

**Rule 1.                    *Title and Citation of Rules***

These rules shall be known as the Lancaster County Rules of Civil Procedure and may be cited as “L.C.R.C.P. No. \_\_\_\_\_.”

**Rule 10.                *Business Judge***

- A. The District Court Administrator shall designate the daily Business Judge. Motions and petitions, not already assigned to a judge or dealing with matters otherwise covered by these Rules for presentation to the Court, shall be forwarded to the Business Judge by the Prothonotary or may be presented by counsel directly to the Business Judge by appointment.

***Editor’s note:*** Amended, filed for public inspection December 17, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*; amended January 12, 2012, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended January 18, 2017, effective March 20, 2017.

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## ADMINISTRATIVE APPEALS

### Rule 27. *Land Use Appeals*

#### A. *Appeal Notice*

A land use appeal shall contain:

1. A caption in substantially the following form:

<i>See Forms Index</i>
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2. When applicable, in separately numbered paragraphs and in the following order:
  - a. Name and address of the appellant.
  - b. Name and address of the zoning hearing board, governing body or planning commission (“local agency”) which rendered the decision.
  - c. Name and address of the applicant to the local agency, if the applicant is not the appellant.
  - d. Name and address of the owners, both real and equitable, of any real estate which was the subject of the decision and identification of the real estate.
  - e. The chronology of the matter, including the following as applicable:
    - i. Date of filing application or appeal with zoning officer or other official.
    - ii. Date of action of the zoning officer or other official.
    - iii. Date of appeal from action of zoning officer or other official to local agency or date of filing application with local agency.
    - iv. Dates of all hearings or meetings of the local agency.
    - v. Date of written decision or, if applicable, date of deemed decision from which the appeal has been taken.
    - vi. Date written decision served.
  - f. The purpose for which the application was made.
  - g. The basis for appellant’s standing to file the appeal.
  - h. All specific legal and factual grounds for the appeal.
  - i. Specific request for relief.
3. If a court reporter was present and if a transcript is not already in existence, appellant’s certification that appellant has ordered

a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the local agency filing the return of the record. If appellant does not include a certification that appellant has ordered the transcript, any other party may file a petition requesting the Court dismiss the appeal.

B. *Intervention*

1. A notice of intervention under Section 1004-A of the Pennsylvania Municipalities Planning Code, 53 P.S. § 11004-A, shall contain:
  - a. The caption and number of the appeal.
  - b. Name and address of intervenor.
  - c. Nature of the interest of intervenor in the appeal.
  - d. Legal and factual circumstances under which intervenor claims a right to intervene.
  - e. Summary of intervenor's position and grounds therefor.
2. Pa.R.C.P. Nos. 2326—2350 shall govern all other intervention.

C. *Certiorari*

1. The local agency shall submit its entire record within twenty days after receipt of the writ of certiorari or receipt of the transcript(s), whichever is later, including but not limited to:
  - a. All original papers filed in chronological order, commencing with the application.
  - b. Minutes of meetings of the local agency at which the application was considered.
  - c. The transcript of all hearings. The local agency shall not submit its record to the Prothonotary until appellant has provided the transcript of all hearings if the transcript is not in existence and available to the local agency prior to appellant's filing the appeal.
  - d. The complete ordinance under which the local agency rendered its decision, including maps.
  - e. The findings of fact and conclusions of law of the local agency, if any, and its written decision.
  - f. Names and addresses of all persons the local agency recognized as parties to the proceedings.
2. The chairperson or presiding officer shall certify the submission of the record.

3. The Prothonotary shall give notice of the return of the local agency's record to appellant who shall, within four days after receipt of the notice, notify the local agency, the applicant before the local agency (if appellant was not the applicant), the legal and equitable owner of the land which was the subject of the application and all other persons recognized as parties to the local agency's proceedings. Appellant shall file proof of service.

D. *Disposition*

1. Within ten days after the Prothonotary gives notice of the filing of the complete return of the record, any party who believes the appeal is not ready for disposition may file a motion for a conference and a praecipe requesting that the appeal be forwarded to the assigned judge. The motion for a conference shall state why the party believes that the appeal is not ready for disposition and shall identify all actions that the party requests. At the conference, the Court may, inter alia:
  - a. Require or approve supplementation of the record.
  - b. Fix a time for a de novo hearing before the Court.
  - c. Employ expert(s) to aid the Court to frame an appropriate order.
  - d. Refer the appeal to a referee to receive additional evidence, with directions as to time deadlines and other matters the Court deems appropriate.
  - e. If allowed by law, remand the appeal to the local agency with directions as to time deadlines and other matters, including mediation.
2. After the conference, the Court shall issue an appropriate order addressing the filing of briefs.
3. If no party has filed a request for a conference, the appellant shall file a brief within forty days after the date the Prothonotary gives notice of the filing of the local agency's complete record. The appellant shall limit the brief to the issues appellant raised in the land use appeal. Each other party shall file a responsive brief within thirty days after service of appellant's brief. The appellant may file a reply brief within ten days after service of the responsive brief. Any party may thereafter file and serve a praecipe stating that the appeal is ready for disposition and requesting the Prothonotary to forward it to the assigned judge.

