

**IN THE COURT OF COMMON PLEAS OF THE  
FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA  
(Composed of Elk and Cameron Counties)**

**LOCAL RULES OF COURT - CIVIL**

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**LOCAL RULES OF COURT – MAGISTERIAL DISTRICT JUDGE (PCPMDJ) Rule L112**

Availability and Temporary Assignment of Magisterial District  
Judge

### Rule L205.2(a) Pleadings and Other Legal Papers

1. All papers and documents consisting of more than one page shall be fastened or stapled on the top.
2. The first page of any pleading filed, except a pleading requiring a Notice to Defend, shall be an identification sheet, setting forth the following information and typed according to the format presented in Appendix A.
  - a. In capital letters, centered from left to right margin:

“IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH  
JUDICIAL DISTRICT OF PENNSYLVANIA.”
  - b. In capital letters, on the left side of center, the complete names of all parties (if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used).
  - c. Type on the right side of center:
    - i. The county branch, either Cameron or Elk.
    - ii. The type of action, i.e., Civil, Criminal, Orphans’ Court Division.

**\*Note:** The word **Division** shall not be used except for “Orphans’ Court Division.”
    - iii. The docket number, if assigned, beginning with the year, i.e., 2007-XXX.
    - iv. The name of the pleading.
    - v. The specific type of action in Civil cases, e.g. Divorce, Custody, etc. or in Orphans’ Court cases, e.g., Adoption
    - vi. The completed statement “Filed on behalf of \_\_\_\_\_(party’s name and relationship to case).
    - vii. The completed statement showing the name, address, and telephone number of counsel of record.
3. The required number of photocopies and a self-addressed postage-paid mailing envelope must accompany requests for returning certified copies of pleadings to the filing party.

Rule L205.2(b) Pleadings and Other Legal Papers. Form

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH JUDICIAL  
DISTRICT OF PENNSYLVANIA

SAMUEL HAZLET and ETHYL R.  
HAZLET, his wife,  
Plaintiffs

vs.

W. BARTON LEACH; A. JAMES  
CASNER, T/D/B/A CASNER AND  
LEACH REALTY, A PARTNERSHIP,  
Defendants

vs.

SUSAN SMITH,  
Additional Defendant

vs.

JOHN DOE,  
Additional Defendant

\* COUNTY BRANCH (CAMERON)(ELK)  
\*  
\* CIVIL  
\*  
\* NO. \_\_\_\_\_  
\*  
\* Answer to Complaint Joining  
\* Additional Defendant  
\*  
\* Filed on behalf of:  
\* SUSAN SMITH, Additional  
\* Defendant  
\*  
\* Counsel of Record for this Party:  
\* Janice T. Gray, Esq.  
\* Simes, Smith, Gray, & Moynihan  
\* Firm #123  
\* 2496 Frick Building  
\* Pittsburgh, PA 15219  
\* (412) 555-1234

### **Rule L206.1(a) Petition**

1. All petitions, which allege facts not of record, must be verified and shall be endorsed with a notice to plead. Petitions shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order of court for scheduling the hearing. Personal presentment is not required. Hearing on a petition will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party of the date, time and place for hearing.
2. A petition submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any petition initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.
3. The proposed order scheduling a hearing on the petition shall include the phrase “hour(s) is allotted for the hearing.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the hearing.
4. The Court, in its discretion and for good cause shown, may grant a prompt written request from counsel or self-represented party to allow testimony by telephone or videoconference. The party requesting the opportunity to participate electronically shall bear the cost thereof unless the Court provides otherwise and shall arrange for the administration of an oath at the location from which the testimony will be given.

### **Rule L206.4(c) Rule to Show Cause**

1. A rule to show cause must strictly comply with Pa.R.C.P. 206.4. As with all other pleadings, a petition for a rule to show cause must be filed with Prothonotary prior to being presented to the Court. Personal presentment is not required.
2. A petition for a rule to show cause submitted to the Court by facsimile or other electronic submission will not be considered except in extraordinary or emergency situations. Any petition initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.
3. A proposed order of court in the form prescribed by Pa.R.C.P. 206.5 shall be attached to the petition for a rule to show cause.
4. A proposed order of court in the form prescribed by Pa.R.C.P. 206.5 shall not be used to schedule an argument on general motions, preliminary objections, or a hearing on petitions that do not comply with Pa.R.C.P. 206.4.

