

## **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 will deliver the paper to the Prothonotary for filing in accordance with Pa.R.C.P. No. 205.1, must first 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 1/2 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 at the bottom of the page 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 legible copy be substituted and filed before the pleading, brief or other paper will be considered by the Court.

See <http://www.pacourts.us/forms> for the standard cover sheet for civil filings.

### **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)

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

DEFENDANT'S NAME

DEFENDANT'S ADDRESS

<b>TOTAL NO. OF PLAINTIFF AMOUNT IN CONTROVERSY</b>	<b>TOTAL NO. OF DEFENDANTS</b>	<b>COMMENCEMENT OF ACTION</b>
<input type="checkbox"/> [\$35,000 or less		<input type="checkbox"/> Complaint
<input type="checkbox"/> Over \$35,000		<input type="checkbox"/> Writ of Summons
		<input type="checkbox"/> Notice of Appeal
		<input type="checkbox"/> Transfer from Other Jurisdictions

**ARBITRATION CASE**

Yes  
 No

**CASE TYPE**

<input type="checkbox"/> Motor Vehicle	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Partition
<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Ejectment	<input type="checkbox"/> Declaratory Judgment
<input type="checkbox"/> Other Professional Liability	<input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> Replevin
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Quiet Title	<input type="checkbox"/> Asbestos
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Domestic Relations
		<input type="checkbox"/> Divorce
		<input type="checkbox"/> Custody

**TO THE PROTHONOTARY:**

NAME OF PLAINTIFF'S/PETITIONER/APPELLANT'S ADDRESS (SEE INSTRUCTIONS)

ATTORNEY (OR PRO SE LITIGANT):

**PHONE NUMBER**

**FAX NUMBER EMAIL ADDRESS**

**SUPREME COURT**

**SIGNATURE IDENTIFICATION NO**

**DATE**

The cover sheet shall also be published on the Court website, [www.beavercountypa.gov](http://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](http://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 (Motion for Sanctions) or 1042.7 (Entry of Judgment of Non Pros for Failure to File Certification) or 4019 (Sanctions) or LR212.3 (Imposition of Sanctions for Obdurate Conduct) or LR229.1 (Sanctions for Failure to Pay an Award From an Arbitration or Dispute Resolution).
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. The original petition should be presented to the Court in scheduled Motions Court prior to filing with the Prothonotary.

*Note:* The prescribed time to receive motions appears on the Beaver County web site: [http://www.beavercounty pa.gov/departments/courts/](http://www.beavercounty.pa.gov/departments/courts/).

### **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.

*Note:* The filing party is strongly encouraged to send a courtesy copy of the petition to the chambers of the Civil Administrative Judge and the Judge assigned to the case.

### **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: [https://www.beavercounty pa.gov/departments/courts/](https://www.beavercounty.pa.gov/departments/courts/).

(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 Civil Motions.**

(1) All motions, as defined in Pa.R.C.P. No. 208.1, shall be presented to the Court by the moving party. The original motion should be presented to the Court in scheduled Motions Court prior to filing with the Prothonotary.

*Note:* The filing party is strongly encouraged to send a courtesy copy of the motion to the chambers of the Civil Administrative Judge and the Judge assigned to the case.

(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: [https://www.beavercounty pa.gov/departments/courts/](https://www.beavercounty.pa.gov/departments/courts/).

(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.

### **LR208.3(b). Procedure Governing Family Motions.**

(1) All motions, including special relief, shall be presented to the assigned motions judge after notice is given to opposing party or that party's counsel of record pursuant to local rule LR208.3(a)(3) and a courtesy copy provided to the Court.

(2) A copy of any motion which is anticipated to be contested shall be delivered to the motions judge at least twenty-four hours prior to presentation.

(3) No contested motions will be entertained by the Court unless counsel for the parties or any self-represented party shall have first conferred and attempted to resolve the issues.

(i) All contested motions shall have a written certification attached by the moving party. The certification, substantially as set forth in LR1915, shall state the date and manner of the conference with respect to each disputed matter.

(ii) In the event that counsel or the self-represented party have no conferred, the moving party will certify the reason or reasons that the parties were not able to confer.

(iii) In the event that both parties are self-represented and subject to an existing Protection from Abuse Order, the parties are excused from conferring to resolve the dispute. The Certificate of Compliance form shall be attached to the Motion and completed "unable to confer due to a Protection from Abuse Order."

FORM:

CIVIL DIVISION—LAW

\_\_\_\_\_

:

Plaintiff

:

:

vs.

:

:

\_\_\_\_\_

:

Defendant

:

No.

CERTIFICATE OF COMPLIANCE FOR RULE 1915d

I certify that I have complied with Local Rule 1915d as noted below.

Talked by phone \_\_\_\_\_  
(date)

Met in Person \_\_\_\_\_  
(date)

Telephoned/Left message \_\_\_\_\_  
(date)

Emailed \_\_\_\_\_  
(date)

Emergency \_\_\_\_\_

Other: \_\_\_\_\_

Domestic Violence Waiver \_\_\_\_\_

Unable to Confer because: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

### **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.

(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 at the bottom of the page and identified.

(d) Only a single brief may be filed by each party unless granted leave of court for additional briefing.

### **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.

### **LR211B. Argument Lists.**

(1) Cases shall be placed on the argument list by Praecept of a party or by order of court. Immediately after the last day to file a praecipe for argument, the Court Administrator shall

compile a list of cases to be argued. Thereafter, the Court Administrator shall assign the cases to those judges assigned to preside over civil cases, schedule the cases for oral argument, and cause notice of the assignment and the time and place for oral argument to be mailed to all parties unrepresented by counsel as well as all counsel of record.

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

(3) All interested parties must be present for the oral argument.

(4) Cases may be submitted on briefs only without oral argument upon written, filed stipulation of all parties filed with the Prothonotary and a copy of the stipulations shall be delivered to the Court Administrator.

### **LR211C. Briefing Schedule.**

(1) The moving party's brief and a praecipe for argument shall be simultaneously filed with the Prothonotary and a copy provided to the Court Administrator. Failure to do so may result in the matter being denied or dismissed upon motion or sua sponte.

(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.

### **LR211D. Miscellaneous Provisions.**

(1) Any issue which has not been timely raised and briefed may be deemed 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).

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

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) No less than twenty (20) days 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 except for good cause shown.



(2) Pre-Trial statements which comply with Pa.R.C.P. No 212.2 shall be submitted to the judge assigned to conduct the Pre-Trial Conference not later than 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;

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

*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.