4. If appellant fails to file a brief within the time period established by Paragraph D.3 above or by the Court after a conference, any party may file and serve a praecipe stating that the appeal is ready for disposition together with a brief or may petition the Court for dismissal of the appeal. If a party files a praecipe requesting disposition due to the failure of the appellant to file a brief, the Court shall render a decision, without oral argument, on the record before it.
5. Any party may request oral argument when filing its brief. The Court shall hear oral argument at its discretion.
6. An appeal from a decision the local agency renders after a remand shall be filed and docketed to the original caption and number. The party filing such appeal shall be limited to issues arising from the remand. All other requirements of this Rule shall apply to an appeal from a decision after remand.

**Editor's note:** Amended January 18, 2017, effective March 20, 2017.

## **Rule 28.                    *Tax Assessment Appeals***

### **A. *Petition***

Appeals from orders of the Lancaster County Board of Assessment Appeals (Board) shall be by petition and shall contain:

1. A caption in substantially the following form:

<b><i>See Forms Index</i></b>
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2. Name and address of appellant.
3. Date of filing appeal to Board and amount of assessment originally fixed by the Board.
4. Date of final decision of Board amount of assessment finally fixed by the Board.
5. Reason for appeal.

### **B. *Service***

Within ten days after filing the petition, the appellant shall, by certified mail, serve copies of the petition on the Board, the county solicitor, the municipality in which the tax parcel is located, the school district in which the tax parcel is located and the property owner. Within twenty days thereafter, the appellant shall file a proof of service.

C. *Intervention*

Any person or political subdivision required to be served under paragraph B may intervene as a matter of right by filing within forty days after receipt of the petition, a notice of intervention either as an appellant or appellee. After the forty day period, intervention shall be governed by Pa.R.C.P. Nos. 2326 through 2350.

D. *Further Proceedings*

Thereafter, the appeal shall proceed pursuant to L.C.R.C.P. Nos. 208.3(a) and 208.3(b) or L.C.R.C.P. Nos. 212.1 through 212.3.

**Editor’s note:** Amended June 11, 2018, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**Rule 29. *Local Agency and Administrative Agency Appeals other than Land Use Appeals***

A. *Appeals Governed by Rule*

This Rule shall apply to all appeals allowed from adjudications under the Local Agency Law, 2 Pa.C.S.A. §501 et. seq., or the Administrative Agency Law, 2 Pa.C.S.A. §101 et. seq., and appeals which may be taken to the court under the Judicial Code, 42 Pa.C.S.A. §933, other than appeals filed under Article X-A of the Pennsylvania Municipalities Planning Code, 53 P. S. §11001-A.

B. *Notice of Appeal*

The notice of appeal shall contain all information required by the statute which authorizes filing of the appeal.

The notice of appeal shall also contain:

- 1. A caption in substantially the following form:

***See Forms Index***

- 2. All relevant information required in Local Rule 27A.2.
- 3. If a court reporter was present and if a transcript is not already in existence, appellant’s certification that appellant has ordered a transcript of the proceedings and has made satisfactory arrangements with the court reporter for payment if a transcript is not already in existence. Upon receipt of the transcript, appellant shall provide the original transcript to the solicitor of the agency filing the return of the record.

C. *Intervention*

Pa. R.C.P. Nos. 2326-2350 shall govern all intervention.

D. *Certiorari*

The agency shall submit its entire record within twenty days after receipt of the writ of certiorari in accordance with the procedure in Local Rule 27C. The prothonotary shall give notice of the return of the agency's record to appellant who shall, within four days after receipt of the notice, notify the agency, the applicant before the agency (if appellant was not the applicant) and all other parties to the local agency's proceedings. Appellant shall file of proof of service.

E. *Disposition*

Disposition of the appeal shall be in accordance with the procedure in Local Rule 27D.

**Rule 36.                    *Assigned Judge***

The assigned judge is the judge who has been assigned by the Prothonotary when the action is filed, or who has been assigned by the President Judge for cases filed after April 30, 2016.

***Editor's note:*** Amended, filed for public inspection December 17, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 205.2(a).        *Physical Characteristics of Legal Papers***

Legal papers submitted to the Prothonotary shall comply with the following requirements:

- A. The first page shall set forth:
1. The case caption.
  2. The case number.
  3. The name of the assigned judge, if applicable.
  4. The name, identification number, address and telephone number of the attorney and law firm or pro se party submitting the legal papers.
  5. In medical malpractice actions, "MedMal" shall appear beneath the case number.
- B. No manuscript cover or manuscript backing such as a blue back or firm identification strip shall be attached to any legal papers.

- C. Legal papers shall be stapled once in the upper left hand corner. No tape or other material shall cover the staple.
- D. All originals shall be marked “ORIGINAL”. Copies shall be marked “COPY”
- E. Each page shall be numbered at the bottom center of the page. The case number shall appear, in twelve point font or larger, in the upper right hand corner of each page.
- F. Tabs shall be placed at the bottom of all exhibits and appendices.
- G. The name of each person signing a legal paper shall be typed beneath the person’s signature.
- H. Briefs and memoranda shall be filed separately and not appended to other documents.
- I. Verifications shall be dated.
- J. Unless required by an applicable law or rule of court or unless so directed by the Court, parties or their attorneys may include only:
  - (1) The last four digits of the social security number of the taxpayer identification number;
  - (2) The year of the individual’s birth;
  - (3) The last four digits of the financial account information in documents filed with the Prothonotary. The responsibility for redacting these personal identifiers rests solely with the parties.

