

Local Rules of Civil Procedure

Preface

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

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

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

LR205.1. Court Action on Legal Papers

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

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

LR205.2(a). Requirements for Pleadings and Other Legal Papers

All pleadings and other legal papers shall be printed in double space on white paper size 8 ½ x 11 inches and secured by an appropriate metal or plastic fastener. The use of a gummed or taped substance is not permitted. Exhibits shall be tabbed and labeled. Wherever a copy of a writing is attached to a pleading, brief or other paper submitted to the Court, such copy shall be clearly legible and faithfully represent the original in every respect. The Court may require a substitute copy to be made and filed before the pleading, brief or other paper will be considered by the Court.

See <http://www.pacourts.us> for the statewide Cover Sheet

LR205.2(b). Cover Sheet

(1) Complaint / initial pleading

In addition to the state required cover sheet, a complaint or initial pleading shall be accompanied by a Beaver County cover sheet. The cover sheet shall be in the form set forth below:

Court of Common Pleas of Beaver County

Civil Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
	DEFENDANT'S NAME
	DEFENDANT'S ADDRESS

TOTAL NO. OF PLAINTIFF	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Other Jurisdictions
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$25,000 or less <input type="checkbox"/> Over \$25,000	CASE TYPE	
ARBITRATION CASE <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Other : _____	<input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Partition <input type="checkbox"/> Ejectment <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Replevin <input type="checkbox"/> Quiet Title <input type="checkbox"/> Asbestos <input type="checkbox"/> Domestic Relations <input type="checkbox"/> Divorce <input type="checkbox"/> Custody

TO THE PROTHONOTARY:	
NAME OF PLAINTIFF'S/PETITIONER/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT):	ADDRESS (SEE INSTRUCTIONS)

PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
SIGNATURE		SUPREME COURT IDENTIFICATION NO	DATE

The cover sheet shall also be published on the Court website, www.beavercountypa.gov.

(2) Subsequent pleadings

All subsequent pleadings shall be accompanied by a cover sheet in the form as published on the Court website, www.beavercountypa.gov.

LR206.1(a). Petition Definition, Content, Form

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

1. An application for coordination of actions filed in different counties under Pa.R.C.P. No. 213.1.
2. An application to strike off a discontinuance.
3. An application to reinstate an action terminated by reason of inactivity which is presented pursuant to Pa.R.C.P. No. 230.2(d)(3).
4. Applications to transfer an action for convenience of parties and witnesses or to secure a fair and impartial trial.
5. Applications for sanctions under Pa.R.C.P. No. 1023.2 or 1042.7 or LR212.3 or LR229.1.
6. Applications to intervene.
7. Applications for attorney fees under 42 Pa.C.S.A. § 2503.
8. Application to open a confessed judgment
9. Any other application requesting a Rule to Show Cause under any rule, statute or case authority.

In addition to the requirements of Pa.R.C.P. No. 206.1 et seq., a petition shall set forth the history of prior judicial activity in the case. The history shall include the nature and date of prior judicial activity and the name of the judge who handled the matter. Any Exhibit attached thereto shall be a legible photocopy or other reproduction of the original.

Each petition filed with the Court shall contain a proposed order for the Court's consideration. Said proposed order shall follow the provisions of Pa.R.C.P. 206.5, with alternative provisions in paragraph (d)(4) and (5), so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

LR206.1(b). Presentation of Petitions

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

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

LR206.1(c). Notice to All Parties

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

LR206.4(c). Procedures for Issuance of a Rule to Show Cause

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

(2) Whether or not the petition has been filed, it shall be presented to the Court by counsel for the petitioner at the time prescribed for the receipt of motions by the Court, provided noticed is given in accordance with LR206.1(c).

Note: The prescribed time to receive motions appears on the Beaver County web site: <http://www.beavercountycourts.org/>. Links are available to the Court and then to Motions Court.

[*** Incorrect website in Local Rules – the Motions Court calendar can be found at <http://www.beavercountypa.gov/Depts/Court> under “Court Calendars”.***]

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

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

LR207.1. Motions to Exclude Expert Testimony Which Relies Upon Novel Scientific Evidence

All motions to exclude expert testimony authorized by Pa.R.C.P. No. 207.1 shall be filed and served no later than 30 days after the pre-trial conference unless otherwise directed by Court or the case management order. The content of the motion shall be in accordance with Pa.R.C.P. 207.1(a).

Note: This rule is intended to require a party to raise the issue of the admissibility of testimony of an expert witness prior to trial pursuant to Pa.R.C.P. No. 207.1(b). If a motion is filed untimely, the issue will be deemed waived and the motion dismissed sua sponte.

LR208.2(e). Discovery Motions

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

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

LR208.3(a). Procedure Governing Motions

(1) All motions, as defined in Pa.R.C.P. No. 208.1, whether or not they have been filed, shall be presented to the Court by the moving party.

