

THE COURTS
Title 255-Local
Court Rules
Clearfield County
Civil Rules of Court
Order

NOW THIS 27 day of April, 2017, upon written certification from the Local Rules Committee that the foregoing proposed rules are not inconsistent with any general rule of the Supreme Court, the rules attached hereto are hereby adopted as the Rules of Civil Procedure for the Court of Common Pleas of Clearfield County.

It is the further ORDER of this Court that pursuant to Pa. R.J.A. 103(D)(5)(II) two paper copies of these rules be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and that a copy of said rules be distributed to the Legislative Reference Bureau on computer disc (CD-ROM).

It is the further ORDER of this Court that pursuant to Pa. R.J.A. 103(D)(5)(III) said rules shall become effective thirty (30) days after publication of the rules in the Pennsylvania Bulletin.

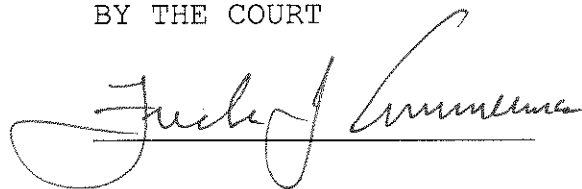
It is the further ORDER of this Court that pursuant to Pa. R.J.A. 103(D)(6) one (1) copy of the local rules be filed with the administrative office and that a copy of the rules be

published on the website of the Court of Common Pleas for Clearfield County.

It is the further ORDER of this Court that these rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary for Clearfield County and on the website for the Court of Common Pleas for Clearfield County, and that the Prothonotary, upon request and payment of reasonable cost for reproduction and mailing, shall furnish to any person a written copy of these rules.

Finally, it is the ORDER of this Court that all prior Local Rules of Civil Procedure are hereby RESCINDED.

BY THE COURT

A handwritten signature in dark ink, appearing to read "Judge J. J. Linn", written over a horizontal line.

Rule 51. Title and Citation Rules.

These Rules shall be known as "Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania, Rules of Civil Procedure" and may be cited as "46 J.D.R.C.P. _____"

Rule 52. Effective Date of Rules.

Each Rule adopted by the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania, shall become effective upon the date specified by the Court in promulgating such Rule.

Rule 53. Definition.

Unless the context clearly indicates otherwise, each word or phrase set forth in any Rule promulgated by the Court of Common Pleas of Clearfield County shall have the same meaning as that word or phrase is given in the Pennsylvania Rules of Civil Procedure with the exception of the following words or phrases:

(a) "Clerk" shall signify the Clerk of the Orphan's Court Division of the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(b) "Court" shall signify the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(c) "Rule" shall signify any Rule promulgated by the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

(d) "Party" or "Parties" shall signify the party or parties appearing in an action or the attorney or attorneys of record for such party or parties, whichever the context requires.

(e) "Prothonotary" shall signify the Prothonotary of the Court of Common Pleas of Clearfield County, 46th Judicial District, Commonwealth of Pennsylvania.

Rule 101. Principles of Interpretation and Construction of Rules.

When interpreting any Rule, the Principles of Interpretation, Rules of Construction, and Presumptions in Ascertaining Intent, set forth in the Pennsylvania Rules of Civil Procedure, "Pa.R.C.P.", shall be applied.

Rule 181. Admission to the Bar of this Court.

(a) During the month of January of each year, the Court Administrator shall certify to the Prothonotary and the Clerk a list of the active members of the Bar of the 46th Judicial District, which certified list shall be conclusive as to the seniority of the members of this Bar.

(b) Admission to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar,

which petition shall show: (1) that the applicant has been admitted to the Bar of the Supreme Court of Pennsylvania; (2) that he is a person of good moral character; and (3) either that he is a bona fide resident of Clearfield County or that he maintains his principal office for the practice of law in Clearfield County.

(c) Nothing contained in this Rule shall prevent any attorney who is in good standing as a member of the Bar of the Supreme Court of Pennsylvania from practicing in this court.