Documents will not be reviewed by the Prothonotary for compliance with the rule.

**Editor’s note:** Amended November 5, 2011, effective December 5, 2011. Amended February 10, 2016. Effective upon publication on the UJS Web Portal.

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

- A. The initial legal paper filed shall be accompanied by a civil cover sheet in the form provided by the prothonotary.
- B. A request for argument, hearing or arbitration shall be accompanied by a scheduling cover sheet in the form provided by the District Court Administrator.
- C. Civil cover sheets and scheduling cover sheets may also be obtained at [www.co.lancaster.pa.us/courts](http://www.co.lancaster.pa.us/courts).

<i>See Forms Index</i>
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**Rule 205.4.     *Electronic Filing and Service of  
Legal Papers***

- A. “Electronic Service” (e-service) means the electronic transmission of documents to a party, attorney or representative under these rules. Electronic service does not include service of process or summons to gain jurisdiction over persons or property.
1. Civil Actions filed in the Court of Common Pleas of Lancaster County may be filed by electronic filing or eFiling. Also, parties may electronically serve other Advanced File & Serve registered users of the system.
  2. *Registration.* Any person intending to use eFile must register with File and Serve Express (FileandServeXpress.com).
- B. *Form of Documents Electronically Filed.*
1. *Format.* To the extent practicable it shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Court may require from time to time. A document may exceed page limitation rules to a maximum of two (2) additional pages when the additional pages are attributed to the electronic conversion of filing process. The eFile system will automatically convert any filing to PDF format, but the original format will be available for downloading. The official record of the court is the PDF version.
  2. *Title of Documents.* The title of each electronically filed document shall include: (1) Party or parties filing the document; (2) Descriptive title of the document; (3) Party or parties against whom relief, if any, is sought, and (4) Nature of the relief sought (e.g. Defendant ABC Corporation’s Motion for Summary Judgment Against Plaintiff Jones).
  3. *Signature.*
    - a. Each electronically filed document shall be deemed to have been signed by the attorney or party represented by an attorney authorizing such filing and shall bear a facsimile or typographical signature of such person, e.g. “/s/ Adam Attorney”. Each document eFiled by an attorney shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Pennsylvania bar number. Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant

or affiant if an attorney or party not represented by an attorney has authorized such filing. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original signatures are maintained by the filing party in paper-format.

- b. The electronic filing of a legal paper constitutes a certification by the filing party that the original hard copy was properly signed and, where applicable, verified; and a certification as provided by the signature to a legal paper under Pa.R.C.P. 1023(b), the violation of which shall be subject to the sanction provided in Pa.R.C.P. 1023(c). The filing party shall maintain the original hard copy of the document filed. Any other party at any time may require the filing party to file the original hard copy by filing with the Prothonotary and serving upon the filing party a notice to file the original hard copy with the Prothonotary within fourteen days of the filing of the notice.

4. *Filing Related Documents.*

- a. Pleadings seeking judicial action such as Proposed Orders shall be filed separately.
- b. Documents may be filed in electronic form, except that paper copies of any legal paper required by court rule or statute to be in paper form shall also be filed in the form required. In the case of original process filed to commence an action, the filing party shall provide a sufficient number of paper copies of an electronically filed document in order to permit service by the Sheriff.

C. *Public Access to the Docket.*

1. The Prothonotary shall make a Public Access Terminal available to the general public to allow access to the Court's electronic case record in all eFiled cases. Copies made from the Court's electronic case records system shall be printed by the Prothonotary and copying fees will be charged in accordance with the Prothonotary's usual fee schedule.

D. *Filing Fees.*

1. Filing fees will be billed by File and Serve Express using the billing arrangements established through the File and Serve Express registration process.
2. Filing fees billed by File and Serve Express shall include Prothonotary's statutory filing fees.

E. *Sealed Documents.*

1. Documents intended to be filed under seal shall be designated by the filing party as “sealed” in the eFile system.
2. The filing details and document title will appear in the eFile system. The document can be viewed only by the Court, the Prothonotary staff, the filer, and those case participants who received service of that particular document. A party that was not served with the document can see only the document title in the case details, however, that party is not able to open or view the document.

F. *Time of eFiling and eService*

1. Any document filed electronically by 11:59 p.m. ET shall be considered eFiled with the court once the transmission is successfully completed (“authorized date and time”) as recorded on the File and Serve Express System.
2. Delivery of e-service documents through File and Serve to other registered users shall be considered as valid and effective service and shall have the same legal effect as an original paper document. Recipients of e-service documents shall access their documents through the File and Serve system.
3. For the purpose of computing time to respond to documents received via e-service, any document served on a day or at a time when the court is not open for business shall be deemed served at the time of next opening of the court for business.
4. Parties who register to use File and Serve Express consent to receive e-service documents, other than service of subpoenas or summons.

G. *Obligation of Registered eFile Users to Maintain Proper Delivery Information*

Parties or attorneys who register to use the File & Serve system shall notify File and Serve Express within ten (10) days of any change in firm name, delivery address, fax number or e-mail address.

