

Montgomery County Local Rules of Civil Procedure



Rule 14. *Zoning Appeals. [Rescinded.]*

Editor's note: Rule 14 adopted November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded June 26, 2018, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 14. *Land Use Appeals: Zoning, Subdivision
and Land Development.***

- a. *Caption.* Appeals from the decision of a governing body, planning commission (where empowered to render a decision), or a zoning hearing board shall be captioned as follows:
 - (i) Appeal of _____ from the decision dated _____ of the [governing body, planning commission, or zoning hearing board].
 - (ii) Where appeals are filed from both a notice of decision and a decision containing findings of fact, conclusions of law, and reasons, the appeals shall be filed under the same case number assigned to the appeal filed first. The second filed notice of appeal, if any, shall be titled "Supplemental Notice of Appeal".
- b. *Service of Appeal.*
 - (i) Upon the filing of the notice of appeal of a decision of a zoning hearing board or of a decision of the governing body in a zoning matter, the appellant shall serve a copy of the notice of appeal upon the following, based upon the entity making the decision: zoning hearing board, the zoning hearing board solicitor, the municipality, the municipal solicitor, and all persons granted party status before the zoning hearing board or governing body.
 - (ii) Upon the filing of an appeal from the decision of a municipality or municipal planning commission in a subdivision or land development matter or in a matter involving a planned residential development, the appellant shall serve a copy of the notice of appeal on the municipality and the municipal solicitor. In appeals of a decision of the municipality involving a planned residential development or a subdivision or land development matter where the municipality conducted a public hearing, the appellant shall also serve a copy of the notice of appeal on all persons granted party status at the public hearing.

c. *Record on Appeal.*

- (i) Within 30 days of the service of the notice of appeal, unless extended by agreement of the parties, the municipality or municipal agency shall file the return of record with the Prothonotary.
- (ii) The record in an appeal from a decision of the zoning hearing board or the decision of the governing body in a conditional use application or other zoning proceeding heard by the governing body pursuant to the Pennsylvania Municipalities Planning Code, other than as set forth in (iii) below, shall include, but not be limited to, a copy of the complete municipal zoning ordinance and zoning map, the application, transcripts, hearing or meeting exhibits, plans, drawings, municipal staff and consultant review letters, county review letters, notice of decision, decision containing findings of fact, conclusions of law, and reasons. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinance and map are those in effect and applicable to the subject matter of the appeal.
- (iii) The record in an appeal of a decision of the governing body or planning commission involving a subdivision, land development, or planned residential development shall include, but not be limited to a copy of the complete municipal zoning ordinance, zoning map, subdivision and land development ordinance, the application, transcripts, meeting minutes, plans, drawings, other materials submitted by the applicant, municipal staff and consultant review letters, county review letters, and the written decision or approval. The return of record shall include a certification from the zoning officer or other designated municipal officer that the return is the complete and accurate record and that the ordinances are those in effect and applicable to the subject matter of the appeal.
- (iv) Any plans submitted with the return of record shall be no larger than $8\frac{1}{2}'' \times 11''$. If any plans that are part of the record are larger than $8\frac{1}{2}'' \times 11''$, the appellant shall within 10 days of filing the notice of appeal provide the municipality or municipal agency with electronic versions of the plans to be included in the return of record. Upon request of the Court, paper copies of plans greater than $8\frac{1}{2}'' \times 11''$ shall be submitted to the Court.
- (v) Upon the filing of the return of record, the municipality or municipal agency shall serve counsel for the appellant, the

appellant (where the appeal is filed pro se), and all persons granted party status at a public hearing held by the zoning hearing board or municipality with a copy of the list of documents and materials filed as part of the return of record.

- (vi) An application for relief may be filed in the event of non-compliance with this rule for consideration by the Court, which may impose sanctions.
- d. *Intervention.* Other than the notice of intervention permitted by section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, intervention shall be governed by the Pennsylvania Rules of Civil Procedure.
- e. *Supplementation of the Record.* A petition for supplementation of the record shall be filed no later than 30 days from the date of the filing of the return of record or for a party permitted to intervene, 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition for supplementation of the record. Following the filing of the answer, the petition shall be addressed by the Court.
- f. *Additional Evidence.* A petition for additional evidence shall be filed no later than 60 days from the date of the filing of the notice of appeal or for a party permitted to intervene 30 days from the date of the order allowing intervention. The responding party shall file and serve its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- g. *Petition for Bond.* A petition for bond shall be filed no later than 60 days from the filing of the notice of appeal. The responding party shall file its answer within 20 days of the date of mailing of the petition. Following the filing of the answer, the petition shall be addressed by the Court.
- h. *Briefing and Argument.* Subject to pending motions or petitions, on or after 90 days from the date of the filing of the notice of appeal, the Court shall issue a scheduling order for briefing and argument.
- i. *Land Use Appeals Settlement Stipulation Verification.* Any Settlement of a Land Use Appeal shall include a Land Use Appeal Settlement Stipulation Verification.

See Forms Index

Editor's note: Adopted June 26, 2018, effective 30 days after publication in the *Pennsylvania Bulletin*; amended May 14, 2019, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *200. Trial Readiness.

- (1) *Application.* This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019*;
- (2) *Within Arbitration Limit Cases.*
 - a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “within arbitration limits” (excepting those involving title to real estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 9 months of the transfer date;
 - b) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;
 - c) At the Case Management Conference, a Case Management Order will be entered which establishes the following, if applicable:
 - i) A date for completion of all discovery, except for depositions for use at trial;
 - ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iv) A date for the filing of all dispositive motions, and any responses thereto;
 - v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

- d) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecipe, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;
 - e) Any extension beyond the maximum time limit for the placement of the case into the Arbitration Inventory, as noted in subsection (d) above, must be approved by a Judge. Said request shall be in the form of a Motion for Extraordinary Relief, which shall set forth the reason(s) why the requested relief should be granted. The opposing side(s) shall have five (5) days in which to respond to said Motion, after which time the Court will enter an appropriate order.
- (3) Outside Arbitration Limit Cases.
- a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is “outside arbitration limits”, shall be praeciped for Trial by the parties, pursuant to Local Rule 212.1*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a “transfer from another jurisdiction”, within 18 months of the transfer date;
 - b) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;
 - c) At the Case Management Conference, a Case Management Order will be entered which establishes the following, if applicable:
 - i) A date for completion of all discovery, except for depositions for use at trial;
 - ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - iv) A date for the filing of all dispositive motions, and any responses thereto;

- v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;
 - d) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecipe, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;
 - e) Any extension beyond the maximum time limit for the placement of the case into the Civil Trial Inventory, as noted in subsection (d) above, must be approved by a Judge. Said request shall be in the form of a Motion for Extraordinary Relief, which shall set forth the reason(s) why the requested relief should be granted. The opposing side(s) shall have five (5) days in which to respond to said Motion, after which time the Court will enter an appropriate order.
- (4) Track Transfer. If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/ parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;
2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;
3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;
4. All cases involving title to real estate and equity cases are considered "Outside Arbitration Limit Cases."

Editor's note: Adopted October 19, 2015. Effective January 1, 2016.

**Rule *205.2(a). *Required Redaction of Pleadings and
Other Papers Filed with the Court.***
[Rescinded.]

Editor's note: Adopted November 3, 2010, effective upon publication on the Pennsylvania Judiciary's Web Application Portal; rescinded November 27, 2017, effective on January 6, 2018.

Rule *205.2(b). *Cover Sheet.*

The cover sheet required by Rules 208.3(b), 1028(c), 1034(a) and 1035.2(a) shall be as follows:

- (a) Cover Sheet of Moving Party

See Forms Index

- (b) Cover Sheet of Respondent

See Forms Index

Comment: The Cover Sheet forms referenced in this rule are available online at www.montcopa.org/prothy/forms.html.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended November 4, 2004, effective upon publication on the web site of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us); amended May 24, 2010, effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

**Rule 205.4*. *Electronic Filing and Service of Legal
Papers.***

- (a)(1) The Montgomery County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers, under the terms described in this Local Rule.
- (b)(1) All legal papers shall be presented for electronic filing in portable document format ("pdf"). As authorized by Pa.R.C.P. No. 205.4(b)(1), in the event any legal paper is submitted to the Prothonotary in a hard-copy format, the Prothonotary shall convert such legal paper to pdf and maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(4).
- (c)(2) All legal papers that are filed electronically shall be filed through the Prothonotary's Electronic Filing System ("Electronic Filing System") which shall be accessible through the Montgomery County Prothonotary's web site, www.montcopa.org/prothy. To

obtain access to the Electronic Filing System, counsel and any unrepresented party must apply to the Prothonotary's Office for a User Name and Password.

- (d)(1) The Prothonotary will accept for payment of all filing fees the following credit and debit cards: American Express, Discover, MasterCard and Visa. The Prothonotary will not accept advance deposit on account of future filing fees.
- (f)(1) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System. The Prothonotary shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.
- (2) Neither the Court nor the Prothonotary shall be required to maintain a hard copy of any legal paper, notice or order filed or maintained electronically under this rule.

Editor's note: Previous Rule 205.4* rescinded and current rule adopted September 29, 2008, effective upon publication in the Pennsylvania Judiciary's Web Application Portal. Adopted May 16, 2013, effective May 30, 2013, published May 29, 2013.

Rule 205.6*. ***Confidential Information and Confidential Documents. Certification.***

Pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts (herein referred to as "Policy"), the following rules shall apply to all filings made in the Civil and Family Divisions of this Court:

(A) *Confidential Information*

- (1) Any filing that includes any Confidential Information, as defined in Section 7.0(A) of the Policy, shall be filed with two (2) versions of the document. One shall be a "Redacted Version" in which any Confidential Information is redacted in a manner that is visibly evident to the reader. The other "Unredacted Version" may include the Confidential Information and shall be sealed, accessible only to the parties, their attorneys, and the Court except as Ordered by the Court. Any filing that includes no Confidential Information

may be filed as only one document that shall not be sealed. Confidential information is defined in Section 7.0(A) of the Policy as:

1. Social Security Numbers;
 2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
 3. Driver License Numbers;
 4. State Identification Numbers;
 5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S. § 6355); and
 6. Abuse victim's address and other contact information, including employer's name address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.
- (2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page attached at the end of the filing and signed by the filer, or as a required check box in an e-filing system, in the following form:

"I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

(B) Confidential Documents

- (1) Any Confidential Document pursuant to Section 8.0(A) of the Policy shall be sealed from public view. Any exhibit, document or attachment filed or offered in any proceeding before the Civil Division or Family Division that is a Confidential Document as defined under the Policy shall be filed separately from the pleading, motion, memorandum or other filing to which it relates, and shall be filed with a "Confidential Document Form." The Confidential Document Form, but not the document, shall be accessible to the public, except as ordered by the Court. Confidential Documents, as defined by

Section 8.0(A) of the Policy (and as further defined in Section 1.0 of the Policy) are:

1. Financial source documents;
 2. Minors' educational records;
 3. Medical/Psychological records;
 4. Children and Youth Services' records;
 5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. 1930.33;
 6. Income and Expense Statement as provided in Pa.R.C.P. 1910.27(c); and
 7. Agreements between the parties as used in 23 Pa.C.S. § 3105.
- (2) Any filer is responsible for compliance with the Policy and this Rule. A certificate of compliance shall be attached as a separate page at the end of every filing, and signed by the filer, or as a required check box in e-filing, in the following form:

"I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

(C) *Sanctions*

If, after notice and a reasonable opportunity to respond, the Court determines that this Rule has been violated, the Court may impose a sanction on any filer who has violated this Rule or is responsible for a violation.

Comment: Filers are encouraged to omit confidential information and confidential documents not essential to the matters to be decided to minimize the need for redaction, and where possible to file documents that contain no confidential information.

Editor's note: Adopted November 27, 2017, effective on January 6, 2018.

Rule 206.1(a). *Petition. Definition.*

The following applications are defined as "petitions," and are to be governed by Rule 206.1, et seq.:

- (1) Requests to transfer venue on the ground of forum non conveniens.

Comment: The following applications are not governed by Rule 206.1, et seq. or by Rule 208.1, et seq., but rather are governed by the provisions of the general rule(s) governing the particular matter: Request to Appoint Trustee or Receiver pursuant to Pa.R.C.P. 1533; Petition to Compromise, Settle or Discontinue Minor's Action pursuant to Pa.R.C.P. 2039 and Local Rule 2039(a)*; Petition for Supplementary Relief in Aid of Execution pursuant to Pa.R.C.P. 3118; Petition to Fix Fair Market Value of Real Property Sold pursuant to Pa.R.C.P. 3282; Petition for Appointment of Viewers pursuant to 26 P. S. §1-504; Petition to Post Bond in Land Use Appeals pursuant to 53 P. S. §11003-A; Petition to Intervene pursuant to Pa.R.C.P. 2328; Petition for Change of Name pursuant to 54 Pa.C.S.A. §701 et seq.

Editor's note: Revised April 14, 2004, effective July 26, 2004.

Rule 206.4(c). *Issuance of a Rule to Show Cause.*

- (1) *Issuance.* The issuance of a Rule to Show Cause for petitions governed by Rule 206.1, et seq., shall issue as a matter of course pursuant to Rule 206.6. Petitions governed by this Rule shall be filed along with:
- (a) a cover sheet in the form set forth in Rule 205.2(b),
 - (b) a brief or memorandum of law, as set forth in Rule 210, and
 - (c) a proposed order in the following form:

<i>See Forms Index</i>

The petition and proposed order shall be filed in the Prothonotary's Office, and forwarded to the Court Administrator, who shall have the authority to sign the Rule to Show Cause Order.

If a petitioner requests a stay of execution pending disposition of a petition to open default judgment, or any other petition governed by this rule, the Court Administrator shall promptly refer the stay request to the Civil Equity/Emergency Judge for review and determination.

(2) *Disposition.*

Forty-five (45) days from the filing of the petition, the matter shall be referred to a Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the petition. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If discovery or oral argument were not requested by either party, the Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings. If the respondent did not file an answer to the petition within the timeframe outlined in the proposed order, the Court will

consider the petition without an answer, and enter an appropriate order in accordance with Rule 206.7(a).

See Forms Index

- (3) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:
- (a) Dismiss the petition where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard

Comment: the forms referenced in this rule are available online at www.montcopa.org/courts

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 15, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal.

Rule 208.2(c). ***Motion. Brief Statement of Applicable Authority***

Any motion filed pursuant to Rule 208.1 shall include a brief statement of the applicable authority.

Editor's note: Revised April 14, 2004, effective July 26, 2004.

Rule 208.2(d). ***Uncontested Motions. Certification.***

If counsel for the moving party determines that a motion is uncontested by all parties involved in the case, counsel may file a certification that the motion is uncontested. This certification language is included on the cover sheet of the moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this Rule. Disposition of an uncontested motion is governed by Local Rule 208.3(a).

Editor's note: Revised April 14, 2004, effective July 26, 2004.

**Rule 208.2(e). *Motions Related to Discovery.
Certification.***

Any motion relating to discovery must include a certification by counsel for the moving party that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter without court action. This certification language is included on the cover sheet of moving party required by Local Rule 208.3(b). By checking the appropriate box on the cover sheet of the moving party, and signing the certification section of the cover sheet, counsel for the moving party will satisfy the certification requirement under this rule.

