

(Effective January 14, 2014 and January 24, 2014)
LOCAL RULES
RULES OF CIVIL PROCEDURE
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**WARREN AND FOREST COUNTY
COMMON PLEAS COURT RULES**

Rule C.P.L49. Official Periodical

The official legal periodical for Forest County shall be *The Forest Press* and for Warren County shall be the *Warren Times Observer*.

All legal notices shall be published in accordance with applicable rules in the forgoing publications.

Rule C.P.L50. Terms of Court

There shall be a continuous session of Court annually. The Prothonotary shall separately number all causes filed numerically and consecutively throughout the calendar year. On the first day of January each successive year, the numbering shall commence anew.

Rule C.P.L51. Title and Citation of Rules

The Local Rules of the 37th Judicial District of the Commonwealth of Pennsylvania shall be known and cited as "37 C.P.L. _____."

Rule C.P.L52. Effective Date

These Local Rules shall become effective within thirty (30) days after publication in the *Pennsylvania Bulletin*, except for Local Rules 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a), which shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal. These Rules shall be applicable to pending actions.

Rule C.P.L101. Principles of Interpretation and Construction of Rules

When interpreting any rule, the principles of interpretation, rules of construction, and presumptions in ascertaining intent, set forth in the Pa. Rules of Civil Procedure "Pa. R.C.P." shall be applied.

BUSINESS OF THE COURT

Rule C.P.L200. Attorneys

1. No attorney, judge, or any elected official having decisional power and whose duties are related to the judicial process of the District shall be accepted as surety in any suit, action, prosecution or proceeding pending within the District, provided, that this rule shall not prohibit any such person from being accepted as principal or surety in any action or proceeding in which such person is personally involved as a party.

2. The signing of a pleading by an attorney shall constitute that attorney's entry of appearance irrespective if the signature is made on behalf of a professional corporation, partnership or similar entity. Appearances by attorneys or parties not signing pleadings shall be made by written praecipe filed with the Prothonotary of the respective Court in the District.

Rule C.P.L200.1. Sureties

1. No corporation shall be accepted as surety upon any bond to be approved by the Court unless such corporation has filed in the office of the Prothonotary of the County of the District a certificate issued by the Insurance Commissioner of the Commonwealth authorizing it to become surety on bonds, obligations and undertakings and certifying that such certificate has not been revoked by the Insurance Commissioner.

2. In all cases where surety other than a corporation is required to be approved by the court for bonding purposes, the individual offering the surety for approval shall execute an affidavit in the following form which shall be provided by the Prothonotary.

COMMONWEALTH OF PENNSYLVANIA
County of Warren/Forest
SS:

The undersigned, being considered as a proper surety in the above entitled case and being duly sworn according to law, deposes and states:

1. My (our) full post office address is:

2. I (we) own real estate in Warren/Forest County, Pennsylvania, in fee simple in my (our) name(s) having a fair market value of at least \$_____.

3. That attached hereto is the appraisal of a licensed real estate appraiser within the Commonwealth of Pennsylvania/or certified copy of the County tax assessment record.

4. That attached hereto is the certificate of an attorney of all recorded liens against the said realty.

5. The real estate is recorded in my (our) name(s) in Warren/Forest County Deed Book/Record Book Vol._____,Page_____.

Signature

Sworn and subscribed to me this
_____ day of _____, _____.

RuleLC.P.205. Civil Case Management

1. For all civil cases, excluding domestic relations matters, the Court shall issue a Civil Case Management Order after the close of the pleadings. This Civil Case Management Order shall set dates certain for the completion of discovery, the filing of all pre-trial motions, a pre-trial conference, and jury selection where demanded. The form of the Civil Case Management Order shall be as provided in Exhibit L205.

2. If any party determines that the complexity of the case will require an expanded schedule, that party shall notify the Court Administrator within 10 days of the entry of the Civil Case Management Order to request a scheduling conference. It shall be the responsibility of the party requesting a scheduling conference to notify all counsel and any parties proceeding pro se of the date, time and place of the scheduling conference.

3. Pro Se Filings.

(a) The Prothonotary shall forward a copy of all documents filed by individuals who are represented by counsel of record to that attorney.

(b) Filings that are not in compliance with the law, rule of court or the appropriate fee schedule shall be duly noted and forwarded immediately to the office of the Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

(c) The notice shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF FOREST/WARREN COUNTY THAT IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE FOLLOWING AGENCIES TO OBTAIN LEGAL HELP:

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg., 4 th Floor
100 South Street	315 Second Ave., Suite 401
Harrisburg, PA 17108	Warren, PA 16365
Phone (800) 692-7375	Phone (800) 665-6957

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
WARREN COUNTY BRANCH
CIVIL

_____,
Plaintiff
vs. No. A. D. __ OF __
_____,
Defendant

CIVIL CASE MANAGEMENT ORDER

AND NOW, the ____ day of _____, 20__, the Court enters the following case management order:

1. All discovery shall be completed by _____.
(date)
2. All pretrial motions shall be filed before _____.
(date)
3. The pretrial conference will be held on ____ at ____ a.m./p.m. in the Warren County Courthouse. Pre-trial conference procedure is set forth in Local Rule L212.1.
4. ___A. Jury Selection is scheduled for ____ at ____ a.m./p.m.
___B. A Bench Trial shall be scheduled at the pre-trial conference.

If any party determines that the complexity of the case requires an expanded schedule, the party may request a scheduling conference by contacting the Court Administrator within 10 days of the date of this order. It shall be the responsibility of the requesting party to notify all counsel, and any parties proceeding pro se, of the date, time and place of the scheduling conference.

BY THE COURT

Judge

FORM 205

Rule C.P.L205.2(a) Filing Legal Papers with the Prothonotary

(a). Format for Pleadings and all Papers

- (1) All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law or in equity and in other matters designated under the Rules of Civil Procedure shall be prepared for flat filing.
- (2) No paper or other document may be filed in the Prothonotary's Office on any paper other than paper approximately 8 1/2 × 11 inches in size.
- (3) Any paper or other document filed in any office shall be sufficient as to format and other physical characteristics if it substantially complies with the requirements that it shall be on white paper of good quality with typed or printed matter 6 1/2 × 9 1/2 inches.
- (4) The cover sheet shall contain a 3 inch space from the top of the paper for all court stampings, filing notices, etc.
- (5) Exhibits introduced in judicial proceedings and wills are exempt from this rule.
- (6) Multi-page filings shall be stapled in the upper left- hand corner only. No tape, headers or backers shall be used.
- (7) Verification.
Motions or petitions containing allegations of matters not of record in the case must be verified in accordance with Pennsylvania Rule of Civil Procedure 1024.
- (8) Certificate of Service.

All legal papers, except original filings, shall contain a Certificate of Service. Upon request by the moving party this requirement may be waived by the Court at the Court's discretion for good cause shown. The Certificate of Service shall be substantially in the following form:

(CAPTION)
CERTIFICATE OF SERVICE

This is to certify that in this case, previously assigned to Judge [insert the name of the Judge to whom the case was previously assigned], complete copies of this filing, including attachments, have been served upon the following persons, by the following means, and on the date(s) stated:

Name and Address: Means of Service: Date of Service:

Attorney's Name
Address
I.D. Number
Telephone Number

Rule C.P. L205.2(b) Cover Sheet

(b). Cover Sheet.

- (1) Cover sheets shall comply with Pa R.C.P. 205.5 as applicable.
- (2) In all other cases, every pleading and legal paper, of two or more pages, shall have a cover sheet in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL

_____,
Plaintiff
vs. _____ No. A. D. ___ OF ___
_____,
Defendant

Type of Document: _____

(Filed on Behalf of)

(Plaintiff/Defendant)

Counsel of Record for this Party:

(Name of Attorney Primarily Responsible)
Supreme Court I.D. No. _____

(Firm name, if any)

(Address)

(Phone)

(Fax number)

Rule C.P.L206.1(a) Petition

(1). Definition. "Petition," as used in these rules, shall mean:

- (a) an application to open a default judgment or a judgment of non pros,
- (b) a petition for civil contempt, except in a support or custody action, and
- (c) petition for relief from a judgment by confession.
- (d) a petition for custody and/or support.

(2). Content. All petitions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the petition, the reasons therefore, and the relief requested. A proposed order shall be included. For all petitions, the notice, the certificate of service, and the information for the court administrator shall be attached as the last page to the petition.

When the petition requests a hearing it shall contain: (1) an estimate of the total amount of time the hearing will take and (2) the name of the judge who heard any prior matter in the case.

