estate, and forfeiture of property, shall first be submitted to and heard by a board of arbitrators consisting of three attorneys admitted to practice in the Courts of this Commonwealth, for consideration and award. The term "amount in controversy" shall mean the amount, exclusive of interest and costs, claimed by any party to the case, as determined by the pleadings or agreement of reference, but a multiplicity of claims or counterclaims, each of which is fifty thousand dollars ($50,000) or less, shall not bar compulsory arbitration. An order of consolidation of an action involving more than fifty thousand dollars ($50,000) with an action involving less than that amount shall bar compulsory arbitration.

(b) **When the action is at issue**. An action shall be at issue when:

(1) A party or counsel files with the Prothonotary, after the close of all pleadings, a praecipe for reference; or

(2) The parties or counsel file with the Prothonotary, an agreement of reference; or

(3) The court issues an order of reference on its own motion, or on motion of a party, when the pleadings disclose that any verdict probably will be in an amount less than fifty thousand dollars ($50,000).

(c) **Actions not at issue**. An action not at issue may be referred to a board of arbitrators by agreement of reference signed by all parties or their counsel and filed with the Prothonotary, or by court order. The agreement of reference shall define the issues involved for determination by the board, and may also contain stipulations with respect to facts submitted or agreed to or defenses waived. In such case, the agreement of reference shall take the place of the pleadings in the case.

(d) **Certification of Readiness for arbitration.** The party referring the case to arbitration shall certify that the case is ready and that the attorneys and witnesses are available during the arbitration week. The arbitration will be scheduled for the arbitration week in the second month after the month during which the filing occurs or during an arbitration week thereafter selected by the parties. The Prothonotary shall certify to the District Court Administrator that the case has been referred to arbitration within three (3) days after such reference.

(e) **Length of time to be stated.** The party who refers the case for arbitration shall note the length of time required for the hearing on the document requesting arbitration.

(f) **Service of Notice of Reference to Arbitration**. Any party referring a case to arbitration shall forthwith serve a copy of the referring document upon the opposing parties or their counsel, and shall file with the Prothonotary evidence showing such service. Failure to serve such copy shall result in the action being stricken from the Arbitration List and the costs connected therewith being taxed against the party who fails to serve such copy. The action may not be re-listed for arbitration until the costs so taxed have been paid.

YCCiv 1302: Arbitrators, Panels and Boards:

(a) **Selection of Panels of Arbitrators.** The Arbitration Committee of the York County Bar Association shall annually, prior to December 1, receive applications from

members of the York County Bar Association with offices in York County who are interested in serving as arbitrators. The Committee shall formulate a list of attorneys to serve as arbitrators.

(1) For the first year, the Committee shall select fifty (50) attorneys. Each year thereafter, the Committee shall select twenty-five (25) attorneys plus an additional attorney for each vacancy on the Arbitration Panel for the next year. The Committee shall send the list to the Court by December 31.

(2) The first year, the Court shall select thirty-six (36) attorneys to act as arbitrators. Each year thereafter, the Court shall select eighteen (18) attorneys to act as arbitrators, plus the number of attorneys necessary to fulfill vacancies in the panel for the next year.

(3) The Court shall enter an Order by January 15 appointing the attorneys selected as arbitrators.

(4) An arbitrator shall be appointed for a two year term, (or for a one year term for the first year of appointment as provided below), and shall begin the term April 1.

(b) **Boards.**

(1) The Committee shall create from the list of arbitrators, twelve (12) boards of three arbitrators each, with one arbitrator meeting the requirements of Pa.R.Civ.P. 1302 selected as Chairperson of each board. The Committee shall consider the experience and expertise of the individual arbitrators in the organization of the boards. Not more than one member of a law firm or association of attorneys shall be appointed to the same board

(2) The first year, eighteen (18) arbitrators shall serve for one year and eighteen (18) arbitrators shall serve for two years. Thereafter, arbitrators shall serve two year terms, with half of the arbitrators revolving off the panel in alternate years.

(3) An arbitrator may serve for one term and shall not be eligible to serve

again until after a one year absence from the arbitration panel.

(4) Each Board of Arbitrators shall sit for one week. The District Court Administrator shall designate one week during each calendar month during which arbitration hearings shall be held and the room in which the hearings shall be held. The arbitration schedule shall be included in the Court calendar.

(c) **Conflicts.** An arbitrator shall disqualify himself or herself from service when he or she determines that he or she is related by blood or marriage to any party to the case or attorney of record; or is or has, within the past year, been a law partner or associate of any attorney of record in the case; or represents a party or a party's insurance carrier in other matters. In case of such a disqualification, another member of the panel can substitute for the disqualified arbitrator, or the arbitration hearing can proceed with two arbitrators.

(d) **Substitution of Arbitrators.** In the event that an arbitrator cannot serve due to a conflict or illness or for any reason, the arbitrator may be replaced by any member of the Arbitration Panel willing to so serve. The replacement arbitrator shall be obtained by the arbitrator who cannot serve of if the arbitrator who cannot serve is unable to obtain a replacement, then by the Chairperson. The Chairperson shall give written notice to Court Administration of the substitution. The compensation of the replacement arbitrator shall be adjusted from the compensation of the replaced arbitrator, as agreed between the two arbitrators. The Chairperson shall designate the compensation to be paid to the arbitrator who cannot serve and the replacement arbitrator and the Prothonotary shall pay the arbitrators pursuant to that designation by the Chairperson. The District Court Administrator shall maintain a list of all instances of failure to serve as arbitrator and provide such list to the Arbitration Committee annually.

(e) **Arbitrators to Report to District Court Administrator and Arbitration Committee.** The Arbitration Chairpersons shall report in writing to the District Court Administrator and to the Arbitration Committee the number of cases scheduled, the number continued, the number settled without hearing, the number heard, and any

other pertinent information relating to scheduling or other suggestions regarding the process.

YCCiv. 1303: Procedure for Scheduling and Holding Arbitrations:

(a) **Duty of District Court Administrator.** The District Court Administrator shall maintain a monthly list of all actions for arbitration in the order in which they are placed at issue. The District Court Administrator shall assign all cases listed in a calendar month to the Arbitration Board scheduled to sit in the second month after the month of listing or in the month selected by the parties.

(b) **Duty of Arbitration Board Chairperson.** The Arbitration Board Chairperson shall organize the cases to be heard during the week into a list and send a copy of the list to all attorneys and pro se parties involved in the cases. The list shall indicate the date, time, and place of each hearing.

(c) **Motions**. Any party to the action may raise questions of the action being arbitrable under these rules, or the composition of the board, first by informally notifying the District Court Administrator in writing, with notice to opposing counsel. Within three (3) days of such informal notice, the party raising the question shall file with the court a written motion based on such question, and shall specify the relief requested. The court shall decide such motion before the case is heard by the board. Failure to raise such questions within ten (10) days of receipt of a notice of such appointment, constitutes a waiver of those issues.

(d) **Continuance by parties.** Once the case has been scheduled for a hearing and the parties notified as provided in subsection (b) hereof, there shall be no unilateral continuance. A request of a party or counsel for continuance of such scheduled hearing shall be granted only by the Chairperson of the board to a specific date, time and place after consultation with the District Court Administrator, and notice thereof shall be given by the chairperson to all parties, board members and the District Court Administrator. At the discretion of the Chairperson, a continued arbitration hearing may be held at a

suitable, neutral location away from the assigned hearing location, such as a law office conference room, provided that the location is not more than five miles from the Judicial Center. For any case in which a continued hearing cannot be held within twenty (20) days of the date originally fixed therefor, the Chairperson shall direct the removal from the Arbitration List without prejudice to any party to relist the matter again.

(e) **Removing matter from arbitration.** No party shall unilaterally remove a matter from the arbitration list without leave of court. Voluntary non-suits shall be in accordance with Pa.R.C.P. 1304(a).

(f) **Settlement, voluntary non-suit, summary judgment.** In cases of settlement, voluntary non-suit and summary judgment, arising after a case has been scheduled, the parties or counsel shall notify the chairperson, whereupon the board shall enter an award in conformance therewith.

(g) **Procedure after board convened.** Once a board has been convened, the procedure shall follow Pa.R.Civ.P. 1303(b).

(h) **Inability of Board to hear all assigned cases.** If a Board cannot hear all assigned cases, it shall return the unheard cases to the District Court Administrator for assignment to a subsequent arbitration board.

(i) **Overload.** If the District Court Administrator determines that the number of referred arbitration cases exceeds the ability of the Boards to hear them so that hearings are being delayed beyond ninety (90) days from reference, he shall meet with the Arbitration Committee, and additional arbitration boards shall be assigned from the arbitration panel members to hear the excess cases as soon as possible.

YCCiv. 1305: Pre-Hearing Procedures:

(a) **Prior conference of counsel**. Counsel shall confer in person, in advance of the

hearing before the board of arbitrators, to accomplish the following purposes:

(1) **Lists and marking of exhibits**. Examine, mark and list all exhibits which any of them may intend to introduce at the hearing, whether in the case in chief or in rebuttal. Only exhibits so listed and marked shall be offered in evidence at the hearing, except for good cause shown.

(2) **Admissibility of exhibits**. Agree so far as possible as to the authenticity and admissibility of such exhibits and note briefly the grounds for objection to any exhibits not so agreed upon, and counsel for the plaintiff shall keep a record of such objections and grounds therefor;

(3) **Statement of contested issues**. Agree so far as possible as to the rules of law governing the case, and identify contested issues of law, if any;

(4) **Statement of uncontested facts**. Agree so far as possible as to the facts. If the incontestability of any fact is challenged, the party objecting, and the grounds for the objection, shall be identified. No testimony will be taken on facts not in dispute.

(b) **Arranging conference of counsel**. Counsel for the plaintiff shall be responsible for arranging the conference between counsel before the hearing. The conference between counsel shall be held at least two (2) weeks prior to hearing at the office of counsel for the plaintiff; provided, however, that if plaintiff's counsel has no office in York County, the conference shall be held at the office of counsel for the defendant.