Editor's note: Revised April 14, 2004, effective July 26, 2004

Rule 208.3(a). *Motions. Simplified Procedure.*

The following “motions” shall be considered by the court without written responses or briefs:

- (1) Requests for Alternative Service pursuant to Rule 430;
- (2) Requests to Proceed Informa Pauperis (Rule 240);
- (3) Any motion certified as uncontested pursuant to Local Rule 208.2(d).

The foregoing motions, after filing with the Prothonotary, shall be presented to the Court Administrator. The Court Administrator shall promptly deliver the motion to the Civil Equity/Emergency Judge for review and determination.

Editor's note: Revised April 14, 2004, effective July 26, 2004.

**Rule 208.3(b). *Motion Practice. Rule to Show Cause.
Disposition of Motions.***

- (1) *Filing.* All other “motions” as defined by Rule 208.1, excepting those listed above in Local Rule 208.3(a), shall be governed by this Rule. All such motions shall be faced with a cover sheet of the moving party in the form set forth in Local Rule 205.2(b) and shall be accompanied by the moving party’s proposed order. The motion, together with the cover sheet, shall be presented to the Court Administrator, after filing with the Prothonotary, for a return day on the rule.
- (2) *Listing.* Excepting motions for sanctions or contempt of a prior court order, the Court Administrator shall fix promptly a return day which shall not be less than twenty (20) days from the date of filing of said motion, and the moving party shall forthwith serve

the respondent with a copy of the motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the motion and the rule return date were served upon all parties, in substantially the following form:

See Forms Index

Motions for sanctions or contempt of a prior court order shall be forwarded by the Court Administrator to the assigned Judge for the scheduling of a hearing.

Motions that are alleged to be “emergencies” will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the assigned Judge. If the matter is deemed to be an emergency by the assigned Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

All pre-trial motions that are filed after the underlying case has been praeciped for trial or ordered on the trial list will be made rule returnable “at time of trial.”

- (3) *Response.* At or before the call of the list on the return day, the respondent shall file an answer to the motion, even if there are no contested issues of fact. The answer shall be faced with the respondent’s cover sheet in the form set forth in Rule 205.2(b) and shall be accompanied by a proposed order.
- (4) *Initial Consideration of Motion—Rule Return Day.* On the return day, the Court Administrator or his/her designee shall call all matters listed. If a response is not filed to the motion at or before the call of the list, the court will treat the motion as uncontested, and grant the requested relief, if appropriate, and if a proper certificate of service was filed pursuant to Local Rule 208.3(b)(2). In the absence of a proper certificate of service, the motion will be stricken.

Matters relating to discovery in which responses have been filed will proceed by Local Rule 4019*. Motions raising appealable matters in which responses have been filed will proceed pursuant to section (2) herein. All other matters (interlocutory) in which responses have been filed will forthwith be referred to the assigned Judge for disposition, including argument, if requested.

- (5) *Praecipe.* On all motions raising appealable matters in which responses have been filed, the Court Administrator, after the

return day, will issue an order directing the completion of discovery, if necessary, within sixty (60) days of the date of the order. Upon completion of discovery, if necessary, any party may file with the Prothonotary, in duplicate, a praecipe for argument in the form set forth herein, including a certification that a copy thereof has been served upon all other parties. The Prothonotary shall forthwith deliver a copy of the praecipe to Court Administration. The praecipe shall be in the following form:

See Forms Index

- (6) *Briefs.* For motions raising appealable matters, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the filing of the praecipe for argument, unless otherwise directly by the assigned Judge. Regarding appealable matters, the brief of the respondent shall be filed within thirty (30) days of the date of the filing of the moving party's brief.

For motions raising interlocutory matters, where the Court orders briefs, the brief of the moving party shall be filed in the Prothonotary's Office within thirty (30) days of the date of said order and the respondent's brief shall be filed within thirty (30) days of the filing of the brief of the moving party, unless otherwise directly by the assigned Judge. A party may also voluntarily file a brief regarding interlocutory matters even though not specifically directed by the Court.

If the brief of either party is not timely filed, either per the directive of this Rule or by order of the Court, the assigned Judge may:

- (a) Dismiss the motion where the moving party has failed to comply;
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply;
 - (c) List the matter for argument, at which time only the complying party shall be heard; or
 - (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.
- (7) *Disposition.* Once briefs, if required, are filed, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets or the argument praecipe, the matter may be scheduled for argument. If oral

argument was not requested by either party, the Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

Comments:

1. Rule 208.1(b)(1)(iv) specifically excludes motions to exclude expert testimony pursuant to Rule 207.1 and motions in limine from the above process. These motions are filed with the Prothonotary and referred to the trial judge, upon assignment of trial.

2. Rule 208.1(b)(2)(i) specifically excludes asbestos litigation matters from the above process. Motions filed in said matters are handled pursuant to Local Rule 1041.1*.

3. Requests for leave to withdraw an appearance in family court actions pursuant to Rule 1012 and requests under local Rule 229(a)*(1) are considered "motions" that are subject to this Rule.

4. Appealable matters are those that are before the Court for final judgment or adjudication. Please refer to the Pennsylvania Rules of Appellate Procedure for further guidance.

5. Motions relating to discovery in family law actions—excluded from the above process by Rule 208.1(b)(2)(iv)—are governed by Local Rule 4019.1* Family Discovery Master.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended August 16, 2004, effective upon publication on the website of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us); amended November 4, 2004, effective upon publication on the website of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us). Amended December 9, 2015, effective upon publication on the UJS Portal; amended May 15, 2019, effective on July 1, 2019.

Rule 208.4. *Disposition of Motions. [Rescinded]*

Editor's note: Rescinded August 16, 2004, effective upon publication on the web site of the Administrative Office of Pennsylvania Courts (www.ujportal.pacourts.us).

Rule 210. *Briefs*

- (1) Form. Briefs or memoranda of law shall be typewritten, printed or otherwise duplicated, and endorsed with the name of the case, the court term and number, and the name, address, and electronic mail address of the attorney or the party if not represented by an attorney. Briefs and memoranda of law shall contain concise and summary statements, separately and distinctly titled, or the following items in the order listed:
 - (a) Matter before the Court: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.
 - (b) Statement of question(s) involved: State the issue(s) in question form containing factual context sufficient to present the precise

matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.

- (c) Facts: State the operative facts.
- (d) Argument: State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.
- (e) Relief: State the specific action(s) requested of the court.

Comment: The forms referenced in this rule are available online at www.montcopa.org/courts

Editor's note: Adopted August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

Rule 212.1* ***Civil Actions to be Tried by Jury. Civil Actions to be Tried Non-Jury. Equity Actions. Notice of Earliest Trial Date. Time for Filing Pre-Trial Statements.***

- (a)* The Court hereby extends Pa.R.C.P. 212.1 and 212.2 to apply to civil actions to be tried non-jury, and to equity actions. The notice of scheduling for Pre-Trial Conference, generated by the Court Administrator's Office at least 50 days prior to said conference date, shall serve as notice of the earliest trial date required by Pa.R.C.P. 212.1(a).
- (b)* All pre-trial statements are to be filed in the Prothonotary's Office, and a hard copy provided to the Pre-Trial Conference Judge's Chambers, not later than 7 days prior to the Pre-Trial Conference date.

Comment: Pursuant to Pa.R.C.P. 212.1(c)(2), Montgomery County has altered the times set for the filing of pre-trial statements as set forth in Pa.R.C.P. 212.1(b). This Rule applies to matters that are certified for trial pursuant to Local Rule of Civil Procedure 212.1*(d).

Editor's note: Adopted May 11, 1998, effective June 29, 1998; amended July 21, 2010, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 212.1*(d). *Certification Required for Trial List.*

- (1) When a case is ready to be placed into the civil trial inventory, counsel must file a trial praecipe containing a certification by filing counsel that all counsel of record consent to the filing of the trial praecipe. Consent must be affirmatively obtained, but the signatures of all counsel are no longer required on the trial praecipe. The consent of unrepresented parties to the filing of the trial

praecipe is not required. If all parties to an action are unrepresented, however, any such party may file a trial praecipe.

(2) Certification shall state that no motions are outstanding and that all discovery has been completed.

(3) No discovery shall be permitted after certification unless by agreement of counsel or permission of Court.

(4) If any attorney refuses to join in certification of the case, counsel who wishes the case listed shall request a conference with the designated Judge, and give five days' notice of that appointment to other counsel. Thereafter the Judge shall rule on whether the case is ready for listing and may order the case listed on motion of counsel if in the opinion of the Court the case is ready for certification.

Comment:

1. The trial praecipe form referenced in this rule is available on line at www.montcopa.org/prothy/forms.html.

President Judge's note: Local Rule 212.1*(c) Conferences – Members of the Bar are advised that the Board of Judges has agreed to discontinue the practice of ordering cases on the civil trial list where discovery has not been completed, and allowing for discovery to be ongoing. Delays in completing discovery may be addressed through traditional available mechanisms; court orders, with sanctions for failure to comply. — President Judge Joseph A. Smyth, February 1998.

Editor's note: Adopted May 11, 1998, effective June 29, 1998. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended November 4, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 212.2(a)(7)*. Pre-Trial Statement. Content.

Pursuant to Pa.R.C.P. 212.2(a)(7), the pre-trial statement shall include the following additional information:

- (i) the estimated length of trial;
- (ii) any scheduling problems;
- (iii) any special evidentiary issues;
- (iv) a realistic settlement offer or demand.

Editor's note: Adopted May 11, 1998, effective June 29, 1998.

Rule 223*. Custody and Storage of Trial Exhibits.

- (a) The moving party shall keep custody of and be responsible for all non-documentary material submitted into evidence at trial. That

material shall not be left in the courtroom after the conclusion of the trial of the case.

- (b) All trial exhibits which are larger than 8.5 x 11 inches shall remain in the custody of and be the responsibility of the moving party. The moving party shall submit an original or copy of the trial exhibit no larger than 8.5 x 11 inches to the Court, which copy shall be marked and filed of record.
- (c) Notwithstanding the above provisions, any party may petition the Court to retain custody of an Exhibit.
- (d) Trial exhibits entered into evidence prior to the effective date of this Rule, and those filed of record pursuant to section (b) above, shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal. Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. In cases where final disposition of all appeals predates the effective date of this Rule by more than sixty (60) days, the sixty (60) day time period within which to reclaim trial exhibits shall run from the effective date of this Rule. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary.

Editor's note: Adopted January 13, 2003, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 225*(a)*(b). *Summing Up, Sequence of Speeches.*

- * (a) The defendant's attorney may make an opening speech either immediately following the opening speech of plaintiff's attorney or at the opening of the defendant's case.
- * (b) The attorney for the party having the burden of proof shall first sum up. The attorney for each adverse party or group of parties may then address the jury and the attorney who commenced the final summations may conclude, restricting himself or herself to answering the arguments advanced.

Editor's note: Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *229(a)*(1). *Discontinuances, Divorce Cases.*

- * (1) In divorce cases a discontinuance shall be entered only by leave of Court after notice to the defendant, and correspondent, if any be named.

Rule 230.2.* *Termination of Inactive Cases. [Rescinded.]*

Editor's note: Adopted November 19, 2012, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended April 10, 2014. Effective 30 days after publication in the *Pennsylvania Bulletin*; rescinded October 16, 2017, effective immediately.

Rule *262. *General Trial List.*

Cases shall be placed on the general civil trial list only upon receipt of a praecipe for civil trial list certifying readiness for trial or upon order of the Court.

Editor's note: Rule *262 amended November 5, 1984, effective January 2, 1985. Rule *262(b) rescinded March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *301. *Argument Court—Interlocutory Matters. [Rescinded]*

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule *302. *Argument Court—Appealable Matters. [Rescinded]*

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule *303. *Argument Court Forms. [Rescinded]*

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule 400.1(b)(1)* *Person to Make Service.*

With respect to all actions filed in Montgomery County, Pennsylvania, original process shall be served within the Commonwealth:

- (i) by the sheriff or a competent adult in the actions in equity, partition, prevent waste and declaratory judgement when declaratory relief is the only relief sought, and
- (ii) by the sheriff in all other actions.

Editor's note: Adopted August 4, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *406. *Termination of Inactive Cases. [Rescinded]*

Editor's note: Rescinded April 14, 2004, effective July 26, 2004.

Rule 430(b)(1)*. *Legal Periodical—Notice, Service, Publication.*

- (i) The *Montgomery County Law Reporter* is and shall be the legal periodical for the publication of all notices.
- (ii) One copy of each issue shall be deposited by the publication in the Office of the Prothonotary and one in the Law Library of Montgomery County for public reference.
- (iii) Except as otherwise provided by acts of assembly, rule or special order of Court, service by publication shall be made by publication once in the *Montgomery County Law Reporter*, and in one daily or weekly newspaper of general circulation within the county, and in such manner that the person so served shall have at least five days after publication thereof to act thereon.

Editor's note: Adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *902. *Security for Costs.*

In cases where proceedings in bankruptcy or insolvency are pending against the plaintiff, the defendant, on filing an answer in actions in which an answer is required, and in other actions on filing of an affidavit of a just defense to the whole of plaintiff's demand, may enter a rule for security of costs. A garnishee in attachment execution may, in like cases, enter a rule for security for garnishee's costs, after interrogatories and before answers are filed. In default of security entered at the time fixed by the Court, judgment of non pros may be entered by the Prothonotary in favor of the defendant, or the attachment quashed in cases of attachment execution.

Editor's note: Amended March 25, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *903. *Bill of Costs.*

- (a) *Affidavit.* The affidavit of the party or other person to the correctness of the bill and the attendance and materiality of the witnesses shall be annexed, and shall be prima facie evidence to the taxing officer.
- (b) *Taxation.* Bills of costs shall be taxed, in the first instance, by the Prothonotary upon application of the party entitled to execution, subject to exceptions, which exceptions shall be filed on or before the return day of the execution. A re-taxation shall then be had before the Prothonotary upon 10 days' notice thereof to both parties, from which either party may appeal to the Court within five days thereafter, provided that the appellant shall, within three

days after appeal is entered, file a specification of the items to which appellant objects and the grounds of all objections; otherwise, the appeal will be dismissed. No exceptions or appeal shall operate to stay execution or prevent the collection of the debt or costs; but when collected on execution or paid into Court, the costs excepted to will be retained until the question is decided.

Editor's note: Rule *903 amended November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *910. *Satisfaction of Judgment.*

Whenever the Prothonotary is requested to mark any judgment satisfied, whether by praecipe or otherwise, the person making or filing the request shall first satisfy the Prothonotary by affidavit, and, if required by the Prothonotary, by additional proof that said person is the owner of the judgment to be marked satisfied or has fulfilled the requirements of Pa.R.C.P. 205.1. No judgment shall be satisfied by or on the order of any attorney-at-law unless such attorney shall have first entered an appearance for the plaintiff.