(3). Notice. The petitioner shall notify the respondent on the face sheet of the petition of the following:

NOTICE

A petition has been filed against you in Court. If you wish to defend against the claims set forth in the petition, you must take action as specified in the rule returnable and file in writing with the court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the court without further notice for the relief requested by the petitioner. You may lose rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg., 4 th Floor
100 South Street	315 Second Ave., Suite 401
Harrisburg, PA 17108	Warren, PA 16365
Phone (800) 692-7375	Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Rule C.P.L206.2. Answer to Petition or Rule to Show Cause

Each respondent shall file an answer to a petition or rule to show cause within the time prescribed by the Court or if not stated within twenty (20) days after the petition or rule is served on such respondent. Respondent shall at once serve a copy of the pleading on each adverse party or their counsel in the manner prescribed by Pa. R.C.P. No. 440. Answers shall conform to the requirements for answers to complaints in civil actions under the applicable Rules of Civil Procedure, and the manner and effect of failure to answer, admissions and/or denials shall be governed by the provisions of Pa. R.C.P. No. 206.7

Rule C.P.L206.4(c). Procedure for the Issuance of a Rule to Show Cause

A petition seeking the issuance of a rule to show cause shall be filed in the Prothonotary's Office. A proposed order, in the form prescribed by Pa. R.C.P. 206.6(c), shall be attached to the petition. After filing, the Prothonotary's Office shall transmit the petition to the Court Administrator for consideration by the Court.

Upon the filing of a petition, a rule to show cause shall be issued as a matter of course pursuant to Pa. R.C.P. 206.6, unless otherwise required by statute or other Pennsylvania Rule of Civil Procedure.

A request for a stay of execution pending disposition of a petition to open a default judgment is governed by motion procedure, not petition procedure. See Rule L208.3(a).

Rule C.P.L208.2(a) Motions

(1) **Content.** All motions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the motion, the reasons therefore, the relief requested, a certificate of service, and a proposed order.

(2) **Hearing Requested.** When the motion requests a hearing it shall contain: (1) an estimate of the total amount of time the hearing will take and (2) the name of the judge who heard any prior matter in the case and (3) a proposed scheduling order.

Rule C.P.L208.2(c) Statement of Authority

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

Rule C.P.L208.2(d) Certification of Uncontested Motions

If the moving party intends to present the motion as uncontested, the motion shall include a written consent by opposing counsel and any unrepresented parties or the motion shall include a certification that the moving party has been in contact with opposing counsel and any unrepresented parties and that opposing counsel and any unrepresented parties do not contest the motion.

Rule C.P.L208.2(e) Certification of Discovery Motions

Motions relating to discovery shall include a certification by counsel for the moving party that counsel has conferred or attempted to confer with opposing counsel and any unrepresented parties having an interest in the motion in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

Rule C.P.L208.3(a) Requirements to Motions

(1) Motions Procedure.

(a) All Motions shall be filed with the Prothonotary's Office and shall include a proposed scheduling order. Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

(b) The Court, in its discretion, may hear any argument by telephone or videoconference provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the Court provides otherwise.

(c) The official Court Reporter does not attend arguments unless directed by the Court.

(d) The moving party in all post-trial or post-hearing motions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

(e) Emergency motions shall be governed by the above procedure, except that after filing, the moving party shall notify the Prothonotary and Court Administrator of the emergency situation and may request that the Court immediately consider the motion. If the moving party is requesting a waiver of the certificate of service requirement, the party shall make every effort to notify opposing parties of the substance of the motion and the time of filing and presentation to the Court. See L205.2(e) regarding Certificate of Service.

(f) Motions for continuance must be made in writing or of record in open court unless excused by the Court for cause. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons, which were not previously known or reasonably ascertainable. The motion shall state whether or not the proceedings previously have been continued and, if so, the number of prior continuances with identification of the party upon whose motion each continuance was granted.

Absent extraordinary circumstances, a request for continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

(g) A motion requesting a stay of execution pending disposition of a petition to open a default judgment shall be considered in the same manner as other motions or emergency motions, if applicable.

(2) Response to Motion.

No response is required to any motion unless required by Pa.R.C.P. or unless required by the Court in the scheduling order. See L210 for briefing requirements.

Rule C.P.L210 Briefs

Briefs shall be in the form specified by Pa.R.C.P. 210.

Any party desiring to file a brief shall do so upon the following schedule: (1) The moving party shall file a brief ten days in advance of argument court and (2) The responding party shall file a brief three days in advance of argument court.

Briefs shall be filed with the Prothonotary with a copy to the Court Administrator and a copy shall be served on all parties of record. See L205.2(e) regarding Certificate of Service.

Briefs, which refer to deposition testimony, affidavits, answers to interrogatories, etc. shall have appended to the brief a copy of that portion of the testimony referenced in the brief.

Rule C.P.L211 Oral Arguments

Oral arguments shall be limited to a maximum of ten (10) minutes for each party unless extended by the Court.

Rebuttal and surrebuttal argument shall be permitted only by leave of Court.

The Court Administrator shall schedule oral arguments. The argument list shall close 20 days before argument court.

Rule C.P.L212.1 Pre-Trial

(a) Thirty days prior to the civil trial term commencing, the civil trial list shall be closed and the Prothonotary shall prepare a civil trial list of all civil cases which have been noted ready for trial. The list shall include cases for jury and non-jury trial.

(b) The Court Administrator shall schedule pre-trial conferences on the civil cases and shall notify counsel of the date and time of the pre-trial conferences, which shall be held in the Judge's Chambers.

Rule C.P.L212.2 Pre-Trial Statement

In addition to the requirements governing the content of pretrial statements set out in Pa. R.C.P. 212.2 each pretrial statement in any civil case shall contain:

- (a) A narrative statement of the facts that will be offered by oral or documentary evidence at trial,
- (b) A statement of any unusual questions of fact or law; and in the event of the latter, supporting citations of counsel's position of the law.
- (c) An estimated length of time which will be required to present the parties' respective cases in chief.

Rule C.P.L212.3 Pre-Trial Conference

Counsel attending the pre-trial conference must have full and complete authority to stipulate on items of evidence, admissions, and settlement. In the absence of such authority, counsel shall have their client immediately available, either in person or by telephone.

If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference of the necessity or desirability of using a witness, an exhibit, a hypothetical question, plot or plan, he shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit, hypothetical question, plot or plan as is required on the pre-trial statement set forth in Rule L212.2 above. Failure to provide such information no less than 48 hours before selection of the jury, or commencement of trial in a non-jury case, may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plot or plan at trial.

Rule C.P.L217A Bill of Costs

A bill of costs must contain the names of the witnesses, the date 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 agent or attorney that the witnesses named were actually present in court, and that, in the attorney's opinion they were material witnesses. Where the service of a notice to appear, produce, or a subpoena was necessary, to compel the appearance of a witness or the production of evidence, such notice or subpoena, showing the time, place, and cost of service thereof, shall be filed with the bill. Any receipts for disbursements made for necessary exemplification of records, or in taking depositions in the case, or for other costs recoverable by law or rule of court, shall be filed with the bill. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa. R.C.P. No. 440.

Rule C.P.L217B Exceptions to Bill of Costs

The party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issue shall be determined by the court. Failure to file exceptions within ten (10) days shall be deemed a waiver of all objections.

Rule C.P.L220.1 Voir Dire

After the jury panel is drawn for each case the Court shall conduct voir dire to exclude from the list members for cause. Thereafter the Plaintiff shall conduct Plaintiff's voir dire, and thereafter Defendant shall conduct Defendant's voir dire. Counsel shall be limited in their voir dire interrogation to the panel collectively, and the voir dire shall be structured to seat a fair and impartial jury.

Rule C.P.L223 Conduct of Jury Trial

- (a) Each party shall be limited to two witnesses whose testimony is similar or cumulative, without leave of Court.
- (b) Time frames for opening and closing statements shall be set by the Court following pre-trial conference.

Rule C.P.L226 Points for Charge

- (a) Each point for charge shall be submitted to the Court separately numbered on stationary 8 1/2 inches by 11 inches, double-spaced, containing the caption and the point number.
- (b) Each point shall be supported by a citation of case or cases to support it or to a statute reference. The Court shall rule on each point prior to the attorney's summations.
- (c) Each point for charge shall not be repetitious by structuring the same point with different words.

Rule C.P.L227.1 Post-Trial Relief

- (a) All post-trial relief motions shall be in writing and shall be argued before the Court on the regular scheduled civil calendar argument date.
- (b) Each point of trial error shall be specifically identified and referenced to the trial transcript (if available) by page and line.

Rule C.P.L227.3 Transcript of Testimony

- (a) The party filing post-trial motions shall cause the transcript or portion thereof to support the motion to be transcribed before the motion is argued.
- (b) The party requesting the transcript or portion thereof shall request the same to be transcribed by the Court Reporter in writing and deliver the request to the Reporter.
- (c) The party ordering the transcript shall be responsible to pay the reporter who may refuse to deliver it until paid and when paid shall be entered as a record cost.
- (d) Upon agreement of counsel and the Court, the Court may dispose of the motion without the transcript.