(c) **Preparation of Joint Statement:** The parties shall prepare a joint statement listing all exhibits, all witnesses expected to be called at the arbitration hearing, the contested issues, and stipulations of facts. The statement shall be presented to each arbitrator at the start of the arbitration.

(d) **Sanctions:** The Chairperson has the authority to impose appropriate sanctions for violation of this rule, including but not limited to, precluding use of exhibits or witnesses.

YCCiv. 1306: Report and Award:

The Chairperson of the board of arbitration shall file a report with the Prothonotary, which shall contain an award, within ten (10) days after hearing, unless the court upon application of the board shall extend the time for filing. The report shall be signed by all or a majority of the arbitrators on the board. The Prothonotary shall file the original report and award. The Chairperson shall mail copies of the report and award to the parties or their counsel. The report and award shall be substantially in the form of a verdict of a jury, and need not contain a recital of facts, nor a statement of reasons for the action taken by the board.

YCCiv. 1308: Compensation of Arbitrators:

(a) **Amount.** The Chairperson and each member of the board of arbitrators, who has signed a report, or files a minority report, shall be paid by the County for their services fees as may be established from time to time by the President Judge and published by administrative order.

(b) **Complex cases**. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the court, on petition of the board presented to the District Court Administrator, and for cause shown, may allow additional compensation. The court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation, or disallow compensation entirely. To the extent that additional compensation is ordered, such compensation shall be paid by the County, in such amount as the court shall direct.

(c) **When arbitrator is entitled to compensation**. The members of the board shall be entitled to receive their compensation only upon filing with the Prothonotary awards for all cases heard by them. When the all awards are filed, the Prothonotary shall issue an order for payment of such compensation, which shall be immediately paid from county funds. Compensation paid to arbitrators shall not be taxed as costs nor follow

the award as other costs.

(d) **Appeal in matter arbitrated without complaint**. In actions referred to arbitration by an agreement of reference without the filing of a complaint, and if taken by a plaintiff, shall be accompanied by a complaint, and if taken by a defendant, shall be accompanied by a rule of the plaintiff to file a complaint.

YCCiv. 1311.1(b): Admission of Documentary Evidence:

(1) At least ten (10) days prior to the first day of trial, the parties shall examine the official court record to ascertain that any exhibits to be admitted pursuant to this rule are in the court file.

(2) In the event that any exhibit is not in the file, the party offering that exhibit shall produce the exhibit at the time of trial.

EQUITABLE RELIEF

YCCiv. 1531.1: Special Relief. Injunctions:

(a) No application seeking special relief, a preliminary injunction or special injunction shall be filed unless a complaint has been filed prior to or concurrently with the filing of the application, unless the application involves freedom of expression or a labor dispute.

(b) An application for preliminary injunction or special injunction shall be in such form and contain the information required by YCCiv. 205.2. The application shall be filed in accordance with the requirements set forth in YCCiv. 205.1, and the applicant shall cause a copy of the application to be given to the Court Administrator for assignment to a judge.

(1) A copy of the complaint that commenced the action shall accompany the copy of the application for relief delivered to the Court Administrator, but

shall not be attached to it.

(2) The application for a preliminary or special injunction shall clearly state whether the relief is being sought without notice and a hearing, and if so, shall clearly state the reasons for requesting ex-parte relief.

(3) If the application for a preliminary or special injunction is not being presented ex-parte, copies of all pleadings and proposed orders shall be delivered to all other parties as soon as practicable and, if possible, before the application is presented to the Court. The application shall clearly state what notice was given to all other parties to the action, and if no notice was given to a party, shall clearly state the action taken in an attempt to notify a party.

(4) An affidavit of the petitioner and any parties or third persons shall be filed with the application for preliminary or special injunction.

(5) The affidavits shall address each element necessary to establish the petitioner's entitlement to relief.

(c) A proposed preliminary or special injunction order that succinctly sets forth the reasonable relief that the court is being asked to grant shall accompany the copy of the application for relief given to the Court Administrator, but shall not be attached to it.

(d) Counsel filing an application for ex-parte relief shall be prepared to personally present the application to the assigned judge.

YCCiv. 1531.2: Injunctions - Hearings:

(a) All parties shall prepare and present, at the time of the hearing, proposed findings of fact and conclusions of law.

(b) All parties shall be prepared to calculate the amount of a bond, if any, and shall be prepared to explain the calculation to the court at the time of the hearing.

YCCiv. 1557: Partition of Real Property:

(a) At any time after the pleadings are closed, any party may file a motion for an order directing partition because of default or admission in the pleadings. The motion shall be in such form and contain the information required by YCCiv. 205.2. The motion shall be filed pursuant to YCCiv. 205.1 and 208.3(a).

(b) If there be no default or admission in the pleadings, any party may file a motion requesting that the Court determine whether an order directing partition should be entered either with or without a hearing. The motion shall be in such form and contain the information required by YCCiv. 205.2. The motion shall be filed pursuant to YCCiv. 205.1 and 208.3(a), but the motion need not be presented to the court at a session of motions court.

(c) Any party to an action requesting partition of real property shall provide suggestions to the Court for appointment of a master and a plan for the compensation of any master so appointed.

CHILD CUSTODY ACTIONS

YCCiv. 1915.3(a): Commencement of Action:

(1) All complaints relating to custody of minor children shall be presented to the District Court Administrator for assignment in accordance with these rules. Upon payment of the designated filing and administration fees, the complaint shall thereafter be filed in the office of the Prothonotary and served in accordance with rules of court. The complaint shall specifically designate the relief sought by the party who filed the pleading. Matters relating to custody shall proceed pursuant to Pa.R.Civ.P. 1915.4-3 and these Rules.

(2) If any minor child subject to the custody proceedings is, at the time of the filing of the custody complaint, a dependent child as defined by the Juvenile Act, 42 Pa.C.S. Sec. 6302, the custody proceedings shall be stayed until further order of court.

YCCiv. 1915.3(b): Reference to Conciliator:

(1) **Assignment**. The District Court Administrator shall assign all child custody actions, and first applications for contempt of a custody order, to a conciliator who shall be an attorney admitted to practice before the Courts of this Commonwealth and who maintains a principal office in the County of York, and who shall be designated by the court to conduct a conciliation conference with both counsel and the parties. Further, the Court Administrator shall enter an order setting the date, time and place for such conciliation in accordance with a previously arranged schedule for each conciliator.

(2) **Scheduled Date**. The District Court Administrator shall set the conciliation date within ten (10) - fifteen (15) days from the date of the filing of the complaint. In the event the conciliation is unable to be scheduled within the ten (10) - fifteen (15) day period, the District Court Administrator shall schedule the conference at the next available time.

(3) **Service**. Counsel for the moving party shall serve a copy of the complaint and order for conciliation upon the respondent in accordance with rules of court. The District Court Administrator shall notify the conciliator of the list of cases scheduled for conciliation for each date. Further, the District Court Administrator shall provide facilities to conduct the conciliation conference.

(4) **Continuance**. Should a party request a continuance of the established date, the party requesting such continuance shall be responsible for arranging such continuance in accordance with rules of court, which shall include the preparation of an application for continuance in the standard form approved by the court, which includes a proposed order for the change of conference date. The application shall be presented

to the conciliator for recommendation, not less than forty-eight (48) hours prior to the conference. Absent cause, the conciliator may deny the request for continuance. If a continuance is requested by the party having majority custody of the child and if the non-custodial party has not exercised rights of custody since the filing of the action, the burden is upon the moving party to ensure that a conciliation conference is held within twenty (20) days from the date of the filing of the action.

(5) **Administrative Fee**. The conciliator shall be compensated for each case assigned to the conciliator at such rates as may be established from time to time by administrative order.

(a) Each conference is expected to last one (1) hour. In the event the conciliation lasts more than one (1) hour, the conciliator may address the issue of the assessment of an additional fee. This fee shall be added to the cost of the action and shall be collected by the Prothonotary at the time the Court files any order resulting from conciliation.

(b) The fee shall be paid to the conciliator by the Prothonotary when the Court files any order resulting from appointment of a conciliator. In the event the moving party is unable to pay the administrative fee, such party may apply for an order to proceed *in forma pauperis*. The District Court Administrator, on behalf of the court, is authorized to issue upon the respondent and the County of York a rule to show cause why the moving party should not proceed as requested. If the court authorizes *in forma pauperis* status, the administrative fee shall be paid by the County of York upon certification by the District Court Administrator.

(c) In the event a party files a request for an additional conciliation, modification or initial contempt proceeding involving custody issues, the party shall pay an additional fee for such conciliation conference, which must be paid prior to the conferences. The filing of a second or subsequent contempt proceeding shall be presented directly to the court. The procedure for appointment of the

conciliator shall be in accordance with these rules.

(6) **Attendance**. All parties and any child at issue who is over the age of seven (7) years are mandated to be present and available at the conciliation conference. Failure of a party to appear at the conference may provide grounds for the entry of temporary or permanent Order. Conciliation shall commence at the designated time with or without counsel for the parties being present.

(7) **Authority of Conciliator**. The conciliator shall have the following authority and responsibility:

(a) Conciliate custody cases, which specifically includes meeting with the parties and children, if appropriate.
(b) Address the issue of interim or temporary Orders.
(c) Address the issue of appointment of counsel for the child consistent with rules of court.
(d) Address the issue of home studies, as appropriate.
(e) Address the issue of utilization of expert witnesses, as appropriate.
(f) Address the issue of allocation of costs between the parties including, but not limited to, costs of court, home studies, expert fees, attorneys' fees or other similar costs.
(g) Address the issue of resolutions for contempt proceedings filed for the first time by a party in a case.
(h) Maintain an alphabetized list of all cases the conciliator has heard so that the District Court Administrator always appoints the same conciliator for the same parties.
(i) Address any other issues as hereafter may be approved by the court including, but not limited to, the issue of action to be taken on petitions for special relief.