Editor's note: Rule *910 amended November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *920. *Board of Assessment Appeals.*

- (a) The Pennsylvania Rules of Civil Procedure shall be applicable to all assessment appeals filed in Montgomery County before the Court of Common Pleas. Nothing in this rule shall be construed to limit discovery as permitted under the Pennsylvania Rules of Civil Procedure.
- (b) In all cases where an appeal is taken from a real estate assessment fixed by the Board of Assessment Appeals, the petition for allowance of appeal shall have the parcel numbers of the property being appealed in the caption and shall have attached to it a photocopy of the appeal from order of the said Board and shall have attached to it a proposed preliminary decree which shall provide:
 - (1) that the appeal to Court is permitted and said case is to proceed in conformity with the Pennsylvania Rules of Civil Procedure;
 - (2) that within five days from the date of the preliminary decree, appellant shall serve a copy of the petition and preliminary decree upon the said Board, upon the Board of County Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the

school district in which the real estate is situated and their Solicitors, and upon the property owner, if the property owner is not the appellant;

- (3) that the taxing authorities of the aforesaid and the property owner, if the property owner is not the appellant, be and are hereby entitled to intervene as parties appellee.
- (c) Appellant, within 60 days of filing the appeal, shall provide to appellee and intervening parties a copy of their appraisal report (which need not be the trial report) with copies of income and expense statements and rent rolls (if applicable) for the last three years. In cases where a taxing authority is the appellant, the appraisal report must be provided to appellee and intervening parties within 60 days of appellant's receipt of discovery requested of the taxpayer, including but not limited to inspection of the subject property provided that the taxing authorities forwarded their discovery requests to the taxpayer within 30 days of filing their appeal. Where exemption is the sole issue, this paragraph is not applicable;
- (d) The appeal shall be forwarded by the Court Administrator to the Court for a settlement conference upon the filing of a trial praecipe containing a certification by filing counsel that all counsel of record consent to the filing of the trial praecipe.
- (e) A settlement conference shall be convened by the Court upon the filing of a trial praecipe which shall be attended by the appellant and all intervening parties. All parties must have a preliminary evaluation of the subject property at the conference and be prepared to exchange information with opposing counsel. Expert witnesses may attend the conference but are not required to do so.
- (f) If the assessment appeal is not settled, the Court shall place the matter in the trial pool. The parties shall exchange expert appraisal reports, to be used at trial, within 10 days of the receipt of notice of the first trial listing.

Comment:

1. The trial praecipe form referenced in this rule is available on line at www.montcopa.org/prothy/forms.html.

Editor's note: Amended November 5, 1984, effective January 2, 1985; further amended September 21, 1992, effective October 15, 1992; and October 26, 1995; amended November 4, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *953. *Eminent Domain.*

- (a) *Service of Copy of Petition and Order upon Adverse Parties.* A copy of any petition for the appointment of viewers and of any

order appointing a Board of View shall be served promptly upon the adverse party in the same manner as a complaint in assumpsit or by certified or registered mail. An affidavit of service of said copy shall be filed with the Prothonotary.

- (b) *Service of Copy of Petition and Order, etc., upon Board of View.* Upon appointment of a Board of View, the petitioner shall forthwith deliver to the chairman of the Board:
- (1) A copy of the affidavit of service required by Rule *953(a).
 - (2) A copy of the petition and order of appointment which petitioner shall certify is true and correct.
 - (3) Detailed directions to the condemned property.

Editor's note: Rule *953 amended November 5, 1984, effective January 2, 1985. Former rule *953(a) rescinded March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1012*. *Entry and Withdrawal of Appearance.*

- (a) Every initial pleading or legal paper filed with the Prothonotary or the Domestic Relations Office by an attorney should be accompanied by a written entry of appearance. This written appearance will facilitate proper notification being given to all counsel of record of pending matters listed by the Court Administrator. In the event an initial pleading or legal paper, including an initial responsive pleading or legal paper, filed by an attorney is not accompanied by a written entry of appearance, the Prothonotary or the Domestic Relations Office shall enter the name of said attorney as counsel of record for the party on whose behalf the pleading or legal paper is being filed. A written withdrawal of appearance shall be required when counsel is removing himself or herself from an action.
- (b) No attorney shall represent the interest of a party to any civil action in the Court or before a Domestic Relations Hearing Officer, or special Master or Conciliator appointed by the Court unless or until the attorney files a written entry of appearance, or until said attorney's name appears of record on the docket per section (a) above.
- (c) Whenever any attorney changes his or her address, it SHALL be the duty of said attorney to notify immediately the Court Administrator of Montgomery County in writing of such change.

Editor's note: Rule 1012* amended November 5, 1984, effective January 2, 1985; further amended May 13, 1985, effective July 8, 1985; further amended March 2, 1987, effective May 1, 1987. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended October 7, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1018.1*. *Notice To Defend—Office to be Contacted.*

As provided by Pennsylvania Rule of Civil Procedure 1018.1, the following office is designated to be named in the Notice to Defend prescribed by that rule as the office from which information about hiring a lawyer can be obtained.

Lawyer Reference Service
100 West Airy Street (Rear)
Norristown, Pennsylvania 19404-0268
(610) 279-9660, Extension 201

Rule 1028(c). *Preliminary Objections*

- (1) *Filing.* All preliminary objections shall be filed:
 - (a) in accordance with Pa.R.C.P. 1028,
 - (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (2) *Response.* The respondent shall file an answer to preliminary objections, if required:
 - (a) in accordance with Pa.R.C.P. 1028 and Pa.R.C.P. 1029,
 - (b) within twenty (20) days of the service of the preliminary objections,
 - (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (3) *Disposition.* Forty-five (45) days from the filing of preliminary objections, the matter shall be referred to a Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of preliminary objections. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If discovery or oral argument were not requested by either party, the Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings.

- (4) *Timely Filed Briefs.* If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the Judge may:
- (a) Dismiss the preliminary objections where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard; or
 - (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comments:

1. The form referenced in this rule is available online at www.montcopa.org/courts;

2. Preliminary Objections may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Preliminary Objections involving Senior Judges.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 19, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal. Amended December 1, 2016, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1034(a). *Motion for Judgment on the Pleadings.*

- (1) *Filing.* After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may file a motion for judgment on the pleadings:
- (a) in accordance with Pa.R.C.P. 1034,
 - (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service
- (2) *Response.* An answer to a motion for judgment on the pleadings is required from the non-moving parties:
- (a) in accordance with Pa.R.C.P. 1034,
 - (b) within thirty (30) days of the service of the motion,

- (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service
- (3) Disposition. Forty-five (45) days from the filing of the motion for judgment on the pleadings, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.
- (4) Timely Filed Briefs. If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:
 - (a) Dismiss the motion where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard; or
 - (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts;

2 Motions for Judgment on the Pleadings may not necessarily be heard by the pre-trial Judge assigned to the case. The Court anticipates implementing an expedited scheduling program for Motions for Judgment on the Pleadings involving Senior Judges.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 19, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal. Amended December 1, 2016, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1035.2(a) *Motion for Summary Judgment.*

- (1) *Filing.* After the relevant pleadings are closed, and prior to the filing of a trial Praecipe, but within such time as not to unreasonably delay trial, any party may file a motion for summary judgment:
 - (a) in accordance with Pa.R.C.P. 1035.2,

- (b) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (2) *Response*. An answer to a motion for summary judgment is required from the adverse parties:
 - (a) in accordance with Pa.R.C.P. 1035.3,
 - (b) within thirty (30) days of the service of the motion,
 - (c) along with:
 - (1) a cover sheet in the form set forth in Rule 205.2(b),
 - (2) a brief or memorandum of law, as set forth in Rule 210,
 - (3) a proposed order, and
 - (4) a certificate of service.
- (3) *Disposition*. Forty-five (45) days from the filing of the motion for summary judgment, the matter shall be referred to a Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the motion. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.
- (4) *Timely Filed Briefs*. If the brief of either party is not timely filed, either in accordance with this Rule or by order of the Court, the assigned Judge may:
 - (a) Dismiss the motion where the moving party has failed to comply,
 - (b) Grant the requested relief where the respondent has failed to comply, except that no civil action or proceeding shall be dismissed for failure to comply. Nothing precludes the assigned Judge from dismissing the matter on its merits,
 - (c) List the matter for argument, at which time only the complying party shall be heard; or
 - (d) Impose such other sanctions upon the non-complying party as the Judge shall deem proper.

Comment: the form referenced in this rule is available online at www.montcopa.org/courts.

Editor's note: Amended August 7, 2012, effective upon publication on the Pennsylvania Judiciary's Web Application Portal. Amended October 19, 2015, effective January 1, 2016. Amended December 9, 2015, effective upon publication on the UJS Portal. Amended December 1, 2016, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1041.1*. *Asbestos Litigation—Special Provisions.*

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

- (a) Local Rule *262 (relating to trial lists) shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.
- (b) In addition to the requirements of the Pennsylvania Rules of Civil Procedure and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto, and briefs, shall be served upon the appointed judicial officer assigned to asbestos litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the appointed judicial officer assigned to asbestos litigation.
- (c) Local Rule 4019* pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided in Local Rule 4019*, counsel shall notify the appointed judicial officer assigned to asbestos litigation, who shall arrange for disposition of the matter by the Court.
- (d) Arguments, hearings, and trials are ordinarily listed only before the Judge assigned to the asbestos litigation.
- (e) The following procedure shall be in effect with respect to cases subject, or alleged to be subject to *Simmons v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996):
 - (1) Within four months of the effective date of this subsection with respect to asbestos cases pending on the effective date, and within four months after the filing of each asbestos case filed after the effective date of this Rule, plaintiff in each such case shall either elect to pursue a claim for medical monitoring, or transfer the case to inactive status.
 - (2) A plaintiff desiring to pursue a claim for medical monitoring shall, by letter, notify the appointed judicial officer assigned

to asbestos litigation, with copies to all other counsel. The appointed judicial officer assigned to asbestos litigation shall consult with the Court, which will issue appropriate Orders scheduling a conference, and thereafter list the case for arbitration or trial, as appropriate.

- (3) With respect to cases in which plaintiff does not presently wish to pursue a claim for medical monitoring plaintiff shall file with the Prothonotary, and serve on all other counsel and on the appointed judicial officer assigned to asbestos litigation, a praecipe to transfer to inactive status. The praecipe shall be in the following form:

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- (4) Anytime after the expiration of four months from the effective date of this subsection with respect to asbestos cases pending on that date, and anytime after four months from the commencement of any action commenced after the effective date of this subsection, any defendant who asserts that any case should be transferred to inactive status because it falls within the rule of *Simmons v. Pacor, Inc.*, supra., shall file with the Prothonotary, a Motion to Transfer to Inactive Status. The Motion shall be in accordance with Pa.R.C.P. 208.1, et seq., and Montgomery County Local Rules of Civil Procedure 208.1, et seq. and 1041.1*(b). The argument court cover sheet shall request a rule return day in accordance with Montgomery County Local Rule of Civil Procedure 208.3(b) (1). Copies of the motion shall be served on all other counsel in accordance with Montgomery County local rules and practice, and shall also be served on the appointed judicial officer assigned to asbestos litigation. The moving party's proposed order shall be in the following form:

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Responses shall be filed at or before the time the rule is returnable, and shall be served on all counsel and on the appointed judicial officer assigned to asbestos litigation.

- (5) Upon receipt of any responses, the appointed judicial officer assigned to asbestos litigation shall refer the petition to the Court, which will schedule the matter for argument or hear-

ing as appropriate. If no responses are filed the Court Administrator will forward the Petition to the Signing Judge.

- (6) After a case has been transferred to inactive status, whether by praecipe or by petition and order, the Prothonotary will maintain the case as an inactive file, the appointed judicial officer assigned to asbestos litigation will remove the case from the list of pending cases eligible for trial listing, and no party may take any action with respect to the case, except for the taking of depositions of an aged or infirm witness for purposes of preservation of testimony unless and until the Court, by Order shall direct that the case be retransferred to active status, upon petition and rule filed in accordance with the procedure set forth in subparagraph (4) above.

Comments:

1. The Honorable William J. Furber, Jr., is the Administrative Judge for Asbestos Litigation.

2. By Orders dated April 12, 1982 and January 27, 2005, the appointed judicial officer assigned to asbestos litigation is: Donald J. Martin, Esq., 22 West Airy St., Norristown, PA 19401-4769, Telephone: (610) 277-6772, Fax: (610) 277-4993.

3. The Orders scheduling cases for trial and settlement conferences ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

4. Except as stated in sub-paragraph D below, a discontinuance of an action as to less than all parties may not be entered without notice and an opportunity to respond to all other parties. This may be accomplished as follows:

A. If a stipulation is signed by counsel for all parties to the litigation, Pa.R.C.P. 229(b) does not require leave of court. The fully executed stipulation may be filed with the Prothonotary.

B. A motion for approval of discontinuance may be filed pursuant to Pa.R.C.P. 208.1 et seq., and Montgomery County Local Rules of Civil Procedure 208.2, et seq. A rule to show cause shall be requested on the cover sheet. The cover sheet should be followed by a form of order approving the discontinuance, by a petition, and by the original stipulation executed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued. Upon receipt of the return day from the Court Administrator counsel should serve all parties, and file with the Prothonotary a separate certification of service indicating service of the petition and the rule to show cause, noting the return day. If no answer is filed at or before the time the rule is made returnable, the petition will be forwarded by the Court Administrator to the Civil Signing Judge in accordance with the practice pertaining to any petition requiring a return day.

C. Stipulations for discontinuance signed by counsel for plaintiff and counsel for the party against whom proceedings are being discontinued may be presented to the Court at a scheduled settlement conference for the case in question. If no objection is raised at the conference, the Court normally approves the stipulation and returns it to counsel for filing and for service on all parties.

D. If a case has been settled by all parties from whom plaintiff seeks a recovery, a discontinuance may be entered as to any other parties by

stipulation signed by counsel for plaintiff, the original of which shall be transmitted to the appointed judicial officer assigned to asbestos litigation, with copies served on all other parties. The appointed judicial officer assigned to asbestos litigation shall transmit the stipulation to the appropriate judge for approval. Since parties who may have claims for contribution or indemnification have not been given the opportunity to object, such a stipulation is subject to being stricken on the petition of an interested party. Counsel may wish to proceed in accordance with subparagraph B, above, to minimize this risk.

5. Certificates of service shall indicate the name and address of counsel or the parties on which service has been made. A certificate of service “on all parties,” or “on all counsel of record” without stating who they are, does not establish service on anyone.

6. At the time of the adoption of the addition of subparagraph (e) the Court was aware that litigation was pending in other jurisdictions relating to the manner in which claims for medical monitoring can be pursued, and if such claims can be pursued. The provisions of this subsection (e) creating a procedure to pursue medical monitoring claims does not express the Court’s opinion on this issue. This Rule does not preclude any appropriate motion in any case.

Editor’s note: Amended March 14, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1041.1.2* *Diet Drug (Fen-Phen) Litigation— Special Provisions*

- (a) In accordance with Pennsylvania Rule of Civil Procedure 1042.1, Pennsylvania Rule of Civil Procedure 1041.1(a) and (c) through (f) are applicable to actions to recover damages for injuries alleged to have been caused by the diet drugs known as “Fen-Phen.”
- (b) The diet drug litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:
 - (1) The Local Rules governing certification and listing of cases for trial shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.
 - (2) In addition to the requirements of the Pennsylvania Rules of Civil Procedure, and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto and briefs, shall be served upon the appointed judicial officer assigned to complex litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the appointed judicial officer assigned to complex litigation.