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

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

[*** Incorrect website in Local Rules – the Motions Court calendar can be found at <http://www.beavercountypa.gov/Depts/Court> under “Court Calendars”.***]

(3) Notice to All Parties. The Court will not entertain a motion in any matter unless the opposing party or his counsel has consented in writing or has received three (3) business days written notice of the intention to present the motion. The motion shall set forth the manner in which notice has been given, attaching a copy thereof. Counsel may present a

motion after oral notice only in emergency situations. Ex parte motions will not be entertained without prior notice unless notice is not possible

LR210. Form of Briefs

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

A. Except for quotations, briefs shall be double spaced, single sided on white paper size 8 1/2 x 11 inches and shall not exceed 10 pages, excluding exhibits and cover sheets, in length unless otherwise permitted by Order of Court for cause shown or by agreement of the parties by filed stipulation.

B. Briefs shall contain:

1. a procedural history of the case;
2. a statement or counter-statement of facts;
3. a statement of the questions involved;
4. legible copies of any documents which are attached thereto;
5. an argument with citations to the authority relied upon;
6. a conclusion setting forth the requested relief sought.

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

LR211A. Oral Arguments

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

LR211C. Briefing Schedule

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

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

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

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

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

LR211D. Miscellaneous Provisions

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

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

(3) Oral argument will not be continued except on written motion, for cause shown. Such motion shall be subject to L208.3(a).

LR212.1 Civil Actions. Certification For Trial. Time for Initiating Motions for Pre-Trial Judgment or Discovery.

The following rule shall apply to only those civil actions filed prior to January 1, 2019 (any actions filed on that date or thereafter shall be governed by LR301 – pertaining to civil case management):

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

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

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

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

The notice of intent to certify for trial shall be given to counsel for all parties in all companion cases. Thereafter, the filing of a certificate of readiness for trial shall operate

as the certification for trial of all companion cases unless exceptions thereto are filed pursuant to subdivision five (5) hereof.

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

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

(5) Any other party may file exceptions to the certificate of readiness within ten (10) days of the filing thereof. The exceptions shall be presented to the judge assigned to receive civil motions after notice pursuant to Rule L208.3(a) has been given.

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

LR212.2A Pre-Trial Conference and Pre-Trial Statements.

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

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

(2) Pre-Trial statements which comply with Pa.R.C.P. No. 212. Shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than seven (7) days prior thereto. Failure to file a timely pre-trial statement may result in continuance of the Pre-Trial Conference and sanctions in the form of counsel fees payable to opposing counsel. In addition, to the requirements of Pa.R.C.P. No. 212.2, the Pre-Trial Statement shall contain:

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

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

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

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

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

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

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

Note: Where a liability insurance carrier, the MCARE Fund or a party has given counsel written authority to settle in an amount deemed by the court to be reasonable, the court will probably excuse attendance at the Pre-Trial Conference. All requests to be excused should be by formal motion setting forth the reasons for the request and shall be presented in accordance with LR 208.3 (a). If trial counsel is excused by the court from attending, substitute counsel shall be equally familiar with the case and its issues or sanction may be imposed.

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

LR212.2B. Case Management Conferences and Complex Cases

A. At any time after the pleadings have closed (e.g., Complaint, Answer and New Matter and Reply to New Matter), any party may move the Court, or the Court may move on its own, to schedule a case management conference, without the need for consent from the other party or parties.

B. After receiving the motion, the Court shall schedule a case management conference, at which the Court will set a discovery schedule, date for filing of dispositive motions, date for exchange of expert reports, and a date for a pretrial conference. Said dates will only be extended for good cause shown.

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

LR212.3. Pre-Trial Conference--Imposition of Sanctions for Obdurate Conduct

A. The Court may request the presence of an official court stenographer, or utilize the digital audio recording system, during a pre-trial conference. The record shall not be transcribed unless ordered by the presiding judge.

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

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

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

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

LR213. Joinder of Cases

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

LR213A. Motion for Joint Hearing or Trial

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

(Caption)

ORDER

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

BY THE COURT:

_____, J.

LR213B. Motion for Consolidation

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

(Caption)

ORDER

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

vs.

and

No. _____

vs.

BY THE COURT:

_____, J.

Note: Rules LR213, LR213A and LR213B are intended to clarify for the parties, Court, Prothonotary and Appellate Courts, the intended effect of a joinder and whether the cases are to have a separate or consolidated identity as discussed by the Pennsylvania Superior Court in Keefer v. Keefer, 741 A.2d 808 (Pa. Super. 1999).

LR214. Trial Lists

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

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

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

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

LR217. Costs on Continuance

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

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

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

LR220.1. Voir Dire of Prospective Jurors

Voir Dire of Prospective Jurors will be conducted in accordance with Pa.R.C.P. 220.1.