(8) **Memorandum by Parties**. At least three (3) days prior to the date of the conciliation conference, each party shall present a memorandum addressing the

following:

(a) Proposed order (this should be the same relief that is set forth in the Complaint filed by the moving party).
(b) Names and addresses of factual witnesses.
(c) Names and addresses of expert witnesses.
(d) Issues for resolution.
(e) Estimated length of trial.
(f) Whether a home study is requested.
(g) Whether the party will agree to a joint psychologist for evaluation or requests psychological evaluations.

The form for the Memorandum shall be provided by the District Court Administrator's office.

(9) **Proposed Order or Report by Conciliator:** Following the conclusion of each conference, the conciliator shall prepare a proposed order, which shall encompass any agreement made by the parties, set forth an interim custody arrangement if no agreement was reached, schedule the case for trial, hearing or other procedural resolution, or set forth any other action deemed necessary or appropriate. If the conciliator does not propose the entry of an order, a report of the outcome of the conference shall be provided to the Court.

(10) **Record**. No record shall be made at the conciliation conference.

YCCiv. 1915.3(c): Entry of Court Order:

Upon review of the Conciliator's proceedings, the court may issue an Order addressing the appropriate issues and, if necessary, scheduling a pre-trial conference, hearing, or trial. Such Order shall be mailed to the parties by the court.

YCCiv. 1915.3(d): Scheduling of Trial:

(1) If the parties are unable to agree to a resolution, the court shall issue an order scheduling a pre-trial conference, at which time counsel and all parties shall be present.

(2) The failure of a party to comply with any pre-trial order shall not be sufficient basis to prevent the scheduling of the pre-trial conference with the court. Rather, the court will take such dilatory actions into account when assessing costs, including counsel fees, if appropriate. The failure to comply with the rules of court is a basis for imposition of other appropriate sanctions.

YCCiv. 1915.5: Question of Jurisdiction or Venue:

If a party raises a question of jurisdiction or venue pursuant to Pa.R.Civ.P. 1915.5, the application raising the issue shall be in the form of a motion and shall be presented to the court pursuant to YCCiv. 208.2 and 208.3(a).

PRACTICE BEFORE DIVORCE MASTERS

YCCiv. 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses.

(a) Joinder of Related Claims -- Child and Spousal Support; Alimony; Alimony Pendente Lite; Counsel fees; Expenses:

(1) Alimony Pendente Lite:

(i). *Form of written demand for hearing*: The party raising a claim for alimony pendente lite shall make his or her written demand for a hearing by filing a Motion to Appoint a Master as set forth in YCCiv. 1920.51.

(ii). *APL referred to DRS*: A Motion to Appoint a Master solely on the issue of alimony pendente lite may be referred by the Divorce Masters Office to the Domestic Relations Section for a conference pursuant to Pa.R.C.P. 1910.11. Any party aggrieved by the order entered as the result of such conference may request a hearing *de novo, which* may be conducted by a judge. However, the court, in its sole discretion, may refer the case back to the Divorce Masters Office for a hearing of record pursuant to Pa.R.C.P. 1920.54. In such a case, the parties may be required to pay an additional fee for the master's time. Please see YCCiv. 1920.51(a)(3)(i)(2), below.

(iii). *Additional documents required*: When a Motion to Appoint a Master is presented to the Divorce Masters Office with respect to a claim for alimony pendente lite alone, the moving party shall also present the following additional documents to the Divorce Masters Office:

1. A time-stamped copy of the initial pleading, filed with the Prothonotary, in which the claim for alimony pendente lite was raised;
2. The original and two copies of the "Background for APL" form as prescribed by the Divorce Masters Office;
3. The original and two copies of the "Petition for Alimony Pendente Lite" form as prescribed by the Divorce Masters Office; and
4. The Prothonotary's payment receipt showing that the appointment fee required by YCCiv. 1920.51(a)(3)(i) has been paid.

(2) Claims for alimony, counsel fees, costs, and expenses.

(i) *Moving party's filing of Income Statement and Melzer Expense Statement:* When a Motion to Appoint a Master for any claim set forth in Pa.R.C.P. 1920.31 is presented to the Divorce Masters Office (other than a claim for alimony pendente lite alone), it shall be accompanied by the following:

1. A copy of the moving party's Income Statement that has been filed with the Prothonotary. The Income Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(1);
2. A copy of the moving party's Melzer Expense Statement that has been filed with the Prothonotary. The Melzer Expense Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(2)(B); and
3. The Prothonotary's payment receipt showing that the fee required by YCCiv. 1920.51(a)(3)(i) has been paid.
4. Each form shall be substantially complete.

(ii). *Respondent's Income Statement*. Within thirty (30) days after receiving notice that a master has been appointed to hear any claim set forth in Pa.R.C.P. 1920.31, the responding party shall present to the Divorce Masters Office a copy of the following:

1. A copy of the responding party's Income Statement that has been filed with the Prothonotary. The Income Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(1); and
2. A copy of the responding party's Melzer Expense Statement that has been filed with the Prothonotary. The Melzer Expense Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(2)(B).

(iii). Each form shall be substantially complete.

(3) *Sanctions for failure to file*. Parties failing to comply with the requirements of this subsection shall be subject to court ordered sanctions and may be

subject to sanctions imposed by the master, *sua sponte*, as permitted by YCCiv. 1920.51(b)(2)(ix), below. In addition, if a party fails to file a Melzer Expense Statement, then that party will not be permitted to testify about his or her expenses. See Pa.R.C.P. 1920.33(b)(6).

YCCiv. 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.

(a) Filing of Inventories.

(1) *General requirements*. The Inventory, as required by Pa.R.C.P. 1920.33 shall be in the form required by Pa.R.C.P. 1920.75 and shall be substantially complete. Assets and liabilities shall be listed in the order mandated by Pa.R.C.P. 1920.75. The name of the account holder and the last four digits of the account number shall be used to identify assets such as investment accounts, bank accounts, insurance policies, retirement accounts, and the like.

(2) *Moving party's filing of Inventory*. When the Motion for the Appointment of a Master for equitable distribution is presented to the Divorce Masters Office, a copy of the moving party's Inventory that has been filed with the Prothonotary shall be presented with it.

(3) *Respondent's Inventory*. Within thirty (30) days after receiving notice that a master has been appointed to hear a claim for equitable distribution, the responding party shall present a copy of that party's Inventory that has been filed with the Prothonotary to the Divorce Masters Office.

(4) *Other cases requiring an Inventory*. The master may establish a deadline by which the moving party and responding party shall file an Inventory, when a party has raised the claims of alimony, alimony pendente lite,

counsel fees, and expenses. The master's determination of those issues requires consideration of assets and liabilities.

(b) Pretrial Statements.

(1) *General requirements*. The Pre-Trial Statement shall be filed with the Prothonotary and shall provide the information required by Pa.R.C.P. 1920.33(b).

(i) Assets shall be listed by category. The categories shall be listed in the order required by Pa.R.C.P. 1920.75. Within categories, the assets shall be listed in the same order as the items are listed in the master's memorandum that requires the filing of the Pre-Trial Statement, and shall be in chart form. Failure to comply with these requirements may lead to the imposition of sanctions against the non-complying party.

(ii) The Pre-Trial Statement shall list all Exhibits that will be proffered at trial. Each Exhibit shall be described concisely so that it can be easily identified. Copies of Exhibits shall NOT be attached to the Pre-Trial Statement filed with the Prothonotary, but shall be compiled into a three-ring loose-leaf binder for use by the Witnesses at trial. A duplicate binder shall be provided to the master and to opposing counsel, either in paper form or in the form of an electronic file in Portable Document Format (PDF) when the Pre-Trial Statement is filed.

(2) *Copy of Income Statement*. If a party has not previously filed an Income Statement in a case involving a claim for equitable distribution only, then that party must attach a complete Income Statement to his or her Pre-Trial Statement. The Income Statement shall be in the form required by Pa.R.C.P. 1910.27(c)(1).

(3) *Melzer Expense Statement*. If a party has not previously filed a Melzer

Expense Statement in a case involving a claim for equitable distribution only, then that party will not be permitted to testify as to his or her expenses at trial unless a complete Melzer Expense Statement is attached to his or her Pre-Trial Statement. See Pa. R.C.P. 1920.33 (b)(6). The Melzer Expense Statement shall be in the form required by Pa.R.C.P. 1920(c)(2)(B).

(4) *Filing date.* The Pre-Trial Statement shall be filed no less than fifteen (15) days prior to the Settlement Conference except as otherwise directed by the master in the master's Preliminary Conference Memorandum or otherwise. Please see YCCiv. 1920.51(b)(2) for additional information concerning conferences with the master.

YCCiv. 1920.51. Appointment of Master. Notice of Hearing

(a) Appointment of Masters.

(1) *Qualifications and Duties of Divorce Masters*. The Divorce Masters Office shall be responsible for scheduling and conducting all proceedings involving a master appointed pursuant to Pa.R.C.P. 1920.51, *et seq*. The court shall employ permanent salaried masters who shall not engage in any private domestic relation matters and who shall serve at the pleasure of the court. Their qualifications and duties shall be as follows:

(i) *The Director of the Divorce Masters Office.* The Director shall be a full-time salaried employee of the County of York and shall serve at the pleasure of court. The Director shall be a member of the Bar of York County and shall have at least five (5) years of experience of practice in the field of divorce and family law. The Director shall be responsible for the operation of the Divorce Masters Office, including supervision of the employees of the office and the other masters employed by the court. The Director shall assign cases to

other masters employed by the court and shall conduct proceedings in cases not assigned to other masters. The Director shall report directly to the judge presiding over the Family Court Division.

(ii) *Masters.* The court may also employ part-time or full-time masters to work under the supervision of the Director. Such additional masters shall be members of the Bar of York County, shall be employees of the County of York, and shall serve at the pleasure of the court. The part-time masters shall be available at least twenty (20) hours per week to fulfill their assigned duties.

(iii) *Special Masters*. In cases where the Divorce Masters Office is not able to conduct proceedings pursuant to Pa.R.C.P. 1920.51, *et seq*. due to a conflict or extraordinary circumstance, the court may appoint a member of the Bar of York County to sit as a special master in any particular case. Such special master shall serve at the pleasure of the court and shall be an independent contractor of the County of York, with compensation set by the court on a case-by-case basis.