- (3) Local Rule 4019 pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided by Local Rule 4019, counsel shall notify the appointed judicial officer assigned to complex litigation, who shall arrange for disposition of the matter by the Court or hear the motion and make recommendations to the Court, as the Court shall determine.
- (4) Arguments are ordinarily listed only before the judge assigned to the diet drug litigation.
- (5) The Court has established a master docket for use in this litigation, No. 04-00007. This docket is for Orders of general application to all the litigation or classes of cases within the litigation. It is not for the filing of motions of less than general application, and motions which have relevance to individual cases shall be filed under such individual case number, even if more than one case is involved. Upon the taking of an appeal by any party, if any Orders entered under the general number are relevant to the case on appeal, counsel shall, by praecipe, file a copy of the relevant document in the individual file.

Comments:

1. The Honorable Arthur R. Tilson is the judge assigned to the diet drug litigation.

2. The appointed judicial officer assigned to complex litigation is Donald J. Martin, Esquire, 22 West Airy Street, Norristown, Pennsylvania 19401-4769. Telephone: (610) 277-6772. Fax: (610) 277-4993.

3. Orders scheduling cases for trial and settlement conferences will ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling Order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

Editor's note: Adopted March 14, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1066(b)*. *Form of Judgment, Writ of Possession.*

- *(5) Upon entry of judgment for a plaintiff in any action brought under Pa.R.C.P. 1061(b)(4), the Court will order the Prothonotary to issue a writ of possession.

Arbitration

Rule 1301*. ***Scope.***

- (a) Pursuant to §7361 of the Judicial Code, 42 Pa.C.S. §7361 and Pa.R.C.P. 1301, et seq., all civil suits and actions in the Court of Common Pleas where the amount in controversy, exclusive of interest and costs, is fifty thousand dollars (\$50,000) or less per plaintiff, excepting those involving title to real estate and equity cases, shall first be tried and decided by a Board of Arbitrators consisting of three members of the Bar of this Court who are in the active practice of law maintaining their principal office within Montgomery County.
- (b) Cases, other than those described in (a), may be referred to a Board of Arbitrators by agreement of reference signed by all parties or their counsel.
- (c) The determination of the amount in controversy shall be made at the time of the filing of a praecipe for arbitration or a praecipe for civil trial.

Editor's note: Amended November 5, 1984, effective January 2, 1985; further amended December 14, 1992, effective February 2, 1993; and March 8, 1995, effective May 1, 1995. Court Administrator's note rescinded March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended October 2, 2006, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1302*. ***List of Arbitrators. Appointment to Board. Oath.***

- (a)
 - (1) The Court shall appoint a person to act as Arbitration Administrator who shall serve at the discretion of the Court and under the supervision and jurisdiction of the Court.
 - (2) Each active member of the bar of this Court who maintains his or her principal office within Montgomery County, shall file with the Arbitration Administrator information indicating whether said member is a sole practitioner, is a member of a firm or is associated with one or more lawyers. Upon any change in the member's status of practicing with or being associated with any other lawyers, said member shall immediately report such change to the Arbitration Administrator.

- (3) The Arbitration Administrator shall keep on file all papers pertaining to proceedings in arbitration cases until the same are concluded, shall keep the arbitration list up to date, shall prepare and furnish to the Prothonotary and keep up to date a list of the members of the bar qualified to act, which list shall be confidential.

The Arbitration Administrator shall send a letter to all members of the Montgomery Bar Association within 60 days after their admission to the bar of his or her right to accept an assignment of Arbitrator by sending, in writing, a statement of his or her intention to so act, which notice shall be directed to the Arbitration Administrator. The Arbitration Administrator shall advise the members of the bar that appointment as an Arbitrator shall have the same force and effect as a Court commitment.

(b)

- (1) Upon the filing of an arbitration praecipe containing a certification by filing counsel that all counsel consent to the filing of the praecipe, with notice to opposing counsel and any unrepresented parties, the Arbitration Administrator shall select the Board of Arbitrators, consisting of three members of the Bar of this Court from the list of attorneys qualified to serve as follows:
 - (a) The Arbitration Administrator shall select three attorneys from said list, two of whom shall have been admitted to the practice of law for at least eight years. The attorney with the lowest “attorney identification number” shall serve as chairperson of the panel.
 - (b) Upon the request of any party in writing filed within 10 days of the filing of the praecipe for arbitration with notice to opposing counsel, the Arbitration Administrator shall nominate five attorneys from said list, three of whom shall have been admitted to the practice of law for at least eight years. For each additional party with an adverse interest, the Arbitration Administrator shall nominate an additional attorney who has been admitted to the practice of law for at least eight years. Each party shall then have the right to strike one attorney so nominated by notifying the Arbitration Administrator in writing within 10 days of the date of mailing of the list of nominations by the Arbitration Administrator. The three remaining attorneys or the first three named on the

list, if one or more strikes are not exercised, shall serve on the panel with the senior attorney to act as chairman.

- (c) In the event of the disqualification or failure to act of an appointed attorney, the Arbitration Administrator, in all cases in which the panel was selected under (a) above, shall appoint a similarly qualified and available attorney in his/her place. In all cases in which the panel was selected under (b) above, the Arbitration Administrator shall nominate three similarly qualified and available attorneys with an additional attorney for each additional party with an adverse interest provided that there is sufficient time in which to do so. Each party shall strike as above one attorney so nominated and the remaining attorney shall be appointed to the panel.
- (d) An adverse party may raise an objection as to whether the matter is arbitrable under these rules or as to the composition of the panel selected under (b) above by notifying the Arbitration Administrator in writing with notice to opposing counsel within 10 days of the filing of the praecipe or the mailing of notice of the composition of the panel. The Court shall decide such objection before the matter is heard by the Board on the merits.
- (e) If any counsel refuses to consent to the filing of the praecipe for arbitration, any party may request a conference before the designated Judge on the case in order to determine whether the case should be placed on the arbitration list and scheduled for hearing.
- (f)
 - (1) Each member of a Board of Arbitrators who has signed a report or dissents shall receive as compensation for his services in each case a fee of \$100. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the Arbitrators is concerned. In civil actions, where no appearance has been entered for the defendant and there is no contest, the compensation of each of the Arbitrators shall be in the sum of \$25 per case. However, the Administrator, in his discretion, may assign more than one such case to a particular Board. In cases requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on petition of the members of

the Board and for cause shown, may allow additional compensation. The Court may also, on petition of any party to a case, on cause shown and to prevent injustice, reduce the amount of such compensation or disallow compensation entirely. The members of a Board shall not be entitled to receive their fees until after filing a report with the Prothonotary. When the same is filed, the Prothonotary shall issue an order for payment of such fees which shall be immediately paid from county funds as in the case of all other county debts. In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at least one full weekday before the date of the hearing, the Board members shall not be entitled to the aforesaid fee.

Comment:

1. The arbitration praecipe form referenced in this rule is available online at www.montcopa.org/prothy/forms.html.
2. If all parties to an action are unrepresented, any such party may file an arbitration praecipe.*Effective January 1, 1982, the compensation of Arbitrators shall be increased to \$100 and in the case of assessment of damages only to \$25 per case.

Editor's note: Rule 1302* amended November 5, 1984, effective January 2, 1985; further amended December 14, 1992, effective February 2, 1993. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended November 4, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*

Rule 1303. *Hearing. Notice.*

(a)

- * (1) The Arbitration Administrator shall notify the Arbitrators and the parties or their counsel, in writing, at least 30 days before the hearing of the date, time and place of the hearing.

- (1) The written notice required by subdivision (a)(1) shall include the following statement:

“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

(b)

*(1) The Arbitration Administrator shall have the power to grant continuances and all applications for continuance shall be submitted to him or her at least two working days prior to the date of the hearing.

*(c) If any member of the Board dies or becomes incapable of acting, or shall fail or refuse to perform his duties, after hearing but before a report shall be made, the case shall be decided and the report signed by the remaining members of the Board. If they cannot agree, they shall so notify the Arbitration Administrator, who shall then appoint a third member from the list of attorneys in the same manner as the original panel was selected to rehear and decide the case.

Editor's note: Rule 1303 amended November 5, 1984, effective January 2, 1985. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended September 13, 2011, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1306*. *Award.*

(a)

(1) The Board of Arbitrators shall not consider the subject of damages for delay until after a decision has been reached on the merits and has been entered on the award form.

(2) After the amount of the award has been so entered, the Board shall make a determination as to damages for delay by accepting a sealed envelope containing a stipulation setting forth whether an offer was made in writing and if so, the amount as well as the date of the offer. If no such stipulation is submitted by counsel, the Board shall, following announcement of the award, consider evidence from counsel relating to damages for delay.

Editor's note: Rule 1306* amended November 5, 1984, effective January 2, 1985.

Rule 1533*(i). *Notice by Assignees and Receivers.*

(i) Assignees for the benefit of creditors and receivers shall, after they have entered security, give notice of their appointment to every creditor and party in interest of whom they have knowledge and shall also publish notice thereof once a week for three successive weeks.

Editor's note: Rule 1533*(a) amended November 5, 1984, effective January 2, 1985.

Rule 1534*. *Accounts of Fiduciaries—Notice.*

- (a) At least three weeks before the presentation of the account of any trustee, committee, guardian, assignee for the benefit of creditors, receiver or other fiduciary, notice of the filing thereof and of the petition for distribution shall be served upon all parties interested (including creditors and shareholders) whose whereabouts are known and except in the case of triennial accounts of trustees, committees and guardians, shall also be published in the Montgomery County Law Reporter and a newspaper of general circulation once a week for three successive weeks, unless publication is waived by the Court.
- (b) Said notice shall set forth that the account and petition for distribution have been filed in the Office of Prothonotary, and will be presented to the Court at a certain time for such action as the Court may deem expedient, and that the account may then be confirmed and distribution made of the fund, unless exceptions there-to be previously filed or cause shown to the contrary.
- (c) Proof of service of said notices and of said publication shall be submitted at the audit.
- (d) If no exceptions have been filed, the account may be confirmed absolutely upon such proof of service.
- (e) Similar notice must be given of petitions for the reconveyance of assigned estates.
- (f) The accountant shall file with the account a petition for distribution of the fund in form similar to that of petitions for distribution required by the Orphans' Court to be presented at the audit of accounts in that Court.
- (g) The petition for distribution shall contain also (1) a list of the names of creditors or claimants against the fund for distribution whose claims are believed by the accountant to be just; (2) a list of claims that are to be contested; (3) a list of claims that appear to the accountant to be justly entitled to a preference or lien upon the fund; (4) a list of claims for preference or lien that are disputed. In all cases, the amount of the claim shall be stated.
- (h) Schedule of Distribution. A proposed schedule of distribution may be attached to or filed with the account and after final confirmation, the Court may, on motion, decree distribution in conformance therewith. If no proposed schedule of distribution has been submitted with the account, or if a material change therein is proposed, no decree of distribution will be made by the Court until such notice has been given to the parties interested as the Court may order.

- (i) Exceptions to Accounts of Schedule of Distribution. Exceptions to an account or schedule of distribution shall be placed on the argument list.

Editor's note: Adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1568*(a). *Public Sale, Notice.*

- (a) Except as otherwise provided by act of assembly or special order of Court, notice of the time and place of the sale of a property at public auction by a Master in partition shall be given by publication once a week for three successive weeks immediately preceding such sale in the legal periodical designated by Rule 430(b) (1)* and in one daily newspaper of general circulation, in each county where any part of the property lies, such publications to appear in all editions of such newspapers published on the days the same appears; by posting the property to be sold, and by the circulation of at least 50 handbills among those who may be known to be interested in buying the property and in the neighborhood in which it is situate. Whenever a property or properties so sold lie in different counties the first publication shall be made at least 60 days before the date of the sale.

Editor's note: Rule 1568*(a) amended November 5, 1984, effective January 2, 1985. Further amended December 9, 1996, Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Family Court Procedures

Rule *1854. *Cover Sheet Required.*

- (a) Whenever any Family Court action or petition is filed with the Prothonotary, the attorney shall attach a cover sheet to the documents with the file numbers of all previous Family Court cases filed in Montgomery County involving the same parties.
- (b) The cover sheet shall be substantially in the following form:

<p><i>See Forms Index</i></p>

Editor's note: Adopted April 22, 1991, effective May 1, 1991. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Actions for Support

Rule 1910.10*. *Alternative Hearing Procedure.*

The Montgomery County Court of Common Pleas adopts the alternative hearing procedure of Pa.R.C.P. No. 1910.12.

Editor's note: Adopted May 26, 2016, effective July 18, 2016.

Rule 1910.11*. *Support Conciliation. [Rescinded.]*

Editor's note: Adopted November 27, 1995, effective January 1, 1996. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*. Rescinded May 26, 2016, effective July 18, 2016.

Rule 1910.12(c)*. *Motion to Designate Support Case as Complex.*

In accordance with Pa.R.C.P. 1910.12, if a party seeks to designate a support matter as complex, that party shall file a Motion to Designate Case as Complex in substantially the form as set forth on the Court's website.

Comments:

1 The form referenced in this rule is available online at www.montcopa.org/courts.

2 Examples of cases that may be deemed complex include, but are not limited to, the following: self-employment income, earning capacity, complex compensation/tax issues and cases that may require expert witnesses in order to arrive at a determination of income.

Editor's note: Adopted November 14, 2018, effective January 1, 2019.

Rule 1910.12(c)(3)*. *Scheduling/Discovery of Complex Support Matters Before Hearing Officer in Support.*

Upon the designation of a support matter as complex, the Hearing Officer in Support shall issue a discovery and scheduling order in substantially the form as set forth on the Court's website.

Comment: The form referenced in this rule is available online at www.montcopa.org/courts

Editor's note: Adopted November 14, 2018, effective January 1, 2019.

Rule 1910.12(f)*. *Exceptions to Recommendations of Hearing Officer in Support.*

If a party seeks to except to the Recommendations of the Hearing Officer in Support, that party shall file Exceptions in substantially the form as set forth on the Court's website.

The Court shall process Exceptions to Recommendations of the Hearing Officer in Support in accordance with its Order and Briefing Schedule in substantially the form as set forth on the Court's website.

Comment: The forms referenced in this rule are available online at www.montcopa.org/courts

Editor's note: Adopted November 14, 2018, effective January 1, 2019.

Rule 1915.3*. *Seminar for Separated and Divorced Parents.*

- (a) In an action for custody, partial custody or visitation, both parents shall attend an approved education seminar on the general responsibilities of separated and divorced parents.
- (b) Seminars shall be conducted by seminar providers as approved by the President Judge. Seminars shall be conducted in the Montgomery County Courthouse or at such other location as approved by the President Judge. Each parent will be responsible to register for a seminar and for payment of the seminar costs; however, the costs may be waived by the Court for any party qualifying to proceed in forma pauperis.
- (c) Seminar attendance is not required in connection with any petition to modify custody where the parties have already attended the seminar within the past two (2) years.
- (d) A Certificate of Attendance shall be filed by the seminar provider with the Prothonotary's Office reflecting that attendance was fulfilled by the parent.
- (e) For good cause shown, the Court may waive the requirement of seminar attendance in a particular case.
- (f) Upon a party's failure to attend a required seminar, the Court may impose sanctions, including but not limited to a finding of contempt. A hearing on a custody petition shall not be delayed by a party's refusal or delay in completing the seminar.