Rule C.P.L230.2 Prompt Disposition of Matters; Termination of Inactive Cases

- (a) The Prothonotary shall, upon the periodic request of the Court Administrator, cause a report to be prepared which lists all civil matters, except support and eminent domain proceedings, in which no steps or proceedings have been docketed for two years or more prior thereto.
- (b) The Prothonotary shall give to all counsel of record, and to all parties from whom no appearance has been entered at least thirty (30) day's notice of the Court's intention to terminate the matter as provided by Pa. R.J.A. No. 1901(c). The Prothonotary shall note therein that a rule has been entered to show cause by written objection why the matter should not be dismissed pursuant to Pa.R.J.A. 1901.
- (c) If any such notices are returned by the postal authorities as undelivered for any reason, the notice shall be placed by the Prothonotary's Office in the official file. The Prothonotary's Office shall prepare a list of any such cases and cause the same to be published one time in the legal periodical, together with a notice that said cases will be terminated 30 days after the date on which the list is published. The cost of publication shall be borne by the office of the Prothonotary. The Prothonotary shall transmit a copy of such list to the Court Administrator.
- (d) If no written objection is docketed prior to the date set for the rule returnable or within thirty (30) days after publication as set forth in (3) above, an order shall be entered by the Court dismissing the matter with prejudice for failure to prosecute under the provisions of this rule. If objections are filed, the Court will review any objections and, if appropriate, schedule a hearing thereon.
- (e) Each magisterial district judge shall, at least annually, compile a list of civil and criminal summary cases filed in their offices in which no steps or proceedings have been taken for two years or more prior thereto. Notice of intention

to terminate shall be given by the district justice as set forth in Pa. R.J.A. 1901(c). In criminal summary cases, district justices shall give notice thereof to the District Attorney, any private prosecutor, the defendant, and the defendant's attorney of record as provided by Pa. R.J.A. 1901(c).

(f) If any such notices are returned by the postal authorities as undelivered, the magisterial district judge shall prepare a list thereof and cause the same to be published one time in the legal periodical, together with a notice that said cases will be terminated thirty (30) days after the date on which the list is published. The cost of publication shall be borne by the office of the district justice.

(g) If no written objection is received by the magisterial district judge prior to the date for the rule returnable or within thirty (30) days after publication as set forth in (6) above, an order shall be entered dismissing the matter with prejudice for failure to prosecute under the provisions of this rule.

Rule C.P.L240 In Forma Pauperis - Appointment of Counsel

The Court desires that legal services in civil actions shall be provided to indigents and qualified persons. Upon petition filed with the Court pursuant to motions practice, the Court may assign counsel to represent indigents in civil actions where deprivation of substantial rights may occur. The petition for the assignment of counsel in a civil action shall be in the form set forth on Exhibit L240 of these rules. A supply of these forms shall be maintained by the Prothonotary and the Domestic Relations Section.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT
OF PENNSYLVANIA
_____ COUNTY BRANCH

PETITION FOR THE APPOINTMENT OF COUNSEL
IN A CIVIL ACTION

TO THE HONORABLE _____, THE JUDGE OF SAID COURT:

The petitioner respectfully represents and petitions the court as follows:

1. Petitioner is _____ who resides at _____ and is the (plaintiff) (defendant) in the above entitled action.

2. Petitioner's social security number is _____ and his/her income and expense information as set forth below is complete and true.

3. That this is an action for _____

4. That this is a civil action which may lead to the deprivation of substantial rights of the petitioner and thus raises due process and equal protection questions where by the petitioner is entitled to the assignment of counsel.

5. That the petitioner is, for financial reasons, unable to obtain counsel to represent him/her in this action as the petitioner does not have sufficient income or assets to hire counsel nor does petitioner have the ability to borrow money or obtain gifts from relatives, friends, or otherwise in order to hire counsel. Petitioner has made the following efforts to obtain counsel: _____

6. I represent that the information below relating to my ability to pay counsel fees is true and correct:

(a) Employment

(i) I am presently employed and state as follows:

Employer _____

Address _____

Salary or wages per month _____

Type of work _____

(ii) I am presently unemployed and state as follows:

Date of last employment _____

Salary or wages per month _____

Type of work _____

(b) Other income within the past twelve months

Business or profession _____

-
- Other self-employment _____
Interest _____
Dividends _____
Pension and annuities _____
Social security benefits _____
Support payments received _____
Disability payments _____
Unemployment compensation and supplemental benefits _____
Worker's compensation _____
Public Assistance _____
Other _____
- (c) Other contributions to the support of my household (wife) (husband) (other adult living with me) _____
- () My (wife) (husband) (or other adult) is employed, and I state:
Employer _____
Salary or wages per month _____
Type of work _____
Contributions from children _____
Contributions from parents _____
Other contributions _____
- () My wife, husband, or other adult is not employed.
- (d) Property owned
Cash _____
Checking account _____
Savings account _____
Certificates of deposit _____
Real estate (including home): _____
Motor vehicle: Make ___ Year _____
Cost _____ Amt.owed _____
Stocks; bonds _____
Other _____
- (e) Debts and obligations:
Mortgage _____
Rent _____
Loans _____
Other _____
- (f) Persons dependent upon me for support
(Wife) (Husband)
Name _____
Children, if any
Name Age

Other persons:
Name _____
Relationship _____

7. Petitioner (is) (is not) receiving Public Assistance.

8. I agree that I have a continuing obligation to inform the Court and my court appointed counsel of any improvement in my financial circumstances which then may enable me to pay attorney's fees.

WHEREFORE, petitioner respectfully requests that this court appoint and assign counsel to represent him/her in this action.

(Print Name)

VERIFICATION

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

(Sign Name)

ORDER

AND NOW, this _____ day of _____, _____ upon consideration of the within petition the Court believing, based upon the representation and sworn statements of the petitioner, that the petitioner is indigent; and the Court further believing that this action affects "substantial rights" of the petitioner raising due process and equal protection questions, the court concludes that the petitioner has a right to the assignment of counsel to represent him/her in this action.

Accordingly, _____, Esq., is hereby appointed to represent the petitioner in this action until the petitioner is financially able to obtain counsel to represent him/her in this matter. In the latter event, counsel appointed to represent the petitioner shall continue to represent the petitioner either pursuant to an agreement between counsel and the petitioner regarding the payment of fees and costs or, in lieu thereof, counsel or the petitioner may file a motion or petition with this Court to determine the petitioner's ability to pay counsel fees and the terms and conditions thereof.

BY THE COURT

Rule C.P.L300. Prothonotary. Collection of Costs

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. For the purpose of this rule costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

Rule C.P.L400. Service by Sheriff

A party filing a complaint or any other pleading that constitutes original process which is to be served by the Sheriff's Office shall deliver to that office a certified copy of the complaint or pleading for each party to be served together with instructions for service on a form available from the Sheriff's Office. The Sheriff shall have the right to require payment for the requested service before service is made or attempted unless the party seeking service has been given the right to proceed in forma pauperis.

Rule C.P.L1012. Withdrawal of Appearance

Requests to withdraw appearance which require court approval shall comply with Pa. R.C.P. 1012 and with L208.3(a), except that said motions, when not contested by the opposing party, need not be scheduled for argument but may be presented in chambers.

Rule C.P.L1018.1. Notice to Defend

As provided by Pa. R.C.P. No. 1018.1, the following agencies are designated to be named in the Notice to Defend in order to find out where legal help can be obtained:

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg., 4 th Floor
100 South Street	315 Second Ave., Suite 401
Harrisburg, PA 17108	Warren, PA 16365
Phone (800) 692-7375	Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

Rule C.P.L1028(c) Preliminary Objections

(1) All preliminary objections shall be filed with the Prothonotary and shall include a proposed scheduling order. Preliminary objections should not be filed with the Court Administrator. Courtesy copies for the court are not required. Preliminary objections should not be filed in duplicate or by facsimile transmission. The court will take no action until the preliminary objections have been filed of record. No response is required to any preliminary objection unless required by Pa.R.C.P. or unless required by the Court in the scheduling order.

(2) Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(3) The court, in its discretion, may hear any argument by telephone or videoconference, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(4) The official court reporter does not attend argument unless directed by the court.

(5) All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the preliminary objections or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections.

Rule C.P.L1034(a) Motion for Judgment on the Pleadings

(1) A motion for judgment on the pleadings and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for judgment on the pleadings should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for judgment on the pleadings should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within thirty (30) days after service of the motion, unless the time for filing the response is modified by court order.

(2) Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(3) The court, in its discretion, may hear any argument by telephone or videoconference, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(4) The official court reporter does not attend argument unless directed by the court.

Rule C.P.L1035.2(a) Motion for Summary Judgment

(1) A motion for summary judgment and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for summary judgment should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for summary judgment should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within thirty (30) days after service of the motion, unless the time for filing the response is modified by court order.

(2) Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(3) The court, in its discretion, may hear any argument by telephone or videoconference, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(4) The official court reporter does not attend argument unless directed by the court.

ARBITRATION

Rule C.P.L1301 Cases for Submission

(a) Compulsory arbitration of matters as authorized by Section 7631 of the Judicial Code, 42 Pa. C.S. § 101, et. seq. shall apply to all cases at issue where the amount in controversy shall be fifty thousand dollars (\$50,000.00) or less.

The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. (See L1301.2) The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party.

In the event that a case within arbitration limits is consolidated with a case involving more than the arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the referred case from the jurisdiction of the board of arbitrators.

(b) A civil action will be referred to arbitration by the Prothonotary no fewer than 20 days from the filing of an appropriate praecipe with the Prothonotary which avers the civil action is ready for arbitration. If the other party objects to the praecipe, that party shall, within the 20 days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

Rule C.P.L1301.2 Agreement of Reference

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issue(s) involved for determination by the board and may contain stipulations of fact. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

Rule C.P.L1302 List of Arbitrators

Upon receipt of a praecipe, the court administrator shall appoint from a list of attorneys a board of three arbitrators. The appointments shall be made from the members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The court administrator shall be responsible for apportioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation or association shall be nominated to serve on a single board.