(iv) *General Duties*. In each case in which a master is appointed, the master shall preside over all conferences and hearings necessary for the preparation of a final or interim report and recommendation, as appropriate. The master may schedule conferences with counsel, with or without the parties present.

(2) *Cases in which a master may be appointed*. A Divorce Hearing Master may be appointed only in the following circumstances:

(i) *Whether or not grounds for divorce have been established*. Either party may move for the appointment of a master to hear any or all of the following claims:

1. Alimony Pendente Lite, including new claims, modifications, and terminations.
2. Interim counsel fees, costs and expenses.

3. Partial distribution of marital property.
4. Mediation of discovery disputes.

(ii) *Grounds for divorce not established*. If grounds for divorce have not been established, then either party may move for the appointment of a master to determine marital status under Section 3306 of the Divorce Code, or to hear claims for fault divorce under Section 3301(a), claims of institutionalization under Section 3301(b), claims for two year separation or irretrievable breakdown under Section 3301(d)(1)(ii).

(iii) *Grounds for divorce established*. If grounds for divorce have been established, then either party may move for the appointment of a master to hear all economic claims, or for claims of alimony pendente lite, modification of alimony pendente lite, alimony, or interim counsel fees, costs and expenses.

(iv) *Modification or Termination of Alimony*. Either party may move for the appointment of a master at any time to hear a claim for modification or termination of alimony.

(v) *Other cases with leave of court*. Either party may move for the appointment of a master in any other case with prior leave of court. If the court determines that a motion presented in Current Business Court should be referred to a master, then the court may direct the appointment of a master to hear the motion and resolve the issues presented. In such case, the moving party shall pay the required appointment fee. See YCCiv. 1920.51(a)(3)(i).

In all cases except for the mediation of discovery disputes, the moving party shall certify in the motion to appoint that discovery is substantially complete with respect to the claims being presented to the master. Failure to comply with this requirement may result in the denial of the motion or rescission of the appointment.

(3) Procedure to appoint a master.

(i) *Filing fees*.

1. *Fees to appoint a master*. With respect to every motion to appoint a master to hear a claim for divorce or any related claim, the moving party shall pay the required appointment fee as set forth in the Prothonotary's fee schedule that is in effect on the date the Motion to Appoint is first submitted to the court.

2. *Additional master's fees*. The court may limit the number of hours of the master's time that will be provided, and may impose additional fees if the parties exceed the time allotted.

(ii) Award of costs. The fees set forth in this subsection shall be regarded as costs of the case, and the master may recommend that either party bear those costs or reimburse the other party in full or in part for those costs.

(iii) *Request for return of appointment fees*. In any action where the appointment of a master is withdrawn after the appointment has been made by the court, the party who paid the fees specified in this subsection may petition the court for the return of part of the fees in accordance with the following provisions:

1. *Refund of appointment fees*. Only in those cases where no initial conference has been held and written notice of discontinuance or revocation of the appointment of a master has been delivered to the Divorce Masters Office no less than fifteen (15) days in advance of the first originally scheduled proceeding, the fees may be remitted in full, less fifty dollars ($50.00).

2. *Master's consent*. The court will not approve the petition for remission of fees unless endorsed by the master appointed to hear the case in question.

(iv) *Fee certification. Presentation of Motion*.

1. The Motion to Appoint a Master for divorce, annulment, or any related economic claim shall be made on the form prescribed by the Divorce Masters Office.

2. The Motion shall be presented first to the Prothonotary, who

shall certify thereon that the fees have been paid. The moving party shall serve a copy of the Motion upon the opposing party or counsel.

3. The original Motion and three copies shall then be presented at the Divorce Masters Office for the issuance of an order appointing a master and scheduling such further proceedings as may be necessary.

(b) Scheduling of Preliminary Proceedings and Hearings. Notices.

(1) Scheduling, filing of original motion, and notice.

(i) *Scheduling*. The Divorce Masters Office shall schedule an initial conference pursuant to YCCiv. 1920.51(b)(2)(i), and shall cause a Scheduling Order to be issued by the Court.

(ii) *Filing of motion and notice*. The Divorce Masters Office shall file the original Motion and Scheduling Order with the Prothonotary and serve a copy of each to the moving party and to the responding party.

(2) Preliminary proceedings.

(i) *Initial conference*. Upon appointment, the Divorce Masters Office shall schedule a status conference or preliminary conference to be conducted by the master and shall give counsel or the parties not less than ten (10) days written notice of the conference.

(ii) *Scheduling of additional proceedings*. At the close of the initial conference, the master may schedule additional proceedings such as preliminary conferences, status conferences, meetings with counsel, settlement conferences, or hearings to take testimony.

(iii) *Notice of other conferences and hearings*. The Divorce Masters Office shall give counsel or the parties not less than ten (10) days written notice of any subsequent conference or hearing. This requirement may be waived by agreement of counsel or the parties.

(iv) *Master's conference memoranda*. The master shall prepare a written memorandum of each conference, setting forth a concise summary of the events that transpired during the conference and scheduling the next proceeding. The master shall file the memorandum with the Prothonotary and mail a copy to each of the parties or the party's attorney. During the initial conference or any subsequent conference, the master shall determine whether additional discovery is required and, if so, may direct the manner and time schedule for such additional discovery to be completed. This information shall be included in the conference memorandum. In addition to other matters contained within it, the conference memorandum shall set a date by which all of the identified discovery shall be produced. If the memorandum requires the filing of a pre-trial statement, then the memorandum shall provide a deadline for filing and serving the pre-trial statement.

(v) *Continuance requests*. All requests for continuances, including requests for extensions of time for discovery and filing of pre-trial statements, are to be submitted on the court's "Application for Continuance" form and shall include the response of opposing counsel. Requests for continuances shall be submitted to the Divorce Masters Office. The master shall rule on all requests for continuances. Any party aggrieved by the master's ruling may seek relief by filing a Motion for Continuance in Current Business Court.

(vi) *Attendance at conferences*. Both parties and their counsel shall attend all conferences unless excused in advance by the master. Parties may participate by electronic means as provided in Pa.R.Civ.P. 1930.3 by order of court or with the prior consent of the master and the adverse party. A request for a party to be excused or for a party to participate by electronic means must be made in writing and delivered to opposing counsel and to the Divorce Masters Office no less five (5) business days in advance of the scheduled conference. With respect to each party, the attorney

who will be responsible for trying the case before the master shall be present at all proceedings held by the master. If an attorney has reason to believe that he/she will not be able to be present for any scheduled proceeding then the attorney shall present a formal request for continuance to the master. That attorney shall also be responsible for finding an alternate time or date for the scheduled proceeding that is acceptable to opposing counsel and to the master. Failure of any party or counsel to attend a scheduled proceeding before the master may subject the offending party or attorney to appropriate sanctions, which may include a monetary penalty.

(vii) *Failure to appear*. If any party fails to appear at any conference or hearing, either in person or by counsel, the master may proceed with the conference or hearing without the participation of that party provided that written notice of the conference or hearing has been given as set forth above.

(viii) *Good faith effort to settle*. The parties, with the aid of their counsel and the appropriate assistance of the master, should make a good faith effort to resolve contested matters, including the marital property division, and shall determine those items which are contested and upon which testimony shall be taken at a scheduled hearing.

(ix) *Sanctions by masters*. If either party fails to comply with the discovery deadlines established by the master in the preliminary conference memorandum or otherwise, the master, on motion of the adverse party or *sua sponte*, may impose any or all of the following sanctions:

1. The matter may be continued until discovery is complete.
2. The master, in his or her discretion, may apply any of the sanctions set out in Pa.R.C.P. 4019(c)(1), (2), (3), or (5).
3. The master, in his or her discretion, may apply the sanction set out in Pa.R.C.P. 1920.33(d).

4. The master may terminate the master's appointment.

(x) *Actions to compel discovery*. If either party fails to comply with the discovery deadlines established by the master, the adverse party may elect to file a motion in current business court to compel discovery in accordance with the master's directive. The court may, either on the recommendation of the master or *sua sponte*, impose counsel fees against the non-complying party if the court sustains the master's discovery directive and the requested information was not provided prior to the presentation of the Motion to Compel.

(xi) *Notice of Master's hearings*. When the case is ready to proceed, the master shall establish the time and place for the formal hearing and shall give no less than ten (10) days notice thereof by mail to counsel. If either party does not have counsel, then the ten (10) day notice shall be mailed directly to that party at the address noted on the records of the Prothonotary or such other address as the party may have provided to the Divorce Masters Office, either in writing or verbally in the course of a personal appearance at any proceeding held by the master and noted in the master's memorandum of that proceeding.

YCCiv. 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master:

(a) All matters referred to a master for hearing in York County shall proceed as prescribed by Pa.R.C.P.1920.55-2.

(b) Motions directly pertaining to matters pending before a master shall be filed with the master assigned to the case.

(1) The master may make a ruling disposing of the motion;

(2) The master may refer the motion to a judge assigned to hear such

motions with a recommendation for appropriate action; or

(3) The master may refer the motion to a judge assigned to hear such motions without any recommendation.

YCCiv. 1920.55-2. Master's Report. Notice. Exceptions. Final Decree:

(a) Stenographic record. Contents of Report.

(1) *Stenographic record*. All hearings before a master shall be conducted on the record.

(i) Transcripts may be produced by either an official reporter or from electronic recording devices, in the Court's sole discretion.

(ii) Preparation of transcript. At the conclusion of the hearing or any portion thereof, the master may direct that a transcript be prepared for use by the master in preparing the master's report and recommendation. Such transcript may be on paper or may be reproduced electronically by the reporter.

1. *Paper transcripts*. In the case of paper transcripts or electronic media containing the full text of paper transcripts, the parties or their counsel may obtain copies at their own expense from the court reporter.

2. *Electronic transcripts*. In the case of electronic transcripts, the master may request a "real time" copy of the court reporter's notes. "Real time" copies of the court reporter's notes are not available to the parties or their counsel, but are only available for use by the court at a reduced cost to the parties. Therefore, if the parties or their counsel wish to have a transcript of the proceedings, they must request a paper transcript or electronic media containing the full text of the paper transcript from the court reporter and must pay the fees imposed by the court reporter.