Editor's note: Adopted October 25, 1993, effective January 3, 1994. Amended September 10, 1996, effective October 28, 1996; amended December 3, 2008, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1915.8(e)*. *Physical and Mental Examination of Persons.*

The court may assess and allocate the cost of the evaluation, the report and the fee of the expert to appear in court to testify upon a party or parties, upon the county (in whole or in part) or as otherwise permitted by law.

Editor's note: Promulgated March 18, 1991; amended September 21, 1992, effective December 1, 1992. Former rule rescinded and new rule 1915.8(e)* adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1915.11-1*. *Parenting Coordination.***(a) *Appointment of a Parenting Coordinator.***

- (1) If the parties agree on the appointment of a Parenting Coordinator and/or if the Court deems one necessary, an appointment Order will be entered in accordance with Pa.R.C.P. 1915.22.
- (2) Any person acting in the capacity of a Parenting Coordinator must be on the County roster.
- (3) The roster of the Court's approved Parenting Coordinators shall be posted at www.montcopa.org/courts.

(b) *Approved Parenting Coordinators.*

An attorney or mental health professional seeking to be included on Montgomery County Court's roster of qualified individuals to serve as a Parenting Coordinator shall submit to Court Administration the following:

- (1) A letter addressed to the Administrative Judge of the Family Division.
- (2) The completed Affidavit in substantially the form set forth. The form referenced herein is available on-line at www.montcopa.org/courts.
- (3) An acknowledgment that he or she must accept at least one (1) pro bono assignment each calendar year. The minimum requirement may be adjusted periodically subject to a determination by the Administrative Judge.

(c) *Parenting Coordinator Recommendations.*

- (1) Parenting Coordinator shall file their Summary and Recommendations with the Prothonotary within two (2) days after the last communication with the parties on the issues in accordance with Pa.R.C.P. 1915.11-1(f)(2).

- (2) Parenting Coordinator shall specifically state the manner of service of their Summary and Recommendations to the parties.
- (3) Parenting Coordinator shall include the rationale for their Recommendations in the Summary and will also indicate if it requires the Court's immediate attention.
- (4) *Objections to Parenting Coordinator's Recommendation(s) and a request for a Record Hearing:*
 - a. A party objecting to the Recommendations must file with the Prothonotary an original of their Objections and a request for a Record Hearing before the Court within five (5) days of service of the Summary and Recommendations together with a Proof of Service upon all parties and the Parenting Coordinator.
 - b. The Objections and Petition shall be in substantially the form set forth. The form referenced herein is available online at www.montcopa.org/courts.
 - c. The Prothonotary shall promptly forward the Objections and Petition to the Court Administrator's Office.
 - d. In the event Objections are filed, the Court shall schedule a timely proceeding.

(5) *Court Review of Parenting Coordinator's Recommendations.*

If no objections to the Parenting Coordinator's Recommendations are filed with the Prothonotary within five (5) days of service of the Summary and Recommendation, the Prothonotary shall forward the Summary and Recommendation to the Court Administrator's Office for the purpose of transmitting the same to the Family Court Judge assigned to the case for review of the Recommendation in accordance with Pa.R.C.P. 1915.11-1(f)(4).

(d) *Fees.*

Parties who request the appointment of a Parenting Coordinator, or who are identified by the Court as benefiting from the appointment of a Parenting Coordinator, shall pay the Parenting Coordinator as follows:

- (1) His or her hourly rate.
- (2) Any requirement for an initial retainer. The initial retainer shall not exceed the equivalent of five (5) hours at the Parenting Coordinator's hourly rate.
- (3) If a party has previously filed and been granted In Forma Pauperis (IFP) status by the Court, and continues to be eligible

for IFP status, the Judge appointing the Parenting Coordinator shall waive the fees for the parenting coordination process.

(e) *Miscellaneous.*

- (1) A Parenting Coordinator shall not be required to make a Recommendation to the Court, at their discretion, on every disputed issue raised by the parties.
- (2) The appointing Judge may reject a Recommendation from a Parenting Coordinator without a proceeding, at their discretion, if the disputed issue exceeds the authority set forth in Pa.R.C.P. 1915.11-1.

Editor's note: Adopted October 2, 2019, effective 30 days after publication in the *Pennsylvania Bulletin*.

Action of Divorce or for Annulment of Marriage

Rule 1920.13*(d). *Duplicate Filing With Domestic Relations Office.*

The filing of any complaint, counterclaim or petition for child support, spousal support, or alimony pendente lite with the Prothonotary does not commence proceedings for such relief until a duplicate is filed with the Domestic Relations Office.

Editor's note: Amended March 31, 1992, effective July 1, 1992.

Rule 1920.33*(f). *Initial Hearing Statement—Pre-Trial Statement—Sanctions.*

- (1) No later than 10 days prior to the date of the first hearing before the equitable distribution master, an initial hearing statement shall be filed which shall include the following:
 - (a) A statement of all marital and non-marital assets with verification of values, indicating date of valuation used.
 - (b) Summary of all marital and non-marital liabilities indicating dates of valuation.
 - (c) Verification of any post-separation payment of marital debt.
 - (d) An expense statement in the form provided for in subsection (4).

- (e) Verification of current gross and net income in the following form:

See Forms Index

- (f) The last two filed federal and state income tax returns.
- (g) All present or past spousal support, alimony, pendente lite or child support orders between the parties and any presently existing alimony or child support order involving either party separately and verification of any arrearages.
- (h) The date of the parties' separation.
- (i) Verification of counsel fees costs and expenses, if claimed.
- (2) No later than 20 days prior to the date of any subsequent hearing before the equitable distribution master, each party shall file the pre-trial statement, in the form required by subdivision (b) of this rule.
- (3) The failure of any party to comply with any provision subsection of local Rule 1920.33(f) may subject that party to sanctions under Rule 4019(c) and the barring 1920.33(d).

The equitable distribution master shall have the authority to implement the provisions of this subsection or may request that the Court enter an appropriate order to implement the provisions of this subsection.

- (4) Form

See Forms Index

Editor's note: Amended March 31, 1992, effective July 1, 1992. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 1920.42(d)*(3). *Verification of Defendant's Signature.*

- (3) Upon the filing of the Praeceptum to Transmit in a divorce action where the defendant has no attorney of record and the defendant has not appeared for any proceeding before the Court, the plaintiff shall execute and file a Verification of Defendant's Signature in the following form:

See Forms Index

Editor's note: Adopted February 15, 2011, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1920.51*(f). *Dissolution of the Marital Status,
Appointment of Master, Notice of
Hearing.***

- (1) *Appointment of Master.* Any Master appointed pursuant to Rule 1920.51(a)(2)(i) shall be an active member of the Montgomery Bar Association.
- (2) *Notice of Hearing.* Notice of the first hearing before the Master shall be sent by the Master at least 10 days prior to said hearing.
- (3) *Notice of Filing Master's Report.* Upon the filing of a report by the Master in divorce with the Prothonotary, the Master shall forthwith send written notice to the attorneys of record, and if a party is not represented by counsel, to that party and to the guardian ad litem of a minor or incompetent party except where service has been by publication, and shall immediately file a certificate that such notices have been duly sent. The notice shall state the time and place of filing said report and that, if exceptions are not filed within 10 days after the report is filed, the report will be presented to the Court for final action. In a contested action, the Master shall accompany the notice with a copy of the report and recommendation.
- (4) *Fees and Costs.* In addition to the filing fee paid to the Prothonotary under the Prothonotary's fee bill at the institution of the action, an additional sum as determined by the Prothonotary, shall be deposited with the Prothonotary on behalf of the Master. Fees in excess of the sum deposited with the Prothonotary on behalf of the Master shall be billed directly to the parties, as determined by the Master. Disputes regarding Masters' fees shall be resolved by the Court.
- (5) *[Rescinded.]*
- (6) *Certification when unable to file affidavit as to military service.* If the plaintiff is unable to file such affidavit in accordance with Pa.R.C.P. 1920.46(b), the plaintiff shall file certifications from the five branches of the armed services that the defendant is not a member.
- (7) *Appointment of counsel for defendant in military service.* Whenever counsel is appointed by the Court for a defendant in the military service, the attorney shall file brief report of his services with the record in the Prothonotary's Office and shall be paid for the services to be taxed as part of the costs.

Editor's note: Amended November 5, 1984, effective Jan. 2, 1985; further amended April 13, 1987; and March 31, 1992, effective July 1, 1992.

Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended November 27, 2017, effective on January 6, 2018.

Rule 1920.55-1*(c). *Alternative Hearing Procedure for Matters Referred to a Master.*

The court adopts the alternative procedure of Pa.R.C.P. 1920.55-3 with regard to all divorce proceedings which are referred to a Master for the resolution of economic claims.

Editor's note: Adopted November 27, 1995, effective Jan. 1, 1996.

Rule 1920.73(c). *Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record. Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master. Forms.*

- (1) A Praecepto to Transmit the Record to request a final Decree in Divorce shall be filed where:
 - (a) there have been no claims for equitable distribution of marital property, alimony or counsel fees, costs, and expenses raised in the pleadings, or
 - (b) all claims have been withdrawn and grounds for divorce have been established, and the Moving party is seeking a final decree in divorce, or
 - (c) the parties have reached a written agreement, which resolves all issues of equitable distribution of marital property, alimony and counsel fees, costs, and expenses, and grounds for divorce have been established, and the Moving party is seeking a final decree in divorce which incorporates the written agreement.

See Forms Index

- (2) A Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master shall be filed where:
 - (a) there are pending claims for equitable distribution of marital property, alimony or counsel fees raised in the pleadings, and
 - (b) no written agreement has been reached by the parties; and
 - (c) grounds for divorce exist and can be established.

See Forms Index

- (3) The Moving party, filing the Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master, upon filing said Motion shall:
- (a) pay a required fee to the Prothonotary at the time of filing the Motion; and
 - (b) certify in the Motion that discovery is complete by including a listing of all assets and liabilities, including values as of the date of filing of the Motion; and
 - (c) attach to the Motion the Moving party's Initial Hearing Statement, which shall include a completed Inventory and Appraisal, pursuant to Local Rule 1920.33(f); and
 - (d) the Motion and Initial Hearing/Inventory Statement, pursuant to Local Rule 1920.33(f), shall be filed with the Court and served upon the Non-Moving party, and a Certificate of Service of same shall be filed with the Court.
- (4) The Non-Moving party shall have forty-five (45) days from the date of service of the Moving party's Motion and Initial Hearing/Inventory Statement in which to complete all discovery, and provide the same certification to the Court and the Moving party, that the Non-Moving party's discovery is complete and includes a listing of all assets and liabilities, including values as of the date of filing of the certification by the Non-Moving party:
- (a) the listing of all assets and liabilities shall be in the form of an Initial Hearing/Inventory Statement, pursuant to Local Rule 1920.33(f), and shall be filed with the Court and served upon the Moving party, and a Certificate of Service of same shall be filed with the Court.
- (5) The failure of either party to comply with any provisions of this Rule may result in Sanctions to that non-compliant party and/or the barring of the non-compliant party's testimony or introduction/admission of evidence at the time of the equitable distribution proceedings.

Editor's note: Adopted May 20th, 2014. Effective 30 days after publication.

Custody Mediation Orientation

**Rule *1940.3. *Order for Orientation Session and
Mediation. Selection of Mediator.***

- (a) Except as provided in (c) below, in an action for custody, partial custody or visitation, the parties shall attend a custody mediation orientation session prior to the scheduled Custody Conciliation Conference.
- (b) An orientation session is an initial meeting between parties, and a mediator pursuant to Local Rule 1940.4 below, to educate the parties concerning the mediation process so that an informed choice can be made about continued participation in that process. The mediation is confidential at the point, if any, that mediation commences during, or after, the initial orientation session.
- (c) An orientation session shall not be mandated if a party or a party's child is or has been the subject of abuse either during the pendency of the action or within 24 months preceding the filing of the action.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended January 22, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule *1940.4. *Minimum Qualifications to be a Mediator
Under Local Rule 1940.3.***

- (a) A mediator must meet, at a minimum, the following requirements:
 - (1) hold a post-graduate level degree in law, or a mental health field such as psychiatry, psychology, counseling or family therapy;
 - (2) have successfully completed basic training in a divorce and custody mediation program approved by the Academy of Family Mediators or equivalent program, such as a program approved by the Academy of Matrimonial Lawyers, or its substantial equivalent;
 - (3) certify that Mediator Professional Liability Insurance is maintained;
 - (4) participation in a program offered by the Family Law Section of the Montgomery Bar Association involving substantive law training, training concerning our local child custody

procedures and training concerning the local custody mediation orientation program, including reporting obligations;

- (5) continued compliance with the ethical standards and any continuing educational requirements of the Academy of Family Mediators, the Academy of Matrimonial Lawyers or their substantial equivalents.
- (b) The Court shall have the authority, upon cause shown, to decertify any Montgomery County custody mediator who has not complied with the foregoing local rule.
- (c) Custody mediators must maintain a Montgomery County office address for Court assignment purposes pursuant to these Rules.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*; amended January 22, 2007, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.5. *Duties of the Mediator.*

- (a) At the orientation session, the mediator must inform the parties in writing of the following:
 - (1) the costs of mediation;
 - (2) the process of mediation;
 - (3) that the mediator does not represent either or both of the parties;
 - (4) the nature and extent of any relationships with the parties and any personal, financial or other interests that could result in a bias or conflict of interest;
 - (5) that mediation is not a substitute for the benefit of independent legal advice; and
 - (6) that the parties should obtain legal assistance for drafting or reviewing any agreement.
- (b) When proceeding from the orientation to mediating a custody dispute, the mediator shall ensure that the parties consider fully the best interests of the children.
- (c) With the consent of the parties, the mediator may meet with the parties' children or invite other persons to participate in the mediation.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.6. *Termination of Mediation.*

- (a) Mediation, if undertaken after the initial orientation session, shall terminate upon the earliest of the following:
- (1) the complete agreement of the parties;
 - (2) a partial agreement of the parties and a determination by the mediator that further mediation will not resolve the remaining issues;
 - (3) a determination by the mediator that the parties are unable to reach an agreement through mediation or that the proceeding is inappropriate for mediation; or
 - (4) a refusal of one of the parties to continue with the mediation.
- (b) If the parties reach a complete or partial agreement, the mediator shall promptly prepare and transmit to the parties and their attorneys, if any, a non-binding Memorandum of Understanding setting forth the terms of the parties' agreement. In no event shall any agreement, whether reflected in the Memorandum of Understanding or otherwise, be binding on the parties unless and until it is subsequently incorporated into a writing signed by the parties.
- (c) The mediator may mediate subsequent disputes between the parties, but shall not act as attorney, counselor or psychotherapist for any party either during or after the mediation of a custody action, or in any matter which was the subject of mediation.
- (d) The mediator is prohibited from asking the parties to sign any Memorandum of Understanding or agreement. No mediator-drafted Memorandum of Understanding or agreement shall be submitted to the Court in any proceeding.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.7. *Confidentiality of Mediation Subsequent to Initial Orientation Session.*

- (a) All mediation communications and mediation documents, as those terms are defined in 42 P.S. §5949 of the Judicial Code, are privileged, not subject to discovery and inadmissible as evidence in any proceeding; and
- (b) No party, mediator or other person who participates, may be called as a witness, or otherwise compelled to reveal any matter disclosed in mediation undertaken, if any, during or subsequent to the initial orientation session.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.8. *Mediator Compensation.*

Mediators shall be compensated for their orientation services at a rate to be established by the Court. Unless otherwise ordered, the rate established for the custody mediation orientation session shall be divided between the parties. The costs of the orientation session may be waived by the Court for any party qualifying to proceed in forma pauperis.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*. The Court established the rate of mediator compensation for the Court's custody mediation orientation session at \$150.00, effective December 13, 1999, until further order of the Court.