(3) Unless excused by the court upon cause shown, the Pre-Trial Conference shall be attended by counsel as well as the plaintiff, a representative of the defendant's insurance carrier who has settlement authority, a representative of the MCARE Fund, a representative of any Commonwealth or local agency, and any defendant whose personal approval of a settlement offer is required and has not been given. Counsel attending the Pre-Trial Conference will be deemed to be trial counsel and may only be substituted for good cause shown.

(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 Conference and Complex Cases.**

(1) 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.

(2) 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.

(3) 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.

(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.

## **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:

(a) The Prothonotary shall assign the case to a judge on a rotating basis using the Infocon system.

(b) 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.

1. 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.

(c) Civil cases included within this rule shall be those matters governed by the Pennsylvania Rules of Civil Procedure, with the exception of the following:

1. Actions in mortgage foreclosure (see LR1143);
2. Actions subject to compulsory arbitration;
3. Actions pursuant to protection from abuse;
4. Actions for support;
5. Actions for custody, partial custody, and visitation of minor children;
6. Actions of divorce or annulment of marriage; and
7. Real estate assessment appeals (see LR8000.5).

(d) Eminent domain cases shall be included within the civil case management system. However, a case management conference shall not be scheduled upon the filing of a declaration of taking because a declaration of taking does not commence an action (*In Re Condemnation of Stormwater Management Easements v. Valley Forge Railways, Ltd.*, 829 A.2d 1235 (Pa. Cmwlth. 2003)). Rather, upon presentation of a petition for appointment of a Board of View, which does commence an action and which must be filed at a separate case number, to institute a separate case, the Court will schedule a case management conference to set a schedule for that separate action.

(e) 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:

1. 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;

2. 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.

(f) 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.

1. 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 (6) and may schedule one or more review conferences at which time the Court can address or re-address the case management order.

2. 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.

3. 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.

4. 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.

5. 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.

(g) 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 (5) may result in sanctions, at the discretion of the Court including, but not limited to:

1. 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);
2. 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;
3. Any other sanction the Court deems appropriate.

(h) 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**

### **(COVER SHEET WITH 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 [  ]

Submitted By: \_\_\_\_\_

### **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.**



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

(2) The preliminary objections, a supporting brief, and a Praeceptum for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the preliminary objections being overruled sua sponte or upon motion. A Praeceptum for Argument form can be secured from the Prothonotary.

(3) Upon receipt of a copy of the preliminary objections, supporting brief, and Praeceptum for Argument, the Court Administrator shall place the case on a list to be argued 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.

(4) 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 Praeceptum 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.

(5) The briefing schedule is governed by LR211C unless otherwise ordered by the court. Only a single brief may be filed by each party unless granted leave of court for additional briefing.

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

(1) Except as otherwise permitted by Order of Court for cause shown, 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 ten (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 Praecipe for Argument by either party.

(2) The Motion for Judgment on the Pleadings, a supporting brief, and a Praecipe for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the Motion for Judgment on the Pleadings being denied sua sponte or upon motion. A Praecipe for Argument form can be secured from the Prothonotary.

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

(4) The briefing schedule is governed by LR211C unless otherwise ordered by the court. Only a single brief may be filed by each party unless granted leave of court for additional briefing.

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

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

(2) The Motion for Summary Judgment, a supporting brief, and a Praecipe for Argument all must be filed simultaneously with the Prothonotary and copies provided to the Court Administrator by the filing party. Failure to do so may result in the Motion for Summary Judgment being denied sua sponte or upon motion. A Praecipe for Argument form can be secured from the Prothonotary. The original Praecipe must be filed with the Prothonotary and a copy must be delivered by the filing party to the Court Administrator, along with a copy of the Motion for Summary Judgment.

(3) 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.

(4) The briefing schedule is governed by LR211C unless otherwise ordered by the court. Only a single brief may be filed by each party unless granted leave of court for additional briefing.

## MORTGAGE FORECLOSURE

### **LR1143. Initial Case Management Conference.**

The Court shall hold case management conferences for all mortgage foreclosure actions, 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 mortgage foreclosures:

(a) The Prothonotary shall assign the case to a judge using the Infocon system.

(b) 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 first month following the month of the initial case filing, on a date set forth in the Court calendar.

(c) 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.

This case summary shall be substantially in accordance with Form 1143(a) and shall set forth whether there are any motions for judgment on the pleadings or preliminary objections pending or anticipated, suggested dates for the completion of discovery, suggested dates by which to file dispositive motions, amenability of the parties to participate in Housing Opportunities of Beaver County mortgage conciliation program.

(d) 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 and shall place the case on a list for pre-trial conference.

(e) 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 (c) may result in sanctions, at the discretion of the Court including, but not limited to:

1. 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);
2. 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;
3. Any other sanction the Court deems appropriate.

(f) Nothing in this section shall be construed to prevent either party from presenting a motion, requesting a case management conference, or to prevent the Court from *sua sponte* doing so pursuant to LR212.2B, such that the Court may enter a new 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.

Should a case be removed from the Residential Mortgage Foreclosure Conciliation Program, a case management conference shall be scheduled by the Court under the conditions of paragraphs (c)—(f) above.

**FORM 1143(a)**

**(COVER SHEET WITH CAPTION)**

**LR1143 MORTGAGE FORECLOSURE CASE SUMMARY**

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

1. 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**

2. Set forth suggested dates for the following:

Date by which fact discovery should be completed: \_\_\_\_\_

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

Dispositive motions \_\_\_\_\_

Responses thereto \_\_\_\_\_

Date proposed for pre-trial conference: \_\_\_\_\_

3. Are you interested in applying to the Housing Opportunities of Beaver County mortgage conciliation program?

Yes \_\_\_\_ No \_\_\_\_

Has the Defendant made application for the program?

Yes \_\_\_\_ No \_\_\_\_

Submitted By: \_\_\_\_\_

### **LR1147(a)(2). Mortgage Foreclosure.**

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.

### **COMPULSORY ARBITRATION**

#### **1301A.**

These Rules apply to the following civil matters or issues which shall be submitted to compulsory arbitration under Section 7361 of the Judicial Code and were filed with the Prothonotary after January 1, 2022:

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 \$35,000 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 \$35,000.
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 \$35,000 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.
5. For all actions filed prior to January 1, 2022, the arbitration limit shall remain \$25,000.00 pursuant to the former LR1301A, unless all parties have consented otherwise, 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. Any person who desires to serve as an Arbitrator must attend an arbitration seminar approved by the Court Administrator.

### **LR1302B. Qualifications of Chair.**

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 Chair 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 Chair of Boards of Arbitrators. Persons who have been determined to be eligible shall file a written consent to serve as an Arbitrator or Chair with the Court Administrator. Arbitrators and Chair 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 Chair 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.**

(1) 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.

(2) 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.