The standard questions in Pa.R.C.P. 220.1 may be deleted or revised to accommodate the particular case either by agreement of counsel for all parties or by leave of court. Additional questions may be posed to prospective jurors by agreement of counsel for all parties or by leave of court. Such deletions, revisions or additions may be requested orally during voir dire provided that all parties or their counsel consent thereto. Otherwise, all deletions, revisions and additions to the list of questions shall be in writing, filed with the Prothonotary and submitted to the trial judge or, if unknown, to the Court Administrator and served on all other parties or their counsel at least seven (7) days prior to the first day of trial term and, unless agreed upon by counsel for all parties, shall not be propounded to the prospective jurors without court approval.

LR223. Custody and Storage of Trial Exhibits

A. All non-documentary exhibits and documentary exhibits larger than 8.5 x 11 inches shall remain in the custody of the moving party and shall be removed from the courthouse at the conclusion of the trial. Such exhibits shall be retained by the moving

party until conclusion of the case and shall be produced upon order of the trial judge to do so when necessary.

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

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

C. A hard copy of any photograph or document admitted into evidence at a trial must be provided to the court.

LR229.1. Sanctions for Failure to Pay an Award From an Arbitration or Dispute Resolution From Which No Appeal Has Been Taken

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

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

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

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

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

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

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

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

ORDER

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

BY THE COURT:

_____, J.

ORDER

AND NOW, this ___ day of _____, 20___, upon consideration of the Petition for Sanctions and its attachments, the Answer thereto, and upon a finding that payment was not made to _____ or _____ within thirty-five days of receipt of the award in the above captioned action, and _____ conduct in failing to deliver the awarded funds is dilatory, obdurate and vexatious, it is hereby ORDERED and DECREED that in addition to the award of \$(___), _____ is ordered to pay forthwith simple interest thereon at the rate of _____ on \$(___) from _____ to the date of delivery of the awarded funds, together with \$(___) in attorneys' fees, and \$ ___ in liquidated damages, pursuant to Beaver County Local Rule 229.1.

BY THE COURT:

_____, J.

CIVIL CASE MANAGEMENT

LR301 Initial Case Management Conference

The Court shall hold civil case management conferences for all civil matters (excluding those set forth in subsection (3) below), one day per month as shall be designated in the Court calendar.

The Court Administrator shall set forth dates for case management conferences for the subsequent calendar year no later than October of the current year so that conferences can properly be scheduled.

For all new filings in civil matters:

- (1) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.
- (2) A case management conference shall be automatically scheduled at the time of the initial case filing by the Prothonotary, utilizing the Infocon system, to be held on the third month following the month of the initial case filing, on a date set forth in the Court calendar.
 - a. Initial case filings shall include appeals from civil judgments of the Magisterial District Courts, appeals from compulsory arbitration and those cases initiated by Writs of Summons.

Note: Cases originally filed in compulsory arbitration shall not automatically be scheduled for a case management conference pursuant to subsection (3) below. However, appeals from compulsory arbitration will be treated as an initial case filing for purposes of civil case management and will be scheduled for a case management conference by the Prothonotary at the time of the filing of the appeal. Parties in this circumstance may wish to move the Court for a case management conference sooner (*see* LR212.2B) since fact discovery will presumably have been completed by this time.

- (3) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:
 - a. Actions in mortgage foreclosure;
 - b. Actions subject to compulsory arbitration;

- c. Actions pursuant to protection from abuse;
 - d. Actions for support;
 - e. Actions for custody, partial custody, and visitation of minor children;
 - f. Actions of divorce or annulment of marriage; and
 - g. Real estate assessment appeals.
- (4) At least 7 days prior to the case management conference, each party shall file with the Prothonotary, provide a copy to the Court, and serve a copy on opposing parties or counsel for opposing parties, a brief case summary, not to exceed three (3) pages in length:
- a. This case summary shall be substantially in accordance with Form 301A and shall set forth the general nature of the case, whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, amenability of the parties to alternative dispute resolution and a proposed date for a pre-trial conference;
 - b. If the case was initiated by a Writ of Summons or is an appeal from a civil judgment of the Magisterial District Courts to which a complaint has not yet been filed, the party shall notify the Court whether the party intends to file a complaint within 90 days from the date of the conference.

Note: While there is no formal local rule pertaining to mechanisms for alternative dispute resolution (ADR), in the Court's experience, parties often agree to case mediation, binding or non-binding private arbitration, high/low agreements or binding 6-member jury trials, all of which have been successful in resolving cases. The Court encourages parties to engage in these or other forms of ADR in an attempt to reduce costs and expedite litigation.

- (5) At the time of the case management conference, the Court shall, after consultation with the parties, issue a case management order setting forth a timeline for discovery, the filing of dispositive motions, the exchange of expert reports, the scheduling of alternative dispute resolution (if applicable) and shall place the case on a list for a pre-trial conference.
- a. In matters it deems complex or otherwise in its sole discretion, the Court may defer setting a deadline on any of the items set forth in subsection (5) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.
 - b. If the case was not initiated as one subject to compulsory arbitration but the

Court determines at the time of the conference that it should have been filed as such, the Court may order the case to proceed through arbitration and schedule the arbitration hearing at that time.