### **Rule L208.3(b) Motion. Alternative Procedures**

1. All motions which request relief on matters of record shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order of court for scheduling the argument. Personal presentment is not required. Argument on a motion will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party 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.
2. Motions submitted to the Court by facsimile or other electronic submission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic transmission must be filed of record within two (2) business days thereafter.
3. The Court, in its discretion, may hear any argument by telephone or videoconference provided that counsel has submitted a prompt written request to the Court to participate electronically. The party requesting the opportunity to participate electronically shall bear the cost thereof unless the Court provides otherwise.
4. A court reporter will not attend arguments unless specifically directed by the Court.
5. Emergency motions shall be governed by the above procedure except that, after filing, the moving party shall notify the Prothonotary and the Court Administrator of the emergency situation and may request that the Court immediately consider the motion. The moving party shall make notify the opposing party(ies) of the substance of the motion and the time of filing and presentation to the Court.
6. Motions to compel discovery may be considered by the Court without the necessity for briefs and argument.
7. Motions involving disputed issues of fact will be disposed of in accordance with Pa.R.C.P. 208.4.
8. Motions involving questions of law only will be disposed of by the Court on briefs without oral argument unless the moving party files a praecipe for argument simultaneously with the motion.
9. No response is required to any motion unless required by Pa. Rule of Civil Procedure or unless required by the Court in the scheduling order. (e.g., Pa.R.C.P. 1035.3)
10. The proposed order scheduling an argument on the motion shall include the phrase “\_\_\_\_\_ hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office,

in writing, to request a continuance in order to reschedule the time necessary for the argument

**Rule L210 Briefs**

1. Briefs shall be prepared in the form prescribed by Pa.R.C.P. 210. Briefs shall not be filed of record unless directed by the Court. Unless otherwise directed, briefs shall be submitted to the Court as follows:
  - a. The moving party shall submit a brief fourteen (14) days in advance of argument
  - b. The responding party shall submit a brief seven (7) days in advance of argument.

**Rule L212.1 Trial**

1. Trial sessions shall be held at such time as established by the annual court calendar to dispose of all trial-ready jury and non-jury cases.
2. Cases shall be placed on the civil trial list by filing a certificate of readiness and a praecipe to list with the Prothonotary, along with a certificate of service showing service on all other parties in interest or their counsel of record.
3. Any party or counsel of record filing a certificate of readiness shall certify thereon that: (1) all pleadings have been completed; (2) all pretrial discovery procedures have been completed; (3) all medical examinations have been completed and medical reports exchanged; and (4) the case is ready for trial.
4. Any party or counsel of record who is served with a copy of a certificate of readiness that has been filed by an adverse party shall have ten (10) days from the date of service in which to file exceptions thereto. A proposed order scheduling argument on the exceptions shall be submitted simultaneously with the filing of the exceptions and argument on the exceptions will be scheduled thereafter.

**Rule L212.2 Pre-trial Statement**

1. No less than ten (10) days prior to the date scheduled for the pre-trial conference, each party shall file with the Prothonotary a pre-trial statement containing those items set forth in Pa.R.C.P. 212.2 and serve other counsel of record or self-represented litigant. In addition, the pre-trial statement shall set forth an estimate of the length of time which will be required to present the party's case in chief. Amendments to a pre-trial statement may be submitted up to 30 days prior to the date trial is to begin and not thereafter unless approved by the Court.

### **Rule L212.3 Pre-trial Conference**

1. For the purposes of this rule, "pre-trial conference" shall mean a type of conference described in Pa.R.C.P. 212.3.
2. Except as otherwise ordered by the Court, a pre-trial conference shall be held at a date and time directed by the Court Administrator. Pre-trial conferences are extended to all jury and non-jury actions not subject to arbitration under Rule L1301.
3. Counsel attending the pre-trial conference must have actual authority to stipulate on items of evidence and admissions, and must have actual settlement authority. If counsel does not have such authority, then the person or corporation having an actual interest in the case, whether as a party, as an insurance carrier or otherwise, shall be personally present at the pre-trial conference.
4. The attorney who will be in charge of the handling of the trial of the case as well as any other attorney who will handle the examination or cross-examination of witnesses must attend the pre-trial conference.
5. During the pre-trial conference, a date certain will be established for jury selection.
6. Immediately following the pre-trial conference, the Court will issue a case management order covering all matters addressed at pre-trial. Following the issuance of a case management order, the Court Administrator shall schedule active jury and non-jury cases for trial on a date certain after consultation with counsel and any self-represented party.

### **Rule L216 Motion for Continuance**

1. All continuance motions must be filed with the Prothonotary before being presented to the Court. Personal presentment is not required.
2. A motion for continuance shall be in writing, shall be signed by counsel or self-represented litigant, shall set forth specifically the reason for the request, and shall contain a statement that opposing counsel or any self-represented litigant either objects or does not object to the proposed continuance. In addition, any motion for continuance filed by an attorney shall include a statement that the client represented by the attorney requesting the continuance has been made aware of the motion and has consented to the continuance.
3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.