Rule *1940.9. *Sanctions.*

On its own motion or the motion of a party, the Court may impose sanctions against any party or attorney who fails to comply or causes a party not to comply with these mediation rules. Sanctions may include an award of mediation costs and attorneys fees, including those incurred in the filing and presentation of the motion for sanctions, as well as a finding of Contempt. A hearing on a Custody Complaint or Petition shall not be delayed, however, by a party's refusal or failure in attending the mediation orientation sessions.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.10. *Evaluation of Custody Mediation Orientation Program.*

- (a) The Court shall require mediators and Court personnel to evaluate the mediation orientation program at least semi-annually.
- (b) The President Judge shall appoint an Advisory Panel to the program to oversee and implement the program consistent with local Court rules, including, but not limited to, implementing and monitoring the program consistent with Paragraph (a) above.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.11. *Certificate of Compliance.*

A certificate of compliance shall be filed by the mediator with the Prothonotary's office, confirming compliance. Such certificate shall reflect only that such party or parties have complied with these local rules, but shall in no event detail that such compliance was comprised of attendance or disqualification, so as to ensure that confidentiality is not violated consistent with Local Rule 1940.7.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule *1940.12. *Available List of Mediators.*

The Court shall maintain and make available to all parties and counsel in the Prothonotary's Office and the Custody Conciliator's Office a list of custody mediators who have satisfied the requirements described more fully in Local Rule 1940.4. Such list shall include, at a minimum, the names, addresses and the schedule of fees for mediation services to be provided subsequent to the initial custody mediation orientation session.

Editor's note: Adopted October 18, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 2039(a)*. *Compromise, Settlement, Discontinuance and Distribution [Rescinded].***Rule 2039(a)*. *Minor's Compromise***

No personal injury action in which a minor has an interest shall be settled without court approval.

(1) *Contents of Petition, Exhibits, and Proposed Decrees:*

(A) *Petition.* A petition for approval of settlement shall set forth:

- (1) The date of birth, social security number, and address of the minor plaintiff, the name and address of the minor's parent(s) or guardian(s);
- (2) The facts out of which the cause of action arose;
- (3) The elements and items of damages sustained;
- (4) A list of all expenses incurred or to be incurred, whether or not they have been paid, by whom payment was made, and arrangements for payment of unpaid bills;
- (5) Any limits on the financial responsibility of the defendant(s);
- (6) A statement as to whether or not a lien or claim has been raised on behalf of any health care supplier, medical supplier, health insurer, worker's compensation carrier or government entity, including the Department of Public Welfare;
- (7) The fees of counsel, which shall not exceed 25% of the present value of a structured settlement, or 25% of the gross recovery of any other settlement, unless counsel has rendered extraordinary services;
- (8) The present status of the minor's health and injuries; and
- (9) Any other circumstances relevant to the propriety of granting the petition.

(B) *Exhibits*. The petition shall also contain the following exhibits:

- (1) A written report from attending health care providers stating the extent of the injury, the treatment given and the prognosis for the injured minor, except that in cases where the gross settlement does not exceed \$5,000, or in other cases where the Court is satisfied that the treating physician's office notes and/or records set forth adequately the injury, the treatment given and the prognosis, such notes and/or records may be provided in lieu of a written report;
- (2) The written consent of the minor, if (s)he is sixteen (16) years of age or older; and
- (3) Copies of counsel's time sheets and other supporting documentation showing the nature and extent of services rendered, if counsel is claiming fees in excess of 25%.

(C) *Decrees*. If the gross settlement exceeds \$10,000.00, counsel shall submit both a preliminary decree setting a hearing date and a proposed final decree setting forth the proposed distribution of the settlement proceeds. If the gross settlement is \$10,000.00 or less, counsel need submit only the proposed final decree.

- (2) *Filing of Petition*. In any action where a civil suit has been initiated by writ of summons or complaint, the petition shall be filed with the Prothonotary under the caption of the civil suit. No motions court cover sheet is required. In any action where no civil suit has been initiated, the petition shall be filed with the Clerk of the Orphans' Court under the caption "ABC, a minor."
- (3) *Hearing*. All petitions for gross settlements in excess of \$10,000.00 shall be set for hearing before a Judge of the Orphans' Court. The minor's presence is required at the hearing, unless (s) he is excused by the Court for cause shown. Petitions for settlements of \$10,000.00 or less may be approved without hearing, unless the Judge assigned to the matter, in his or her discretion, determines that a hearing is necessary.
- (4) *Affidavit of Deposit*. When a compromise settlement is approved by the Court, an Affidavit of Deposit of Minor's Funds shall be filed with the division of the Court where the petition was filed within 30 days of the date of the order approving the settlement. The Affidavit shall be substantially in the following form:

See Forms Index

Editor's note: Amended November 5, 1984, effective January 2, 1985; further amended November 5, 1984, effective January 2, 1985; and May 15, 1995, effective July 17, 1995. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended December 7, 2015, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 2232(a)*. *Defective Joinder, Change of Parties, Notice.*

- (1) *Notice of Pendency of Action.* Notice required by this rule shall contain a statement of the pendency of the action, shall state the Prothonotary's number of the action, the parties thereto and its nature and that the person to whom it is addressed is required to join therein within 20 days after receipt of such notice or his cause of action will be barred and the action will proceed without said person. Proof of service shall be by affidavit accompanied with a copy of the notice and the return receipt, filed with the Prothonotary.

Editor's note: Rule 2232(a)* amended November 5, 1984, effective January 2, 1985; amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 2232(c)*. *Intervenors in Zoning and Real Estate Assessment Appeals.*

- (1) In every appeal from a real estate assessment fixed by the Board for the assessment and revision of taxes, the Board of Commissioners of Montgomery County, the governing body of the municipality and the Board of School Directors of the school district in which the real estate is situated, and the property owner, if the property owner is not the appellant, may intervene as of course, by entering a written appearance. Prompt notice of such intervention shall be given to the appellant, appellee and affected municipal bodies.

Editor's note: Rule 2232(c)* amended November 5, 1984, effective January 2, 1985; amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 2957*. *Praecipe for Writ of Execution, Affidavit.*

Plaintiff is required to provide the Prothonotary with an affidavit, which shall be forwarded to the Sheriff along with the Writ of Execution, stating whether the notice required by Rule 2958.1 has been served, and stating how, if needed, the additional notices shall be served.

Editor's note: Adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 2974*. *Writ of Possession.*

- (a) Where a writ of possession is issued pursuant to a judgment of possession based upon a residential lease containing a warrant of attorney or cognovit provision, the writ shall have attached to the face thereof a notice substantially in the following form:

See Forms Index

- (b) The writ and notice shall be served by the sheriff, but no further eviction proceedings shall be undertaken until the expiration of 20 days after the service of the writ and notice.
- (c) A stay of execution of the writ of possession may be obtained by the filing of a petition therefore in accordance with Pa.R.C.P. 3162, conditioned upon posting of a bond in an amount to be determined by the Court in a manner similar to that required by Pa.R.C.P.J.P.1008B.
- (d) Anyone presenting a petition for stay in accordance with subdivision (c) shall make a reasonable attempt to notify the plaintiff or his or her attorney of the date, place and time where the petition for stay will be presented to the Court.

Editor's note: Adopted June 1, 1983, effective September 6, 1983; amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 3105*(a). *Delivery of Writ.*

- (a) Where the writ directs the Sheriff to sell the real property of a defendant the complete writ package must be received by the Sheriff before noon on the Last Day to File for the next monthly sale.

Editor's note: Adopted November 6, 2002, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 3118(a)(6)*(A). *Levy, Denial of Entry to Premises.*

- (A) The Court may, on motion of counsel, after writ of execution has been issued and after attempt by the sheriff to make a levy has been unsuccessful, upon affidavit executed by the sheriff, that the defendant or defendants have refused to allow the sheriff entry into the premises where the property is located, authorize the sheriff to enter by breaking in by force, to make a levy, upon plaintiff posting such security as the Court may order.

Editor's note: Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 3129.2(b)(1)* *Notice of Sale, Handbills,
Written Notice, Publication.***

With respect to handbills, and legal publication, the “brief description” of the property required by Pa.R.C.P. 3129.2(b)(1) shall consist of the street address, parcel identification number, and a copy of the legal description of the property.

Editor’s note: Adopted February 12, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 3129.2*(e). *Internet Notice.*

- (e) In addition to the notice required by this Rule the Sheriff shall post a list of all properties to be sold at each sale on the Sheriff’s official county website. The form and content of the notice shall be as determined by the Sheriff. Notice shall be posted at least 21 days prior to the date the property is initially scheduled for sale. The Sheriff may at the Sheriff’s discretion elect to update the listed information to indicate the withdrawal, postponement or stay of any sale. This additional information shall be for the convenience of the parties. The failure of the Sheriff to update the original information, or any inaccuracies in the update, shall not affect the validity of any sale.

Editor’s note: Adopted November 6, 2002, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 3135*. *Sheriffs Deed to Real Property, Sale for
Costs Only, Acknowledgment of Deed.***

- (a) When the Sheriff sells real property in execution to the plaintiff for costs only, the Sheriff, at the expiration of 10 days thereafter, if no petition has been filed to set aside the sale, shall execute and acknowledge before the Prothonotary a deed to the property sold. The Sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registration if required. Confirmation of the sale by the Court shall not be required.

*(b) *Sheriff’s Return; Precede Acknowledgment of Deed.* Writs of execution must be returned and filed before the acknowledgment of the Sheriff’s deed for the real estate sold by virtue thereof.

**Rule 3136*(e)(1). *Determination of Exceptions to Schedule
of Distribution.***

- (e)
- (1) The Prothonotary shall deliver the exceptions to the Court, who shall set a return day and notify the exceptant and the

execution creditor thereof. The exceptant shall immediately notify all other parties in interest of such return day.

Editor's note: Rule *3136*(3) amended November 5, 1984, effective January 2, 1985.

Rule 3139(a)(2)*. *Sheriff's Return, Time Limit.*

- (1) *Sheriff's Return; Last Day to Make Return.* The Sheriff shall make the return within one month after completion or abandonment of the execution proceedings.

Rule 3204*. *Sheriff's Determination of Claimant's Title, Hearing.*

- (a) If a party in interest files a request for a formal hearing with the Sheriff within 10 days after date of the mailing of the copy of the claim, as provided by Rule 3203, the Sheriff shall schedule a formal hearing prior to determining whether claimant is the prima facie owner of the property in whole or in part. Said hearing must be held by the Sheriff within 30 days after receipt of request for a hearing.

Rule 3251*. *Praeipce for Writ of Execution; Money Judgments; Content.*

- (a) *Praeipce for Writ of Execution; Money Judgments; Content.* The praecipce for writ of execution shall include:
- (1) Statement whether writ is against real property or personal property, or both; certification whether exemption has been waived.
- (2) *Description of real estate to Prothonotary.* If the execution is against real estate the Prothonotary shall be provided with a description of the real estate, which he shall attach to the writ of execution.

Rule 4007.1*(f). *Deposition by Telephone.*

- (f)
- (1) The parties may stipulate in writing or the Court may, upon motion, order that a deposition be taken by telephone. For the purposes of these rules a deposition taken by telephone is taken at the place where the deponent is to answer the questions.
- (2) The appropriate officer before whom the deponent is sworn shall be at the same place as the deponent during the taking of the deposition. After the deposition, the officer administering

the oath shall file a written certification that the deponent was identified, sworn and deposed in the officer's presence.

- (3) The parties' agreement or the Court order shall prescribe the manner in which the deposition will be taken and recorded and may also include other provisions to assure that the transcript of the testimony will be accurate.
- (4) If any examining party desires to present exhibits to the deponent during the deposition, copies shall be sent to the deponent and all parties or their counsel prior to the taking of the depositions.
- (5) Nothing herein shall preclude any party from being represented in person or by counsel at the location of the deponent during the deposition.

Editor's note: Adopted March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Rule 4012*. ***Protective Orders, Depositions,
Place of Taking.***

- (c) *Taking Depositions—Place.* In the absence of an agreement between counsel for the parties, or unless otherwise allowed by special order of the Court, all depositions shall be taken in the Montgomery County Courthouse.

Editor's note: Adopted May 16, 1994, effective July 4, 1994.

Rule 4015*. ***Letters Rogatory, Form of Application.***

- (d) Letters Rogatory in the following form may be issued on the application of either party.

See Forms Index

Rule 4019*. ***Discovery Master.***

In order to facilitate the prompt disposition of discovery motions, the Court adopts Local Rule of Civil Procedure 4019* implementing the "Discovery Master Program" as follows:

- (1) The Board of Judges shall appoint a designated number of members of the Bar to serve as Discovery Masters, for an indeterminate term, without compensation, at the pleasure of the Court.

Editor's note: Amended November 30, 2017, effective 30 days after publication in the *Pennsylvania Bulletin*.

- (2) All motions relating to discovery, originally processed under Local Rule 208.3(b), other than a motion for sanctions, shall be subject to this Rule.
- (3) If the motion is resolved amicably prior to the return day issued pursuant to Local Rule 208.3(b), the motion shall either be withdrawn or a stipulated order shall be submitted to the Court Administrator for submission to the signing Judge. If the motion is opposed, the parties shall appear in a courtroom or arbitration room designated by the Court Administrator on the Friday of the week in which the rule was made returnable, to argue the matter before the Discovery Master designated by the Court Administrator to hear the matter. In the event that Friday is a legal holiday, the matter shall be argued before the Discovery Master on the Thursday following the return day. Briefs in support of and in opposition to the motion may be submitted to the Court Administrator's Office prior to the day on which the matter is to be argued before the Discovery Master.
- (4) After hearing argument and considering the motion, answer, and any briefs filed, the Discovery Master shall submit a written recommendation and proposed order to the assigned Judge for entry of an appropriate order.
- (5) In civil actions in which the damages sought exceed the jurisdictional limit for compulsory arbitration, any party may request the judge assigned to the case to direct the Court Administrator to list the case for a Discovery Management Conference before a Discovery Master. The Discovery Master may recommend a Discovery Management Order, which establishes the following:
 - a. A date for completion of all discovery, except for depositions for use at trial;
 - b. A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
 - c. A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;
- (6) The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.
- (7) Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.