- c. If the case is one initiated by a Writ of Summons to which a complaint has not yet been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.
 - d. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has been filed, the Court may schedule the case for arbitration, or it may, in its discretion, schedule a review conference at a later time.
 - e. If the case is an appeal from a civil judgment of the Magisterial District Courts, and a complaint has not been filed, the Court shall make inquiry of whether Plaintiff anticipates filing a complaint within 90 days of the conference. If a complaint is not anticipated, or the Court deems it appropriate, the Court may schedule a review conference at a time when the Court can re-address the case management order, or the Court may, in its discretion, set a schedule for the filing of a complaint and the close of all pleadings.
- (6) Failure of one or both parties to appear at the time of the case management conference or a party's failure to prepare the case summary as required in subsection (4) may result in sanctions, at the discretion of the Court including, but not limited to:
- a. The scheduling of a subsequent conference where one party fails to appear and an award of counsel fees to the party appearing, *See* 42 Pa.C.S.A. § 2503(7) (relating to dilatory, obdurate or vexatious conduct);
 - b. The adoption of the proposed schedule provided by the party appearing where one party fails to appear, or by the party in compliance with these rules where one party fails to provide the Court with a case summary;
 - c. Any other sanction the Court deems appropriate.
- (7) Nothing in this section shall be construed as to prevent either party from presenting a motion requesting a case management conference or from the Court

sua sponte doing so, pursuant to LR212.2B, such that the Court may enter a new or amended case management order at that time.

Note: Parties are encouraged to engage in pre-trial discovery at the earliest possible opportunity in accordance with the Pennsylvania Rules of Civil Procedure. Nothing contained in this rule should be construed as to prevent the parties from engaging in discovery prior to the case management conference.

FORM 301A

(CAPTION)

LR301 CIVIL CASE SUMMARY

NATURE OF THE CASE

1. Please set forth the general nature of the case:

**PENDING/ANTICIPATED PRELIMINARY
OBJECTIONS/MOTIONS FOR JUDGMENT ON THE PLEADINGS**

2. Are there any pending or anticipated preliminary objections or motions for judgement on the pleadings in this case? Yes _____
No _____

If yes, please provide more detail:

SUGGESTED DATES

3. Set forth suggested dates for the following:

Date by which fact discovery should be completed:

Date by which expert reports should be exchanged:

Dates by which dispositive motions and responses thereto should be filed:

Dates proposed for pre-trial conference:

WRIT OF SUMMONS/MDJ APPEAL

4. Is this a case which has either been initiated by a Writ of Summons or is an appeal of a civil judgment from the Magisterial District Courts **and a complaint has not yet been filed**? Yes _____ No _____

If so, does the Plaintiff anticipate filing a complaint within 90 days of the case management conference? Yes _____ No _____

ADR

5. Are you interested in attempting to resolve this case by a method of alternative dispute resolution? Yes _____ No _____

a. If yes, select one or more of the following:

Mediation Arbitration Binding 6-Member Jury Panel

LR430. Service by Publication

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

LR1018.1. Notice to Defend

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

Lawyer Referral Service of the Beaver
County Bar Association
788 Turnpike Street
Beaver, PA 15009
Telephone Number: 724-728-4888
<http://bcba-pa.org/lawyer-referral-service/>

LR1028(c). Procedures for Disposition of Preliminary Objections.

Except as otherwise permitted by Order of Court for cause shown or by agreement of the parties by filed stipulation, Preliminary Objections shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed 10 pages in length. Preliminary objections shall be placed on the argument list by the Court Administrator upon the filing of a Praecipe for Argument by either party.

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

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

(3) Where preliminary objections raise an issue under Pa.R.C.P. 1028(a)(1), (5), (6), (7) or (8), the filing party shall first present a Motion for a Scheduling Order in Civil Motions Court, along with a copy of the preliminary objections which the party intends to file attached as an exhibit and accompanied by an Order in substantially the following form:

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the foregoing Motion for a Scheduling Order, it is hereby ordered that:

- (1) The attached preliminary objections shall be filed by the moving party, endorsed with a notice to plead, within ____ days of this Order;
- (2) Non-moving parties shall file response(s) to the preliminary objections, if required, within _____ days of this Order;
- (3) All discovery related to the issues raised in the preliminary objections shall be completed by _____;
- (4) Any evidence that the parties wish the court to consider shall be filed with the Prothonotary by _____;
- (5) The moving party shall file a Praecipe for Argument with the Court Administrator after the expiration of the discovery period, but no later than _____;
- (5A) Alternatively, argument shall be held on _____, _____ at ___:___ in Courtroom ____ of the Beaver County Courthouse;
- (6) The brief of the moving party shall be filed by _____ and any response briefs shall be filed by _____; and
- (7) Notice of the entry of this order shall be provided to all other parties by the moving party.

BY THE COURT:

_____, J.

At the time of the presentation of the motion, the Court shall issue a scheduling Order in accordance with the proposed Order set forth above. Failure of a party to comply with this subsection may result in sanctions.