(3) 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. Continuances requested within 10 calendar days of the scheduled arbitration will not be granted barring unforeseen circumstances arising and/or good cause shown. Copies of all orders associated with the motion to continue must be served on all parties by the presenting party.

(4) 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.

(5) 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.

(6) 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.

(7) 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 and Substitute Arbitrators.**

An Arbitrator who has a conflict or is unable to attend a scheduled hearing date must immediately notify the Court Administrator. The Court Administrator shall appoint a substitute Arbitrator of similar experience (i.e., a Chair position will only be filled by another eligible Chair). Absent good cause, if an Arbitrator is unable to serve, then the Arbitrator must provide notice to the Court Administrator twenty (20) calendar days prior to the scheduled hearing date.

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 twenty (20) calendar days prior thereto, then that Arbitrator shall be removed from the list of eligible Arbitrators. Sanctions may be imposed against the delinquent Arbitrator. A delinquent Arbitrator may petition the Court for reinstatement onto the list of eligible Arbitrators for good cause shown.

## **LR1303A. Arbitration Hearings—Notice.**

(1) 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 Chair.

(2) Counsel will only be permitted to participate in the arbitration hearing if they have filed an Entry of Appearance with the Prothonotary's Office.

*Note:* Coverage counsel/local counsel is encouraged to enter their appearance as "co-counsel" so that out-of-county counsel will continue to receive notices from the Court.

(3) If a party believes a case will require over an hour for presentation, then at least thirty (30) calendar days prior to the arbitration hearing that party should present a motion to the Civil Motion's Judge requesting more time for arbitration. In its discretion, the Court may schedule any cases which require more time for a non-jury trial. The Board of Arbitrators shall have discretion to allow expansion of or to limit the time for the presentation of a case.

(4) Every Complaint filed initially in Compulsory Arbitration, whether filed by a plaintiff against a defendant or by a defendant against an additional defendant, shall contain a Notice of Duty to Appear at Arbitration Hearing (FORM 1303) following the Notice to Defend which is required by Pa.R.C.P. 1018.1(b).

(5) For any case which is not filed initially in Compulsory Arbitration, including but not limited to, appeals from a civil judgment of a Magisterial District Court and cases which are transferred or assigned to arbitration by Order of Court, or for those cases where FORM 1303 was not included in the Complaint as required by LR1303A(d), any party seeking a claim for money damages shall file with the Prothonotary and serve on all other parties not less than sixty



(60) days prior to the scheduled arbitration hearing, a Notice of Duty to Appear at Arbitration Hearing (FORM 1303).

*Note:* Failure of a party seeking a claim for money damages to comply with Rule LR1303A(d) or (e) would result in that party being barred from proceeding with a non-jury trial in lieu of an arbitration as provided in LR1303B.

### **LR1303B. Failure to Appear for Hearing.**

If a party fails to appear for a scheduled arbitration hearing and if all present parties agree and have complied with LR1303A(d) and (e), the matter may be transferred immediately to a Judge of the Court of Common Pleas, if available, for an *ex parte* hearing on the merits and entry of a non-jury verdict, from which there shall be no right to a trial de novo on appeal.

*Note:* This local rule results in the loss of the right to a trial de novo on appeal, as described in the local rule. A dismissal or judgment which results from this local rule will be treated as any other final judgment in a civil action, subject to Pa.R.C.P. 227.1. A licensed attorney appearing for a party is considered an appearance for purposes of this rule.

## **FORM 1303 NOTICE OF DUTY TO APPEAR AT ARBITRATION HEARING**

**(Caption)**

### **DUTY TO APPEAR AT ARBITRATION HEARING**

YOU HAVE BEEN SUED IN COURT. The Notice to Defend contained in the Complaint explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place at a time and place to be designated by the Beaver County Court Administrator.

IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

INFORMATION ABOUT THE DATE, TIME AND LOCATION OF THE ARBITRATION HEARING CAN BE OBTAINED FROM THE BEAVER COUNTY COURT ADMINISTRATOR'S OFFICE SET FORTH BELOW:

**Beaver County Court Administrator  
Beaver County Courthouse  
810 3rd St.  
Beaver, PA 15009  
Telephone: (724) 770-4700**

## **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.

### **LR1306.1. 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:

1. an affidavit attesting to nonpayment;
2. a copy of any document evidencing the procedural history of the matter;
3. a copy of the award;
4. 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
5. 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.

## **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 \_\_\_\_\_ ;
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 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**

LR1910 Procedure.

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

(b) Support Motions shall be governed by LR208.3(b).

(c) 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 pursuant to LR208.3(b).

(d) A demand for de novo hearing filed after the entry of a Proposed Interim Order must be served pursuant to Pa.R.C.P. 440.

(e) Appearance and Withdrawal of Counsel

(1) All counsel shall file a Praecipe for Appearance with the Domestic Relations Section. If counsel fails to enter his or her appearance as prescribed by this Rule, he or she shall not receive copies of orders, notices, or other record matters.

(2) Following entry of a final order, counsel may withdraw his or her appearance by filing of record a praecipe to withdraw with a certificate of service.

(f) Review of Court Files

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

(g) Marriage Settlement Agreement and Divorce Decree

A party who wishes to terminate an alimony pendente lite obligation or collect an alimony obligation in accordance with the specific 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.

## **ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**

LR1915

(a) Actions for custody shall be as prescribed by Pa.R.C.P. 1915.4-3.

(b) Custody Motions shall be governed by LR208.3(b).

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

(1) Present the original and one copy of the pleading to the Administrative Custody Judge during Motions Court to obtain the Court's signature on the scheduling Order.

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

(3) Serve a clocked copy of the pleading and Order on counsel of record and/or unrepresented parties pursuant to Pa.R.C.P. 1930.4 (original process) or 440 (other than original process), 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.

(4) Upon the filing of a Petition for Contempt of a Custody Order, 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.

(5) 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 or completed 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.

(6) 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 LR1915C, 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.

(d) 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 Administrative Judge and to

opposing counsel and/or to any party not represented by counsel. The Judge will schedule the matter for argument or hearing.

(e) Conduct of Conciliation Conference Officer.

(1) The 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.

(2) Before counsel appears before the 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.

(3) 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 Conference Officer, 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 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 Conference Officer.

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

(5) No Custody Conference shall be rescheduled by any party or counsel without Order of Court.

(f) Procedure After Conciliation Conference.

(1) If the parties reach agreement, the Conference Officer shall submit an Agreed Order to the Court, evidenced by signatures of the parties and their counsel, if any.

(2) If the parties do not reach agreement, the 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 Conference Officer, together with reasoning for the recommendations. Upon receipt and review of the report, the Court shall issue a Proposed Order or a Temporary Order

(3) A Proposed Order shall be entered as a Final Order unless Exceptions thereto are filed.