4. All motions for continuances based upon a calendar conflict due to an appearance scheduled in another court must include a copy of the scheduling order or notice issued by the other court. Since the Court of Common Pleas of the 59<sup>th</sup> Judicial District routinely schedules cases on a date certain after consultation with all counsel, absent extraordinary circumstances, a motion for continuance based upon proceedings scheduled in another court of record or appellate court will be granted only if the other court's scheduling order was issued before the order scheduling the proceeding for which the continuance is sought.

#### **Rule L227.1 Post -Trial Conferences**

1. In every case in which a motion for post-trial relief has been filed or, alternatively, at the Court's discretion, the Court Administrator shall schedule a post-trial conference to be held as soon as the business of the Court permits. The purpose of such conference shall be to determine the precise issue or issues that will be before the Court on said motion and the extent of the trial record that will need to be transcribed.
  - a. Absent a request for transcription of a portion of the record, the Court will dispose of the motion without transcript.
  - b. A party filing a post-trial motion who desires a transcript shall cause the transcript or portion thereof to be prepared before the motion is argued.
  - c. In all cases where a transcript is requested, the party requesting the transcript must present a motion and order to the Court specifically identifying that portion of the record that is requested, and in the event that less than all of the trial is to be transcribed, the date and witnesses that are requested.
  - d. The court reporter shall, upon written request of counsel, provide an estimate of the cost of the transcript. Unless otherwise directed by the Court, the court reporter shall not begin transcribing notes until a deposit is made by the requesting party in an amount equal to one-half of the estimate cost of the transcription. Upon completion of the transcript, the court reporter shall invoice the party requesting the transcript. The transcript shall not be filed nor a copy delivered to any party until the invoice is paid in full. In the discretion of the Court and upon order specially made, the transcript invoice may be taxed as costs of suit.

**Rule L230.2 Termination of Inactive Cases**

1. On or before September 1 of each year, the Prothonotary shall prepare a list of all civil matters in which there has been no activity of record for two years or more prior thereto by serving a notice of proposed dismissal of court case.
2. The Prothonotary shall serve notice of proposed dismissal for each case on counsel of record, and on the parties if not represented, at least sixty (60) days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.
  - a. Where it would be unduly burdensome to research the captions, parties, and mailing addresses of Cameron County divorce cases that have been inactive for two years or more, such cases shall be terminated pursuant to Pa.R.C.P. 230.2, provided, however, the Cameron County Prothonotary shall serve notice of the proposed dismissal upon plaintiffs' counsel or self-represented plaintiffs, at least sixty (60) days prior to the date of the proposed termination.
  - b. The President Judge shall determine when the use of L230.2(a) is appropriate and shall issue an order of court authorizing the Cameron County Prothonotary to proceed under this rule.

**Rule L430 Service by Publication**

1. In all actions where service by publication is permitted, publication shall be made one time in a daily newspaper published in the county in which the action is brought, as no legal journal or publication exists in the 59<sup>th</sup> Judicial District.

**Rule L1018 Notice to Defend. Form**

1. The officer to be named in the notice to defend from whom information concerning legal help can be obtained is:
  - a. For matters filed in Elk County:

Elk County Prothonotary  
Elk County Courthouse  
240 Main Street  
Ridgway, PA 15853  
(814) 776-5344

- b. For matters filed in Cameron County:

Cameron County Prothonotary  
Cameron County Courthouse  
20 East Fifth Street  
Emporium, PA 15834  
(814) 486-3349

**Rule L1028(c) Preliminary Objections**

1. Preliminary objections shall be filed with Prothonotary and shall include a proposed order scheduling argument on the preliminary objections, including a provision for the time allotted for the argument. Courtesy copies for the Court are not required. Briefs shall be filed in accordance with Pa.R.C.P. 210 and Rule L210.

**Rule L1034(a) Motion for Judgment on the Pleadings**

1. A motion for judgment on the pleadings shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order scheduling argument on the motion. Personal presentment is not required. Courtesy copies of the motion for the Court are not required.
2. A brief shall be submitted contemporaneously with the motion or as directed in the scheduling order.
3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.
4. The opposing party shall file an answer or submit a reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.
5. Argument on the motion shall be scheduled after filing as a matter of course and without the necessity of filing a praecipe for argument. Argument shall be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party 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.
6. The proposed order scheduling argument on the motion shall include the phrase “\_\_\_\_\_hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the argument.

7. The Court, in its discretion, may hear any argument by telephone conference or videoconference provided counsel has submitted a prompt written request to the Court to participate electronically. The party requesting to participate electronically shall bear the cost of participating electronically unless the Court provides otherwise.
8. A court reporter will not attend the argument unless specifically directed by the Court.