(iii) *Master's report without transcript*. The master may elect to

prepare a report and recommendation without the benefit of a transcript of the proceedings.

(iv) *Parties to pay transcript costs*. The master shall direct the manner in which the costs of the transcript shall be paid. If the master orders the transcript, then both parties shall pay the assessed transcript costs within fifteen (15) days of the notice sent by the court reporter(s) of the amount due.

1. *Assessment of costs*. The master may direct either party to pay all of the transcript costs, or may apportion the costs between the parties as the master sees fit. The master's decision with respect to the payment or apportionment of transcripts costs shall only be subject to review by the court if the party objecting to the master's decision files a specific exception to the master's decision in a timely manner after the master's files a report and recommendation.

2. *Sanctions for failure to pay*. In the event a party fails to pay the transcript cost, as directed by the master, the compliant party may file a motion with the court to compel payment. The court shall order that a judgment be entered against the non-compliant party for the sum of their portion of the transcript cost plus counsel fees in an amount not less than two hundred fifty dollars ($250.00).

(2) Masters reports and recommendations.

(i) *Effective date for alimony pendente lite and alimony*. All reports from the masters recommending an award of alimony pendente lite or alimony shall contain a recommendation for the effective date of that order. All reports from the masters recommending an award of interim counsel fees shall contain a recommendation for a date by which the award must be paid.

(ii) *Draft court orders*. In all cases, the master's report and recommendation shall be accompanied by one or more draft orders setting forth the master's recommended resolution of the case.

(iii) *Assessment of costs and expenses*. In any case, the master may assess any costs or expense in the case against either party. The master may recommend that the party pay these costs before the granting of the divorce or the enforcement of any economic decree; PROVIDED, HOWEVER, that the master must first consider the effects of staying the granting of a divorce or the enforcement of any economic decree upon the other party. The master's recommended assessment of costs and expenses shall be binding on the parties unless specific exceptions are filed with respect to this recommended assessment.

(b) Filing Exceptions.

(1) *Notice to master*. Exceptions to the master's report, filed pursuant to Pa. R.C.P. 1920.55, shall be filed in the Office of the Prothonotary, with copies provided to the Divorce Masters Office and to the opposing party.

(2) *Time for filing exceptions*. Regardless of whether a transcript has been filed, a party must file any Exceptions to the master's report and recommendation within the time limit imposed by Pa.R.C.P. 1920.55-2. If no transcript has yet been filed with the Prothonotary, then the first party to file Exceptions in any given case shall also file a certification that the party has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. The court reporter shall then file the transcript with the Prothonotary upon receipt of payment and give notice of filing to all parties, and to the Divorce Master.

(3) *Request of transcript*. In the event no transcript has been filed by the court reporter prior to the time that a party files Exceptions, the party filing Exceptions shall make a written request to the court reporter for the preparation and filing of the transcript. This request must be made contemporaneously with the filing of exceptions. The original request shall be delivered to the court reporter who took the notes of testimony and a copy of the request shall be filed with the Prothonotary as an attachment

to the Exceptions. Any party requesting a transcript shall pay the costs of such transcript to the court reporter, within fifteen (15) days of the written notice from the court reporter that the transcript has been transcribed. In the event such party fails to pay the transcript cost within the fifteen (15) days allowed, then that party is deemed to have waived the right to file amended Exceptions, as set forth in this subsection and that party's briefing schedule commences, as set forth in subsection (c)(1), below.

(c) *Filing and service of briefs*. The filing and service of briefs shall be in accordance with YCCiv. 208.3(b)(3)(i-iv).

(d) *Listing and disposition*. Listing for disposition shall be in accordance with YCCiv. 208.3(b)(3)(v).

(e) *Briefs to reference transcript*. The moving party's brief shall direct the Court to the specific page or pages of the transcript of the notes of testimony that support the moving party's position on all issues raised by the Exceptions. The responding party's brief shall direct the Court to the specific page or pages the transcript of the notes of testimony that support the responding party's position on all issues raised by the Exceptions.

(f) *Cross Exceptions*. Where each party files exceptions to the master's report, then each party is considered the "moving party" with respect to that party's exceptions and the "opposing party" with respect to the other party's exceptions for purposes of filing and serving briefs.

(g) *Transmitting the record.* If no Exceptions are filed within the time limit imposed by Pa.R.C.P. 1920.55-2, then either party may move for the entry of a Final Order of Court by filing a "Praecipe to Transmit Record" with the Prothonotary. If Exceptions are filed, then either party may move for the entry of a final order of court by filing a "Praecipe to Transmit the Record" at any time after the court has disposed of the Exceptions. In either case, the Divorce Masters Office shall not be responsible for

preparing or filing this Praecipe.

FAMILY LAW MEDIATION

YCCiv. 1970: Cases Eligible Family Law Mediation:

(a) Family law cases which shall be eligible for mediation shall be those family law cases filed with the York County Court of Common Pleas which, if not settled, would be heard and decided by a judge or master, and which involve equitable distribution, alimony, alimony pendente lite, counsel fees, costs, expenses and such other related issues as the parties and mediator agree.

(b) Pursuant to these rules, no request for mediation shall be filed until ninety (90) days after the filing of the divorce complaint. Any case where either party is or has been a subject of domestic violence or child abuse at any time during the pendency of an action under this section or within twenty-four (24) months preceding the filing of an action under this section shall not be eligible for mediation under this section.

YCCiv. 1971: Selection of Mediators; Training:

(a) Prior to the last day of each calendar year, the York County Bar Association Family Law Section shall present to the President Judge a list of attorneys authorized to practice before the York County Court of Common Pleas who have agreed to serve as mediators for cases eligible for mediation under YCCiv. 1970. The President Judge, in consultation with the Supervising Judge of the Family Court may strike names from the list and shall promptly appoint the mediators and set their fees by administrative order. A copy of the administrative order shall promptly be forwarded to the York County Bar Association.

(b) Mediation Training Requirements: Persons selected as mediators for cases

submitted under YCCiv. 1970 must have fulfilled the requirements of a recognized organization of family mediators, (which shall include at least forty (40) hours of approved training in family law mediation), or have received thirty (30) hours of Custody Mediation Training approved by the York County Family Court Division, plus be a practicing family law attorney or custody conciliator.

(c) No person shall serve as a mediator in case where the mediator or any member of his or her firm:

(1) Previously or currently represents one or more parties; or
(2) Is personally acquainted with or related to one or more of the parties; or
(3) Has personal knowledge or familiarity with the case; or
(4) Has been or may be called as a witness in the case; or
(5) Has participated as a conciliator or master in the case.

YCCiv. 1972: Motion for Mediation:

(a) An attorney for any party, or any unrepresented party, in any family law case eligible for mediation may file a motion and proposed order for mediation of the case. Any judge assigned to any motion, petition, trial or other proceeding in a civil case or family law case eligible for mediation may issue an order directing that the case be mediated.

(b) A motion for mediation may be made at any stage in the proceedings, so long as the case is pending in the Court of Common Pleas of York County. The motion for mediation shall not affect or delay other proceedings in the case. No request for mediation shall be filed until ninety (90) days after the filing of the divorce complaint.

(c) The motion for mediation of cases shall be presented to the Family Court Motions Judge pursuant to YCCiv. 208.3(a).

(d) In addition to the requirements of YCCiv. 205.1 and 205.2, the motion shall contain the following information:

(1) The names, addresses and telephone numbers of each attorney and unrepresented party in the case; in the case of the attorneys, the motion shall identify the party represented by the attorney;

(2) If the parties have agreed upon a mediator from the list of mediators approved by the court, the motion shall identify the mediator;

(3) A request for referral of the case to a mediator.

(4) An averment that no party or child subject to these proceedings is or has been a subject of domestic violence or child abuse at any time during the pendency of this action or within twenty-four (24) months preceding the filing of this action;

(e) The motion and order of appointment shall be served on the assigned mediator.

YCCiv. 1973: Conduct of Mediation Conferences:

(a) All mediation conferences shall be scheduled by the mediator. The conferences shall be scheduled to last two (2) hours.

(b) Mediators shall screen each party in advance of the mediation, using the Tolman Screening Model and shall not conduct mediation in those cases where the mediator determines, in his or her sole discretion, that mediation is not appropriate due to domestic violence, substance abuse, mental illness or other reasons under the Tolman Screening Model. The mediator shall notify the parties that he or she has determined that the case is not appropriate for mediation but shall not specify the reason for the rejection.

(c) All parties shall attend the mediation conference. Counsel may attend upon request of the mediator, or upon request of a party, provided advance notice to the mediator and all other parties have been given. If a party is insured for the claim which is the subject of the mediation, a representative of the insurer and counsel shall attend the mediation conference and shall have full settlement authority.

(d) Prior to the mediation conference, the Prothonotary shall permit the mediator to receive the file for the case for review and for reference during the mediation conference. The mediator shall return the file to the Prothonotary no later than the third (3rd) business day following the mediation conference.

(e) The mediator may request the parties to submit a list of issues and a brief summary of the parties' position on each issue.

(f) At the time of the mediation conference, the mediator shall begin the conference by explaining the conference procedure. Counsel and/or the parties shall be prepared to discuss all of the issues pertaining to the case.

(g) All discussions during the mediation conference shall be deemed to be for settlement purposes only and no statement by any party or counsel or by the mediator may be used as an admission or as evidence or otherwise in any proceeding in the case. All mediation communications and mediation documents shall be privileged to the extent provided by 42 Pa.C.S. 5949. The mediator shall not be called as a witness in any proceeding in the case where the subject of the mediator's testimony would reveal anything pertaining to the matters discussed or addressed in the mediation conference.

YCCiv. 1974: Duties and Compensation of Mediator:

(a) Within ten (10) days of service of the order for mediation, the mediator shall contact each of the parties to the dispute and shall schedule the date of mediation. The date of the mediation shall be not less than twenty (20) days nor more than sixty (60) days from the date of the order. If a scheduling conflict arises, it is the responsibility of counsel or unrepresented party with the scheduling conflict to contact the mediator and all opposing counsel or parties to reschedule the mediation.