(d) Fifteen (15%) percent of the fee paid each attorney who serves as a Court appointed arbitrator or who serves as a Court appointed master or auditor shall be paid over by Clearfield County to the Clearfield County Bar Association to further the general purposes of that association.

(e) No attorney shall be admitted as surety in any action pending before that Court and the Prothonotary shall not accept any such bond or surety unless by leave of Court for special cause shown.

Rule 182. Appearances and Withdrawals.

(a) The signing of a pleading or motion by an attorney shall be deemed to constitute that attorney's entry of appearance, whether or not the signature is made on behalf of a professional corporation, partnership, or similar entity. Appearance by attorneys or parties not signing pleadings or motions shall be made by a written praecipe filed with the Prothonotary.

(b) Any appearance or pleading filed by an attorney must state an address at which pleadings and other legal papers can be served in the manner provided in Pa. R.C.P. 440 A.1. Said endorsement shall include a telephone number and the attorney's email address.

(c) Appearances of counsel may not be withdrawn, except by:

(i) Substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney.

(ii) Leave of Court, in which case, a Rule to Show Cause shall be issued to the client represented by the

movant and all other parties to the litigation or proceedings.

(iii) Leave of Court without a Rule to Show Cause where the Petition to Withdraw attaches thereto a consent to withdrawal signed by the client(s). The Petition shall be served upon all other parties to the litigation or proceedings and must state if any hearings or proceedings are scheduled in the case. It will be strictly up to the discretion of the Court whether to allow a withdrawal under this subsection without a hearing.

(iv) No PRAECIPE FOR SELF-REPRESENTATION - Pro Se will be accepted for filing or acknowledged as a withdrawal of appearance.

(d) All changes in counsel shall be evidenced by an appropriate praecipe filed in the office of the Prothonotary. Change of counsel will not be a basis for a continuance of any proceeding unless specifically allowed by the Court.

Rule 206.1 Petition Practice.

(a) As used in this chapter, "petition" means

(1) an application to strike and/or open a default judgment or a judgment of non pros, and

(2) any proper matter for which no other specific procedure is authorized or in which only a Petition is prescribed as the authorized procedure for bringing such matter before the Court for disposition.

(b) Rules to Show Cause shall be made returnable by the Court at a specified time, on a specified day, which Return Day shall not be less than twenty (20) days from the date of issuance of the Rule to Show Cause, unless the Court for good cause makes the Rule returnable at a different time.

(c) Motions and petitions shall be presented to the Court through the Court Administrator.

(d) Except for emergency matters and routine matters that are not contested, no motion or petition requesting ex parte action shall be heard by the Court unless the motion or petition contains a certification by counsel for the moving party that

prior notice of its presentation has been given to the other party or parties and all counsel of record.

(e) No rule shall be entered by the Court in which a matter is stayed unless said rule contains a certification by counsel for the moving party that prior notice of the presentation of the motion or petition has been given to the other party or parties or their counsel and all counsel of record, and the party or parties are given an opportunity to be heard consistent with exigencies of the case.

(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see Pa. R.C.P. 440) and upon the Court Administrator.

(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

(h) The respondent to whom the Rule to Show Cause is directed shall file and serve in the same manner as service is authorized by the Pennsylvania Rules of Civil Procedure (See Pa.R.C.P. 440) a verified Answer to the Petition or Motion at or before the time on the Return Day fixed in the Rule to Show Cause. Any objection shall be expressed in the Answer, and not by Preliminary Objections or New Matter.

(i) The Order for the issuance of a Rule to Show Cause shall be in the following form:

Now this ____ day of _____, 20__, upon consideration of the attached petition, a Rule is hereby issued upon _____ to Show Cause why the Petition should not be granted with written response to be filed within no more than twenty (20) days from the date of this Order.

1. Pre-trial conference with the Court is hereby scheduled on the ____ day of _____, 20__ at the Clearfield County Courthouse, in Judge's Chambers.

2. Hearing shall be held on the merits of the Petition on the _____ day of _____, 20__ at the Clearfield County Courthouse, Courtroom No. ____.