**Editor’s note:** Amended September 13, 2017, effective thirty days after publication in the *Pennsylvania Bulletin*.

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

A. *Petition Defined*

A petition is a request which seeks relief ancillary to a given cause of action and which avers facts not of record.

Petitions include, but are not limited to:

1. Petitions to open or strike judgment.
2. Petitions to transfer venue.
3. Preliminary objections filed pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).
4. Petitions which seek the issuance of a rule to serve the interests of justice.

**B. *Stipulated Matters***

If the parties agree to the relief sought, the petition shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties and a proposed order.

**Rule 206.4(c). *Petition. Rule to Show Cause***

- A. The procedure of Pa.R.C.P. No. 206.6 is adopted, and a rule shall issue as a matter of course pursuant to that Rule.
- B. The petitioner shall attach to the petition a proposed order substantially in the following form:

***See Forms Index***

- C. When the petitioner requests a hearing or argument date, the form of the order may be modified accordingly.
- D. When the petitioner requests a stay, the form of the order may be modified accordingly.
- E. All petitions, except as provided in F, shall be filed with the Prothonotary. The Prothonotary shall forward such petitions to the assigned judge for entry of the Order.
- F. A petition which requests a stay, the filing of an answer in fewer than twenty days or other substantive relief shall be presented in person to the assigned judge. For such petitions, the Court shall not issue the rule to show cause unless:
  1. It appears from the petition that reasonable notice has been given to all affected parties of the date, time and place of the presentation; or
  2. It appears from the petition that there is an agreement of all affected parties; or
  3. The Court in its discretion shall determine that there are extraordinary circumstances justifying immediate relief.

**Editor's note:** Effective August 23, 2004. Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 206.7.**      ***Procedure After Issuance of Rule to Show Cause***

If an answer is not filed, the petitioner may submit a proposed order and file a praecipe to forward the petition to the assigned judge for disposition.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 208.1.**      ***Motion. Definition. Scope***

- A. Motion means any application to Court for an order made in any action or proceeding that is not excluded by Pa.R.C.P. No. 208.1.
- B. If the parties agree to the relief sought a motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a prepared order and a praecipe to assign the stipulated matter for disposition.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 208.2(c).**      ***Motion. Form. Content***

A motion shall be in the form required by Pa.R.C.P. No. 208.2.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 208.2(e).**      ***Motion. Form. Content***

Every motion relating to discovery shall contain a certification that the parties, after reasonable effort, are unable to resolve the dispute.

**Rule 208.3(a).**      ***Procedure for Disposition of Motion***

- A. *Praecipe for Disposition.* Motions will be sent to the assigned judge for disposition upon completion of the briefing schedule pursuant to L.C.R.C.P. No. 208.3(b) below or by praecipe of any party, unless the parties agree to extend the briefing schedule. If the parties agreed to extend the briefing schedule, the parties shall file a Notice of Extension of Briefing Schedule setting forth the agreed upon extension. The motion(s) at issue will be sent to the

assigned judge for disposition upon completion of the agreed upon briefing schedule or by praecipe of any party.

- B. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time a brief is filed pursuant to Local Rule 208.3(b) A., B., or C.
- C. *Emergency Motions.* Emergency motions must be presented to the assigned judge, or in the assigned judge's absence the business judge who will advise the parties how to proceed.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017. Amended September 13, 2017, effective thirty days after publication in the *Pennsylvania Bulletin*.

### **Rule 208.3(b).     *Briefing Schedules***

- A. *Motion and Brief.* The moving party shall file a motion, proposed order and supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.
- B. *Responsive Brief.* Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.
- C. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of a responsive brief.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal.

### **Rule 208.3(c).     *Discovery Motions Court***

- A. *Purpose of Rule.* It is the intention of this Rule that discovery motion practice be expedited and that discovery motions and responses be concise.
- B. *Discovery Motions Judge.* Every discovery motion shall be presented to the Discovery Motions Judge. Discovery Motions Court shall be held at 1:30 p.m. on Friday afternoons as scheduled by the Discovery Motions Judge. The District Court Administrator shall publish notice of the location, dates, times, and cases listed for Discovery Motions Court on the Court Case Schedule (<http://courtcas.co.lancaster.pa.us/CourtAdmin.Public/>).