**Rule L1035.2(a) Motion for Summary Judgment**

1. A motion for summary judgment shall be filed with the Prothonotary before being presented to the Court and shall include a proposed order scheduling argument on the motion. Personal presentment is not required. Courtesy copies of the motion for the Court are not required.
2. A brief shall be submitted contemporaneously with the motion or as directed in the scheduling order.
3. Motions submitted to the Court by facsimile or other electronic transmission will not be considered except in extraordinary or emergency situations. Any motion initially submitted by facsimile or other electronic submission must be filed of record within two (2) business days thereafter.
4. The opposing party shall file a response in accordance with Pa.R.C.P. 1035.3.
5. Argument on the motion shall be scheduled after filing as a matter of course and without the necessity of filing a praecipe for argument. Argument shall be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented party 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.
6. The proposed order scheduling argument on the motion shall include the phrase “\_\_\_\_\_hour(s) is allotted for the argument.” Upon receipt of the scheduling order, if counsel or a self-represented party does not believe that the allotted time is reasonably sufficient, it is the duty of counsel or the party to contact the Court Administrator’s office, in writing, to request a continuance in order to reschedule the time necessary for the argument.
7. The Court, in its discretion, may hear any argument by telephone conference or videoconference provided counsel has submitted a prompt written request to the Court to participate electronically. The party requesting to participate electronically shall bear the cost of participating electronically unless the Court provides otherwise.
8. A court reporter will not attend the argument unless specifically directed by the Court.

**Rule L1042.21 Medical Professional Liability Actions. Motion for Settlement Conference or Mediation**

1. Upon agreement of the parties that mediation would be appropriate for resolution of a case, a “stipulation for mediation” requesting a mediation conference and signed by all parties and counsel shall be filed of record and submitted to the Court. The stipulation shall specify that all parties involved agree to the mediation and believe that there is a realistic possibility of settlement. As only one judge presides in the 59<sup>th</sup> Judicial District, the Court shall request the appointment of a senior judge to act as the mediator.
2. Prior to the mediation conference,
  - a. All discovery must be completed.
  - b. A discussion of consent to settle must have taken place with all defendant doctors and health care providers.
  - c. The respective insurers must have completed all relevant claim evaluations
  - d. All pre-trial dispositive motions, e.g., motions for summary judgment, must have been filed and resolved.
3. The date, time and place of the mediation conference shall be established by the mediator/judge.
4. Unless specifically requested by the mediator/judge, the parties shall not contact or forward documents to the mediator/judge.
5. The mediation session procedure shall be directed by the mediator/judge, but shall generally include an introduction of the parties, opening statements by counsel and any of the principals, if desired. Thereafter, caucuses will be conducted with the respective parties to permit the mediator/judge to develop and refine the parties’ positions.
6. Counsel who will actually try the case must attend the mediation conference, as must any unrepresented party. All parties, insurers and principals of parties with decision-making authority must attend the mediation conference in person unless excused by the mediator/judge. Any doctor who has not provided a signed statement indicating that he or she has discussed the case with his or her attorney of record and do or do not consent to a settlement must attend the mediator conference.
7. All mediation proceedings, including any statement made or writing submitted by a participant, shall not be disclosed to any person who is not directly involved with the mediation conference.

The parties’ settlement positions and statements during mediation shall not be disclosed to the trial judge unless mutually agreed to by the parties. In the event of a non-jury trial, under no circumstances shall the parties’ settlement positions and statements be disclosed to the trial judge.

No transcript or other recording may be made of the mediation conference and the mediation proceedings shall not be used by any adverse party for any reason in the litigation at issue provided, however, that a settlement agreement resulting from the mediation conference may be sought to be enforced.

8. The mediator/judge shall submit a confidential report to the trial judge indicating whether a settlement has been reached. The mediator/judge may recommend that further mediation be ordered if settlement has not been achieved.