(4) Exceptions to the Proposed Order or Temporary Order must be in writing. The Exceptions must be filed with the Prothonotary, and copies thereof must be delivered to the Administrative Judge, as well as to all counsel and/or unrepresented parties of record.

(5) Failure of any party, having any form of physical custody of a child, to appear at a scheduled conciliation conference may result in the Court's entry of a proposed Final or Temporary Order or in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court or dismissal of the requested relief.

(g) Pre-Trial Conference.

- (1) Upon receipt of the Exceptions, the Court will schedule a Pre-Trial Conference to be attended by all parties and counsel if any.
- (2) 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.
- (3) Failure of any party, having any form of physical custody of a child, to appear at a scheduled Pre-Trial Conference, may result in the Court's entry of a proposed Final or Temporary Order or in the scheduling of the matter for a Hearing before the Court and may result in imposition of sanctions by the Court or dismissal of the requested relief.

(h) Reduced-Fee Program

- (1) Any individual who is referred under Neighborhood Legal Services Association's (NLSA) Pro Bono or Reduced-Fee Programs shall be granted leave to proceed In Forma Pauperis. Counsel 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 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 Praecipe for Withdrawal of Limited Appearance. This Praecipe shall be filed without leave of Court, and it shall not be required to, but may, contain information about another attorney who may be entering his/her Appearance contemporaneously. This Praecipe shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last-known address. The Praecipe for Withdrawal of Limited Appearance shall be substantially in the following form:

**(Caption)**

**Praecipe for Withdrawal of Limited Appearance Pursuant to LR1915b**

To the Prothonotary: Kindly withdraw my Limited Appearance for {Plaintiff's/Defendant's Name}, the Plaintiff/Defendant, in the above-captioned matter. 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

(i) Educational Seminar Pertaining to Children of Divorcing Parents

(1) All parties to Custody Actions shall, unless excused by the Court, complete within a specified time the Educational Seminar Pertaining to Children of Divorcing Parents (the "Seminar") or other educational program selected by the Court.

(2) All parties shall register for the first available seminar after the date the Defendant has been served with process. A copy of the Notice and Registration Form shall be 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.

**LR1915.11-1. Parenting Coordination.**

Beaver County implements a Parenting Coordination program pursuant to Pa.R.C.P. 1915.11-1.

(a) Appointment of a Parenting Coordinator.

(1) Appointment of a Parenting Coordinator shall be considered and appointed by the Court pursuant to Pa.R.C.P. 1915.11-1.

(2) Any party seeking a reduced fee must present a Petition to Proceed in forma pauperis to the Family Court Motion Judge within (3) days of the appointment order absent good cause shown. The form can be found at:

<http://www.beavercountypa.gov/Depts/Courts/LawLib/>

(3) Should the parties' combined gross income and family size fall at or below the poverty guidelines the Parenting Coordinator's fee shall be considered for a waiver or to be paid by the County of Beaver.

(b) Roster of Approved Parenting Coordinators. The roster of the Court's approved Parenting Coordinators shall be posted at the Court Administration Office located in the Beaver County Courthouse. An attorney or mental health professional seeking to be included on the Beaver County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit a letter to the Beaver County Court Administration and shall include:

(1) An affidavit attesting the applicant has qualifications found in Pa.R.C.P. 1915.11-1;

(2) An acknowledgment of responsibility to accept reduced fee or no fee assignments each year no more than twenty (20) hours a year, as needed. (Appointments for reduced or no fee assignments will be made on a rotating basis for all Parenting Coordinators on the Court's roster).

## **ACTIONS OF DIVORCE OR ANNULMENT OF MARRIAGE**

### **LR1920. Motions.**

Divorce Motions shall be governed by LR208.3(b).

### **LR1920.33(b). Pre-Trial Conference.**

(1) 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.

(2) At least five (5) calendar days prior to a scheduled pre-trial conference, each party shall file, serve, and deliver to the trial judge and opposing counsel or party, if unrepresented, 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 Hearing Officer will hear any unresolved issues.

### **LR1920.51. Proceedings Before Hearing Officer**

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

### **LR1920.55-2. Exceptions to a Hearing Officer's Report.**

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

### **LR1930.5(b). Discovery in Domestic Relations Matters.**

Written discovery in all divorce cases shall be limited to a combined total of 50 interrogatories, including subparts, and 15 requests for production / admissions, unless leave of court to seek additional discovery is first secured for cause shown.

## **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. If there is an existing civil docket, the Petition shall be presented as a civil motion; if not, the Petition shall be presented as an Orphan's Court motion.

### **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:

- (1) the facts out of which the cause of action arose;
- (2) the elements of damage sustained;
- (3) all expenses incurred or to be incurred, including the counsel fees requested;
- (4) the facts relied upon by the adverse party; and,
- (5) 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 of 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 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 limited to 10 written interrogatories, 5 requests for admission, and 5 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. Unless otherwise ordered by the Court for cause shown, or by agreement of the parties, there shall be no discovery depositions permitted in cases governed by Rule LR1301A et seq. (compulsory arbitration).

(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.  
:  
\_\_\_\_\_,  
:  
Defendant  
:  
No. \_\_\_\_\_

**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  
PENNSYLVANIA  
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.

### **REAL ESTATE ASSESSMENT APPEALS**

#### **LR8000 Definitions.**

The following rules shall apply to all appeals from a real estate tax assessment determined by the Beaver County Board of Assessment Appeals or its Auxiliary Board. These rules shall apply to all appeals taken following their effective date, and may be applied as appropriate to any pending appeals ninety (90) days after the effective date.

Definitions:

*Appeal*—An appeal from the Beaver County Board of Assessment Appeals or Auxiliary Board as defined in the Consolidated County Assessment Law, 53 Pa. Con. Stat. § 8854.

*Board*—The Beaver County Board of Assessment Appeals.

*Commercial Property*—Any property, whether vacant or occupied, whose purpose is to generate income for its owner, or is otherwise designated in the tax assessment records as commercial, industrial, and/or agricultural in use.

*Date of Notification*—The date of the Board's decision.

*Party*—Appellant, the Board, and any other person or entity entitled to notice of the appeal.

*Property Owner*—The record owner of the property as set forth in the Recorder of Deeds Office, reflecting the most recent deed of record.

*Taxing Authority*—Any county, city, borough, town, township, school district, or other public corporation having power and authority to levy taxes on the assessment of the real estate in question.

*Verified*—When used in reference to a written statement of fact by the signer, means supported by oath or affirmation or made subject to the penalties of 18 Pa. Con. Stat. § 4904 relating to unsworn falsification to authorities.