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- C. *Contents of Motion.* Every discovery motion shall contain the following:
1. A concise statement describing the nature of the case.
  2. A concise statement of the status of any discovery procedure involved.
  3. A copy of the discovery request and response, if any, in dispute.
  4. A statement of the relief requested and a citation to the statute, procedural rule or other authority for the relief requested.
  5. A statement identifying all other parties and their counsel, with mailing addresses, telephone numbers and email addresses.
  6. If necessary, a request for the suspension of discovery until the dispute is resolved.
  7. A certification that the parties, after reasonable effort, are unable to resolve the dispute.
  8. A proposed rule or order.
- D. *Notice and Service.*
1. A copy of the discovery motion, along with notice of when it will be presented, shall be served upon all parties no later than 5:00 p.m. on the Tuesday preceding the scheduled court date. Discovery motions shall not be filed or presented to the Court in any fashion other than to the Discovery Motions Judge. The moving party shall present an original and one copy of the motion to the Court.
  2. If service of the motion is made by first class mail, the mailing must be postmarked no later than Friday preceding the scheduled court date. In the event of a Monday holiday, service, if sent by mail, shall be postmarked by the preceding Thursday. Hand delivery of the motion may be made until 5:00 p.m. on the Tuesday preceding the scheduled court date. The parties may serve discovery motions by email, provided that receipt of the email by all other parties is confirmed by the serving party. The serving party shall attach proof of service to the discovery motion. Failure to serve the motion and notice shall be grounds for dismissal.
- E. *Briefs.* Briefs are not permitted unless directed by the Court.
- F. *Responses.* Any party may submit a response to the discovery motion. The response shall not exceed five pages. The response shall be presented to the Court and served on all parties or their counsel on the scheduled court date. Affidavits, discovery responses, references to depositions, transcripts or other documents responsive
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to the discovery motion shall not be included in the response but may be referenced during oral argument.

- G. *Scheduling.* Arguments on discovery motions shall be scheduled at ten minute intervals. Counsel seeking to list a motion for argument shall contact the Discovery Motions Judge chambers no later than noon on the Tuesday immediately preceding the requested court date by telephone or email to [dmc@co.lancaster.pa.us](mailto:dmc@co.lancaster.pa.us). The assignment of all discovery motions to an argument date and time will be made by the Discovery Motions Judge. A list of cases scheduled for argument may be viewed on the Court's online Case Scheduling Calendar (<http://courtcal.co.lancaster.pa.us/CourtAdmin.Public/>).
- H. *Filing.* All orders signed in the courtroom shall be returned to counsel for filing with the Prothonotary. It shall be the responsibility of the attorney receiving the order to promptly file the order and receive a date stamped copy. Orders shall not be effective and enforceable until they are clocked in and docketed by the Prothonotary. If the discovery motions court does not rule on a matter in the courtroom but instead chooses to take the matter under advisement, chambers shall ensure the filing of any subsequent order.

**Editor's note:** Revised December 2, 2019, effective January 19, 2020. Amended January 6, 2021, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

## **Rule 210.**                    *Form of Briefs*

- A. Briefs shall contain complete and accurate citations of all authorities.
- B. The brief of the moving party shall contain: all relevant facts; a procedural history; the questions involved; the argument; and a conclusion.
- C. The brief of the opposition need contain only an argument and a conclusion. If a counter statement of the case or the questions involved is not filed, the statement of the moving party shall be deemed adopted.
- D. Briefs shall be submitted on 8½ x 11 inch paper and shall be double-spaced.
- E. Any brief more than fifteen pages shall contain a table of contents and a table of citations.



- F. A party shall file a brief with the prothonotary and shall serve copies pursuant to Pa. R.C.P. No. 440 and Local Rule 440.1.

**Rule 212.1.            *When an Action is at Issue***

- A. When an action is at issue the Prothonotary shall notify the assigned judge and forward the file to chambers.

An action is at issue as follows:

1. *Expedited track*: All Magisterial Judges and Arbitration appeals. Any case in the expedited track will be deemed at issue 120 days after the close of the pleadings.
  2. *Standard track*: All other cases that are not in the expedited track or complex track. Any case in the standard track will be deemed at issue 180 days after the close of the pleadings.
  3. *Complex track*: Cases will be considered complex if all parties agree or by order of Court.
    - a. If all parties agree that the case is complex, they shall file with the Prothonotary a certification signed by all parties.
    - b. If the assigned judge deems that the case is complex an appropriate order shall be filed.
    - c. Any case in the complex track will be deemed at issue 365 days after the close of pleadings.
- B. Absent compelling reasons, an action that is at issue must have all discovery completed, except for the exchange of expert reports.
- C. When an action is at issue the trial judge shall give notice to the parties in conformance with Pa.R.C.P. No. 212.1(a). Thereafter, the parties shall proceed in accordance with the time periods of Pa.R.C.P. No. 212.1(b).

**Editor's note:** Adopted February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 212.2.            *Pre-Trial Statement***

The pre-trial statement shall be in the form prescribed by Pa.R.C.P. No. 212.2.

**Editor's note:** Adopted February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 212.2A.      *Pre-trial Conference. Status Report.  
Memorandum***

**A.   *Request for Pre-trial Conference***

When an action is at issue, any party who has substantially completed discovery and who desires to proceed to trial shall file with the prothonotary (1) a praecipe requesting a pre-trial conference; (2) a Status Report; and (3) proof of service. Within ten business days of being served with a praecipe requesting a pre-trial conference and Status Report, each party may file a Status Report. Any party who fails to file a Status Report shall be deemed ready for trial and no further discovery will be permitted by such party.

A Status Report shall include:

1. A short paragraph summarizing the facts.
2. A short paragraph summarizing the claims or defenses.
3. The status of remaining discovery and the time required for completion.
4. Any reason a pre-trial conference should not be held.
5. The complete identification of any cases which should be tried with the case for which pre-trial conference is being requested.

**B.   *Arbitration Appeals***

Following an appeal from a compulsory arbitration award, the parties shall proceed in accordance with Section A.