(b) At least five (5) business days prior to the scheduled date of the mediation, each party shall pay to the mediator one half of the total fee due the mediator for the scheduling and attendance at the mediation conference. Parties authorized to proceed

in forma pauperis shall be exempt from payment of this fee, and the mediator will not be paid for this portion of the mediation. Rates of compensation for the mediator shall be established from time to time by the President Judge pursuant to administrative order.

(c) At the conclusion of the mediation conference, the mediator shall file a report with the Prothonotary, setting forth the caption of the case, the identity of counsel, and the identity of any unrepresented parties. The report shall further indicate the date on which a mediation conference was held, or the date on which the mediation was scheduled but at which one or more parties failed to participate. This report shall be filed for the purpose of establishing compliance or lack of compliance with the court order pertaining to mediation.

(d) At the conclusion of the mediation conference, if appropriate, the mediator shall prepare a memorandum of understanding, summarizing any agreements reached by the parties, and shall provide copies of the memorandum to the parties and their counsel of record. The parties and their counsel shall be responsible for converting the Memorandum of Understanding into a contract, stipulation or proposed order, and for taking the steps necessary to implement such documents and agreements.

YCCiv. 1975: Sanctions for Failing to Participate in Mediation:

(a) In the event that any party has been ordered to participate in mediation pursuant to these rules and fails to cooperate in the scheduling of a time for mediation conference, or fails to attend the scheduled mediation conference, or fails to pay the mediator pursuant to the requirements of these rules, such party shall be subject to the following sanctions:

(1) Payment of $150.00 to the mediator as reimbursement for the mediator's time in attempting to schedule and attend the mediation conference, except where the party has paid the mediator's fee;

(2) Payment of reasonable attorney's fees and costs incurred by other parties to the mediation during the mediation process.

(3) The court shall have the authority to impose alternative sanctions in the

event it can be established that the party failing to cooperate with the mediation did so due to events beyond the party's control, or that the party's conduct was otherwise justified.

(b) The sanctions permitted by this rule shall be in addition to and not in lieu of other sanctions or penalties which may be imposed by the Court pursuant to law or rule of court.

MINORS' SETTLEMENTS

YCCiv. 2039.1: Minor' s Compromise, Settlement, Discontinuance and Distribution:

(a) No action to which a minor is a party shall be compromised, settled, or discontinued except with court approval pursuant to a petition presented by the guardian of the minor and a hearing before the court.

(b) If an action has been commenced the petition shall be filed with Prothonotary and a copy provided to the District Court Administrator for assignment to a judge.

(c) If no action has been commenced the petition shall be filed with the Clerk of the Orphans Court, which shall present it to the judge handling Orphans Court matters.

(d) The petition shall contain the following:

(1) The minor's name;

(2) The names and addresses of the minor's parents. If they are unknown the petition shall so state;

(3) Written approval of the minor if the minor is over the age of 16 years;

(4) Whether a guardian has been appointed for the minor by the Orphans Court of this or any other jurisdiction;

(5) The defendant' s residence or place of business;

(6) A summary of the facts of the case;

(7) A statement under oath by the parents and/or guardians certifying the physical condition of the minor and a statement of the reasons why the parents and/or guardians approve of the settlement;

(8) A report from a physician, or other documentation, setting forth the physical and/or mental condition of the minor and a prognosis;

(9) A specific list of costs sought to be reimbursed from the gross settlement.

(10) A statement as to the reasonableness of counsel fees. Counsel fees must be based upon the settlement amount. Under normal circumstances, 25% of the settlement amount will be presumed to be reasonable. The presumption is rebuttable at the hearing. Counsel fees shall be reduced by fees received, if any, as a result of counsel's "representing" the defendants in any subrogation claims;

(11) Whether any additional counsel fees were paid or will be paid as a result of representation of the defendants and subrogation claims;

(12) Sufficient reasons and legal authority for any request that funds be allocated to the parents of a deceased plaintiff, if applicable;

(13) Sufficient reasons for any request of allocation of the settlement proceeds among the children of the deceased plaintiff, if applicable;

(14) A statement of any actual or potential Department of Public Welfare liens and how such liens have been resolved.

(15) Any special request for early distribution, alternative deposit of funds, or other deviation from the order as set forth in YCCiv. 2039.2(b) shall be stated in the petition with supporting justification for the special request. Counsel shall be prepared to address the necessity for the special request at the time of the hearing.

(e) At the time of the hearing, counsel for petitioner shall present a proposed order substantially in the form set forth in YCCiv. 2039.2(b).

(f) Within 14 days of receipt of settlement proceeds, counsel for petitioner shall cause the funds belonging to the minor to be deposited as directed by the court's final

order approving the compromise and settlement and directing distribution.

(g) Within 14 days of depositing the funds belonging to the minor, counsel for petitioner shall file proof of deposit by way of an affidavit substantially in the form set forth in YCCiv. 2039.2 (c).

YCCiv. 2039.2: Order Scheduling Hearing, Final Order, and Affidavit Of Deposit:

(a) The order scheduling a hearing on the compromise or settlement of an action in which a minor is a party shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

[CAPTION]

O R D E R
SCHEDULING A HEARING ON THE COMPROMISE OR SETTLEMENT OF AN ACTION IN WHICH A MINOR IS A PARTY

AND NOW, this _____ day of _____ 20__, a hearing on the Petition is hereby scheduled before the undersigned Judge on _____, _____, 200____, beginning at _____ __. m. In Courtroom No. ___, ___th Floor, York County Judicial Center, 45 North George Street, York, PA 17401.

The Petition shall comply with the requirements of YCCiv. 2039.1(d), or if the Petition does not set forth the requirements of YCCiv. 2039.1(d), the Petitioner shall establish those requirements at the time of the hearing.

At the time of the hearing, counsel for the Petitioner shall present a proposed Order approving settlement substantially in the form as set forth in YCCiv. 2039.2(b).

The Prothonotary shall provide copies of this Order with Attachments to _____, Esquire, attorney for the Petitioner.

BY THE COURT,

_____
, Judge

(b) The order approving the compromise and settlement and distribution shall be substantially in the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

[CAPTION]

ORDER APPROVING COMPROMISE, SETTLEMENT
AND DISTRIBUTION

AND NOW, this _____ day of _____ 20__, upon consideration of the Petition For Leave To Compromise/Settle An Action Involving A Minor, it is hereby ordered that Petitioner is authorized to enter into a settlement with the Defendant in a gross amount of $_____ on behalf of the minor. Defendant shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

The settlement proceeds shall be allocated as follows:

A. To:_____, (Minor's Name), a Minor $_____
B. To:_____, (Minor's Name), a Minor $_____

IT IS FURTHER ORDERED that the settlement proceeds be distributed as follows:

A. To:_____, Esquire, (Name of Counsel)
Costs $_____
Counsel Fees $_____

B. The balance of the settlement proceeds, the sum of $_____
as follows:

1. _____
2. _____

and any interest thereon, payable to the minor, or minors in a pro-rata share as set forth above.

Within 14 days of receipt of the settlement proceeds, COUNSEL, and not the parent(s) or guardian(s) of the minor, is hereby authorized and specifically DIRECTED to execute all documentation necessary to deposit the funds belonging to the minor into an interest bearing savings account or savings certificate in a federally insured financial institution having an office in York County, IN THE NAME OF THE MINOR ONLY. The savings account or certificate shall be marked as hereinafter directed.

The savings account shall be titled and restricted as follows:
(Minor's Name), a minor, not to be withdrawn before minor attains majority or upon prior Order of Court.

The savings certificate shall be titled and restricted as follows:

(Minor's Name), a minor, not to be redeemed except for renewal in its entirety, nor to be withdrawn, assigned, negotiated, or otherwise alienated before the minor attains majority, except upon prior Order of Court.

If no withdrawals are made from the investments authorized by this Order, the depository may pay over the balance on deposit when the minor attains majority, as defined with reference to 20 Pa.C.S.A. § 102, upon the order of the late minor, without further Order of this Court.

Counsel shall file with the Prothonotary of York County within 14 days from the date of deposit of the funds proof of the establishment of the accounts as required herein, by Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of this Order as well as a copy of the Certificate of Deposit or bank account showing the amount deposited and containing the required restrictions.

The Affidavit shall further contain a specific averment by counsel that counsel, and not the parent(s) and/or guardian(s) of the minor, established the account(s) and deposited the funds therein as directed above and that counsel has provided to the financial institution a certified copy of this Order. The Affidavit shall be substantially in the form as set forth in YCCiv. 2039.2 (c).

The Prothonotary shall provide copies of this Order to _____, Esquire, attorney for the Petitioner, and to _____.

BY THE COURT,

_____,
Judge

(c) The affidavit of deposit of minor' s funds shall be substantially the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

[CAPTION]

AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF YORK :

I, _____, being duly sworn according to law depose and say:

1. I am counsel for petitioner in the above captioned matter.
2. I am authorized to make this affidavit on behalf of_____.
3. On _____, 200__, the sum of $_____ was deposited into an insured, interest-bearing Savings Account/Certificate of Deposit, No. _____, with _____ (financial institution) pursuant to the Court Order entered _____.
4. Account/Certificate No._____ is entitled, _____, A Minor.
5. The express prohibition of withdrawals of income or principal prior to _____ without FURTHER ORDER OF COURT has been noted on the depository's records and on the passbook/certificate.
6. A certified copy of the above referenced Court Order was provided to the above named financial institution.

Name:_____
Signature:_____

Sworn to and subscribed before me
this_____ day of _____,
200____.

_____

Notary Public

CONFESSION OF JUDGMENT

YCCiv. 2959: Striking or Opening Confession of Judgment - Procedure:

In the absence of a court order or other rule of procedure to the contrary, the plaintiff shall file an answer to a petition to strike off or open a judgment by confession within twenty (20) days after service of a rule to show cause issued pursuant to Pa.R.Civ.P. 2959(b).