### **Rule L1301 Compulsory Arbitration**

1. All civil matters where the amount in controversy, exclusive of interest and costs, does not exceed the maximum limitation prescribed by 42 Pa. C.S. 7361(b)(2) shall be tried before a Board of Arbitrators appointed from the list of available arbitrators for the 59<sup>th</sup> Judicial District.
2. The list of arbitrators shall consist of all active members of the Elk County and Cameron County Bar Associations in the 59<sup>th</sup> Judicial District, excepting only such attorney who files with the Prothonotary of each county in the district a written statement to the effect that he or she does not wish to be an arbitrator.
3. The Board of Arbitrators shall be chaired by a member of the Bar admitted to the practice of law for at least three (3) years.
4. Within ten (10) days after any party files a praecipe for arbitration, the Prothonotary shall appoint three arbitrators, with the first named to be the chairperson.
5. Appointment shall be rotated as evenly as possible among the members of the Bar, but no person shall be appointed to act as an arbitrator when another member of the same law firm has been appointed; or when an attorney is related by blood or marriage to any party involved; or when an attorney is a partner or associate of any attorney involved; or when an attorney informs the Prothonotary in writing that he or she is unable or does not wish to accept such appointment.
6. The party filing a praecipe shall immediately mail a copy of the praecipe to the adverse party or counsel.
7. If an appointed arbitrator dies or becomes incapable of acting before a hearing, the Prothonotary shall immediately appoint a substitute arbitrator.
8. A member of a Board of Arbitrators who would be disqualified for any reason that would disqualify a judge under the Code of Judicial Conduct shall immediately withdraw as an arbitrator; and a substitute shall be immediately appointed by the Prothonotary.
9. If any case is settled or discontinued after the arbitrators have been appointed, and before a hearing, counsel for the plaintiff shall immediately notify all appointed arbitrators

- at least one (1) day prior to any scheduled hearing, and upon failure to do so, counsel shall pay each appointed arbitrator \$50.00.
10. The arbitrators shall be sworn and hold all hearings at the courthouse facilities of the appropriate county unless the parties or their counsel agree to an alternate location.
  11. The arbitrators shall hold a hearing within sixty (60) days after their appointment unless the time is extended by agreement of all parties or their counsel. The chairperson shall give at least thirty (30) days notice of the hearing to all parties or their counsel. No hearing shall be continued to a date more than one hundred eighty (180) days from date of appointment unless upon good cause.
  12. The arbitrators shall conduct the hearing and receive evidence in accordance with Pa.R.C.P. 1304 and 1305.
  13. The arbitrators shall make their award in substantially the form set forth in Pa.R.C.P. 1312 and file it with the Prothonotary within one day after the hearing, unless the time is extended by the parties. If an appointed arbitrator dies, becomes incapable of acting, or refuses to perform his duties after a hearing, but before an award is made, the case shall be decided and the award signed by the remaining arbitrators. If they cannot agree, the case shall be heard de novo by three arbitrators, two of whom shall be the original arbitrators, and one of whom shall be immediately appointed by the Prothonotary. The decision of the majority of the appointed arbitrators shall be conclusive.
  14. The award shall be docketed, notice given, molded, and judgment entered as prescribed by Pa.R.C.P. 1307.
  15. Within 30 days from the date of filing of an award, any party may appeal to the Court as provided by Pa.R.C.P. 1308.
  16. Parties to appeal, discontinuance of appeal, and appeal procedures shall be in accordance with Pa.R.C.P. 1309, 1310, and 1311.
  17. Each appointed arbitrator shall be paid \$125.00 from county funds and an additional \$10.00 for travel from one county to another within the judicial district. The chairperson of the arbitration board shall be entitled to an additional \$25.00 in compensation, or a total of \$150.00, plus \$10.00 for travel from one county to another within the judicial district. In cases requiring hearings of unusual complexity, the Court, upon petition of the appointed arbitrators, may allow additional compensation. Upon petition of any party, the Court may, for cause shown, disallow compensation to any or all of the appointed arbitrators. The arbitrators' compensation shall not be taxed as costs nor follow the award.

#### **Rule L1910.4 Support. Commencement of Action**

1. All claims for support must be initiated in the appropriate county Domestic Relations Section of the Court of Common Pleas of the 59<sup>th</sup> Judicial District by filing a complaint for

support or a certified copy of the divorce complaint containing a count for support. An application for child support services must also be completed and submitted to the appropriate county Domestic Relations Section.

2. If an agreement regarding support is reached pursuant to a divorce, the support agreement shall be specifically set forth apart from the remaining provisions of the divorce agreement and shall be filed in the appropriate county Domestic Relations Section.
3. Each complaint in divorce that contains a count for child support shall allow for a separate domestic relations number to be assigned by the Domestic Relations Section.
4. Filing fees shall be determined by the Prothonotary.

**Rule L1910.11 Support. Office Conference. Subsequent Proceedings. Order**

1. In Cameron County, Pa.R.C.P. 1910.11 is hereby adopted.

**Rule L1910.12 Support. Office Conference. Hearing. Record. Exceptions. Order**

1. In Elk County, the Alternative Hearing Procedure, Pa.R.C.P. 1910.12, is hereby adopted.

**Rule L1915.3 Custody and Visitation. Commencement of Action**

1. All complaints for custody, partial custody and visitation are to be filed with the appropriate county Prothonotary and shall be substantially in the form prescribed in Pa.R.C.P. 1915.15 and 1915.16.