### **LR8000.1. Real Estate Tax Assessment Appeal.**

(a) Real Estate Tax Assessment Appeal from a decision of the Board as to the amount of the assessment for real estate tax purposes, or as to exemption of real estate from payment of real estate taxes, shall be captioned "Petition for Real Estate Tax Assessment Appeal" or "Petition for Real Estate Tax Exemption Appeal" and filed with the Prothonotary within the time prescribed by statute. A copy of the appeal shall be provided to the Court Administrator.

(b) The Petition shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Board as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as a matter of course as a party in the assessment appeal by designating such named owner in the caption as an Appellee. All taxing authorities shall be named as parties in the appeal. The tax parcel identification number for the real estate in question shall appear in the caption.

(2) Identification of the subject real estate, including the street address and tax parcel identification number, and a designation of the municipality and school district wherein the real estate is located. A copy of the property card from the tax records shall be attached as an exhibit to the petition.

(3) Name and address of the taxpayer(s), and any other party to the appeal.

(4) Nature of and reasons for the appeal.

(5) Reference to the decision of Beaver County Board of Assessment Appeals or its Auxiliary Board (Board) from which the appeal is taken. The date of notification shall be provided. A copy of the Board's notice of decision shall be attached as an exhibit to the petition.

(6) Reason(s) for the appeal. The petition shall identify whether the challenge is based on fair market value, base year value, and/or a constitutional challenge based on uniformity.

(7) A verification in accordance with Pa.R.Civ.P. 206.3, if the petition contains an allegation of fact which does not appear of record.

(c) Within ten (10) days after filing the appeal, appellant shall serve a copy of the appeal on the Board, on all affected taxing authorities at their business addresses, and any other party, in the manner prescribed by Pa.R.Civ.P. 440. The property owner shall be served notice at the registered address designated on the tax records of Beaver County.

(d) Within twenty (20) days of service of the appeal, the appellant shall file a verified proof of service of the petition.

(e) There shall be no requirement that the appellee, or any other party, file an answer or responsive pleading to the petition.

(f) All appeals shall be subject to Pa.R.Civ.P. 1012, 1023.1, and 1025 as amended.

(g) Cross-appeals shall not be permitted, and, if a cross-appeal is filed, the Court shall dismiss the cross-appeal, and proceed at the earlier filed appeal.

(h) No appeal may be withdrawn without consent of all other parties, or leave of court.

(1) In the event the matter is settled between the parties, the parties shall within seven (7) days of reaching a settlement execute a Stipulation to Settle in accordance with FORM 8000.1(h)(1) and within seven (7) days of execution of the Stipulation to Settle the appellant shall file a praecipe to settle and discontinue with the Prothonotary and deliver copies of both the Stipulation and the praecipe to the Court. Thereupon the Court will enter an Order in accordance with FORM 8000.1(h)(1). No leave of Court is required if the parties agree to settle.

*Note:* The Pennsylvania Rules of Civil Procedure do not apply to real estate tax assessment appeals, unless specifically adopted by local rule or order of court. *In re Mackey*, 687 A.2d 1186 (Pa. Commw. Ct. 1997).

## **LR8000.2. Intervention.**

(a) Any taxing authority not named as a party may intervene as a matter of course during pendency of the appeal by filing a Notice of Intervention with the Prothonotary.

(b) Notice of Intervention shall contain the name of the intervening party as an additional party designated as "Intervenor" in the caption, and shall set forth that such identified party is intervening. The notice shall provide an address for the intervenor, unless simultaneously filed with an entry of appearance for counsel.

(c) Intervenor shall serve copies of Notice of Intervention on all parties in accordance with Pa.R.Civ.P. § 440.

(d) Within ten (10) days of filing of Notice of Intervention, the intervenor shall file a verified proof of service.

(e) No response is required to be made by any party served with a copy of a Notice of Intervention.

### **LR8000.3. Discovery.**

(a) Except as otherwise provided by this Rule, discovery shall be by leave of court only for cause shown. Nothing in these rules shall prohibit an agreement among the parties regarding discovery not otherwise authorized by these rules.

(b) In all cases involving commercial property, the taxing authorities may serve a copy of Tax Assessment Appeal Discovery Requests in accordance with FORM 8000.3 on the taxpayer. The taxpayer shall furnish the information sought in the Discovery Requests as set forth in Local Rule 8000.5.

(c) Any discovery disputes, including, without limitation, any motions for protective order or motions to compel, shall be presented upon proper notice to the judge assigned to the case.

(d) A party may inspect the property at a reasonable time(s) upon the condition that such party provides written notice of the inspection no less than fifteen (15) days prior to the property owner, if unrepresented, or the counsel of record for the property owner. If the property owner objects to the inspection or the time for inspection set forth in the notice, the property owner shall file written objections to such inspection and present such objections to the assigned judge.

*Note:* In the absence of a statewide rule, local rule, or order of court, it is within the sound discretion of the trial court whether to permit or refuse discovery in tax assessment appeals. *Tanglwood Lakes Community Association v. Pike County Board of Assessment*, 642 A.2d 581 (Pa. Commw. Ct. 1994).

### **LR8000.4. Consolidation.**

(a) The Court on its own motion, or on the motion of a party, may consolidate real estate tax assessment appeals involving properties that are similarly situated. The properties must be located within the same municipality and school district.

(1) A motion to consolidate shall be determined in accordance with Pa.R.Civ.P. 213.

(2) If the Court grants a motion to consolidate real estate tax assessment appeals, it shall enter a case management order setting forth all pretrial deadlines.

### **LR8000.5. Pretrial Procedure.**

The Court shall hold Initial Case Management Conferences for all real estate tax assessment appeal cases on dates and times set by the Court.

(a) For all new filings in real estate tax assessment appeal cases:

(1) The Prothonotary shall assign the case to a judge using the Infocon system.

(2) An Initial 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 a date to be determined by the Court.

(3) 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 8000.5A and shall set forth suggested dates for the completion of expert and fact discovery, suggested dates by which to file dispositive motions, and a proposed date for a pre-trial conference.

(4) At the time of the case management conference, the Court may, after consultation with the parties, issue a case management order assigning the case to the residential property case management track pursuant to LR8000.5(b), the non-residential property case management track pursuant to LR8000.5(c), submit the case to a hearing officer for disposition pursuant to LR8000.6, 8000.7, 8000.8, and 8000.9, or enter a case management order setting forth specially-set deadlines for discovery, the filing of dispositive motions, the exchange of expert reports, and the scheduling of a pre-trial conference.

(b) If assigned to the residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

(1) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the pretrial conference, all counsel and the parties, or a designated representative, shall be present.

(2) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.