ENFORCEMENT OF JUDGMENTS

YCCiv. 3123.1: Claim for Exemption or Immunity of Property:

(a) Any person not a party who claims an interest in property attached pursuant to Pa.R.Civ.P. 3108(a) may intervene in the garnishment proceedings by filing a property claim with the Sheriff.

(b) The property claim shall be in the form as set forth in Pa.R.Civ.P. 3258.

(c) The property claim shall be filed with the Sheriff within the time limits set forth in Pa.R.Civ.P. 3123 (relating to debtor's exemption). The matter shall proceed as set forth in Pa.R.Civ. 3123.1 (relating to claims for exemption and prompt hearings).

YCCiv. 3127: Right of Sheriff to Break and Enter:

In any application made to the Court to permit the Sheriff to break and enter a premises, the proposed order shall state the address of the premises to be entered and shall describe whether the premises is a commercial or residential establishment.

YCCiv. 3129: Calculation of Poundage by Sheriff:

If a writ of execution is stayed after the Sheriff has served or attempt to serve the writ, poundage will be calculated based upon the face amount of the writ unless the plaintiff files an affidavit with the Prothonotary and provides a clocked in copy to the Sheriff within three (3) business days of the writ being stayed, which affidavit sets forth the actual amount paid or to be paid to the plaintiff in the case or in kind as consideration for the writ being stayed or for satisfying the judgment. If such affidavit is filed, the Sheriff's poundage will be calculated based upon the consideration set forth in the affidavit.

YCCiv. 3129.1: Notice to Internal Revenue Service:

In any case where notice is required to be given to the Internal Revenue Service, in accordance with the provisions of the Federal Tax Lien Act of 1966, 26 U.S.C. Section 7425, (b) and (c), a copy of such notice certified by counsel to be a correct copy and indicating the date of service upon or delivery to the Internal Revenue Service shall be filed with the Sheriff prior to the date fixed for the sale.

YCCiv. 3136(f): Exceptions to Sheriff's Sale:

Exceptions to the proposed schedule of distribution from a Sheriff's sale filed pursuant to Pa.R.Civ.P. 3136(d) shall be resolved by one-judge disposition pursuant to YCCiv. 208.3(b).

DEPOSITIONS AND DISCOVERY

YCCiv. 4007.1: Procedure in Deposition by Oral Examination:

Depositions by oral examination shall be taken in York County unless all parties agree or the Court directs otherwise.

MATTERS INVOLVING GOVERNMENTAL ACTION

YCCiv. 5010: Actions Involving Appeals From Department of Transportation Determinations:

(a) The Court Administrator shall establish and publish periodic dates and times during which the Court will sit to hear appeals from determinations of the Pennsylvania Department of Transportation (PennDoT) pursuant to 75 Pa.C.S. §1377, 1550 and 4724.

(b) A separate appeal shall be taken from each determination made by the Department of Transportation.

(c) An application to the Court which has the effect of appealing any determination of PennDoT shall conform to the requirements of YCCiv. 205.1 and 205.2, and shall be filed in the Office of the Prothonotary.

(1) The application shall be verified.

(2) The party filing the application shall serve PennDoT with a copy of the application and cause a copy of the application, along with an original detached proposed order to schedule a hearing, to be delivered to the Court Administrator.

(d) The Court Administrator shall assign the application to a judge for disposition during a session of court established to resolve such applications. An application shall not be scheduled for a hearing date which is less than two months from the date of filing.

YCCiv. 5030: Proceedings to Forfeit Property:

(a) All applications to forfeit property filed pursuant to 42 Pa.C.S. Sec. 6801 shall be filed in the Clerk of Courts.

(1) Applications requesting forfeiture of property shall conform to the

requirements of 42 Pa.C.S. Sec. 6802.

(2) Applications requesting forfeiture of property shall have in the caption a cross reference to the related criminal case, if any, including the criminal defendant's name and case number.

(3) The applications shall specifically describe the property to be forfeited, and, in the case of real property, shall describe the property sufficiently to locate the property on the ground.

(b) An application to forfeit property shall be assigned to the judge assigned to the related criminal case, and if no judge is yet assigned, then to the Administrative Judge of the Criminal Division.

(c) When the matter is at issue as provided in 42 Pa.C.S. Sec. 6802, any party may file a written request for a trial by judge or jury, indicating the name of the assigned judge on the written request and shall serve a copy on the opposing party and the District Court Administrator.

(d) Arbitration as provided in YCCiv. 1301 et seq. shall not be applicable to matters involving forfeiture of property.

YCCiv. 5050: Determinations Concerning Firearms:

(a) An application to the Court which has the effect of appealing or reviewing any determination of the Sheriff, chief of police, county Treasurer or other official concerning firearms pursuant to 18 Pa.C.S. Sec. 6105.1 or 18 Pa.C.S. Sec. 6114 concerning hearings and judicial review of actions concerning firearms, shall conform to the requirements of YCCiv. 205.1 and 205.2, and shall be filed in the Office of the Prothonotary.

(1) The application shall be verified.

(2) The party filing the application shall serve the official whose determination is being appealed with a copy of the application and cause a copy of the

application, along with an original proposed order to schedule a hearing, to be delivered to the Court Administrator, who shall thereafter assign the matter to a judge for disposition.

(b) The judge to whom the matter is assigned shall promptly schedule a hearing upon the issues presented. The hearing may be conducted with or without a pre-hearing conference.

YCCiv. 5070: Exceptions from Determinations of Governmental Actions or Sales of Property:

(a) Exceptions shall conform to the requirements of YCCiv. 205.2 and shall be numbered consecutively.

(b) Each exception shall specifically set forth the ground therefor but shall not contain any discussion.

(c) Exceptions to a finding or a conclusion or the failure to make a finding or conclusion shall specify the finding or conclusion which the exceptant claims should have been made.

(d) References to the record or transcript of proceedings which support or oppose exceptions shall be included.

(e) Exceptions shall be decided by one judge pursuant to YCCiv. 208(3)(b), unless additional testimony or evidence is required to decide the exceptions, in which case, a party requesting a hearing shall file a praecipe requesting such and cause a copy of the praecipe to be transmitted to the Court Administrator for assignment to a judge.

YCCiv. 5090: Proceedings under Right to Know Law:

Proceedings under the Right to Know law or similar public access legislation shall be as provided in the York County Rules of Judicial Administration.

YCCiv. 5100: Appeals from Tax Assessments:

(a) Except as otherwise provided in this section, the procedure in an appeal from a tax assessment determination shall be in accordance with the rules relating to a civil action.

(b) An appeal from a tax assessment determination to the Court of Common Pleas shall be initiated by appellant filing an assessment appeal with the Prothonotary setting forth the basis for the appeal. The Board of Assessment Appeals and all affected taxing districts shall be served a copy of the appeal by certified mail.

(c) If the appellant is a taxing district, service of the appeal by certified mail shall be made upon the affected property owner, the remaining taxing districts, and the Board of Assessment Appeals.

(d) Taxing districts and property owners whose interests are affected by an assessment appeal to the Court of Common Pleas need not file an answer to the assessment appeal but may intervene in the proceedings to address their respective interests at any time prior to final adjudication.

(e) When an appeal from a tax assessment is ready for trial, any party thereto who desires to proceed to trial shall file a praecipe listing the matter for a pretrial conference in compliance with YCCiv. 212.3.

YCCiv. 5150: Appeals in Land Use Cases:

(a) Notice of Appeal – Content: A land use appeal shall contain the following information:

(1) A caption in substantially the following form:

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

Name of Appellant	: No. _____	
v.	:	
	:	
Name of municipality or name	:	[type of] APPEAL
of body (i.e. zoning hearing	:	
board, governing body or	:	
or planning commission) which	:	
rendered decision	:	

NOTICE OF APPEAL

Names, addresses and telephone numbers
of all counsel and who they represent, or of unrepresented parties:

(2) When applicable, in separately numbered paragraphs and in the following order:

(i) Name and address of the appellant.

(ii) Name and address of the zoning hearing board, governing body or planning commission ("local agency") which rendered the decision.

(iii) Name and address of the applicant to the local agency, if the applicant is not the appellant.

(iv) Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.

(v) The chronology of the matter, including the following as applicable:

(vi) Date of filing application or appeal with zoning officer or

other official.

(vii) Date of action, if known, of the zoning officer or other official.

(viii) Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.

(ix) Dates of all hearings or meetings of the local agency.

(x) Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.

(xi) Date written decision served.

(xii) The purpose for which the application was made.

(xiii) The basis for appellant's standing to file the appeal.

(xiv) All specific legal and factual grounds for the appeal.

(xv) Specific request for relief.

(3) If a court reporter was present and if a transcript is not already in existence, appellant's certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency to be filed with the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

(b) Intervention - notice: A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11004-A, shall contain:

(1) The caption and number of the appeal.

(2) Name and address of intervenor.

(3) Nature of the interest of intervenor in the appeal.

(4) Legal and factual circumstances under which intervenor claims a right to intervene.

(5) Summary of intervenor's position.

(c) Intervention - petition to intervene: Any person or entity who wishes to intervene

in an appeal of a land use matter and who cannot intervene as a matter of right pursuant to Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. Sec. 11004-A, shall file a petition to intervene pursuant to Pa.R.Civ.P. 2326 et seq. The petition shall be presented to the Court pursuant to YCCiv. 205.1 and 208.3(a), and shall contain, in addition to the information required by Pa.R.Civ.P. 2328, the following:

(1) The caption and number of the appeal.
(2) Name and address of intervenor.
(3) Nature of the interest of intervenor in the appeal.
(4) Legal and factual circumstances under which intervenor claims a right to intervene, including a statement whether the intervenor was granted status as a party before the local agency.
(5) A summary of intervenor's position and grounds therefor.

(d) Certiorari: The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later. The record shall include, but is not limited to:

(1) All original papers filed in chronological order, commencing with the application.
(2) Minutes of meetings of the local agency at which the application was considered.
(3) The complete ordinance under which the local agency rendered its decision, including maps.
(4) The findings of fact and conclusions of law of the local agency, if any, and its written decision.
(5) The names and addresses of all persons the local agency recognized as parties to the proceedings.
(6) Transcripts of hearings.