**Rule L1915.4-3 Non-Record Proceedings. Trial**

1. In Elk and Cameron Counties, Pa.R.C.P. 1915.4-3 is adopted.
2. In all claims for custody, partial custody and visitation, the custody conference officer shall conduct a custody conference.
3. A conference fee of \$100.00 shall be submitted at time of filing the custody complaint or petition to modify custody unless the Court prior to the filing of a custody complaint or petition to modify custody has granted plaintiff or petitioner in forma pauperis status. The fee is payable to the custody conference officer. The custody conference officer may petition the Court for additional fees in appropriate circumstances

4. If an agreement is reached at the custody conference, said agreement shall be noted by the custody conference officer or reduced to a written proposal signed by both parties and shall be submitted to the Court for an order.
5. If no agreement is reached at the conference, the custody conference officer shall make a recommendation for an interim custody order to the Court. A custody pretrial conference will be scheduled with the Court, following which, if necessary, a custody trial will be scheduled.
6. Prior to the custody pre-trial conference, the parties shall complete and submit a pre-trial statement to the Court and opposing party.
7. Prior to a custody trial, the parties shall complete and submit a parenting plan to the Court and opposing party.
8. Unless specifically ordered by the Court, the minor children shall not appear at the custody pre-trial conference or the custody trial.

**Rule L1915.15 Complaint. Caption. Order**

1. The complaint for custody, partial custody and visitation or a petition to modify custody shall be in the form prescribed by Pa.R.C.P. 1915.15.
2. The order accompanying said complaint shall be in the form prescribed in Pa.R.C.P. 1915.16, except that the order in custody matters shall not require the children to appear at the custody conference. The order shall direct the parties to appear for a conference at the Domestic Relations Section, 2<sup>nd</sup> Floor, Elk County Courthouse Annex, 300 Center Street, Ridgway, PA (see L1915.15.). Service of the hearing notices is the responsibility of the moving party.
3. The officer to be named in the order to appear from whom information concerning legal help can be obtained is:

- a. For matters filed in Elk County:

Elk County Prothonotary  
Elk County Courthouse  
Main Street  
Ridgway, PA 15853  
(814) 776-5344

- b. For matters filed in Cameron County:

Cameron County Prothonotary  
Cameron County Courthouse  
20 E. Fifth Street  
Emporium, PA 15834  
(814) 486-3349

**Rule L1915.15(a) Order and Notice. Form**

IN THE COURT OF COMMON PLEAS OF THE FIFTY-NINTH  
JUDICIAL DISTRICT OF PENNSYLVANIA

_____	*	COUNTY BRANCH (ELK)(CAMERON)
Plaintiff	*	
	*	
vs.	*	CIVIL ACTION - CUSTODY
	*	
_____	*	
Defendant	*	NO.

*ORDER AND NOTICE*

You, \_\_\_\_\_, Defendant, have been sued in court to obtain or modify custody, partial custody or visitation of the child(ren):

\_\_\_\_\_.

You are ordered to appear in person at the \_\_\_\_\_, \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for

- \_\_\_ a conciliation or mediation conference
- \_\_\_ a pretrial conference
- \_\_\_ a hearing before the court.

**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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

**Prothonotary  
Elk County Courthouse  
Main St., Ridgway PA 15853  
15834 (814) 776-5344**

**OR**

**Prothonotary  
Cameron County Courthouse  
E. 4<sup>th</sup> Street, Emporium, PA  
(814) 486-3349**

BY THE COURT:

DATE: \_\_\_\_\_

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Elk / Cameron 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 our 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 L1920.3 Divorce. Commencement of Action**

1. A complaint for divorce shall be filed with the appropriate county Prothonotary of the Court of Common Pleas of the 59<sup>th</sup> Judicial District.
2. The officer to be named in the notice to defend from whom legal help can be obtained is:

- a. For matters filed in Elk County:

Elk County Prothonotary  
Elk County Courthouse  
Main Street  
Ridgway, PA 15853  
(814) 776-5344

- b. For matters filed in Cameron County:

Cameron County Prothonotary  
Cameron County Courthouse  
20 E. Fifth Street  
Emporium, PA 15834  
(814) 486-3349

3. The request for the entry of a decree in divorce which includes the approval or incorporation of a settlement agreement shall be denied unless the claims addressed in the settlement agreement, i.e., custody, support, alimony, alimony pendente lite, counsel fees, expenses and costs, and equitable distribution of property, have been raised of record in accordance with 23 Pa.C.S.A. 3104.