(4) The briefing schedule is governed by LR211C unless otherwise ordered by the court.

LR1034(a). Disposition of a Motion for Judgment on the Pleadings

Except as otherwise permitted by Order of Court for cause shown or by agreement of the parties by filed stipulation, Motions for Judgment on the Pleadings shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed 10 pages in length. Motions for Judgment on the Pleadings shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

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

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

(3) The briefing schedule is governed by LR211C unless otherwise ordered by the court.

LR1035.2(a). Disposition of Motions for Summary Judgment

Except as otherwise permitted by Order of Court for cause shown or by agreement of the parties by filed stipulation, Motions for Summary Judgment shall not exceed five (5) pages in length and supporting briefs as well as briefs in opposition shall not exceed 10 pages in length. Motions for Summary Judgment shall be placed on the argument list by the Court Administrator upon the filing of a Praeceptum for Argument by either party.

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

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

(3) The briefing schedule is governed by LR211C unless otherwise ordered by the court.

MORTGAGE FORECLOSURE

LR1147(a)(2) Mortgage Foreclosure

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

2. The Prothonotary of Beaver County shall not accept for filing a complaint in mortgage foreclosure which does not contain a full and complete description of the land subject to the mortgage.

COMPULSORY ARBITRATION

LR1301A These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code:

1. All civil actions, as defined in Pa. R.C.P. No. 1001(a) and (b)(1), as amended, for money damages where the amount in controversy on any claim is \$25,000.00 or less, exclusive of interest and costs. The amount in controversy shall be determined from the pleadings, by agreement of the parties or by the court.

2. Where no appearance has been entered or a default judgment has been entered in a civil action and the plaintiff desires to have the damages assessed in an amount not to exceed \$25,000.00.

3. By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions or waivers of defenses or proofs as are agreed upon.

4. Cases in which the amount in controversy exceeds \$25,000.00 but does not exceed \$50,000.00 may be submitted to arbitration under these rules where all parties have consented thereto in writing and such written consent is filed.

LR1301B Exceptions

These rules shall not apply to the following matters:

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

LR1301C Compensation of Board

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

LR1301D Procedure for Payment

Upon the filing of the arbitrator's award, the Prothonotary shall certify such filing to the County Commissioners and to the County Controller, together with the names of the members of the Board and an Order for payment. The County Commissioners and Controller shall thereupon pay the applicable fee to each member of the Board. Such fees shall not be taxed as costs in the case.

LR1301E Discovery

Discovery in Compulsory Arbitration cases subject to these rules shall be governed by LR4011 and shall be completed on the last business day of the fourth month after the month of the initial filing, unless leave of court for an extension of time is secured for cause shown.

LR1302A Eligibility to Serve as Arbitrators

Only persons actively engaged in the practice of law in Beaver County shall be eligible to serve as Arbitrators. For purposes of this rule, "persons actively engaged in the practice

of law" is defined as: persons who are authorized by the Pennsylvania Supreme Court to practice law and who regularly maintain their principal office in Beaver County for the practice of law, excluding all attorneys employed full time by Beaver County unless their Department Head consents in writing to their eligibility.

LR1302B Qualifications as Chairman

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

LR1302C List of Arbitrators

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

LR1302D Selection of Board

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

LR1302E Scheduling of Cases

(a) All cases subject to Compulsory Arbitration, shall be scheduled for hearing on the arbitration date for the sixth month after the month of the initial case filing.

(b) Upon the initial filing of a case subject to Compulsory Arbitration, the Prothonotary shall issue an Arbitration Order setting forth the deadline for discovery and the Arbitration hearing date. The filing party shall serve a copy of the Arbitration Order with the initial filing and shall deliver a copy of the Arbitration Order to the Court Administrator.

(c) All requests for a continuance with good cause shown must be submitted to and approved by the Court to a date to be selected by the Court Administrator. Copies of all hearing notices shall be filed with proof of mailing.

(d) The Court Administrator shall schedule a sufficient number of cases for hearing on each arbitration day and give written notice of the hearing date to counsel for all parties and to pro se litigants at least forty-five (45) days prior to the scheduled hearing date.

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

(f) If the case is initiated by Writ of Summons and no Complaint has been filed as of the time of the scheduled arbitration hearing, the Arbitration panel shall refer the case to the Civil Administrative judge for ruling.

(g) All appeals from Arbitration shall be considered an initial case filing pursuant to LR301 and scheduled for a case management conference by the Prothonotary.

LR1302F Vacancies

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

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

LR1303 Arbitration Hearings

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

LR1304 Powers of Arbitrators

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

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

LR1306 Arbitration Award

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

CLASS ACTIONS

LR1703 Class Actions--Assignment to a Judge

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

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

LR1901.5 Procedure for Enforcement of Protection From Abuse Orders.