**C.   *Assignment to Judge***

Within twenty days of the receipt of a Request For Pre-trial Conference, the prothonotary shall assign the matter to the trial judge and deliver the file to that judge who shall schedule a pre-trial conference. If the case has previously been assigned to a judge, the prothonotary shall deliver the file to that judge. Whenever a case has previously been assigned to a judge, the party or attorney who requested the pre-trial conference shall identify the assigned judge on the praecipe. The assigned judge may, upon a review of the Status Reports, refuse to schedule a pre-trial conference. If the requesting party has not substantially completed discovery, the assigned judge shall enter an appropriate order.

**D.   *Trial Counsel***

Counsel, who is to conduct the trial, must appear with authority to bind the client.

E. *Settlement*

The assigned judge shall conduct settlement discussions. Clients or their authorized representatives must be available by phone during the pre-trial conference.

F. *Preparation*

Counsel shall file a pre-trial conference memorandum, furnish a copy to the assigned judge and serve it on all parties at least one week before the conference.

The pre-trial conference memorandum shall include:

1. A concise statement of the claim or defense on liability and damages.
2. A list of the types and amounts of all damages
3. A list of the legal issues.
4. A list of witnesses on liability and damages with the address of each and a concise statement of their proposed testimony.
5. A list of exhibits on liability and damages.
6. A copy of the report, or answer to interrogatory consistent with Pa.R.C.P. No. 4003.5, containing the opinion and the basis for the opinion of any person who may be called as an expert witness.
7. A list of all deposition transcripts to be used in lieu of testimony and a statement of all objections.
8. A statement of all stipulations sought.
9. A statement of special requests such as for a view, witness needs or courtroom needs.
10. A list of all questions which counsel expects to ask in voir dire which are beyond the areas of inquiry set forth in Pa.R.C.P. No. 220.1.

G. *Supplemental Pre-trial Conference Memoranda*

At trial, each party will be limited to those witnesses, exhibits and documents set forth in that party's pre-trial conference memorandum unless a supplemental pre-trial conference memorandum is filed and served with a copy furnished to the assigned judge. Unless an objection is filed within ten business days, the changes will be deemed unopposed.

H. *Orders*

At the conclusion of the pre-trial conference, the assigned judge shall issue an order certifying the case as ready for trial, placing it on a trial list and establishing deadlines.

**Rule 212.2B.      *Special Management Cases***

- A. Any party may file a praecipe for special management status with a proposed order. The praecipe shall be filed at any time up to thirty days after the close of the pleadings and shall state the reasons for the request. Objections to any such request shall be filed within seven days of service of the praecipe.
- B. Criteria for special management may include any of the following:
  - 1. Large number of parties.
  - 2. Large number of claims or defenses.
  - 3. Complex factual or legal issues.
  - 4. Large volume of evidence.
  - 5. Problems locating or preserving evidence.
  - 6. Extensive discovery.
  - 7. Exceptionally long time needed to prepare for disposition.
  - 8. Decision needed within an exceptionally short time.
  - 9. Need to decide preliminary issues before final disposition.
- C. Special management designation shall be at the discretion of the court. Cases granted special management status shall be assigned to an individual judge. Notice of the decision shall be served pursuant to Local Rule 236.
- D. Parties shall identify the assigned judge on all documents by including in the caption, under the civil action number, the words “SPECIAL MANAGEMENT: ASSIGNED TO JUDGE \_\_\_\_\_.”
- E. At any time after the court’s approval of special management status, any party may file a praecipe entitled request for status conference, with a certificate of service identifying all parties.
- F. The status conference shall address the following:
  - 1. All discovery issues.
  - 2. Identification of experts and the furnishing of their reports.
  - 3. Pre-trial motions.
  - 4. Settlement conference, mediation or summary jury trial.
  - 5. Final pretrial conference.
  - 6. Tentative trial date.
- G. The parties shall confer, by telephone or in person, and shall address each of the matters listed in Paragraph F. Plaintiff shall file and serve, not later than two business days before the status conference, a joint memorandum for status conference. The memorandum shall contain a brief, non-argumentative statement

of the nature of the case, a summary of the positions of the parties on the items in Paragraph F.

**Rule 212.3.                    *Pre-Trial Conference.***

A pre-trial conference may be scheduled at the discretion of the assigned judge.

***Editor's note:*** Adopted February 10, 2016. Effective upon publication on the UJS Web Portal.

**Rule 225.1.                    *Opening and Closing Statements***

Plaintiff shall open first and close last, and Defendant shall open second and close first.

***Editor's note:*** Amended February 10, 2016. Effective upon publication on the UJS Web Portal.

**Rule 226.                      *Points for Charge***

Points for charge shall be submitted to the trial judge as directed by the certification order.

***Editor's note:*** Amended February 10, 2016. Effective upon publication on the UJS Web Portal.

**Rule 227.1.                    *Post Trial Relief***

The party filing a post-trial motion shall serve a copy of the motion on the trial judge on the same day the motion is filed. That party shall also deliver to the trial judge the original and necessary copies of a proposed order for the transcription of the record. The trial judge shall enter an order addressing the transcription of the record and a briefing schedule.