**Rule L1920.51 Appointment of Master**

1. The Court shall, whenever necessary, appoint a permanent master who shall be an attorney. The party requesting the appointment of a master shall file with the appropriate county Prothonotary a motion for the appointment of a master in substantially the form prescribed in Pa.R.C.P. 1920.74. The permanent master's base fee for all claims related to a divorce shall be \$500. Said fee is payable to the permanent master and shall be submitted with the motion for the appointment of a master at time of filing of the motion. The permanent master may petition the Court for additional fees in appropriate circumstances and the allocation of the permanent master's fee may be determined in the master's report and recommendation.
2. All claims for equitable distribution, alimony, alimony pendente lite, attorney's fees and costs must be raised of record before being referred to a permanent master for hearing.
3. The permanent master shall prepare a case management order and schedule the master's pre-hearing conference or hearing.

4. The permanent master shall conduct the conference/hearing in accordance with Pa.R.C.P. 1920.55-2 and the established rules of law and evidence. The permanent master shall have the general power of a court, including, but not limited to:
  - a. The power to issue subpoenas and the power to issue an attachment upon allowance by the court for failure to comply therewith.
  - b. The power to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by deposition, and to decide the law and facts of the case submitted.
  - c. The power to compel the production of all books, paper, and documents which shall be deemed material to the case.
5. The permanent master shall tape record the hearing for later transcription upon request by any party. The party requesting the same shall pay the cost thereof.
6. Forms and procedures with respect to a claim for custody and/or visitation incident to a divorce shall be as prescribed by Local Rule L1915.3, L1915.4-2 and L1915.15.

**Rule L1920.53 Hearing by Master. Report**

1. All actions requesting a divorce pursuant to 23 Pa.C.S.A. 3301(a) or an annulment pursuant to 23 Pa.C.S.A. 3303 shall be referred to the permanent master upon the filing of a motion for the appointment of a master substantially in the form prescribed by Pa.R.C.P. 1920.74 with the appropriate county Prothonotary. The permanent master's fee shall be \$500. Said fee is payable to the permanent master and shall be submitted with the motion for the appointment of a master at time of filing. The permanent master may petition the Court for additional fees in appropriate circumstances.
2. The permanent master shall give at least ten (10) days written notice of the time and place of the hearing to both parties or their attorneys.

**Rule L1920.55-2 Master's Report. Notice. Exceptions. Final Decree**

1. In Elk and Cameron Counties, Pa.R.C.P. 1920.55-2 is hereby adopted.

**Rule L4007 Requests For Transcripts**

All requests for transcripts shall be submitted on a form provided by the District Court Administrator that will include all elements required by the Court Administrator of Pennsylvania. The form shall be made available on the Court's website at [www.co.pa.elk.us/judicial](http://www.co.pa.elk.us/judicial) and at the office of the District Court Administrator.

- (1) The requesting party shall submit the original request form to the District Court Administrator and shall serve copies of the request to:
  - a. The judge presiding over the matter;
  - b. The court reporter or court recorder
  - c. The opposing counsel or an opposing party if unrepresented.
- (2) A party making a request for transcript shall make a partial payment of 95% of the estimated cost. All checks shall be made payable to the County of Elk in Elk County matters or the County of Cameron in Cameron County matters. Payment shall be delivered to the office of the District Court Administrator, P.O. Box 416, Ridgway, PA 15853, regardless of the county of venue.

#### **Rule L4008 Costs For Transcripts**

- (1) Costs paid by the requesting party, other than the Commonwealth of Pennsylvania or a subdivision there, for a transcript in electronic format shall be as follows:
  - a. For an ordinary transcript, \$2.50 per page
  - b. For an expedited transcript, \$3.50 per page
  - c. For a daily transcript, \$4.50 per page
  - d. For same day delivery, \$6.50 per page
- (2) Costs paid by the requesting party and any other party for a paper copy of the transcript shall be \$0.25 per page
- (3) Where the Commonwealth or a subdivision thereof is liable for the cost in electronic format:
  - a. For all transcripts, \$2.00.
- (4) The trial judge may impose a reasonable surcharge in cases such as professional malpractice or other complex litigation.
- (5) Transcript costs subject to waiver under Pa.R.J.A. 4008(B) shall be reviewed by the District Court Administrator upon written application by the requesting party. Applications are available from the office of the District Court Administrator.
- (6) A request for a copy of any transcript previously filed of record shall be submitted to the District Court Administrator and provided according to the following fee schedule:
  - a. For paper format, \$0.75 per page
  - b. For electronic format, \$0.50 per page

## **Custody of Exhibits**

### **Rule 5102. General Provisions.**

The court reporter or court recorder/monitor for all, or a portion, of a court proceeding shall be designated as the "Custodian," as defined by Pa.R.J.A. 5101(a)(2), for all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

(a) If only one custodian is involved with a proceeding, they shall file with the appropriate records office (Prothonotary/Clerk of Courts or Orphan's Court) all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.