(3) Each party of record shall file a Pretrial Memorandum within one hundred and twenty (120) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.

(4) The Court Administrator shall schedule a conciliation conference within one hundred and eighty (180) days of the filing of the appeal. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the hearing officer.

(5) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

(c) If assigned to the non-residential property case management track at the time of the case management conference, the following schedule shall govern the appeal:

- (1) Discovery requests shall be propounded within forty-five (45) days of the filing of the appeal.
- (2) Responses to discovery shall be furnished within forty-five (45) days of the date of the requests.
- (3) The Court Administrator shall schedule a first pretrial conference within ninety (90) days of the case management conference. At the time of the conference, all counsel and the parties, or a designated representative, shall be present.
- (4) If after the first pretrial conference, the parties have not negotiated in good faith or for other reasons, this Court may, in its discretion, order the parties to exchange appraisal reports (if appropriate) within ninety (90) days. If a party fails to provide an appraisal within the time period provided by this rule, by leave of court, or within such time as agreed to by the parties and approved by the Court, then, upon motion, the Court may preclude that party from presenting any evidence of valuation at trial.
- (5) Each party of record shall file a Pretrial Memorandum within one hundred and eighty (180) days of the case management conference. The Pretrial Memorandum shall set forth (1) the contended assessed value of the subject real estate; (2) the names of all witnesses to be called at the hearing; (3) a list of all exhibits intended to be introduced at the hearing; (4) any pre-trial motions, with supporting legal authority; (5) a summary of any legal issues; and (6) a copy of any appraisal to be presented at the hearing.
- (6) The Court Administrator shall schedule a conciliation conference within one hundred eighty days (180) days of the case management conference. At the time of conciliation, all counsel and the parties, or a designated representative, shall be present. The property owner, or their designated representative, shall have full authority to settle. The conciliation conference may be the same day as the hearing before the hearing officer.
- (7) These deadlines shall only be extended for good cause shown via motion presented during Tax Assessment Appeal Motions Court in compliance with LR208.3(a).

**FORM 8000.5A  
(COVER SHEET WITH CAPTION)**

**1. LR8000.5A REAL ESTATE TAX ASSESSMENT APPEAL SUMMARY  
NATURE OF THE CHALLENGE**

Please set forth the general nature and reasons for the appeal.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Are there any pending or anticipated preliminary objections or motions for judgment on the pleadings in this case? Yes \_\_\_\_\_ or No \_\_\_\_\_

If yes, please provide more detail:

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### 3. SUGGESTED DATES

Set forth suggested dates for the following:

- a. Date by which fact discovery should be completed:
- b. Date by which expert reports should be exchanged:
- c. Dates by which dispositive motions and responses thereto should be filed:
- d. Dates proposed for pre-trial conference:

### 4. ALTERNATIVE HEARING OFFICER DISPOSITION

The parties shall state reasons, if any, why the case should not be submitted to a hearing officer.

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## **LR8000.6. Appointment of Hearing Officer.**

The court may hear the testimony, or, upon its own motion, may appoint a hearing officer with respect to all or any of the matters involved in the real estate tax assessment or tax exemption appeal to issue a report and recommendation. The order of appointment shall specify the matters which are referred to the hearing officer. The hearing officer shall be compensated on an hourly basis in a manner to be determined by the Court.

*Note:* The Court possesses the inherent authority to appoint a hearing officer to assist it in performing its various functions, including the production of advisory opinions regarding tax assessment appeals. *Appeal of 322 Blvd. Associates*, 600 A.2d 630 (Pa. Commw. Ct. 1991).

## **LR8000.7. Hearing by Hearing Officer. Report.**

(a) The Court Administrator shall schedule any proceedings before the hearing officer and shall cause notice to be provided to all the parties in accordance with FORM 8000.7.

(b) A record shall be made of all proceedings before the hearing officer. Any requests for transcription shall be in accordance with the Pennsylvania Rules of Judicial Administration governing court reporting and transcripts.

(c) In an action which has been referred to a hearing officer, the hearing officer's report shall include findings of fact, conclusions of law, and a recommended disposition of the case.

(d) The hearing officer's report and recommendation shall be filed, and the Prothonotary shall serve a Notice and copy to all counsel of record and any unrepresented party by regular mail in accordance with FORM 8000.7(d).

(e) Any exhibits admitted into evidence before the hearing officer are part of the court record, and shall be maintained with the official court record in the appropriate filing office.

### **LR8000.8. Hearing by Hearing Officer. Report. Objections. Transcript.**

(a) Any party may file objections to the report and recommendation of the hearing officer within thirty (30) days of the filing of the report and recommendation. Objections must be accompanied by a certification of counsel, or a party if unrepresented, that a transcript of all proceedings before the hearing officer, or necessary portions of the transcript, have been requested from the Court Administrator.

(1) Any request for a transcript shall be governed by the applicable Pennsylvania Rules of Judicial Administration pertaining to court reporting and transcripts.

(2) If no trial transcript is filed within sixty (60) days of the date the Objections were filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel and parties not represented by counsel, stating that the transcript must be paid for and filed within thirty (30) days of the date of the letter, and that if no transcript is filed within the time period, then a court order shall be issued overruling the objections with prejudice in accordance with FORM 8000.8(a)(2).

(b) Within twenty (20) days of the date on which the transcript is filed of record, the objecting party shall file a Brief in Support of Objections. The Brief in Support of Objections shall refer to transcript page numbers where possible.

(c) If no brief is filed within twenty (20) days of the date the transcript is filed, the Court Administrator shall send the objecting party a letter, with copies to all counsel or a party if not represented by counsel, stating that if a brief is not filed within twenty (20) days of the date of the letter, then a court order will be entered overruling the objections with prejudice in accordance with FORM 8000.8(c).

*Note:* If a Brief in Support of Objections has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

(d) Within twenty (20) days after the moving party has filed its Brief in Support of Objections, all responding parties shall file their Briefs in Opposition to Objections.

(e) If no Brief in Opposition is filed and served within twenty (20) days, the Court Administrator shall send the opposing party a letter, with copies to all counsel and parties not represented by counsel, stating that if an opposing brief is not filed within twenty (20) days of the date of the letter, the decision will be made without reference to any brief that you may file thereafter in accordance with FORM 8000.8(e).

(f) A copy of any brief filed shall be served on all counsel of record, a party if unrepresented, the Court Administrator, and the Court.

*Note:* If a Brief in Opposition has been filed by a taxing authority, other taxing authorities may file a statement joining in that brief, and forego filing their own brief.