**Rule 236.                      *Notice by Prothonotary of Entry of Order, Decree or Judgment***

The moving party shall provide sufficient copies of all orders, decrees or judgments, together with addressed, stamped envelopes, necessary for the prothonotary to comply with Pa.R.C.P. No. 236.

**Rule 257.                      *Money Paid Into Court***

Unless otherwise provided by the Pennsylvania Rules of Civil Procedure, a local rule or order of court, a party seeking to pay money into court shall file a petition which conforms to Pa. R.C.P. No. 2303(a) (1)-(4). Service shall be pursuant to Pa. R.C.P. No. 440, and proof of

service shall be pursuant to Local Rule 440.1. A petition shall be governed by Pa. R.C.P. Nos. 206.6 and 206.7.

**Rule 260.                    *Trial List***

When an action has been certified by the assigned judge as ready for trial the District Court Administrator shall place it on the trial list.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal.

**Rule 280.                    *Costs***

A. *Items of Allowable Costs*

Costs may include: fees of court appointed examiners, masters, auditors, accountants or other experts; statutorily permitted costs for the attendance of witnesses; and such other costs permitted by statute or allowed by the court.

B. *Security for Costs*

The court may require a party to post security for costs.

C. *Interlocutory Orders for Costs*

A party directed by an interlocutory order to pay costs may not take any further action until such costs are paid.

D. *Liability for Costs*

Costs shall follow the entry of judgment or decree unless the court directs otherwise.

E. *Time of Filing and Service*

Bills of costs must be filed and served within ten days after the entry of a judgment or decree.

F. *Exceptions*

Exceptions may be filed within five business days of the date of service or shall be deemed waived.

**Rule 285.                    *Accounts and Inventories***

A. *Accounts*

When an account is required in a civil action, the account shall proceed in accordance with the Lancaster County Rules of Orphans' Court, except that filings shall be with the prothonotary.

B. *Inventories*

Any fiduciary required to file an account shall file a signed and verified inventory within sixty days of appointment.

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**Rule 286.            *Sureties*****A.    *General Requirements***

Where security is required, a bond shall be filed and approved by the prothonotary before any action is taken. One corporate surety or two individual securities shall be required.

**B.    *Corporate Requirements***

A corporate surety, except as identified in Pa.R.C.P. No. 105, shall file with the prothonotary evidence that it is authorized to do business in Pennsylvania and its current financial statement, sworn to by an officer or authorized agent. A new financial statement must be filed at least annually by the third Monday of January. No corporation will be accepted as sole security for an amount greater than half its paid-in capital and surplus. The prothonotary shall keep a list of qualified companies.

**C.    *Individual Requirements***

No bond shall be approved until each surety has filed an affidavit which states that the surety is the owner of real estate having a value in excess of the penalty of the bond and which lists the surety's debts, liabilities and all legal exemptions. The affidavit shall state whether the surety is also a surety on any other obligations, and, if so, what they are. Tenants by the entireties shall be considered a single surety. No person concerned in the execution of process shall become a surety.

**D.    *Objections***

Any party in interest may object to the security in accordance with Pa.R.C.P. No. 1535.

**Rule 430.            *Service Pursuant to Special Order of Court. Publication***

The Lancaster Law Review is designated as the legal publication for the publication of legal notices.

**Rule 440.1.        *Proof of Service***

A proof of service shall conform to Pa.R.A.P. No. 122.

***Editor's note:*** Amended January 18, 2017, effective March 20, 2017.

**Rule 1018.1.      *Notice to Defend***

The following is designated to be named in the Notice to Defend as the organization from which information can be obtained:

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
Telephone: 717-393-0737

**Editor's note:** Amended, filed for public inspection December 17, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Rule 1028(c).      *Preliminary Objections***

- A. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(2), (3) or (4).*
1. *Proposed Order.* All preliminary objections shall be accompanied by a proposed order.
  2. *Stipulated Matters.* If the parties agree to the relief sought, the preliminary objections shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.
  3. *Brief.* The party filing preliminary objections shall file a supporting brief within ten days of the date of filing of the preliminary objections. If a supporting brief is not filed within ten days of the filing of the preliminary objections, the preliminary objections shall be deemed withdrawn upon praecipe of the respondent. In that event, the objecting party shall file an answer to the complaint within twenty days of the date the praecipe is filed.
  4. *Responsive Brief.* If a supporting brief is filed, the respondent shall file a responsive brief within twenty days after service of the supporting brief.
  5. *Reply Brief.* The moving party may file a reply brief within five days after service of the responsive brief.
  6. *Assignment.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.
  7. *Oral Argument.* Any party may request oral argument by filing a praecipe at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.



- B. *Preliminary Objections Pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6).*
- C. If the parties agree to extend the briefing schedule, the parties shall file a Notice of Extension of Briefing Schedule setting forth the agreed upon extension. The Objection(s) at issue will be sent to the assigned judge for disposition upon completion of the agreed upon briefing schedule or by praecipe of any party.

Any party filing preliminary objections pursuant to Pa.R.C.P. No. 1028(a)(1), (5) or (6) shall attach a notice to plead. Such objections are governed by Local Rules 206.1(a), 206.4(c) and 206.7.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017. Amended September 13, 2017, effective thirty days after publication in the *Pennsylvania Bulletin*.