Rule C.P.L1304 Continuances

Continuances shall be granted only by court order for good cause shown or notice sent by the court administrator to the parties and the court. Motions for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed no later than three days prior to the scheduled date for the arbitration hearing. If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa. R.C.P. 1303 and 1304.

Rule C.P.L1306 Report and Award

(a) After the case has been heard, the arbitrators shall prepare a report and award, which shall be signed by at least a majority of the board. The arbitration board's award shall be filed with the Prothonotary within 10 days after the day of the hearing or the last adjournment thereof.

(b) The Prothonotary shall enter the report of the arbitrators in the docket. If an appeal is taken, the Prothonotary shall notify the court administrator, who shall place it on the next pre-trial list.

(c) Upon indexing a report or report and award, the Prothonotary shall give immediate written notice of the report to all the parties, or their attorneys, by regular mail and a copy to the court administrator.

Rule C.P.L1308.1 Compensation for Arbitrators

(a) The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case; the other members of the board shall receive compensation in the amount of \$100.00 per case.

(b) Each arbitrator shall be entitled to receive an additional compensation at the rate of \$50.00 per hour in any case in which hearing exceeds 3 1/2 hours.

(c) Upon the filing of the board's report and award, the Prothonotary shall certify to the Treasurer that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection (a) of this rule.

(d) In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to compensation. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half of the base compensation as set forth in Subsection (a). In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregate time is less than 3 1/2 hours, the compensation set forth in subsection (a) shall be applicable. To the extent that such aggregate time exceeds 3 1/2 hours, the hourly rate set forth in subsection (b) shall be due for the hours in excess of 3 1/2 hours.

(e) The Prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

Rule C.P.L1308.2 Appeal of Arbitration Report and Award

(a) Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas; upon prepayment to the county of the fees of the members of the board as set forth in the following schedule:

- (1) If the amount in controversy is less than \$5,000 -- \$200.00.
- (2) If the amount in controversy is \$5,000 or more but less than \$10,000 -- \$300.00.
- (3) If the amount in controversy is \$10,000 or more but less than \$20,000 -- \$400.00.
- (4) If the amount in controversy is \$20,000 or more-- \$500.00.

For purposes of determining the appeal fee, "amount in controversy" shall be defined as the amount of the award rendered by the Board of Arbitration, or, in cases of no award, the amount demanded in the complaint.

Said appeal shall be filed not later than 30 days after the date of the entry of the award of the arbitrators on the docket. Repayment to the county of the compensation of the members of the board of arbitration shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the compensation paid to the board of arbitration.

(b) The Prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the court administrator for pre-trial conference and trial at the earliest practical date.

(c) If no appeal is filed within 30 days, judgment may be taken on the award.

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

Rule C.P.L1901.5.1 Protection from Abuse Enforcement Methods

Generally, the Protection for Abuse Act, Act 1994-85, 23 Pa. C.S.A. § 6102 et seq., provides three methods for the enforcement of protection from abuse orders to-wit; arrest (23 Pa. C.S.A. § 6113); private criminal complaint (23 Pa.C.S.A. § 6113.1); and civil contempt (23 Pa. C.S.A. § 6114.1). Except as hereinafter provided, the procedure with respect to enforcement by arrest and private criminal complaint shall be similar.

Rule C.P.L1901.5.2 Probable Cause Arrest.

A police officer may arrest a defendant for violation of a protection order (except for economic matters) upon probable cause which shall be supplied by the victim, officer, or witnesses or combination thereof. If necessary, the officer may verify the existence of said order by phone or radio with the appropriate police department, county control or the Prothonotary's office). A complaint for indirect criminal contempt in the form prescribed by Exhibit L1903.1A shall be completed, signed and filed by the arresting officer or the victim.

Form for Order and Notice for Civil Contempt for Violation of Protection From Abuse Order:

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL ACTION-LAW

_____,
Plaintiff
vs. No. A.D. _____
_____,
Defendant

NOTICE AND ORDER TO APPEAR

TO THE DEFENDANT:

Legal proceedings have been brought against you alleging that you have willfully disobeyed an Order of Court under the Protection From Abuse Act.

If you wish to defend against the claim set forth in the following pages you may but are not required to file in writing with the Court your defenses or objections.

Whether or not you file in writing with the Court your defenses or objections you must appear in person in Court on the _____ day of _____, _____, at _____ o'clock a.m./p.m. in Courtroom _____ of the Forest/Warren County Courthouse.

IF YOU DO NOT APPEAR IN PERSON THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

If the Court finds that you have willfully violated the Protection From Abuse Order you may be found in contempt of court and committed to jail for up to six months and a fine from \$100 to \$1,000 or both.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, YOU MAY TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PA Lawyer Referral Services Northwestern Legal Services
PA Bar Association First Niagara Bldg., 4th Floor
100 South Street 315 Second Ave., Suite 401
Harrisburg, PA 17108 Warren, PA 16365
Phone (800) 692-7375 Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to

disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

Date: _____

FORM 1901A

This is only a cover sheet; the FORM needs a second page for the outline of the actual Petition for Indirect Criminal Contempt.

The probable cause affidavit shall be in the following form:

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
_____ COUNTY BRANCH
CIVIL ACTION-LAW

INDIRECT CRIMINAL CONTEMPT FOR VIOLATION OF PROTECTION FROM ABUSE ORDER

Plaintiff
vs.
Defendant

NOTICE OF HEARING

TO: Defendant _____

1. _____ You are hereby ORDERED to appear for hearing on: DATE: _TIME_ PLACE_
The Forest/Warren County Court Administrator will notify you _____ by mail of the date, time, and Courtroom for your hearing at which you must appear. Defendant states that his mailing address is: _____

2. You have been charged with the following: _____

3. Your bail has been set at: _____

To protect your rights you should have a lawyer represent you at this hearing. If you do not have a lawyer, these referral services will give you information about finding one.

CONTACT:

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg., 4 th Floor
100 South Street	315 Second Ave., Suite 401
Harrisburg, PA 17108	Warren, PA 16365
Phone (800) 692-7375	Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

If you do not have the money to hire a lawyer, you must apply within 48 hours at the Office of the Public Defender of Forest/Warren County at the Courthouse in Warren or Tionesta.

_____ (SEAL) _____ (DATE)

District Justice

CERTIFICATE OF SERVICE OF NOTICE OF HEARING

I certify that on this day I personally served the above notice of hearing on the defendant in this case.
Defendant is: _____ released on bail or _____ incarcerated in lieu of bail in the amount of \$_____

_____(SEAL) _____(DATE)
District Justice

FORM 1901B

Rule C.P.L1901.5.3 Private Criminal Complaint

A plaintiff may file a private criminal complaint against the defendant on a form similar to the form for Order and Notice for Civil Contempt (above) alleging indirect criminal contempt for non-economic violations of any provision of an order issued under the Protection from Abuse Act by the Court or a District Justice. The private criminal complaint shall be filed with the District Justice in the jurisdiction where the violation occurred.

(1) Upon review and determination of probable cause the District Justice shall issue a warrant or summons. If the District Justice issues a summons the summons shall indicate the date, time and place for the hearing which the District Justice shall obtain from the Court Administrator unless the District Justice is unable to contact the Court Administrator. In the latter event the defendant shall be informed by the Court Administrator of the time, date and place for the hearing. If the District Justice issues a warrant the District Justice shall cause a warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the District Justice, without unnecessary delay for a preliminary arraignment in accordance with Rule L1903.4. The District Justice shall cause the complaint to be filed with the Clerk of Courts as soon as practicable. The Clerk of Courts shall docket the complaint and forward it to the Court Administrator who shall schedule a hearing.

(2) The Sheriff shall not require a deposit for service however the cost of service may be assessed to one or both parties when the hearing is held.

Rule C.P.L1901.5.4 Preliminary Arraignment

(a) When a defendant is arrested by a police officer upon probable cause or pursuant to a private criminal complaint for violation of a protection from abuse order issued by a Judge or an emergency order issued by a Magisterial District Judge, the defendant shall be preliminarily arraigned forthwith before a Magisterial District Judge.

(b) At the preliminary arraignment, the defendant shall be notified:

1. That he/she is charged with criminal contempt for violation of the Protection From Abuse Order.
2. That a hearing will be held in the Court of Common Pleas of Forest/Warren County when scheduled by the Court Administrator; and
3. That the defendant is entitled to be represented by counsel, and if unable to afford counsel, free counsel may be appointed if the Defendant cannot afford counsel. The defendant should immediately contact the office of the Public Defender of Forest/Warren County.

(c) If the arraignment occurs during the Court's business hours the Magisterial District Judge shall contact the Court Administrator to obtain a time and date for the hearing. The Magisterial District Judge shall then inform the plaintiff and defendant of the date and time for the hearing in writing in the form of FORM 1901B (above).