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING _____ BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641 ext. 5010

BY THE COURT,

JUDGE

Hearing on the merits shall be scheduled in the Order issuing the Rule to Show Cause, or at the discretion of the Court at time of the pre-trial conference.

(1) Upon the rule being issued, petitions and motions may be filed at any time.

Comment: This rule clarification is to make clear that the rule to show cause in petition/motion practice is a "notice to plead" by which time an answer to the petition or motion must be filed. A hearing date will be set contemporaneously with the issuance

of the rule, unless the Court orders a pre-trial conference. The Court will resolve all factual issues relevant to the petition/motion at the hearing.

(j) All facts alleged in the Petition or Motion which has the notice set forth in Rule 206.0(i) attached and which are not sufficiently denied by an Answer shall be deemed admitted. Where a Petition or Motion contains a rule to show cause with a notice set forth in Rule 206.1(i) and the Respondent does not file an Answer to the Petition or Motion, then the Court, upon motion of any party, may make the Rule absolute.

(k) No petition or motion shall contain exhibits which are already filed of record. To the extent that exhibits may be necessary at time of hearing the Court will take judicial notice of those exhibits. If necessary to resolve any factual issues, the Court shall admit such exhibits as part of the hearing record.

Rule 208.3. Motions.

(i) All Petitions and Motions, except those made in the course of trial or hearing, shall be in writing. The signing of a Petition or Motion by the attorney of record shall constitute a certification that he or she has read the Petition or Motion and that to the best of his or her knowledge, information and belief, there are good grounds to support it and that it is not interposed merely for delay.

(ii) All Petitions and Motions shall state with particularity the grounds on which they are based and, where written shall be in paragraph form, in conformity with Pa.R.C.P. 206.2. Further, all Petitions and Motions in writing shall precisely state the relief which is being sought and shall cite any statute or procedural rule authorizing the grant of such relief.

(iii) Petitions and Motions authorized by Pa.R.C.P. 1017(b) (Preliminary Objections), 1034 (Summary Judgment) and 1509 (Preliminary Objections) shall be filed with the Prothonotary. All other motions shall also be filed with the Prothonotary.

(iv) Any motion which does not require argument or hearing may in the sound discretion of the Court be signed granting the relief requested in the motion. All other motions shall proceed in the manner prescribed in Rule 206.1 et. seq.

(v) No motion shall contain exhibits which are already filed of record. To the extent that exhibits may be necessary at time of hearing the Court will take judicial notice of those exhibits. If necessary to resolve any factual issues, the Court shall admit such exhibits as part of the hearing record.

Rule 210. Briefs

(a) No brief shall be lodged or filed with the Court unless the Court expressly directs the parties to do so.

(b) All briefs shall be lodged with the Court Administrator and a copy thereof served upon every other party.

(c) Briefs shall be typewritten or printed on one side of the paper and double-spaced (except for quotations) on paper approximately 8-1/2 inches by 11 inches in size, and shall contain:

- (1) A history of the case.
- (2) A statement of the question or questions involved.
- (3) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
- (4) An argument with citations of the authority relied upon.
- (5) A conclusion.
- (6) Opinions of Court or Agency involved.

Rule 212.1 Status Conference.

In any civil action, a party shall have the right to request a status conference after sixty (60) days from the filing of the Complaint. Status conference shall be requested by filing a Praecipe for the same and providing a copy to the Court Administrator and opposing counsel (or party). Upon the

conclusion of the Status Conference, the Court may enter a case management order:

(a) directing that discovery shall be completed within a certain time, after which discovery may not be sought without agreement of the parties or special leave of court;

(b) directing the parties take such other actions as the Court deems will aid in the disposition of the action;

(c) directing that a further status conference be held within ninety (90) days; or

(d) setting forth any other such direction(s) as the Court deems to be appropriate.

Rule 212.2 Praecipe for Trial.