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

- A. *Proposed Order.* All motions shall be accompanied by a proposed order.
- B. *Stipulated Matters.* If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.
- C. *Motion and Brief.* The moving party shall file the motion, proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.
- D. *Responsive Brief.* Within twenty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief.
- E. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.
- F. *Disposition.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.
- G. *Oral Argument.* Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

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

- A. *Proposed Order.* All motions shall be accompanied by a proposed order.
- B. *Stipulated Matters.* If the parties agree to the relief sought, the motion shall be accompanied by a stipulation signed by all affected counsel or unrepresented parties, a proposed order and a praecipe to assign the stipulated matter for disposition.
- C. *Motion and Brief.* The moving party shall file the motion, a proposed order and a supporting brief concurrently. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon praecipe of an opposing party.
- D. *Responsive Brief.* Within thirty days after service of the moving party's motion and brief, any party opposing the motion shall file a responsive brief, together with any opposing affidavits, depositions, transcripts or other documents. Any party who fails to file a responsive brief shall be deemed not to oppose the motion.
- E. *Reply Brief.* The moving party may file a brief in reply to the responsive brief within five days after service of the responsive brief.
- F. *Disposition.* After all briefs are filed the Prothonotary shall deliver the file to the assigned judge for disposition.
- G. *Oral Argument.* Any party may request oral argument by filing a praecipe, at the time of the filing of their brief. Oral argument shall be at the discretion of the judge.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended January 18, 2017, effective March 20, 2017.

**Rule 1042.21.                    *Medical Professional Liability Actions.  
Motion for Settlement Conference or  
Mediation***

A motion for mediation filed pursuant to Pa.R.C.P. No. 1042.21 shall propose a mediator and the conditions for the mediation. Any non-moving party shall have ten business days to file an objection and a praecipe to assign the motion for disposition. If the non-moving party's objection is to the proposed mediator or conditions for the mediation, that party shall propose an alternate mediator or alternate conditions for the mediation. If the non-moving party's objection is that there is no realistic possibility of settlement, that party shall state

the basis for that belief. A proposed order shall be attached to any motion or objection.

If an objection is filed, the assigned judge shall issue an order directing the moving party to place a telephone conference of all the parties and the judge or shall issue an order scheduling a chambers conference. If an agreement on a mediator or the conditions for the mediation cannot be reached during this conference or within the time granted by the Court and if the Court believes that there is a realistic possibility of settlement and that mediation should proceed, the judge shall appoint a mediator and resolve any other disputed conditions for the mediation.

If no objection is filed, the moving party shall file a praecipe to assign the motion for disposition.

**Editor's note:** Adopted, filed for public inspection December 17, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

### **Rule 1301.                    *Compulsory Arbitration. Scope***

- A. All civil suits or actions and landlord tenant disputes, where the amount in controversy is \$50,000.00 or less, when at issue, shall first be submitted to arbitration. In all landlord tenant disputes where the amount of alleged damages in controversy is \$50,000 or less, the arbitrators may award possession of the property in addition to any damages proven.
- B. This Rule shall not apply to cases involving title to real estate, cases which have been consolidated for trial with cases involving more than \$50,000.00 or cases requiring equitable or declaratory relief.
- C. A case is at issue 120 days after the filing of the answer.
- D. When the case is at issue, the Prothonotary shall notify the District Court Administrator.

**Editor's note:** Amended February 10, 2016. Effective upon publication on the UJS Web Portal. Amended September 13, 2017, effective thirty days after publication in the *Pennsylvania Bulletin*.

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

The President Judge shall appoint attorneys to serve as arbitrators and as chairpersons of boards of arbitrators. The District Court Administrator shall maintain the lists of attorneys so appointed and shall assign the attorneys to serve from those lists.

**Rule 1303.            *Hearing. Notice***

The District Court Administrator shall fix the date, time and place of the hearing, assign the arbitrators and give notice to the parties not less than sixty days before the hearing.

**Rule 1308.            *Arbitrators' Compensation***

Arbitrators and chairpersons shall be compensated at rates established by the President Judge.

**Rule 1507.            *Notice Pursuant to Pa. R.C.P. No. 1507***

When notice is required pursuant to Pa. R.C.P. No. 1507:

- A. The notice shall be given by publication pursuant to Pa. R.C.P. No. 430 and Local Rule 430.
- B. The notice shall state:
  1. That an action has been filed.
  2. The caption of the case as defined in Pa. R.C.P. No. 1018.
  3. The nature of the action and the relief sought.
  4. The nature of the noticed party's interest in the property.
- C. The notice shall also state that the noticed party may appear in the action and that, if the party fails to do so within thirty days of the publication, a decree which may bind the party's interests may be entered.

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## ACTIONS FOR SUPPORT

### **Rule 1910.11(a). *Hearings Before the Court. Scheduling. Responsibilities of Counsel***

- A. Upon motion of a party, the Court may approve a special listing. Upon approval, counsel shall contact the District Court Administrator to schedule a hearing. The scheduling shall not occur unless the District Court Administrator is notified of the Court's decision by counsel.
- B. The scheduling of a special relief hearing must be approved by the assigned Judge.

***Editor's note:*** Amended February 10, 2016. Effective upon publication on the UJS Web Portal.