If the Magisterial District Judge is unable to contact the Court Administrator at the preliminary arraignment he shall contact the Court Administrator as soon thereafter as possible. The Magisterial District Judge shall advise the defendant, and if present the plaintiff, in the form of FORM 1901A, that each will be receiving a notice from the Court Administrator setting forth the date, time and place of the hearing on contempt. The Court Administrator shall then schedule a hearing and notify the plaintiff and defendant of the date and time for the hearing in writing sent to their last known addresses shown on the documents filed before the Magisterial District Judge in this action.

(d) The Court of the Magisterial District Judge shall set bail to insure the defendant's presence at the contempt hearing in accordance with Pennsylvania Rule of Criminal Procedure 4004 with conditions including, without limitation, a condition that the defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, until further order of Court.

(e) Defendants who fail to post bail shall be committed to the Warren County Jail pending the hearing.

(f) The hearing shall be scheduled within ten (10) days.

Rule C.P.L1901.5.5 Contempt-Delivery of Magisterial District Judge's File to Court

The Magisterial District Judge shall cause the following completed forms and bail, if entered, to be delivered immediately to the Judges Chambers or Court Administrator: (1) criminal complaint; (2) FORM 1901B (above), if any; (3) certificate of bail, if any was required, and discharge or commitment; and (4) receipts or copies of notice of the hearing.

Rule C.P.L1901.5.6 Contempt-Court Hearing

The unavailability of plaintiff's counsel shall not be grounds for the dismissal of the contempt action, and said hearing shall not be unduly delayed by the unavailability of counsel.

Rule C.P.L1901.5.7 Civil Contempt

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator shall set a time for hearing. The plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a civil action. The order scheduling a hearing shall be in a form identical to FORM 1901A.

SUPPORT

Rule C.P.L1910.10(a) Support Hearing Procedure

Warren and Forest Counties shall follow the procedure set forth in Pa. R. C. P. 1910.12.

Rule C.P.L1910.12(f) Exceptions to Domestic Relations Hearing Officer's Report

(1) Each exception to the Hearing Officer's Report regarding child support, spousal support, and alimony pendente lite shall specifically identify whether the party filing the exception is asserting that:

- (a) the Hearing Officer made an erroneous finding of fact, or
- (b) the Hearing Officer made an error of law.

(2) An exception asserting that the Hearing Officer made an erroneous finding of fact shall:

- (a) identify the erroneous finding;
- (b) state specifically the finding which should have been made by the Hearing Officer;
- (c) specify any document which supports, or any witness whose testimony supports, the finding which should have been made by the Hearing Officer;
- (d) specify any document or testimony which supports the Hearing Officer's finding.

(3) An exception asserting that the Hearing Officer made an error of law shall identify the statute, rule, regulation, or judicial decision, not applied or improperly applied by the Hearing Officer.

(4) All exceptions shall include a statement of the following:

- (a) the obligor's income available for support as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligor's income;
- (b) the obligee's income available for support as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligee's income;
- (c) the amount of support which should have been ordered.

(5) Exceptions shall contain no discussion of the claims made.

(6) Any party filing exceptions shall immediately submit to the Domestic Relations Department a motion for argument on the exceptions.

(7) Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived.

CUSTODY

Rule C.P.L1915.3 Commencement of Action

(a) In all cases involving claims for custody, partial custody, or visitation, a conference before the Court Hearing Officer shall be held except where the interest of justice would otherwise require.

(b) A proposed order shall be attached to the complaint or petition directing the Defendant to appear at a time and place specified. The proposed order shall be substantially in the form provided by Rule L1915.15(c).

(c) The Court Hearing Officer shall have authority to grant continuances.

(d) At any time during the course of the proceedings, the Court or the Court Hearing Officer, *sua sponte* or upon application of any party, may hold a status conference, in person or by any other means permitted by these rules, with counsel or with counsel and the parties in order to review the case status and expedite the litigation.

Rule C.P.L1915.4-2 Office Conference. Hearing. Parenting Program

(a) Office Conference

(1) Except as otherwise provided for in this rule, the Court Hearing Officer shall conduct an initial conference in accordance with Pa. R.C.P. 1915.4-2(a).

(2) If the parties are unsuccessful in reaching an agreement during the initial conference with the Court Hearing Officer, the Court Hearing Officer shall prepare an appropriate Recommended Order directing the parties to attend and pay the cost of the “Helping Your Children Cope With Divorce” program referenced in subparagraph (c) of this rule or a comparable program, and, upon verification that at least one of the parties has completed the program, the Court Hearing Officer shall either,

(i) schedule a hearing before the Court Hearing Officer, or,

(ii) refer the matter to the Court Administrator to schedule a hearing before the Court on the issue of custody, shared custody, or legal custody.

(b) Hearing

When a partial custody or visitation hearing is scheduled to be held before the Court Hearing Officer, the Court Hearing Officer shall conduct a hearing and file a report in accordance with Pa.R.C.P. 1915.4-2(b).

(c) Seminar for Separating Parents in Contested Custody Matters

(1) In all divorce and custody proceedings and in such other cases as the Court shall direct, where the interest of children under the age of eighteen years are involved and an issue of custody or visitation remains disputed and unresolved following a conference before the Court Hearing Officer, the parties shall complete a seminar entitled “Helping Your Children Cope With Divorce” or a comparable program.

(2) Both parties shall attend the seminar prior to the date of the custody hearing.

(3) Any requests for an extension of time within which to complete the seminar shall be made to the Court Hearing Officer.

(4) The fee for the seminar shall be determined by the provider and must be paid prior to attendance. Any request for waiver or reduction of the fee shall be filed with the Court Hearing Officer and shall be accompanied by a verified affidavit of indigency or other proof of economic hardship in accordance with Pa. R.C.P. No. 240, at least five days prior to the scheduled seminar.

(5) The requirements to attend the seminar may be waived if:

(i) the Court, on motion, determines that participation is not necessary or,

(ii) the parties select and participate in a comparable parenting education program.

(6) No hearing or trial shall be delayed or court action withheld because of the failure of one party to attend the seminar.

(7) Failure to comply with this rule may result in the dismissal of the action, striking of pleadings, or other appropriate remedy including sanction for contempt and attorney fees.

(8) Should a party fail to attend the seminar, the Court may *sua sponte* bring a contempt action against a non-complying party. A party who has complied with the rules shall not be required to either bring the contempt action or appear at any contempt proceedings.

(9) Copies of this rule and program description shall be available in the office of the Prothonotary, the Court Hearing Officer’s office, and the office of the Court Administrator.

Rule C.P.L1915.15(c). Form of Notice and Order to Appear

The order to be attached at the front of the complaint or petition for modification shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
(FOREST) (WARREN) COUNTY BRANCH
CIVIL

Plaintiff
vs.

Defendant

In Custody
No.

NOTICE AND ORDER TO APPEAR

You, _____, have been sued in Court to (obtain) (modify) custody, partial custody, or visitation of the following child(ren):

You are ordered to appear in person in _____ Room, (Forest) (Warren) County Courthouse, (Tionesta) (Warren), Pennsylvania, before the Court Hearing Officer, _____ on the ____ day of _____, _____, at _____ m. for the purpose of a conference to determine the disputed issues.

You should not bring the child(ren) to the conference.

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PA Lawyer Referral Services Northwestern Legal Services
PA Bar Association First Niagara Bldg., 4th Floor
100 South Street 315 Second Ave., Suite 401
Harrisburg, PA 17108 Warren, PA 16365
Phone (800) 692-7375 Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to

disabled individuals having business before the Court, please contact the Court Administrator’s Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

FOR THE COURT

Court Hearing Officer

DIVORCE

Rule C.P.L1920.33 Divorce Pre-trial Statements

Any party failing to comply with Pa. R.C.P. 1920.33 is guilty of dilatory conduct and subject to sanction by awarding court costs and attorney fees.

Upon finding that a party has failed to comply with the requirements of Pa. R.C.P. 1920.33 concerning the filing of an inventory or the filing of a pre-trial statement, the Court Hearing Officer may continue the hearing and recommend to the Court an order of sanctions.

Rule C.P.L1920.51. Appointment of Court Hearing Officer, Notice of Hearing, Prehearing, and Continuances

Rule C.P.L1920.51A. Appointment of Court Hearing Officer

1. The Court may appoint by separate order the Court Hearing Officer who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

2. The Court may appoint other attorneys to serve as specially appointed Court Hearing Officers in cases where it is not appropriate to appoint the permanent Court Hearing Officer. In such cases the Court shall attempt to appoint attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

3. All matters which may by statute or rule be referred to the Court Hearing Officer shall be heard by the Court Hearing Officer in the absence of a Court Order to the contrary.

4. The Court Hearing Officer shall have authority to grant continuances.

5. All actions for divorce under Section 3301(a), (b) and (d)(1)(ii) of the divorce code, actions for annulment, and claims for alimony, alimony pendente lite, equitable distribution of marital property, counsel fees, costs, expenses or any aspect thereof, shall be heard by the Court Hearing Officer in the absence of a Court Order to the contrary.