(e) Transcript of hearings: The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant filing the appeal. In the event that the appellant has not provided the local agency with a transcript within 45

days of the filing of the appeal, the local agency shall submit its record to the Prothonotary with a certification that a transcript has not been provided and the reason.

(f) The chairperson, presiding officer, keeper of the records, or solicitor of the local agency shall certify the submission and filing of the record, and shall notify the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Proof of notice shall be filed with the record or within a reasonable time thereafter.

YCCiv. 5155: Appeals in Land Use Cases - Disposition:

(a) Any appeal which does not require the record to be supplemented by a hearing shall proceed as a case for one judge disposition pursuant to YCCiv. 208.3(b).

(b) Any appeal which requires the record to be supplemented shall proceed as a trial and may, after all pre-trial matters have been completed, be listed for pre-trial conference pursuant to YCCiv. 212.3.

YCCiv. 5170: Boards of View:

(a) Requests for appointment of boards of view shall be made by motion pursuant to YCCiv. 208.3(a), which shall be filed only after the close of all pleadings and only after rulings on any preliminary objections have been issued by the court.

(b) Upon receipt of a motion for appointment of a board of view, the President Judge shall appoint a chair and two additional members from the general board of viewers who shall serve until the conclusion of the matters presented to them. The chair shall be an attorney admitted to the bar of this Commonwealth and who maintains an office for the practice of law in York County.

(c) The members of the Board of View shall be compensated at an hourly rate as established from time to time by administrative order of the Court and shall be compensated for expenses incurred in the performance of their duties, including travel to and from view sites but not travel to and from the Judicial Center, at the rate established by the County of York for reimbursement of expenses. Petitions for compensation shall be submitted, no later than three months after the Board's last action, to the President Judge for approval.

(d) Any hearings conducted by the board pursuant to the Private Road Act, shall be recorded in such manner so that the proceedings can be reduced to written transcript form. No later than the initial view, the parties and the board shall agree upon the extent of hearings needed, and the board chair shall fix an amount to be advanced by the parties to cover the initial costs of the recordings, and a date by which the costs advanced shall be paid. The moving party shall advance sufficient fees to cover the initial cost of the recording. The board shall direct the safekeeping of the recording and shall include as part of its report to the Court a recommendation as to how the costs of any recording and transcript shall be apportioned as among the parties.

(e) **Pre-Hearing Procedures:**

(1) **Conference of counsel Prior to Hearing**. All counsel representing parties in the proceeding shall confer in person, in advance of the hearing before the board of viewers, to accomplish the following purposes:

(i) **Lists and marking of exhibits**. Examine, mark and list all exhibits which any of them may intend to introduce at the hearing, whether in the case in chief or in rebuttal. Only exhibits so listed and marked shall be offered in evidence at the hearing, except for good cause shown.

(ii) **Admissibility of exhibits**. Agree so far as possible as to the authenticity and admissibility of such exhibits and note briefly the grounds for objection to any exhibits not so agreed upon, and counsel for the plaintiff shall keep a record of such objections and grounds therefor;

(iii) **Statement of contested issues**. Agree so far as possible as to the rules of law governing the case, and identify contested issues of law, if any;

(iv) **Statement of uncontested facts**. Agree so far as possible as to the facts. If the incontestability of any fact is challenged, the party objecting, and the grounds for the objection, shall be identified. No testimony will be taken on facts not in dispute.

(2) **Arranging conference of counsel**. Counsel for the plaintiff shall be responsible for arranging the conference between counsel before the hearing. The conference between counsel shall be held at least two (2) weeks prior to hearing at the office of counsel for the plaintiff; provided, however, that if plaintiff's counsel has no office in York County, the conference shall be held at the office of counsel for the defendant.

(3) **Preparation of Joint Statement:** Counsel shall prepare a joint statement listing all exhibits, all witnesses expected to be called at the Board of View hearing, the contested issues, and stipulations of facts. The statement shall be presented to each viewer at the start of the hearing.

(4) **Sanctions:** The chairperson has the authority to impose appropriate sanctions for violation of this rule, including but not limited to, precluding use of exhibits or witnesses.

(5) **Unrepresented Parties:** if a party is not represented by counsel, counsel for a represented party shall make a good-faith effort to comply with the prehearing procedures in writing rather than by a conference.

(f) The report of the board shall include, at a minimum:

(1) The names and addresses of all parties to the matter, and their attorneys, if any;

(2) A brief recitation of the factual and procedural history of the matter;

(3) Findings of fact;

(4) A recommendation whether a private road should be laid out, and if so, a description sufficient to locate such a road on the ground;

(5) An assessment as to the amount of damages to be paid to the party or parties over whose land the road is to be laid; and

(6) A brief statement of reasons for the recommendations and assessments.

(g) The chairman of the board shall file the original of the board's report with the Prothonotary and shall present the President Judge with a copy of the report and both a proposed decree *nisi* and a final order for consideration.

(h) Exceptions to the findings of a board of view shall be filed within thirty days of the filing of the decree *nisi*.

(1) Exceptions shall list all parties to the proceedings and their addresses, and shall be separately stated in numbered paragraphs.

(2) Exceptions shall be filed in accordance with YCCiv. 205.2 and 208.3(b), and shall be disposed of by one judge.

(3) Exceptions taken to an assessment of damages shall state whether a jury trial is demanded.

YCCiv. 5200: Appeals from Determinations of Other Governmental Actions:

(a) Appeals from an appealable determination of other government agencies, not specifically provided for in these Rules, of which this court has jurisdiction pursuant to the applicable law or general rule shall be commenced by filing a Petition for Review with the Prothonotary of York County. The Petition for Review shall contain the following:

(1) A statement of the basis for the jurisdiction of this court;

(2) The names and addresses of the parties seeking review; the name and address of the government agency which made the determination sought to be reviewed;

(3) Reference to the order or other determination sought to be reviewed, with

a copy of the same, if in writing, attached to the Petition for Review;

(4) A concise statement of the reasons for the appeal; The reasons for the appeal may be stated in the alternative, and relief of several different types may be requested. A Petition for Review need not be verified.

(5) And a statement of relief sought.

(6) No Answer to the Petition for Review need be filed; the reasons for the appeal stated therein shall be deemed to be denied and at issue.

(b) A copy of the appeal pleading shall be served by the appellant in person on or by mailing the same, by registered or certified mail, to the government agency which made the determination sought to be reviewed and to all other entities or persons named as appellees or respondents and all parties of record before the government agency within ten (10) days of filing the same with the Prothonotary. Service shall be complete on the date of mailing. Proof of service shall be filed with the Prothonotary.

(c) If a court reporter was present and if a transcript is not already in existence, the appellant shall certify that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for
payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency to be filed with the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

(d) The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant filing the appeal. In the event that the appellant has not provided the local agency with a transcript within 45 days of the filing of the appeal, the local agency shall submit its record to the Prothonotary with a certification that a transcript has not been provided and the reason.

YCCiv. 5210: Appeals from Determinations of Other Governmental Actions-

Disposition:

(a) Any appeal which does not require the record to be supplemented by a hearing shall proceed as a case for one judge disposition pursuant to YCCiv. 208.3(b).

(b) Any appeal which requires the record to be supplemented shall proceed as a trial and may, after all pre-trial matters have been completed, be listed for pre-trial conference pursuant to YCCiv. 212.3.

MISCELLANEOUS MATTERS

YCCiv. 5700: Security for Costs:

(a) If the plaintiff is a non-resident of Pennsylvania or if insolvency or bankruptcy proceedings are pending against him, the court may order the plaintiff to give security for costs on the motion of a defendant who has filed an answer to the plaintiff's complaint, if an answer is required in the action, or who has filed an affidavit that he has a just defense against the plaintiff's claim, if an answer is not required in the action.

(b) If the plaintiff fails to give the security ordered by the court, the Prothonotary, upon praecipe of the defendant, shall enter a judgment of non pros against the plaintiff.

(c) If the security for costs given by the plaintiff becomes insufficient, the defendant may move for the filing of additional security in the same manner and subject to the same conditions as provided for the giving of the original security.

YCCiv. 5710: Service of Copies on Judge:

In addition to the service on other parties prescribed by applicable law or rule of court, a copy of exceptions to or requests for reconsideration of a court order or decision shall also be delivered to the Court Administrator for service upon the judge or

the officer or appointee of the court to whose action the exceptions have been filed or reconsideration requested.

YCCiv. 5730: Proceedings to Change Name:

(a) Petitions to change a name pursuant to 54 Pa.C.S. Sec. 701 et seq. shall be filed in the Prothonotary's office, pursuant to YCCiv. 205.1.

(1) Petitions shall meet the requirements of 54 Pa.C.S. Sec. 701(a.1) and YCCiv. 205.2.

(2) A copy of the petition shall be delivered to the Court Administrator for assignment to a judge.

(3) An original proposed order, with a brief title describing the nature of the proposed order, shall accompany the petition, but shall not be attached to it.

(b) Notice of the filing of a petition for change of name and of the date, time and location of the hearing to consider the petition shall be given by publication in the York Legal Record and one (1) newspaper of general circulation in the county. The publication shall appear not less than twenty (20) days before the hearing. The same notice shall be served not less than twenty (20) days before the hearing by first class mail on any nonpetitioning parent of a child whose name may be affected by the proceedings.

(c) At the hearing, the petitioner shall present to the court proof of the following:

(1) Publication of the notice and, where required, proof of service of the notice;

(2) Official searches of the offices of the York County Prothonotary and Recorder of Deeds and of the proper offices of any other county where the petitioner may have resided within five (5) years of the filing of the petition for change of name, showing that there are no judgments, decrees of record or any other similar matters against the petitioner.

a. An “official search” is a search and certification done by the official custodian of records of the respective office.

b. The search requirement may also be satisfied by a certification given by a corporation authorized by law to do such searches, by a title abstractor, or by an attorney at law.