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

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

(Caption)

**COMPLAINT FOR INDIRECT CRIMINAL CONTEMPT FOR VIOLATION OF
PROTECTION FROM ABUSE ORDER**

I, the undersigned, do hereby state:

1. My name is _____ and I live at _____ ;

2. I accuse _____, who lives at _____, with violating a Protection From Abuse Order entered by Judge _____ on the _____ day of _____, 20____ (attach a copy of the Order if available);
 3. The date (and the day of the week) when the accused committed the offense was on or about _____;
 4. The place where the offense was committed in the County of Beaver;
 5. The acts committed by the accused were _____; all of which were in violation of the Protection From Abuse Order entered in accordance with the Protection From Abuse Act, 35 P. S. § 10181, et seq.;
 6. If the defendant has not already been arrested, I ask that a warrant of arrest be issued and that the accused be required to answer the charges I have made.
- I verify that the statements made in the complaint are true and correct to the best of my knowledge, information and belief. I further understand that any false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.
- Date _____ (Signature of Affiant)

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

_____ (SEAL) (Issuing Authority)

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

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

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

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

F. The office of the District Justice shall cause the following completed forms and bail, if entered, to be forwarded immediately to the Beaver County Court Administrator's Office, Beaver County Courthouse:

- (a) complaint charging a violation of the Protection From Abuse Order;
- (b) probable cause affidavit, if any; and
- (c) certificate of bail and commitment.

G. Upon receipt of papers from the District Justice, the Office of the Beaver County Court Administrator will forward said papers to the appropriate Judge of the Court who will set a hearing on the contempt charge at the earliest possible time.

ACTIONS FOR SUPPORT

LR1910A Procedure

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

(b) A conference scheduled as a result of the filing of a complaint or petition shall be continued by the Domestic Relations Section only if the parties, or their counsel, agree thereto in writing or if an order of Court is obtained directing the same. A motion seeking such an order shall be presented in Motions Court after appropriate notice of same is given to the opposing party or that party's lawyer pursuant to local rule LR208.3(a)3.

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

LR1910B Appearance of Counsel

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

(b) Following entry of a final order from the matter for which counsel entered his or her appearance as set forth in LR1910B(a) counsel may withdraw his or her appearance by filing of record a praecipe to withdraw to which is attached a certificate of service on that attorney's client as well as on the opposing party or that party's counsel forthwith.

LR1910C Special Relief Orders

All motions seeking immediate relief shall be presented to the assigned Motions Judge after notice of same is given to the opposing party or that party's counsel of record pursuant to local rule LR208.3(a)3.

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

LR1910D Temporary Suspension of Order

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

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

LR1910E Review of Court Files

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

LR1910F Marriage Settlement Agreement and Divorce Decree

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

ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

LR1915A Custody (Corresponds to Pa.R.C.P. 1915.3, 1915.4, 1915.4-1, 1915.4-2, 1915.4-3 and 1915.4-4)

1. **Scheduling the Custody Conference.** When filing a claim for custody or partial custody in a Complaint or a subsequent claim, the moving party shall:

(a) Present the pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order. Immediately thereafter, obtain a

date and time for the Conference from the Administrative Custody Judge. The Judge' Chambers will make a copy of the pleading and Order to be forwarded to Juvenile Services Division.

(b) File the original pleading and Order in the Prothonotary's Office.

(c) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties, with proof of service to be filed in the Prothonotary's Office, and a copy of the proof of service to be provided to the Child Custody Conference Officer at or prior to the time set for the Conference.

(d) When a Petition for Contempt of a Custody Order is filed, the Judge shall schedule the Contempt Petition for a Status Conference or Hearing before the Court, or for a Conciliation Conference before a Conference Officer. If a Petition for Contempt is filed at or about the same time as a Petition for Modification of a Custody Order, the Judge may order the Contempt Petition to be mediated by the Conference Officer at the same time as the Petition for Modification. If the matter is not resolved at the Conciliation Conference, the Court shall schedule a Status Conference or a Hearing on the Contempt matter, or if Exceptions are filed to the Proposed Order of Custody, the Judge may consolidate the Contempt matter with the Pre-Trial Conference and/or Trial scheduled on the Modification Petition.

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

Note: In particular, the Court should be informed of the following: (1) the name and address of the Court in which such case is pending; (2) the caption of such case; (3) the name, address and telephone number of the Judge to whom the case might have been assigned, and (4) any Orders entered in such case. Information provided under this Rule should be submitted in writing and attached to the Complaint/Petition.

(f) All Petitions for Modification of Custody Orders shall have attached thereto, unless excused by the Court for good cause shown, copies of the Petitioner's Certificate of Completion of the mandatory Educational Seminar as required in LR1915A, as well as proof of compliance with all counseling and other services mandated in the Order sought to be modified. If such proof and the Certificate of Completion are not attached, the Court may refuse to entertain the Petition.

2. Preliminary Objections. Any party filing Preliminary Objections raising issues of jurisdiction or venue of the Court to act, shall, concurrently with filing the same with the

Prothonotary, deliver a true and correct copy of the Preliminary Objections to the Judge assigned to handle Custody matters and to opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for Argument on a priority schedule to dispose of the issues as expeditiously as possible.