6. A motion for appointment of a Court Hearing Officer shall be substantially in the form prescribed by Form L1920.74 and shall be accompanied by a certificate that the moving party has complied with the filing requirements of PA R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46 unless the moving party certifies that one or more of those rules is inapplicable. Motions for appointment of a Court Hearing Officer shall be filed in accordance with Local Rule L208. A Court Hearing Officer shall not be appointed unless and until the moving party has complied with Pa. R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46, if applicable, unless the Court has made an order pursuant to Pa. R.C.P. 4019. A copy of the motion shall be filed with the permanent Court Hearing Officer.

Rule C.P.L1920.51B. Fees and Costs

1. Fees and costs shall be paid to the Prothonotary as follows:

a. A deposit of \$350 shall be due from the moving party at the time that a motion for the appointment of the Court Hearing Officer is filed. In the motion the moving party shall certify to the Court that these fees have been paid in full and the Prothonotary shall certify in writing on the face of the motion that the fees have been paid. No motion for the appointment of the Court Hearing Officer shall be filed until all of the fees in this rule have been paid to the Prothonotary.

b. The fees set forth in this rule shall be regarded as costs of the case and the Court Hearing Officer may recommend and/or the Court may order each party to pay his/her own costs or may order that the costs be divided equitably and paid by each party as may be deemed just and reasonable.

c. When the fees deposited with the Prothonotary are deemed insufficient to provide for the total services of the court reporter, the Court Hearing Officer may prepare a Recommended Order for submission to the Court requiring additional deposits. The Court Hearing Officer shall not be required to conduct additional hearings or proceed further in any respect until payment of additional deposits has been received by the Prothonotary.

2. Deposits in cases where someone other than the permanent Court Hearing Officer has been appointed shall be as set out in any appointing or other order and shall be held by the Prothonotary to be paid over as the Court may order to the Court Hearing Officer as a fee or returned to the parties, or otherwise. In such a case the specially appointed Court Hearing Officer shall file a petition or petitions for the payment of the Court Hearing Officer’s fees detailing the time and services spent and rendered, and expenses incurred, all in compliance with local motions practice. The special Court Hearing Officer shall receive compensation as set by Court Order. The Prothonotary may pay the special Court Hearing Officer upon receipt of a bill approved by the parties or their attorneys without the necessity of a Court Order. Special Court Hearing Officers are not required to proceed until the court ordered deposit is paid in full.

3. Whenever a stenographic transcript is required, the Pennsylvania Rules of Judicial Administration shall apply. The Prothonotary shall pay the reporter upon receipt of a bill approved by the Court Hearing Officer or the Court.

Rule C.P.L1920.53D. Hearing Transcripts

The Court Hearing Officer shall engage the services of a court reporter. The testimony shall be transcribed unless:

1. The parties waive transcription and the Court Hearing Officer concurs.

2. If a transcript is ordered by a party, that party shall arrange to pay for the transcript in accordance with the Rules of Judicial Administration and the cost of the transcript may be allocated to one or both of the parties by a court order.

FORM L1920.74

**IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL ACTION-LAW**

Plaintiff

vs. No. A.D. ___ of ___

Defendant

_____, Esq., for Plaintiff
_____, Esq., for Defendant
(of record or consulted)

**MOTION FOR APPOINTMENT OF
COURT HEARING OFFICER
IN DIVORCE**

AND NOW, _____, _____, _____ moves the Court to appoint the Court Hearing Officer with respect to the following claims:

- Divorce Distribution of Property
- Annulment Support
- Alimony Counsel Fees
- Alimony Pendente Lite Costs and Expenses

and in support of the motion states:

- (1) Discovery is complete as to the claim(s) for which the appointment of the Court Hearing Officer is requested.
- (2) The statutory ground(s) for divorce (is) (are)

(a) If 3301(c), affidavit of consent filed by Plaintiff _____, _____
(date)

Defendant, _____, _____
(date)

(b) If 3301(d), Plaintiff’s affidavit filed _____,
(date)

Defendant’s counter affidavit, if any, filed _____,
(date)

- (3) Delete the inapplicable paragraph(s):
- (a) The action is not contested.
 - (b) An agreement has been reached with respect to the following claims:

 - (c) The action is contested with respect to the following claims: _____
- (4) The action (involves) (does not involve) complex issues of law or fact.
- (5) The hearing is expected to take _____ (hours) (days).
- (6) The Complaint was filed _____ and served _____.
- (7) Matters at issue under the pleadings which are not to be referred to the Court Hearing Officer: _____
- (8) Attached hereto is the completed form required by Pa. R.C.P. No. 1920.46.
- (9) I hereby certify that Pa. R.C.P. No. 1920.31(a) is _____ applicable, _____ not applicable, and the income and expense statements have been filed as follows:
Plaintiff _____ Date _____
Defendant _____ Date _____
- (10) I hereby certify that Pa. R.C.P. No. 1920.33(a) is _____ applicable _____ not applicable, and the inventories have been filed as follows:
Plaintiff _____ Date _____
Defendant _____ Date _____
- (11) Approximate monthly take home income of:
Plaintiff _____ Date _____
Defendant _____ Date _____
- (12) If applicable, approximate value of marital assets to be distributed:
From Plaintiff's inventory _____
From Defendant's inventory _____
- (13) Approximate value of assets as to which there is a dispute as to whether they are marital assets: \$ _____
- (14) Additional information, if any, relevant to the motion: _____
- (15) I hereby certify that all Court Hearing Officer's fees required to be paid have been paid.
Date: _____
Attorney for: _____

**ORDER APPOINTING
COURT HEARING OFFICER**

AND NOW, _____, _____ Esq., is appointed Court Hearing Officer in respect to the following claims:

If not filed already the parties are ordered to file their pre-hearing statements within twenty (20) days from this date.

Per Curiam,

Judge

Received of Plaintiff \$ _____

Prothonotary Date

Received of Defendant \$ _____

Prothonotary Date

Rule C.P.L1920.76.1 Incorporation of Agreement in Divorce Decree

If the parties conclude a written agreement as to any or all ancillary matters and desire to have the agreement incorporated into the divorce decree the agreement to be so incorporated must be filed of record and the parties must stipulate in writing that they desire that the agreement be incorporated into the divorce decree. If the stipulation is

included in the agreement itself, the praecipe to transmit the record shall refer to the paragraph and page number(s) of the agreement at which the stipulation may be found.

Rule C.P.L1930.7. Status Conference

At any time in the proceedings, the court, the court's designee, the master or the Court Hearing Officer, sua sponte or upon application of any party, may hold a status conference, in person or by any other means permitted by these rules, with counsel or with counsel and the parties in order to review the case status and expedite the litigation.

MISCELLANEOUS

Rules C.P.L2039, C.P.L2064, and C.P.L2206. Approval of compromises involving minors, incapacitated persons, wrongful death and survival actions

1. Minor or incapacitated person's compromises:

Situs of the filing of the petition.

(a) Petitions for approval of settlements in cases where minors or incapacitated persons have an interest shall be filed with the Prothonotary if the underlying suit has been filed with the Prothonotary. If no suit has been filed, such petitions shall be filed with the Clerk of the Orphans' Court.

(b) Contents of petition. The petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of birth and social security number of the minor plaintiff or incapacitated person, the names and addresses of the minor's parents, the name of the plaintiff's guardian and the appointing court, the address of the plaintiff, and a factual recitation of the salient facts which form the bases of the cause of action;

(2) state the terms of the settlement, including the specific provisions of any annuity, if applicable, including the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, periodic and lump sum payments, and otherwise comply with Pa. R.C.P. 2039 and 2064;

(3) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare;

(4) contain or be accompanied by the following:

(a) a written report of a physician setting forth the present condition of the minor or incapacitated person;

(b) a statement under oath by the guardian and, if appropriate, the parent(s), certifying (i) the present physical or mental condition of the minor or incapacitated person, and (ii) approval of the proposed settlement and distribution thereof;

(c) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

(d) if there is to be an allocation between parents and children or incapacitated persons, or among children or other parties, the amounts allocated to each party and the specific reasons for such allocation must be set forth. In the event more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each plaintiff is to receive and shall provide justification for the requested allocation;

(e) in the event that a minor is sixteen (16) years of age or older, his or her written approval of the proposed settlement and distribution thereof.

(f) a proposed Order.

(g) Opinion of Guardian. When the minor or incapacitated person is represented by a guardian ad litem, the guardian ad litem shall submit a statement concerning his/her opinion as to the reasonableness of the proposed settlement and requested allocation of the gross settlement proceeds.

(h) Proof of Deposit and Compliance with Court Order. Within sixty (60) days of the entry of a final order, counsel shall file an affidavit with the Prothonotary certifying compliance with the court order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The affidavit shall be substantially in the form set forth hereunder.

2. Petitions for Approval of Settlements in Wrongful Death/Survival Actions.

(a) When Required.

(1) Survival Action. Court approval of settlements in survival actions is always required.

(2) Wrongful Death. If the complaint only raised a wrongful death claim, court approval of settlements shall be required only where a minor or incapacitated person has an interest.

(3) Combined Wrongful Death and Survival Actions. If the complaint raised wrongful death and survival claims, court approval is required as to allocation between the categories notwithstanding the absence of minors or incapacitated persons, even if plaintiff requests that the entire proceeds be allocated entirely to the wrongful death claim.