Editor's note: Revised April 14, 2004, effective July 26, 2004; amended November 30, 2017, effective 30 days after publication in the *Pennsylvania Bulletin*.

See Forms Index

Rule 4019.1* *Family Discovery Master.*

In order to facilitate the prompt disposition of discovery in domestic relations matters, the Court adopts the Family Discovery Master Program as follows:

1. The Board of Judges appoints the Masters in Equitable Distribution and the Support Conference Officers to serve as Family Discovery Masters.
2. All motions respecting discovery in domestic relations matters shall be filed with the Prothonotary. The moving party shall include a cover sheet and a proposed order. The cover sheet must state that counsel have conferred in a good faith effort to resolve the discovery dispute.
3. The motions shall then be presented to the Family Discovery Master for a rule returnable and argument date. A certificate of service of the motion and rule returnable and argument date shall be filed in the Prothonotary's office by the moving party on or before the return date.
4. The rule returnable and argument date shall be at 1 p.m. on the first Wednesday following the 30th day subsequent to the filing of the petition in a hearing room located at 321 Swede Street, Norristown, PA.
5. If the motion is resolved amicably prior to the return day, the motion shall either be withdrawn or a stipulated order shall be submitted to the Family Discovery Master for submission to the signing Judge. If the motion is not resolved amicably prior to the return day, the parties shall appear, on the date and at the place specified in the Rule accompanying the motion, for argument before the Family Discovery Master. Should the moving party fail to appear, the motion shall be dismissed. Briefs in support of and in opposition to the motion may be submitted to the Family Discovery Master not less than two days prior to the day scheduled for argument before the Family Discovery Master.
6. After hearing arguments and upon consideration of the motion and answer, and any briefs filed, the Family Discovery Master shall submit a written recommendation and proposed order to the Judge assigned to the case for entry of an appropriate order.
7. This rule does not apply to motions for sanctions.

Editor's note: Adopted June 23, 1997, effective August 11, 1997. Amended March 15, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended June 29, 1999, effective 30 days after publication in the *Pennsylvania Bulletin*.

Court Administrator's note: Effective August 12, 1997, all motions "respecting discovery" in family cases are subject to the provisions of Montgomery County Local Rule 4019.1*—Family Discovery Master. Motions respecting discovery in family cases are to be filed in the Prothonotary's Office and forwarded

directly to the Family Discovery Master for a rule returnable and argument date. The Masters in Equitable Distribution and the Support Conference Officers have been appointed to serve as Family Discovery Masters.

The rule returnable and argument shall be at 1 p.m. on the first Wednesday following the 30th day subsequent to the filing of the motion in a hearing room located at 321 Swede Street, Norristown. After hearing argument and upon consideration of the motion and answer, the Family Discovery Master shall submit a written recommendation and proposed order to the Judge assigned to the case.

A revised Cover Sheet of Moving Party is to be used effective August 12, 1997.—John D. Dunmire, Esq., Court Administrator, July 1997.

See Forms Index



Montgomery County Local Rules of Civil Procedure Administrative Orders



Live Scan Processing Fee; Misc. 134 January 02

Administrative Order

And Now, this 4th day of February, 2002, effective immediately, the Clerk of Courts is directed to assess a one-hundred-fifty-dollar (\$150.00) Live Scan Processing Fee against any defendant who was processed at a Live Scan site in Montgomery County on or after the effective date of this Order and is either:

1. convicted of any misdemeanor or felony upon their entry of a plea of guilty or nolo contendere, or after a guilty verdict at trial; or
2. admitted to the Accelerated Rehabilitative Disposition (ARD) program.

The first \$35,000 of the Live Scan Processing Fee, collected pursuant to this Order, shall go directly to the County of Montgomery to offset the cost of installation of the video conferencing equipment associated therewith. Thereafter, the Live Scan Processing Fee shall be divided as follows: one-third (\$50) to the County of Montgomery, two-thirds (\$100) to the municipality supporting the Live Scan facility.

By the Court

S. GERALD CORSO,
President Judge

Custody Mediation Advisory Panel Pursuant to Local Rule of Civil Procedure *1940.10; Administrative Order 2000

Order

And Now, this 26th day of April 1, 2000, pursuant to Montgomery County Local Rule of Civil Procedure *1940.10, the Court hereby directs that the Advisory Panel to the Custody Mediation Orientation Program shall be comprised of the following members:

- the Montgomery County District Court Administrator;
- the Co-Chairs of the Montgomery Bar Association’s Family Law Section Mediation Sub-Committee;
- two (2) active members of the Montgomery Bar, and
- two (2) “mental health professionals.”

The names of the two active members of the Bar and the two mental health professionals shall be submitted to the Court for approval each year by the Mediation Subcommittee Co-Chairs.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in the Legal Intelligencer. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. One (1) certified copy shall be filed with the Domestic Relations Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, and (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

JOSEPH A. SMYTH,
President Judge

**Local Rule of Civil Procedure Rule 3129.2(b)(1)*
Notice of Sale, Handbills, Written Notice,
Publication; Administrative Order 2000**

Order

And Now, this 25th day of July, 2000, it is hereby Ordered that:

With respect to the handbills, and legal publication, the “brief description” of the property required by Pa.R.C.P. 3129.2(b)(1) shall consist of the street address, parcel identification number, and a copy of the legal description of the property.

This Order shall remain in effect until such time as 30 days from the date of publication in the Pennsylvania Bulletin of Montgomery County Local Rule of Civil Procedure 3129.2(b)(1)* — Notice of Sale, Handbills, Written Notice, Publication.

By the Court

JOSEPH A. SMYTH,
President Judge

Administrative Order 2011—Mediator Compensation Pursuant to Local Rule of Civil Procedure *1940.8; AD 41-2011

Order

And Now, this 27th day of January, 2011, pursuant to Montgomery County Local Rule of Civil Procedure *1940.8, the Court hereby establishes the rate of mediator compensation for the Court's custody mediation orientation session at two hundred dollars (\$200.00). This rate shall be effective March 1, 2011, and shall remain in effect until further Order of this Court.

By the Court

RICHARD J. HODGSON,
President Judge

Administrative Order 2013— Prothonotary's Office-Fee Schedule

Order

And Now, to wit, this 12th day of April, 2013, upon consideration of the within Petition to establish new fees presented by the Prothonotary, Mark Levy, and in accordance with Title 42 P.S. § 21042.1 of the Prothonotary Fee Law, it is hereby Ordered and Decreed that the fee schedule of the Montgomery County Prothonotary Office is amended effective the 1st day of June, 2013. It is further Ordered and Decreed that the fee schedule of the Montgomery County Prothonotary which is attached to the Petition as Exhibit "2" is hereby approved and adopted effective the 1st day of June, 2013.

By the Court

WILLIAM J. FURBER,
President Judge

**Appointment of Civil Case Master Pursuant
to Local Rule of Civil Procedure *200.
Trial Readiness; Administrative
Order 2016-00004-0024**

[46 Pa.B. 5728]

[Saturday, September 3, 2016]

Order

And Now, this 18th day of August, 2016, pursuant to Montgomery County Local Rule of Civil Procedure *200—Trial Readiness, the following individual is appointed Civil Case Master for the Montgomery County Court of Common Pleas: Philip L. Gazan, Esq.

The appointment is effective as of the previous date, and shall remain in effect until further Order of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Mortgage Foreclosure Conciliation Program—Masters; Administrative Order 2016-00004

[46 Pa.B. 4848]

[Saturday, August 6, 2016]

Memorandum and Order

The Montgomery County Mortgage Foreclosure Conciliation Program (the “Program”) was initiated to promote discussion and facilitate resolution between lenders and owners of certain residential properties subject to foreclosure proceedings. Since the inception of the Program, it has been administered and presided over by Judges of the Court. The Court has determined that it is necessary and appropriate to delegate certain aspects of the Program to the authority of court appointed Masters. This will permit the Court to continue to address the large number of cases and to better serve the interests of the parties involved.

The Masters will be granted the authority to preside over all Program proceedings, as well as to act as facilitators in the exchange of documentation, the modification of terms, or, some other resolution of the litigation. The Masters may authorize the continuance of matters to allow for additional time for appropriate reasons. When appropriate, the Masters may prepare recommendations on the form of proposed Orders for review by the Judge or Judges assigned to preside over the Program.

And Now, this 21st day of July, 2016, following a review of qualifications, it is *Ordered* that the following individuals are appointed as Masters to act in accordance with the provisions set forth previously and to serve until resignation or further Order of this Court: Rochelle N. Bobman, Esquire, Pamela M. Tobin, Esquire and Bernadette A. Kearney, Esquire.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge



Montgomery County Civil Court Forms



See Rule 14.**LAND USE APPEAL
SETTLEMENT STIPULATION VERIFICATION**

We, the undersigned, are competent and authorized to execute this Verification, as required by Local Rule of Civil Procedure 14(i), verifying the following:

1. The attached settlement stipulation involves a justiciable land use appeal, which (a) arises from a properly advertised public meeting or hearing where a record certified in accordance with Local Rule of Civil Procedure 14(c)(iii) was made before the associated municipal agency, and the public and potential objectors had an opportunity to participate in accord with the Pennsylvania Municipalities Planning Code and Sunshine Law, as amended respectively; and as such (b) confers jurisdiction on this Court in accord with the Pennsylvania Municipalities Planning Code or other lawful land use action such as mandamus;
2. The attached settlement stipulation does not involve any property that was not part of the underlying application or action before the associated municipal agency;
3. The attached settlement stipulation does not approve or grant relief from any ordinance regulation not properly before the associated municipal agency as part of the underlying application or action;
4. The attached settlement stipulation does not provide for this Court's continuing jurisdiction and expressly states that upon this Court's approval of the settlement stipulation, any and all underlying appeals shall be immediately marked "settled, discontinued and ended" by the Prothonotary; and
5. The attached settlement stipulation does not arise from a matter commenced by and immediately following the filing of a writ of summons praecipe under Pa.R.C.P. 1007(1), where no complaint is filed of record expressly identifying the underlying action as one involving a justiciable land use appeal.

In making this Verification, we the undersigned, understand that (1) any settlement stipulation lacking the above settlement criteria shall render the settlement null and void in its entirety, upon the proper motion and determination by this Court; and (2) any falsifications herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

DATE: _____

Signed by Parties or
Counsel Authorized by Parties

See Rule 205.2(b)(2)(a)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

VS.

NO.

COVER SHEET OF MOVING PARTY

Date of Filing _____ Moving Party _____

Counsel for Moving Party _____ I.D. No. _____

Document Filed (Specify) _____

Matter is: _____ (Appealable) _____ (Interlocutory)

Oral Argument: _____ (Yes) _____ (No) Discovery Needed: _____ (Yes) _____ (No)

CERTIFICATIONS - Check **ONLY** if appropriate:

_____ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (**Required by Local Rule 208.2(e) on motions relating to discovery.**)

_____ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

By: _____
Counsel for Moving Party

RULE TO SHOW CAUSE - Check **ONE** of the Choices Listed Below:

_____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the _____ day of _____, 20____.

_____ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____ at **1:00 p.m. at 321 Swede Street, Norristown, Pa.**

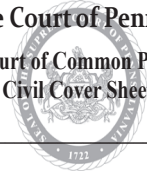
_____ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.

_____ Rule Returnable at time of trial.

By: _____
Court Administrator

9/12

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

County _____

For Prothonotary Use Only:

Docket No: _____

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

S E C T I O N	Commencement of Action: <input type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition <input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Declaration of Taking	
	Lead Plaintiff's Name: _____	Lead Defendant's Name: _____
	Are money damages requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	Dollar Amount Requested: _____ (check one) <input type="checkbox"/> within arbitration limits <input type="checkbox"/> outside arbitration limits
	Is this a Class Action Suit? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is this an MDJ Appeal? <input type="checkbox"/> Yes <input type="checkbox"/> No
A	Name of Plaintiff/Appellant's Attorney: _____ <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	
S E C T I O N B	Nature of the Case: Place an "X" to the left of the <u>ONE</u> case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.	
	TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____
	MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	CIVIL APPEALS <input type="checkbox"/> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
	PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____	REAL PROPERTY <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____
	MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: _____	

Updated 1/1/2011

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

Rule 205.2(b)(2)(b)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

VS. :
: NO.
:
:

COVER SHEET OF RESPONDENT

Date of Filing _____ Respondent _____
Counsel for Respondent _____ I.D. No. _____
Document Filed (Specify) _____

RULE RETURN DATE of Related Motion _____

Matter is (Check One) _____ (Appealable) _____ (Interlocutory)

Oral Argument _____ (Yes) _____ (No)

Respondent Requires (Specify Reason Only if Interlocutory) :

DISCOVERY _____

07/26/04

See Rule 206.4(c)(1)

IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

VS. : NO.

ORDER

AND NOW, this ____ day of _____, 200__,
upon consideration of the attached Petition, it is hereby ORDERED
that:

- (1) A rule is issued upon the Respondent to show cause why the Petitioner is not entitled to the relief requested;
- (2) The Respondent shall file an answer to the Petition within twenty (20) days of service upon the Respondent;
- (3) The Petition shall be decided under Pa.R.C.P. No. 206.7;
- (4) Discovery related to the Petition shall be completed within sixty (60) days from the date of filing of Respondent's answer.

BY THE COURT:

Court Administrator

***See Rule 206.4(c)(2); Rule 1028(c);
Rule 1034(a); Rule 1035.2(a)***

IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

VS. : NO.

ARGUMENT PRAECIPE

Please submit the following matter to the designated Judge for disposition:

☐ INTERLOCUTORY matter:

(Specify) _____

(Name of Moving Party) _____

☐ APPEALABLE matter:

(Specify) _____

(Name of Moving Party) _____

ORAL ARGUMENT: ☐ Requested ☐ Waived

☐ NO ANSWER FILED—(for petitions governed by Rule 206.1 ONLY)—Petitioner certifies that the time period for response to the above petition, as directed in the proposed order attached to the petition, has expired, and that no answer was filed to the subject petition. Accordingly, petitioner requests the court to consider the petition without the need for briefs, and enter an appropriate order in accordance with Rule 206.7(a).

Signature of Filing Party

Name Typed and Attorney I.D. #

Phone Number

NOTE: Briefs or Memorandums to be filed with the Prothonotary.

See Rule 208.3(b)(2)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Plaintiff _____

vs.

No.: _____

Defendant _____

CERTIFICATE OF SERVICE

I certify that on _____, 20____, a true copy of the
foregoing _____ has been served upon:

Manner of Service:

_____ Regular First Class Mail
_____ Certified Mail
_____ Other (specify) : _____

Signed: _____

Dated: _____

See Rule 208.3(b)(5)

IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

VS.

NO.

ARGUMENT PRAECIPE

Please submit the following matter to the designated Judge
for disposition:

☐ INTERLOCUTORY matter:

(Specify) _____

(Name of Moving Party) _____

☐ APPEALABLE matter:

(Specify) _____

(Name of Moving Party) _____

ORAL ARGUMENT: ☐ Requested ☐ Waived

☐ NO ANSWER FILED—(for petitions governed by Rule 206.1
ONLY)—Petitioner certifies that the time period for response
to the above petition, as directed in the proposed order
attached to the petition, has expired, and that no answer was
filed to the subject petition. Accordingly, petitioner requests
the court to consider the petition without the need for briefs,
and enter an appropriate order in accordance with Rule
206.7(a).