### **LR8000.9. Decision. Final Order. No Post-Trial Motions.**



(a) Within five (5) days after the filing date set for the Briefs in Opposition to Objections has passed, the objecting party shall notify the Court that the matter is ripe for decision by filing a notice that the matter is ripe for decision in accordance with FORM 8000.9(a). A copy of the notice shall be served on all counsel of record, a party if unrepresented, and the Court Administrator.

(b) Upon the filing of the notice defined in subsection (a), the Court may schedule oral argument on the objections, or enter a final order based on the briefs and record alone.

(c) In the event that none of the parties file objections as described above, the report and recommendation of the hearing officer shall become the final order of court.

(d) There shall be no motions for post-trial relief to a final order of court.

### **LR8000.10. Real Estate Tax Exemption Appeals.**

(a) Real estate tax exemption appeals shall be governed by the same rules as real estate tax assessment appeals; provided, however, that Local Rules 8000.3 and 8000.5 shall not be applicable.

(b) Real estate tax exemption appeals from decisions of the Board shall be subject to the provisions pertaining to discovery in the Pennsylvania Rules of Civil Procedure.

### **LR8000.11. Notice of Change of Ownership of Property. Change of Address. Withdrawal or Substitution of Counsel.**

(a) If at any time during the course of an appeal filed pursuant to Local Rule 8000, et seq., ownership of the property at issue is transferred, changed, or altered in any way, the new property owner listed of record in the appeal is required to file notice of the transfer/change/alteration with the Prothonotary. The notice shall provide the following information:

- (1) The name(s) and addresses(es) of the new record owner(s) of the property;
- (2) The type of transfer/change/alteration (e.g., property sold); and
- (3) The date of the transfer/change/alteration.

(b) Failure to file notice within thirty (30) days of the transfer or change shall be grounds for termination of the appeal and a discontinuance of the matter.

*Note:* See Pa.R.Civ.P. 1012 for notice requirements when there is a withdrawal or substitution of counsel. See Pa.R.Civ.P. 440 for the requirements of service of legal papers.

### **LR8000.12. Repealer.**

These Rules shall repeal and replace current LR8000 and LR8001 in their entirety.

## **FORMS**

### **FORM L8000.1(h)(1). Stipulation to Settle.**

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

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

WHEREAS, the Appellant(s) filed an appeal to this Honorable Court of the assessment set for the above referenced property by the Board of Assessment Appeals of Beaver County.

WHEREAS, based upon the risk and hazards of litigation, the parties have decided that it is in their best interest to settle the above-captioned matter based upon the terms and conditions outlined in this Stipulation to Settle.

NOW, THEREFORE, the undersigned, intending to be legally bound and to bind their respective clients, agree to the following settlement. After further review by all parties, it was agreed the assessment shall be as follows:

1. Commencing on \_\_\_\_\_, for the County and Township taxes, and \_\_\_\_\_, for the School taxes, the assessment shall be set based on a fair market value of \$ \_\_\_\_\_ and an assessed value of \$ \_\_\_\_\_ for tax year \_\_\_\_\_.
2. In determining the assessed value of the property, the County Assessment Office shall use a Common Level Ratio of \_\_\_\_\_ %.
3. The parties agree that the Court should enter an Order in the form attached setting the assessed value as herein above set forth and ordering that the case be marked settled, discontinued, and ended.
4. The Appellant shall pay the appropriate fee, payable to the Prothonotary of Beaver, for the discontinuance of this action. Payment shall accompany the filing of this stipulation.
5. If the docket is not settled within ten (10) days of the settlement date set forth in this Stipulation, Appellant shall appear as scheduled by the Court. Settlement of the docket shall cancel this hearing.
6. This Stipulation can be executed in counterparts.  
on behalf of the Municipality

on behalf of the County  
on behalf of the Taxpayer  
on behalf of the School District

**FORM L8000.1(h)(1). Order.**

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

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon review of the Stipulation of Settlement among the parties, attached hereto, it is hereby ORDERED, ADJUDGED and DECREED that the stipulation to settle the appeal is approved; and

It is further ORDERED that the Beaver County Board of Assessment Appeals shall establish the fair market value for assessment purposes on the Beaver County Tax Parcel Number \_\_\_\_\_ to be \$ \_\_\_\_\_ and the assessed value from \$ \_\_\_\_\_ to \$ \_\_\_\_\_ as of \_\_\_\_\_, for County and Municipal taxes, and \_\_\_\_\_, for School District taxes; and

It is further ORDERED that, upon receipt of the appropriate filing fee from the Appellant, the Prothonotary of Beaver County is to mark the above case, settled, discontinued, and ended. If the docket is not settled within ten (10) days of the settlement date set forth the parties' Stipulation, Appellant shall appear before the court on the \_\_\_\_\_ day of \_\_\_\_\_ at 9:00 o'clock a.m. in courtroom \_\_\_\_\_. Settlement of the docket shall cancel any hearing on the Petition for Appeal.

BY THE COURT:

\_\_\_\_\_ J.

**FORM L8000.3. Tax Assessment Appeal Discovery Requests.**

**(CASE CAPTION, INCLUDING DOCKET NUMBER)**

AND NOW, comes (name) and serves the within Tax Assessment Appeal Discovery Requests upon (name). Pursuant to Local Rule 8000.3 and 8000.5, all applicable responses to these Requests must be furnished within forty-five (45) days after the receipt of these Requests.

## **REQUESTS FOR DOCUMENTS**

Please produce a copy of the following:

1. Any and all surveys (land, structural, environmental, etc.), building plans and site plans showing design construction and location of the subject property.
2. Any and all mortgages, promissory notes, deeds, and agreements of sale made or assumed on the subject property within the last three years and the corresponding closing statements.
3. Any and all appraisals or evaluations on the subject property which have been made during the last three years.
4. Any and all loan applications of any kind involving or relating to the subject property which have been signed or submitted within the past three years.
5. Any and all taxes, land leases, agreements, licenses, occupancy schedules, rent schedules (or rolls) relating to the subject property for the last three years.
6. Any and all written listing agreements, offers to purchase or offers to sell the subject property made within the last three years.
7. Any and all soil tests or mineral evaluations, permits or permit requests, requests relative to a zoning variance, or similar applications or requests to any governmental body within the past three years concerning the subject property and the result of any such applications or requests.
8. Any and all federal and state income tax returns and audited financial statements with respect to the subject property within the last three years.
9. Any and all corporate or partnership prospectus or private placement memorandum that contains any reference to the value of the subject property within the last three years.
10. Any and all insurance policies and/or binders covering the subject property, its building contents, any building or any business located thereon from the last three years.
11. Any and all documents which describe in whole or in part any physical improvements to the subject property (whether by the owner or by a tenant) within the last three years.
12. Any and all documents listing or describing capital improvement(s) made to the subject property over the past three years including the costs of the capital improvement(s) and the completion date(s).
13. Any and all documents relating to leasing commissions paid with respect to the subject property over the last three years including the corresponding tenant space, the commission paid, and the date.