(b) Situs of the Filing of the Petition. Petitions for Approval of Settlements in Wrongful Death or Survival Actions shall be filed with the Prothonotary if the underlying suit has been filed with the Prothonotary. If no suit has been filed, such petitions shall be filed with the Clerk of the Orphans' Court.

(c) Contents of Petition. The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of death of plaintiff-decedent, the name of the personal representative of the estate and the county of appointment. A copy of the Decree of the Register must be attached;

(2) state the terms of the settlement, including the specific allocation as between wrongful death and survival, name the wrongful death beneficiaries and the amount each is to receive, name the intestate heirs of Plaintiff-decedent as of the date the cause of action arose, state reasons why the settlement and allocation are reasonable, and otherwise comply with Pa. R.C.P. 2206. In the event a portion of the settlement is payable through the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

(3) show compliance with Pa. R.C.P. 2205 and set forth the name, relationship and address of plaintiff-decedent's intestate heirs who must be served with a copy of the petition (as required by 20 Pa. C.S.A. § 2101, et. seq.)

(4) identify any other parties who may have a possible interest in plaintiff-decedent's estate, and list unpaid claims raised, or which are outstanding, in the decedent's estate;

(5) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare; and

(6) attach a proposed order.

(d) Proof of Deposit and Compliance with Court Order. Within sixty (60) days of the entry of a final order, counsel shall file an affidavit with the Prothonotary substantially in the form set forth hereunder, certifying compliance with the court order and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The affidavit shall be substantially in the form set forth hereunder.

3. Petitions for Allowance

(a) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Warren/Forest County shall be filed directly with such division. A copy of the order approving the settlement shall be attached to the petition.

(b) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Warren/Forest County, or by a different state, shall be filed directly with such appointing court. A copy of the order approving the settlement shall be attached to the petition.

(c) Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the order approving the settlement shall be attached to the petition.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
WARREN/FOREST COUNTY
CIVIL

Plaintiff

vs.

No.

Defendant

PETITION FOR LEAVE TO SETTLE OR COMPROMISE
MINOR'S ACTION

To the Honorable, _____ the Judge of the said court:

The petition of _____, a minor, by his guardian (see Pa. R.C.P. § 2028), by his attorney, _____, Esq. respectfully requests:

1. Petitioner is (see Pa. R.C.P. 2026): _____
2. The minor was born on _____ and his/her social security number is _____
3. The minor resides with _____ at the following address: _____
4. A guardian (was)(was not) appointed for the minor as follows: _____

A copy of the order is attached.

5. The minor's mother is _____ who resides at the following address: _____
6. The minor's father is _____ who resides at the following address: _____
7. The defendant is _____ who resides or whose principal place of business at all relevant times was _____.
8. On _____, the minor sustained the following injuries at the following location (set forth in detail): _____

(If additional space is needed, please continue on separate page.)

A complaint was filed against defendant(s) as follows: _____

Attached hereto is a report by Dr. _____ dated _____ which sets forth the present condition of the minor.

11. Attached hereto is a statement, under oath, of the minor's parents and/or guardian and/or guardian ad litem certifying the physical and/or mental condition of the minor, as well as the parents' and/or guardian's and/or guardian ad litem's approval of the proposed settlement and distribution.

12. Attached hereto is the written approval of the proposed settlement and distribution by the minor, who is sixteen (16) years of age or older.

13. The following settlement has been proposed:

(If additional space is needed, please continue on separate page.)

14. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following:

(If additional space is needed, please continue on separate page.)

15. Counsel has incurred the following expenses for which reimbursement is sought. (Please set forth in detail):

(If additional space is needed, please continue on separate page.)

16. The following costs have been incurred by or on behalf of the minor and must be paid from the proceeds of the settlement:

(If additional space is needed, please continue on separate page.)

17. The Department of Public Welfare, or any other entity, does (not) have a claim or lien against the plaintiff(s) as follows:

(If additional space is need, please continue on separate page.)

18. Counsel requests a fee in the sum of \$_____ which is _____% of the net settlement payable to the minor. A copy of the retainer fee is attached.
19. Counsel (has)(has not) and (will)(will not) receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e. subrogation).
20. The net settlement payable to the minor (after deduction of costs and attorney's fees) is \$_____.

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above and that the Court enter an Order of Distribution as follows:

- a. To _____
 \$_____

Reimbursement for Costs

- b. To _____
 \$_____
- c. To _____
 \$_____

- Counsel fee
- d. To: Adult Plaintiff(s) (if applicable)

 \$_____

- e. To _____, a minor, in restricted accounts not to be withdrawn before majority or upon leave of Court
 \$_____

OR

- f. To _____, the guardian of the estate of _____, a minor, appointed or to be appointed by the Orphans' Court of _____ County, after posting appropriate security.
 \$_____

 Name of attorney
 Attorney for petitioner

VERIFICATION

I, _____, am the petitioner in this action and hereby verify that the statements made in the foregoing petition to settle or compromise minor's action are true and correct to the best of my knowledge, information and belief.

I understand that the statements in said petition are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

 Date Petitioner

IN THE COURT OF COMMON PLEAS
 OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
 FOREST/WARREN COUNTY
 CIVIL

No. _____ of _____

ORDER APPROVING SETTLEMENT AND
ORDER FOR DISTRIBUTION

AND NOW, this ____ day of _____, _____, upon consideration of the Petition for Leave to Compromise a Minor's Action, filed _____ it is hereby ORDERED and DECREED that Petitioner is authorized to enter into a settlement with Defendant(s) _____ in the gross sum of _____ (\$ _____) dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

1. To: Minor Plaintiff(s)

<u>Name</u>	<u>Date of birth</u>	<u>Social Security</u>
_____	_____	_____
\$ _____		

\$ _____

2. Adult Plaintiff(s)

\$ _____

\$ _____

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

<u>Name</u>	<u>Date of birth</u>	<u>Social Security#</u>
_____	_____	_____
\$ _____		

a. To: _____, Esq.

\$ _____

Reimbursement costs

b. To: _____

\$ _____

c. Costs to: _____, Esq.

\$ _____

Counsel fees

d. The balance, the sum of \$ _____ payable to _____, a minor, shall be distributed as follows:

OPTION 1

To: _____, Guardian \$ _____ of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as required by the Orphans' Court Division of _____ County pursuant to 20 Pa. C.S. § 5121, et seq. An appropriate petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Forest/Warren County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

_____, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior order of Court.

Counsel shall open a savings account in the sum of \$_____ in the name of the minor. The savings account shall be titled and restricted as follows:

_____, a minor, not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior order of Court.

2. Adult Plaintiff

The portion of the settlement payable to _____, an adult plaintiff named in the complaint, shall be distributed as follows:

To: _____, Esquire

\$ _____

Reimbursement of Costs

To: _____

\$ _____

Costs

To: _____, Esquire

\$ _____

Counsel Fees

To: _____

\$ _____

Plaintiff

Counsel shall file with the Prothonotary within sixty (60) days from the date of this final order, proof of the establishment of the accounts as required herein, by affidavit from counsel certifying compliance with this order. Counsel shall attach to the affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT

Judge

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

AFFIDAVIT

I, _____ Esquire, hereby state and affirm that I have complied with the order issued on _____ by the Honorable _____ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in the affidavit are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

_____, Esq.
Attorney for Petitioner Date

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

PETITION TO SETTLE WRONGFUL DEATH
AND SURVIVAL ACTIONS

To the Honorable _____, the Judge of the said court:

The petition of _____, Administrator/Executor of the Estate of _____, deceased, by his/her attorney, _____, Esq., respectfully requests:

1. Petitioner is _____ who was appointed Administrator/Executor of the Estate of _____, deceased, on _____, by the Register of Wills of _____ County. A copy of the Decree of the Register is attached.

2. The plaintiff decedent died on _____ as a result of: [set forth relevant information describing the underlying negligence or cause of action as required by Forest/Warren Rule L _____]

(If additional space is needed, please continue on separate sheet).

3. Notice of the institution of the action as required by Pa. R.C.P. 2205 and Forest/Warren Rule L _____ was given on _____ to the following individuals:

Name	Address
_____	_____
_____	_____
_____	_____

4. Pursuant to Forest/Warren Rule L _____ Petitioner has served a copy of this petition on the intestate heirs of plaintiff decedent (as provided in 20 Pa. C.S. § 2101 et seq.) who are as follows:

Name	Relationship	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Pursuant to Forest/Warren Rule L _____ Petitioner has served a copy of this petition on the following parties who may have a possible interest:

Name	Relationship	Address

6. Decedent (did)(did not) have a will. A copy is attached.

7. The following unpaid claims have been raised and/or are outstanding in the decedent's estate:

Creditor	Amount due

8. A complaint was filed against defendant(s) as follows: _____

9. The following settlement has been proposed:

(If additional space is needed, please continue on a separate page).

10. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following (state the reasons why in the professional opinion of counsel the settlement is proper): _____

11. Petitioner is of the opinion that the proposed settlement is reasonable.

12. Counsel has incurred the following expenses for which reimbursement is sought (Please set forth in detail):

(If additional space is needed, please continue on separate page).

13. Counsel requests counsel fees in the amount of \$ _____ which represents _____ % of the net proceeds of the settlement.