3. Conduct of Conciliation Conference Officer.

(a) The Child Custody Conference Officer will convene a Conciliation Conference, as scheduled by the Court, which Conference shall be attended by the parties and their legal counsel, if any.

(b) Before counsel appears before the Child Custody Conference Officer, counsel must enter his/her Appearance on the record in the Prothonotary's Office, provide notice to all opposing counsel or party(ies) and have proof of entry of Appearance available at the Conference.

(c) Counsel for the parties, or the parties themselves if unrepresented, are to provide true and correct copies of any exhibits to be shown to the Child Custody Conference Officer at the Conference, to counsel for the opposing party or to the opposing party if unrepresented, at least five (5) days prior to the scheduled Conference. Failure to comply may, at the discretion of the Child Custody Conference Officer, result in the exclusion of the exhibit from consideration, the rescheduling of the Conference to allow the opposing party an opportunity to respond or other action deemed appropriate by the Child Custody Conference Officer, keeping in mind the Officer's need to evaluate the best interest of the child(ren).

(d) The parties, counsel and the Child Custody Conference Officer, as mediator or conciliator, shall make a good-faith effort to resolve the issues and reach agreement on custody and/or partial custody. The Child Custody Conference Officer shall conduct the Conciliation Conference as an informational and conciliatory proceeding rather than confrontational or adversarial.

(e) No scheduled Custody Conference shall be rescheduled by any party or counsel without the prior expressed consent of the opposing party or counsel or Order of Court issued upon a Motion to Continue submitted in accordance with LR208.3(a)(3).

4. Procedure After Conciliation Conference.

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

(b) If, for any reason, the parties do not reach agreement, the Child Custody Conference Officer shall file a written report with the Court within five (5) business days, unless

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

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

(d) Exceptions to the Proposed Order or Temporary Order must be in writing and should state, with particularity, the portion(s) of the Order objected to. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered forthwith to the Court Administrator's Office, as well as to all counsel and/or unrepresented parties of record.

(e) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(f) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

5. Pre-Trial Conference.

(a) Upon receipt of the Exceptions by the Court Administrator's Office, the Court will schedule a Pre-Trial Conference to be attended by all counsel and parties, whether represented by counsel or not. A Pre-Trial Conference with the Court will be scheduled in every case and will be waived only with the consent of the Court.

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

(c) Failure of any party, having primary or shared physical custody of a child, to appear at a scheduled Conciliation Conference or Pre-Trial Conference, will result in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court.

(d) Failure of any party, not having primary physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a Proposed Final Order or a Temporary Order, as the Court determines to be warranted under the circumstances found to be present, and may result in the imposition of sanctions.

LR1915B Reduced Fee Program

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

(Caption)

Praeceptum to Proceed in Forma Pauperis

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

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

_____ Name of Attorney Attorney for {Plaintiff/Defendant}

Address

Telephone Number

Supreme Court ID Number

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

(Caption)

Praeceptum for Entry of Limited Appearance

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

_____ Name of Attorney for {Plaintiff/Defendant}

Address

Telephone Number

Supreme Court ID Number

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

(Caption)

Praeceptum for Withdrawal of Limited Appearance

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

_____ Name of Attorney for {Plaintiff/Defendant}

Address

Telephone Number

Supreme Court ID Number

LR1915C Educational Seminar Pertaining to Children of Divorcing Parents

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

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

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

ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE

LR1920.33(b) Pre-Trial Conference

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

Advance notice must be given in accordance with LR208.3(a)3. At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge a pre-trial statement prepared in compliance with Pa.R.C.P. No. 1920.33(b). This requirement will be strictly enforced. The issues to be addressed at a pre-trial conference shall include settlement, simplification of any unresolved issues, and whether the court or a Master will hear any unresolved issues.

LR1920.42 Affidavit under Section 3301(d) of the Divorce Code.

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

LR1920.43 Special Relief.

A party seeking special relief must give notice to opposing counsel, or to an unrepresented opposing party, of his or her intention to seek such special relief in accordance with LR206.1(c). If immediate relief is requested, or if the request for relief is such as would likely be opposed, a copy of the notice, the petition, and the proposed order shall be delivered to the judge to whom the request is to be made at least three (3) business days before the request is to be presented.

LR1920.51 Proceedings Before Master.

If a party seeks to continue a hearing or other proceeding which has been set by the Master, and the other party opposes the continuance, the motion requesting a continuance of the matter pending before the Master shall be presented to the judge who appointed the Master in accordance with LR208.3(a)3.

LR1920.55-2 Exceptions to a Master's Report

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

MINORS AS PARTIES

LR2039A Approval of Compromise and Settlement by the Court.

The Court may approve the compromise, settlement or discontinuance of an action filed on behalf of a minor or an action in which a minor has interest without a hearing provided that the petition complies with LR2039B. Should the Court determine that a hearing is necessary, the Petition will be entertained pending the hearing.