**FORM L8000.3. Tax Assessment Appeal Discovery Requests.**

## **INTERROGATORIES**

Please provide the following information:

1. The name, address and telephone number of the person to contact regarding conducting an inspection of the subject property.

Date:

Signature

**FORM L8000.7. Notice.**

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

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, upon consideration of the within Real Estate Tax Assessment Appeal Petition, the Court appoints a Hearing Officer to hear the Assessment Appeal.

IT IS ORDERED THAT the within Real Estate Tax Assessment Appeal Petition will be heard on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, at \_\_\_\_\_ on the \_\_\_\_ th Floor Hearing Room of the Beaver County Courthouse.

A Real Estate Tax Assessment Appeal status report, in the form set forth as attached hereto, shall be filed with Court Administration no later than 10 days prior to the hearing.

Any continuance of the Real Estate Tax Assessment Appeal hearing must be obtained upon motion presented to the assigned Judge.

A copy of this Order shall be served on all parties and intervenors of record. Should this matter settle before the Real Estate Tax Assessment Appeal date, please notify Court Administration via facsimile at 724 \_\_\_\_\_. You will be required to file a Praecipe to Settle and Discontinue within 10 days.

COURT ADMINISTRATOR

**FORM L8000.7. Real Estate Tax Assessment Appeal Status Report.**

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

IN RE Appeal of:

(NAME OF APPELLANT)

Case No.:

From the Beaver County Board of Assessment Appeal

Tax ID No.

School District:

Municipality:

Property of:

Property Address:

Intervenor

**REAL ESTATE TAX ASSESSMENT APPEAL STATUS REPORT**

Appellant's Counsel Name & Phone No.

FAX No.

Board of Assessment Appeal/County of Beaver

Counsel Name & Phone No.

FAX No.

Intervenor(s)' Counsel Name & Phone No.:

FAX No.

Status of Settlement negotiations:

Anticipated total length of Hearing—(counsel should consult with all sides to provide a reliable estimate of time because other hearings may be scheduled to follow the time allotted for your case).

Other considerations that the court needs to be aware of concerning the scheduling of a hearing time:

NOTICE: Any continuance requested after the scheduling of a hearing time for your Real Estate Tax Assessment Appeal hearing as per Beaver County L.R.C.P. LR8002 will require a motion before the Court.

Date: Signature  
(legal counsel or party, if unrepresented)

**FORM L8000.7(d). Notice.**

**(CAPTION INCLUDING DOCKET NUMBER)**

**NOTICE**

Pursuant to the provisions of 72 P.S. § 502—518. 1(c) and Local Rule 8000.7, attached is the Report of the Hearing Officer.

Any party objecting to the Report shall file Objections with the Beaver County Prothonotary within thirty (30) days of the receipt of this Notice. A copy of the Objections must be accompanied by a certification of counsel or of the objecting party, if unrepresented, that the trial transcript, or necessary portions of the transcript, have been ordered from the Court Administrator's Office. Copies of the Objections and certification shall be served on the Court Administrator and on all counsel of record, or the parties, if unrepresented.

In the event that none of the parties files Objections, the Report and Recommendation of the Hearing Officer will be adopted as the final Order of Court.

PROTHONOTARY

Dated:

**FORM L8000.8(a)(2). Letter.**

Re: [case name and docket number] Dear [Objecting Party]:

It has been sixty (60) days since you filed your Objections to the Hearing Officer's Report in the subject case and no trial transcript has been filed with the Court Administrator, Civil Division. You must contact this office and order the transcript of the proceedings and the transcript must be paid for and filed within thirty (30) days of the date of this letter. See Local Rule 8000.8.

If the transcript has not been paid for and filed within thirty (30) days of the date of this letter. A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING THE OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

**FORM L8000.8(a)(2). Court Order.**

**[CAPTION INCLUDING DOCKET NUMBER]**

**ORDER OF COURT**

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, it appearing that ninety (90) days after the Objections in this case were filed, a letter dated \_\_\_\_\_ was mailed by the Court Administrator's office to the objecting party; this letter stated that within thirty (30) days from the date of the letter, the trial transcript must be paid for and filed; thirty (30) days have passed since the date of the letter, and the transcript has not been filed.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8, the objections in this case are overruled with prejudice.

BY THE COURT:

\_\_\_\_\_ J.

**FORM L8000.8(c). Letter.**

Re: [case name and docket number]

Dear [Objecting Party]:

It has been twenty (20) days since the transcript in the referenced case was filed with the Court Administrator, Civil Division. Pursuant to Local Rule 8000.8, your brief is now overdue. If it is not filed and served within twenty (20) days of the date of this letter, A COURT ORDER PURSUANT TO LOCAL RULE 8000.8 WILL BE ISSUED OVERRULING YOUR OBJECTIONS WITH PREJUDICE.

Very truly yours,

Court Administrator

**FORM L8000.8(c). Court Order.**

**[CAPTION INCLUDING DOCKET NUMBER]**

**ORDER OF COURT**

On this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, it appearing that twenty (20) days after the transcript in this case was filed, a letter dated \_\_\_\_\_ was mailed by the Court Administrator to the objecting party, this letter stated that if a brief is not filed by the objecting party and served within twenty (20) days of the date of the letter, a court order will be issued overruling the objections with prejudice; twenty (20) days have passed since the date of the letter; and the objecting party has not filed a brief.

IT IS ORDERED THAT, pursuant to Local Rule 8000.8 the objections in this case are overruled with prejudice.

BY THE COURT:

\_\_\_\_\_ J.

**FORM L8000.8(e). Letter.**

Re: [case name and docket number]

Dear [Opposing Party]:

It has been twenty (20) days since the Objecting Party filed a Brief in Support of Objections and no brief in opposition has been filed by you. If no Brief in Opposition is filed and served within (20) days of the date of this letter, the decision will be made without reference to any brief that you may file thereafter.



Very truly yours,  
Court Administrator

**FORM L8000.9(a). Notice that Matter is Ripe for Decision.**

**CASE CAPTION, INCLUDING DOCKET NUMBER**

**NOTICE THAT MATTER IS RIPE FOR DECISION**

AND NOW, comes (name) and notifies this Honorable Court, pursuant to Local Rule 8000.9, that this matter is ripe for decision and requests that this Honorable Court schedule oral argument or decide the objections on the briefs at its convenience.

A Brief in Opposition to the Objections \_\_\_\_\_ has \_\_\_\_\_ has not been filed (please check appropriate line) been filed.

Date: (Signature)