(b) The custodian or designee shall prepare the Index of Exhibits during the court proceedings on a form supplied by Court Administration.

(1) If a designee is preparing the Index of Exhibits during a proceeding, the custodian shall obtain the Index of Exhibits prepared during the court proceeding from the designee and compare the exhibits in the possession of the custodian with the Index of Exhibits before filings the exhibits in the records office.

(c) The proponent shall assure that document evidence is in a formant, including size and material, that is compatible with being filed and easily stored by the records office. If, due to the nature of the proceeding and the requirement that an oversized or undersized document exhibit be entered into evidence that is not easily capable of storage by the records office, then the records office may request that alternate measures be undertaken for storage of this document evidence, including that the proponent retain custody in conformance with Rule 5103 for physical evidence.

(d) The proponent shall include a Confidential Information Form or Confidential Document Form for any exhibit offered into evidence that contains confidential information or confidential documents as defined in the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. These forms shall be given by the proponent to the custodian at the time the evidence is introduced.

(e) If multiple custodians are involved with a proceeding, the first custodian shall provide the subsequent custodian (and so on, if more than two custodians) with the submitted exhibits and index of exhibits. The custodian at the conclusion of the proceeding shall file with the appropriate records office all submitted exhibits and index of exhibits within five (5) business days of the conclusion of the proceeding.

**Rule 5103. Special Provisions.**

(a) The proponent shall retain custody of physical evidence (including, but not limited to weapons, cash, other items of value, drugs, or other dangerous materials) and bulky, oversized, or otherwise physically impractical exhibits at all times during and after a court proceeding unless otherwise directed by the Court.

(1) These non-documentary exhibits must be photographed by the proponent, converted to a letter-sized document (8-1/2 x 11 inches), and appropriately marked and produced during the court proceeding for inclusion in the documentary record. Photographs must be color photographs unless otherwise directed by the Court.

(2) Unless otherwise provided by the presiding judge, at the conclusion of the court proceeding, non-documentary evidence shall be returned to the proponent for safekeeping as required by any applicable retention schedule, statute, rule, regulation, or policy, or until further order of court.

(3) Unless otherwise ordered, the proponent or filing office shall maintain non-documentary exhibits for a minimum of following time periods:

(i) *Non-criminal matters.* Retain exhibits until the later of the expiration of the appeal period or final disposition of the appeal if one is taken.

(ii) *Criminal matters:*

1. Homicides. Retain exhibits 75 years.
2. Summary cases. Retain exhibits 5 years.
3. Other cases. Retain exhibits 20 years.

(iii) The document retention provision set forth above shall apply to any exhibits held currently by the custodian.

(iv) The custodian may submit a motion to the Court to address the conversion or retention of previously entered exhibits that are currently being held so long as any motion is served on the appropriate parties or counsel to their last known address.

(b) Any digital exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record on a Universal Serial Bus (USB) flash drive (or other format if expressly approved by the court). If one party has multiple digital exhibits, they may be submitted together on one USB flash drive.

(c) Any exhibit containing confidential information or equivalent to any of the categories enumerated in the Case Records Public Access Policy of the Unified Judicial System of

Pennsylvania shall include a Confidential Document Form so that the document can be properly sealed by the records office. These forms shall be given by the proponent to the custodian at the time the evidence is introduced.

(d) Media depositions presented at trial shall remain in the proponent's possession. The proponent shall simultaneously submit a transcript of the deposition as an exhibit.

**Rule 5104. Exclusion.**

Record hearings that may be appealed *de novo* to a court of common pleas or upon which exceptions or objections can be filed to a court of common pleas are excluded from the provisions of these Rules.

**MAGISTERIAL DISTRICT JUDGES**  
**PCPMDJ Rule L112 Availability and Temporary Assignments of**  
**Magisterial District Judges**

1. The Court shall file an order of court establishing an annual on-call schedule for magisterial district judges to be available at all times to handle matters requiring immediate attention and possessory matters.
2. The on-call schedule may be amended upon cause shown by the assigned on-call magisterial district judge and the agreement of another magisterial district judge within the district to be the substitute on-call magisterial district judge.
3. The order of court establishing the annual on-call schedule and any subsequent orders amending the annual on-call schedule shall be conspicuously posted in the offices of the magisterial district courts within the judicial district and the Court Administrator shall distribute copies to all law enforcement agencies and other agencies affected.