14. Petitioner requests allocation of the net proceeds of the settlement (after deduction of costs and attorneys fees) as follows:

- a. Wrongful Death Claim
\$ _____
- b. Survival
\$ _____

15. The reasons for the requested allocation are as follows: _____

16. Pursuant to the Wrongful Death Statute (42 Pa. C.S. § 8301), the beneficiaries of the Wrongful Death claim, and the proportion of their interest, are as follows:

Name	Amount due
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

17. The pecuniary loss suffered by the beneficiaries listed in Paragraph 15 is as follows: _____

(If additional space is needed, please continue on a separate page).

Wherefore, Petitioner requests that he/she be permitted into the settlement recited above, and that the Court enter an Order of Distribution as follows:

- a. To: _____
\$ _____

Reimbursement for costs

b. To: _____
\$ _____

Costs

c. To: _____
\$ _____

Counsel fees

d. Wrongful Death Claim

i. To: Spouse; and/or

\$ _____

ii. To: Adult child(ren); and/or

\$ _____

iii. To: Minor child(ren) and/or incapacitated persons;

\$ _____

and/or

(a) in restricted accounts; or

\$ _____

(b) to the guardian of the minor(s) estate; and/or

\$ _____

iv. To: Parent(s)

\$ _____

e. Survival claim

To: _____, Administrator/
Executor of the Estate of _____,
Deceased _____

Respectfully submitted,

Attorney for Petitioner

VERIFICATION

I, _____, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said Petition are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Petitioner

Date

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

NOTICE

To: _____
(name of beneficiary)
Date: _____

You are hereby notified that, _____,
Administrator/Executor of the Estate of _____, deceased has filed (or will file) on _____, a Petition to Approve
a Settlement of a Wrongful Death and Survival Action. A copy of that Petition is enclosed.

If you object to the proposed settlement and/or proposed distribution, you must submit your written objections on
Response to the Petition on or before _____, _____, to the following address:

Prothonotary
Warren County Courthouse
204 Fourth Avenue
Warren, PA 16365
Prothonotary
Forest County Courthouse
Tionesta, PA 16353

I hereby certify that the within Notice has been mailed to the above named individual(s) on the date set forth
above.

Attorney for Petitioner

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the Petition to Compromise Wrongful Death and Survival Action filed on _____, _____, it is hereby ordered and decreed that Petitioner is authorized to enter into a settlement with Defendant(s) _____, in the gross sum of (\$ _____) dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

It is further ordered and decreed that the settlement proceeds are allocated as follows:

1. Wrongful Death
\$ _____
2. Survival Claim
\$ _____

It is further ordered and decreed that the settlement proceeds be distributed as follows:

1. To: _____, Esq.
\$ _____
For costs
2. To: _____, Esq.
\$ _____
For counsel fees
3. The Wrongful Death Claim in the sum of
\$ _____
shall be paid as follows:
 - a. To: Spouse; and/or
\$ _____
 - b. To: Adult Child(ren); and/or
\$ _____
 - c. To: Minor Child(ren) as provided hereunder
\$ _____

OPTION 1

To: _____, \$ _____ Guardian of the Estate of _____, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of _____ County pursuant to 20 Pa. C.S. § 5121, et seq. An appropriate petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Forest/Warren County, in the sum of \$ _____, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

Not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or otherwise alienated before the minor attains majority, except upon prior order of Court. Counsel shall open a savings account in the sum of \$ _____ in the name of the minor. The savings account shall be restricted as follows:

Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior order of Court.

d. To: Parent(s)
\$ _____

4. The Survival Claim in the sum of \$_____ shall be paid to _____, Administrator/Executor, of the Estate of _____, deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until the additional security as may be required by the Register of Wills of _____ County pursuant to 20 Pa. C.S. § 3323(b)(3) is posted.

Within sixty (60) days from the date of this final Order, counsel shall file with the office of Civil Administration an Affidavit from counsel certifying compliance with this order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT

Judge

cc: Register of Wills of _____ County

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

AFFIDAVIT

I, _____ Esq. hereby state and affirm that I have complied with the Order issued on _____ by the Honorable _____ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this affidavit are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

_____, Esq. _____
Attorney for Petitioner Date

TAX APPEALS

Rule C.P.L5003. Appeals from Real Estate Assessment

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

Definitions

Board - the County Board of Assessment Appeals of Warren or Forest County.

Taxing Authority - municipalities, such as school districts, boroughs, townships, of Warren and Forest Counties.

Property Owner - the taxpayer, whether singular or plural, that owns the property which is the subject of an appeal.

Appraisal - an opinion of a qualified expert as to the value of property.

Date of Notification - date which is stamped on the decision of the Board.

Commercial Property - any property whose purpose is to generate income for its owner.

(a) Filing Instructions:

1. An appeal from the decision of the Board shall be filed within thirty (30) days from the date of notification by the Board.

2. Ten (10) days after filing the appeal the appellant shall serve a copy of the appeal on the Board and all affected taxing authorities or property owners by certified mail to the Board, to the property owner at his, her, its, or their registered address as shown on the tax records, and on the taxing districts at their business address.

3. Within twenty (20) days of service of the appeal, the appellant shall file an affidavit of service.

4. For purposes of service or notice, an appellant or party may use the address provided to the Board as part of its proceedings.

5. The Board shall automatically be a party to any appeal unless it specifically declines that status in writing.

Any taxing authority or property owner entitled to be notified of an appeal may become a party to the proceedings by filing an entry of appearance within one hundred-twenty (120) days of the filing of the appeal. The entry of appearance shall be considered to deny the allegations in the appellant's petition, except for the names of the parties and the location of the taxable property. However, any party may plead additional material by way of answer or new matter, as appropriate, within (30) days of becoming a party.

(b) Contents of Appeal:

1. Names and addresses of the taxpayer and the taxing districts;

2. Identification of the property, including street address and tax parcel number;

3. Reason(s) for the appeal. For the purposes of this section, where a challenge is based on fair market value, it shall be sufficient to state that the assessment pursuant to the applicable State Tax Equalization Board, common level or predetermined ratio, is excessive. Where the challenge is based on uniformity as the basis for the appeal it shall be sufficient to state lack of uniformity as the basis for the appeal. Where a challenge is based on class certification for the purposes of a class action suit, the appellant shall state with specificity the alleged error of law or abuse of discretion committed by the Board of Assessment Appeals.

4. Photocopy of the decision or the Board, if any.

(c) Discovery Procedures:

1. The appellant shall provide the Board and the other parties entitled to notice of the appeal with a copy of appellant's appraisal within sixty (60) days of filing the appeal. The other parties shall then have ninety (90) days from the receipt of the appellant's appraisal to provide the appellant with a counter-appraisal. Any party may designate an appraisal submitted to the Board as its appraisal for the purposes of appeal. Appraisals must certify that the appraiser's fee is not contingent upon the results of the appeal.

2. Any party who fails to provide an appraisal within the time frame provided by this rule or by leave of court or within such time as may be agreed to by the parties will not be allowed to present evidence of valuation at trial. This rule shall not preclude the Board for presenting County records in support of its valuation. Such records shall be admissible in evidence as official records in accordance with the requirements of the Judicial Code, 42 Pa. C.S.A. § 6103. Further, this rule shall not preclude a homeowner from presenting his own opinion as to his property's value.

3. The names of all witnesses to be called at trial by any party, other than rebuttal witnesses later determined, shall be provided to all other parties within one hundred fifty (150) days of the appeal date.

4. Additional discovery shall be by leave of court only.

5. The matter shall be scheduled for trial before the assigned judge after the lapse of one hundred fifty (150) days from the appeal date. Any party may request an administrative conference at any time up to one hundred twenty (120) days after the appeal date.

6. Masters may be appointed in cases involving a voluminous record or particularly complex issues.

7. Time periods may be extended for cause shown.

(d) Class Action Appeal:

In all cases involving an appeal from class action certification, a full record shall be made before the Board of Assessment Appeals.

(e) Discontinuance:

The party filing the appeal may discontinue the appeal prior to the time set for the first exchange of appraisals. Thereafter, the appeal may be discontinued only with the agreement of all parties, or by leave of court.

(f) Tax Exemption Cases:

1. All appeals to court from a determination of the Board of Tax Assessment Appeals involving a claimed exemption from real estate tax shall be accompanied by the full and complete transcript of the hearing before the Board, together with all documentary evidence entered as part of that record and the Board's Findings of Fact and Conclusions of Law in support of its decision.

2. In any appeal to the Board or to Court involving a claimed exemption from real estate taxation, the property owner claiming tax exemption shall be subject to such relevant discovery by written interrogatories, deposition and production of documentary evidence as reasonably bears on the property owner's claim of tax exemption. Discovery shall be requested and completed within one hundred twenty (120) days from the requesting party's receipt of notice of the initial application to the Board. Except in cases where such discovery request has not been complied with prior to the Board's hearing, no additional discovery shall be permitted on appeal to Court from the Board's decision, except by leave of court.

Comment

This rule specifically does not require simultaneous exchange of information; instead the entity filing an appeal should bear the initial expense and burden of producing an appraisal. This rule should then conserve resources by giving the respondent the opportunity to accept the appellant's appraisal as satisfactory before ordering his or its own appraisal.