LR2039B Content of Petition.

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

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

INCAPACITATED PERSONS AS PARTIES

LR2064 Approval of Compromise and Settlement by the Court

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

ACTIONS FOR WRONGFUL DEATH

LR2206 Approval of Compromise and Settlement of Actions for Wrongful Death.

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

DEPOSITIONS AND DISCOVERY

LR4002 Place of Depositions.

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

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

LR4011 Limitation of Scope of Written Discovery and Deposition

A. Written discovery in all civil cases shall be limited to 30 written interrogatories, 10 requests for admission, and 15 requests upon a party for production of documents and things, including subparts, unless leave of court to seek additional discovery is first secured for cause shown and except in those cases governed by Pa.R.C.P. 1930.5 (domestic relations matters) and personal injury claims under LR1301A, *et seq.* (compulsory arbitration).

B. In order to avoid unreasonable annoyance or expense, all requests for discovery or depositions in cases governed by Rule LR1301A *et seq.* (compulsory arbitration) shall be limited in personal injury claims to the standard interrogatories, attached hereto as Form A and Form B, unless leave of court to seek additional discovery is first secured for cause shown. In cases governed by Rule LR1301A *et seq.* (compulsory arbitration) which do not involve personal injury claims, discovery shall be governed by LR4011A and 4011C.

C. In order to avoid unreasonable annoyance or expense, unless otherwise ordered by the Court for cause shown, or by agreement of the parties, discovery depositions shall be limited to 1 1/2 hours in length with an additional 1/2 hour per each additional party. The

total accumulated time allotted each side for all discovery depositions shall not exceed five (5) hours.

FORM A

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION

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

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

These discovery requests are directed to _____ .

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

IDENTITY OF DEFENDANT(S)

- 1. Set forth your full name and address.

INSURANCE

- 2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes _____ No _____

(b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

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

STATEMENTS AND OTHER WRITINGS

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

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

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

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

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

MEDICAL DOCUMENTS

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

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

CRIMINAL CHARGES

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

Yes _____ No _____

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

(c) Were you ever convicted of a crime that involved dishonesty or false statement, whether by verdict, or by plea of guilty or nolo contendere? Yes _____ No. _____

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

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

Date: _____

Defendant

FORM B

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

_____, :

Plaintiff, :
vs. : No.

_____, :
Defendant. :

DEFENDANT'S ARBITRATION DISCOVERY REQUESTS FOR PERSONAL INJURY CLAIMS

These discovery requests are directed to _____ .

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

IDENTITY OF PLAINTIFF(S)

1. Set forth your full name and address.

WITNESSES

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

STATEMENTS AND OTHER WRITINGS

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

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

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

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

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

MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM

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

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

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

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

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

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

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

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

OTHER MEDICAL INFORMATION

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

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

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

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

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

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

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

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

WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident to the present date?

(b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

7. If a claim is being made for lost income, state the following information:

(a) the name and address of your employer at the time of the incident;

(b) the name and address of your immediate supervisor at the time of the incident;

(c) your rate of pay;

(d) the dates of work loss due to the injuries from this alleged accident; and

(e) the total amount of your work loss claim.

OTHER BENEFITS

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

(b) If you answered yes, set forth the type and amount of these benefits.

INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P. S. § 1705 (a) and (b)?

_____ Limited Tort Option (no claim is made for nonmonetary damages)

_____ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or because one of the exceptions set forth in 75 P. S. § 1705(d)(1)-(3) applies).

_____ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option".) Describe each vehicle (make, model and year) in your household.

(c) (Applicable only if you checked "Full Tort Option.") Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

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

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

Date: _____ Plaintiff

LR4017.1 Use of Videotape Depositions at Trial.

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

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

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

LR4019 Discovery Motions.

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

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

LR4020 Use of Depositions at Trial.

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

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

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

REAL ESTATE ASSESSMENT APPEALS

LR8000. Real Estate Assessment Appeals.

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

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

1. that the appeal is allowed and the issuance of a Rule to Show Cause shall be issued on the Beaver County Tax Assessment Office;

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

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

C. If the Petition for Allowance of Appeal is not properly served in accordance with B (3) the Petition may be dismissed.

LR8001. Pre-Hearing Statement and Conference.

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

1. A summary of the facts which will be offered by oral and documentary evidence at the hearing;
2. A list of exhibits to be offered;
3. A list of the names and addresses of all witnesses to be called;
4. Copies of any appraisal reports, or if no report is available, a summary of the testimony of any expert who will be called as a witness;
5. A statement of the current valuation which is the basis for the appeal;
6. A statement setting forth the appellant's position as to the correct valuation which shall include appellant's position as to correct market value, assessment ratio and assessment;

7. A statement that there have been negotiations between the parties and a good faith attempt to settle the case;
8. The statement shall be signed by the parties or their counsel; and
9. An affidavit that service of the petition and the preliminary decree was made on all parties as required by Local Rule 8000(B)(3).

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

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

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

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

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