Signature of Filing Party

Name Typed and Attorney I.D. #

Phone Number

NOTE: Briefs or Memorandums to be filed with the Prothonotary.

•
•
•
•
•

Please submit the following matter to the designated Judge for disposition:

(Specify) _____
(Name of Moving Party) _____

(Specify) _____
(Name of Moving Party)

NO ANSWER FILED—(for petitions governed by Rule 206.1 ONLY)—Petitioner certifies that the time period for response to the above petition, as directed in the proposed order attached to the petition, has expired, and that no answer was filed to the subject petition. Accordingly, petitioner requests the court to consider the petition without the need for briefs, and enter an appropriate order in accordance with Rule 206.7(a).

Name Typed and Attorney I.D. #

NOTE: Briefs or Memorandums to be filed with the Prothonotary.

*See Rule 1041.1*e*

[Caption]

PRAECIPE TO TRANSFER INACTIVE STATUS

TO THE PROTHONOTARY:

Transfer the above-captioned matter to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1*(e).

Attorney for Plaintiff

[Certificate of Service]*

See Rule 1041.1*.

ORDER

AND NOW, this _____ day of _____,
20____, IT IS ORDERED that the above-captioned matter is
transferred to inactive status in accordance with Montgomery
County Local Rule of Civil Procedure 1041.1*(e).

BY THE COURT:

J.

See Rule 1854

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

FAMILY COURT COVER SHEET

VS.

NO: _____

Attorney for Plaintiff OR Pro Se Party ID: _____

Phone Number(s) ID: _____

Attorney for Defendant OR Pro Se Party ID: _____

Phone Number(s) ID: _____

AVERMENT OF CONSOLIDATION

On the space below, please provide the docket number of all other companion cases associated with this case (including any closed files involving the same party-litigants) that related to:

1. Divorce Annulment _____

2. Support _____

3. Equitable Distribution _____

4. Paternity _____

5. Custody/Visitation _____

6. Special Relief _____

7. Outstanding/Temporary/Final Protection from Abuse Order _____

I certify that the information provided above is comprehensive and complete to the best of my knowledge and that I have formally entered my appearance for the case captioned above:

BY: _____

PRIF0019
R 10/11

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

EMERGENCY FAMILY COURT COVER SHEET

Every Emergency Petition is sent directly to the Judge assigned to the case, **by the Court Administrator's Office**, after service has been made. THE JUDGE WILL DECIDE WHETHER THIS IS AN EMERGENCY OR WHETHER THE MATTER WILL BE HEARD IN DUE COURSE. If the Judge deems the matter is an emergency, a conference, hearing or argument will be scheduled. To expedite this process, please complete all requested information, including telephone numbers of all parties named in the captions or their attorney's names and phone numbers.

SERVICE: The party initiating the Emergency Petition must (1) serve the other side with a **TIME STAMPED** copy before the petition will go to the Judge, (2) fax a copy of the Certificate of Service to: Family Court, Court Administration, (610) 292-2027, and (3) mail the original Certificate of Service to the Prothonotary.

CASE NUMBER:

VS.

ID: _____

Attorney for Plaintiff **OR** Pro se Party

Phone Number(s) _____

ID: _____

Attorney for Defendant **OR** Pro se Party

Phone Number(s) _____

☐ THE FILING PARTY HEREBY CERTIFIES THAT HE/SHE HAS MADE A GOOD FAITH EFFORT TO RESOLVE THIS MATTER PRIOR TO THE FILING OF THE ATTACHED EMERGENCY PETITION.

NOTE - COURT ADMINISTRATION WILL NOT PROCESS THIS PETITION UNLESS THIS BOX IS CHECKED.

ORDER

AND NOW, this _____ day of _____, 20____,

☐ Designated Judge _____ has deemed this petition:

☐ is an emergency, and has scheduled a conference/hearing/argument for _____

☐ is an emergency, and orders _____

☐ is **not** an emergency, and Court Administration is directed to schedule this in due course.

☐ is to be scheduled for an expedited Custody Conciliation Conference.

☐ other: _____

BY THE COURT:

J. _____

See Rule 1920.33(f)(1)(e)*

Gross income (indicated how paid, weekly, bi-weekly, etc.)	\$ _____
Federal tax	\$ _____
FICA	\$ _____
Medicare tax	\$ _____
State tax	\$ _____
Local tax	\$ _____
Net income	\$ _____

See Rule 1920.33*(f)(4)

STATEMENT OF MONTHLY EXPENSES

1. HOME EXPENSES	
A. Rent or home loan payment (including any assessment or maintenance fee)	\$ _____
B. Real estate taxes (if not included in A)	\$ _____
C. Utilities:	
Electricity	\$ _____
Gas	\$ _____
Water	\$ _____
Telephone	\$ _____
Oil	\$ _____
Other (specify)	\$ _____
D. Home maintenance (repairs and upkeep)	\$ _____
2. OTHER EXPENSES	
A. Alimony or spousal support	\$ _____
B. Child support	\$ _____
C. Insurance (not deducted from wages)	\$ _____
Life	\$ _____
Health	\$ _____
Auto	\$ _____
Homeowners or renters	\$ _____
Other (specify)	\$ _____
D. Installment payments:	
Auto	\$ _____
Other (specify) _____	\$ _____
E. Education (tuition and books)	\$ _____
F. Medical, dental and medicine (not covered by insurance)	\$ _____
G. Other extraordinary expenses (specify)	\$ _____
TOTAL ESTIMATED CURRENT	
MONTHLY EXPENSES	\$ _____

I verify that the information contained in the foregoing statement of monthly expenses is true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date

Signature

See Rule 1920.42(d)*(3)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

CIVIL ACTION-DIVORCE

:

CASE NO.

v.

:

IN DIVORCE

:

:

VERIFICATION OF DEFENDANT'S SIGNATURE

I, _____, hereby state that I am the Plaintiff in the above-captioned divorce matter, that I am familiar with the signature of Defendant, and that the signature that appears on the following document(s) is that of the Defendant.

Check all that apply:

☐

Acceptance of Service of the Divorce Complaint

☐

Signature on Certified Mail Receipt

☐

Property Settlement Agreement dated _____ (insert date)

☐

Affidavit of Consent under Section 3301(c) of the Divorce Code

☐

Affidavit under Section 3301(d) of the Divorce Code

☐

Counter-affidavit under Section 3301(c) or 3301(d) of the Divorce Code (circle the applicable section)

☐

Waiver of Notice of Intention to Transmit the Record

☐

Other (if this section applies, list the document(s)):

I verify that the statements made in this Verification of Defendant's Signature are true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date:

Signature of Plaintiff

PRIF0069

R 10/11

See Rule 1920.73(c)(1)(c)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY
COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

NO: _____

VS.

----- IN

DIVORCE

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to
the court for entry of a divorce decree.

1. Ground for divorce: irretrievable breakdown under §(3301(c))
(3301(d)(1)) of the Divorce Code. (Strike out inapplicable
section)

2. Date and manner of service of the complaint: _____
_____.

3. (Complete either paragraph (a) or (b).)

(a) Date of the execution of the Affidavit of Consent required by
§3301(c) of the Divorce Code:

by plaintiff _____;

by defendant _____.

(b) (1) Date of execution of the Affidavit required by §3301(d) of
the Divorce Code:

_____.

(2) Date of filing and service of the plaintiff's Affidavit upon the
respondent:

_____.

4. Related claims pending: _____

_____.

5. (Complete either (a) or (b).)

(a) Date and manner of service of the notice of intention to file Praecipe to Transmit Record, a

copy of which is attached: _____

_____.

(b) Date plaintiff's Waiver of Notice was filed with the Prothonotary: _____.

Date defendant's Waiver of Notice was filed with the Prothonotary: _____.

16. The following is requested:

Decree in Divorce with property settlement agreement attached.

Decree in Divorce with no other relief granted.

Attorney for (plaintiff)(defendant) OR Pro se

Print Name and I.D. Number

Telephone Number

See Rule 1920.73(c)(2)(c)

IN THE COURT OF COMMON PLEAS OF MONTGOM-
ERY COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

NO:

VS.

IN DI-

VORCE

PRAECIPE TO TRANSMIT RECORD
MOTION FOR ENTRY OF GROUNDS ORDER AND AP-
POINTMENT OF

EQUITABLE DISTRIBUTION MASTER

TO THE PROTHONOTARY:

Transmit the record, together with the following information, to the court for entry of the requested Order. Listed below are the names of all trial counsel. Moving party hereby certifies that the Moving party's Discovery, including asset and liability values as of today's date, is completed. The Moving party's Initial Hearing Statement, which includes a completed Inventory and Appraisal, pursuant to Local Rule 1920.33(f), is attached hereto. The Non-Moving party shall certify that their discovery is complete within forty-five (45) days from the date of service of this Motion by including asset and liability values as of the date of certification by the Non-Moving party. The Non-Moving party shall attach an Initial Hearing Statement, which includes a completed Inventory and Appraisal, pursuant to Local Rule 1920.33(f), to said Certification. Agreement of counsel/parties to continue discovery after the filing of this Motion shall not be recognized by the Court as grounds for the continuance of any proceedings before the Equitable Distribution Master.

1. Grounds for divorce: irretrievable breakdown under §(3301(c)) (3301(d)(1)) of the Divorce Code. (Strike out inapplicable section)

2. Date and manner of service of the complaint: _____
_____.

3. Complete either paragraph (a) or (b).

(a) Date of the execution of the Affidavit of Consent required
by §3301(c) of the Divorce Code:

by plaintiff _____;

by defendant _____.

(b) (1) Date of execution of the Affidavit required by §3301(d)
of the Divorce Code:

_____.

(2) Date of filing and service of the plaintiff's Affidavit upon
the respondent:

_____.

4. Related claims pending: _____

_____.

5. (Complete either (a) or (b).)

(a) Date and manner of service of the notice of intention to file
Praeceptum to Transmit Record, a

copy of which is attached:
_____.

(b) Date plaintiff's Waiver of Notice was filed with the Prothonotary: _____.

Date defendant's Waiver of Notice was filed with the Prothonotary: _____.

6. The following is requested:

Bifurcated Decree in divorce with the Court to retain jurisdiction
over the unresolved claims

which shall be referred to the Office of the Equitable Distribution
Master. Stipulation or Order
to bifurcate is attached.

Order approving grounds for divorce and referring unresolved claims to the Office of the

Equitable Distribution Master.

Decree in divorce deferred.

7. Required Fee. Included with this Motion is a check made payable to: The Prothonotary, for the appointment of an Equitable Distribution Master, in the amount of \$ _____

Attorney for (plaintiff)(defendant) OR Pro Se

Print Name and I.D. Number

Telephone Number

See Rule 2039(a)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION – LAW

VS. _____
NO.

AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

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

1. I am employed by _____
as _____.
(Name of bank or authorized depository)

2. I am authorized to make this affidavit on behalf of _____

(Name of bank or authorized depository)

3. On _____ the sum of \$ _____
_____ was deposited by _____
_____ in an insured, interest-bearing Savings Account/Certificate of Deposit
No. _____ pursuant to Order of Court dated _____ to File
No. _____.

4. Account/Certificate No. _____ is entitled _____.

5. The express prohibition of withdrawals of income or principal prior to _____ without FURTHER ORDER OF COURT has been noted on the depository's records and on the passbook/certificate.

Signature

Print Name/Title

Address

Sworn to and subscribed before me
this day of , 20

Notary Public

**THIS AFFIDAVIT SHALL BE FILED IN THE OFFICE OF
THE PROTHONOTARY, MONTGOMERY COUNTY COURT-
HOUSE, SWEDE AND AIRY STREETS, NORRISTOWN,
PENNSYLVANIA WITHIN THIRTY (30) DAYS OF THE DATE
OF THE ORDER OF COURT.**

See Rule 2974**NOTICE OF CONFESSED JUDGMENT
AND EVICTION FROM RESIDENTIAL PROPERTY**

This paper is a Writ of Possession. It has been issued because a judgment of possession has been entered against you. It may cause you to be evicted from your home or apartment. You may have legal rights to prevent your eviction. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly. You may contest or attack this judgment by filing a Petition to Strike and/or Open Judgment with the Prothonotary of the Montgomery County Court of Common Pleas within 20 days from the date that this notice is served upon you. In your Petition you may assert any rights which you may have under Pa.R.C.P. 2959 or 3162.

**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.**

Montgomery Bar Association
Lawyers Reference Service
100 W. Airy Street
Norristown, PA 19401
(610) 279-9660

See Rule 4015IN THE COURT OF COMMON PLEAS OF
MONTGOMERY COUNTY, PENNSYLVANIA*To the Appropriate Judicial Authority in*

Whereas a certain suit is pending before us, in which A.B. is plaintiff and C.D. is defendant, and it has been suggested to us that there are witnesses residing within your jurisdiction, without whose testimony justice cannot completely be done between the said parties; we, therefore, request that, in furtherance of justice, you will, by the proper and usual process of your court, cause such witness or witnesses as shall be named or pointed out to you by the said parties, or either of them, to appear before you or some competent person by you for that purpose to be appointed and authorized, at a time and place by you to be fixed, and there to answer on their oaths or affirmations, to the several interrogatories hereunto annexed; and that you will cause their testimony to be committed to writing, and returned to us under cover duly closed and sealed, together with these presents; and we shall be ready and willing to do the same for you in a similar case when required.

Witness, etc.

See Rule 4019* and 4019.1*

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

VS.

NO.

COVER SHEET OF MOVING PARTY

Date of Filing	Moving Party
----------------	--------------

Counsel for Moving Party _____ I.D. No. _____

Document Filed (Specify) _____

Matter is: _____ (Appealable) _____ (Interlocutory)

Oral Argument: _____ (Yes) _____ (No) Discovery Needed: (Yes) (No)

CERTIFICATIONS - Check ONLY if appropriate:

____ Counsel certify that they have conferred in a good faith effort to resolve the subject discovery dispute. (Required by Local Rule 208.2(e) on motions relating to discovery.)

____ Counsel for moving party certifies that the subject **civil motion** is **uncontested** by all parties involved in the case. (If checked, skip Rule to Show Cause section below.)

By: _____
Counsel for Moving Party

RULE TO SHOW CAUSE - Check ONE of the Choices Listed Below:

____ Respondent is directed to show cause why the moving party is not entitled to the relief requested by filing an **answer** in the form of a **written response** at the **Office of the Prothonotary** on or before the _____ day of _____ 20____.

____ Respondent is directed to show cause, in the form of a **written response**, why the attached Family Court Discovery Motion is not entitled to the relief requested. Rule Returnable and Argument the _____ day of _____, 20____ at 1:00 p.m. at 321 Swede Street, Norristown, Pa.

____ Respondent is directed to file a **written response** in conformity with the Pennsylvania Rules of Civil Procedure.

Rule Returnable at time of trial.

By: _____
Court Administrator

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