(a) Either party may file a praecipe to list the case for trial upon filing the following certificate:

- (1) that no motions are outstanding and that discovery has been completed and the case is ready for trial; or
- (2) that no motions are outstanding and that an order of the Court has been entered limiting the discovery to a period ending more than thirty (30) days prior to the filing of the praecipe; and
- (3) whether the case is to be heard jury or non-jury; and
- (4) that notice of the praecipe has been given to the attorney or attorneys representing the other parties.

(b) Any party objecting to the case being listed for trial shall file his motion to strike the case from the trial list within fifteen (15) days after receiving notice of the praecipe from the other party. Such motion shall:

- (1) set forth whether the other party has complied with subsection (a) of this rule;

(2) set forth whether the action has been listed for trial previously; and

(3) set forth the reason why the case should be stricken from the trial list;

(c) In the event the Court strikes the action from the trial list for failure to comply with subsection (a)(1) or (2) of this rule, the case will not be listed unless one of the parties files a praecipe for trial, or the Court orders that the case be listed for trial.

Rule 212.2A Pre-Trial Conference Upon Praecipe for Trial

(a) Upon a praecipe for trial, whether the trial is to be by jury or non-jury, the Court will schedule a pre-trial conference within sixty (60) days of the filing of the praecipe in order to establish a schedule for the filing of pretrial memoranda, exchange of expert reports, and to schedule trial dates and jury selection if necessary.

Rule 212.3 Call of the List.

There shall be no formal Call of the Trial List. Pre-trial conferences shall be scheduled following the Court's receipt of a Praecipe for Trial pursuant to the Clearfield County Local Rule 212.4.

Rule 212.4 Pre-Trial Conference.

(a) For purposes of this rule, "pre-trial" shall mean a type of conference described in Pa. R.C.P. No. 212.3.

(b) Pre-Trial conferences are extended to all actions, whether jury or non-jury, not subject to arbitration under Rule 1301.

(c) Any application for continuance of the conference shall be addressed to the Court.

(d) Counsel attending the pre-trial conference must have complete authority to stipulate on all items of evidence and admissions and shall, if possible, have full settlement authority.

(e) One week before the date set for the pre-trial conference each party shall file a pre-trial statement with the Prothonotary containing the following:

- (1) A narrative statement of the facts that will be offered by oral or documentary evidence at trial, and a statement of any unusual questions of evidence anticipated with respect to proof of such facts.
- (2) A statement of any unusual question of law anticipated with respect to the issues in the case. All such questions shall be presented with a statement of authority supporting the position taken with respect to such unusual questions of law.
- (3) A list of names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses.
- (4) Medical reports of any doctor who treated, examined or was consulted in connection with the injuries complained of, and who may be called as a witness.
- (5) The reports of any expert whose opinion will be offered in evidence at the time of trial. Such report shall include the findings and conclusions of the expert.
- (6) A list of all items of special damages which the party intends to prove, including medical bills, property damage bills (or estimates if there are no bills) and loss of earnings. Claims for loss of earnings shall set forth the names of employers, dates of absences and rates of pay. If the party is self-employed, information which forms the basis for the loss of income attributable to the injuries shall be supplied.
- (7) A list of exhibits which the party may use at trial.
- (8) A copy of any photographs, plan or plot proposed to be introduced into evidence.

(9) An estimate of the length of time which will be required to try the case.

(10) A list of proposed stipulations or special arguments which would simplify the trial of the case.

(f) Once a pre-trial conference has been held, a party shall not have the right to call any witness where the witness was not listed in the pre-trial statement, to call an expert witness where the report was not appended to the pre-trial statement, or to present any exhibit, photograph, plot or plan not listed or appended in the pre-trial statement unless application is made to the Court setting forth the reasons the witness, the report, the exhibit, photograph, plot or plan was not listed or appended to the pre-trial statement and after argument, the Court, in the exercise of its discretion, permits the use of said witness, report, exhibit, photograph, plot or plan at trial. Once the trial commences, no witness, exhibit, photograph, plot or plan shall be used by either party, except as rebuttal, unless they were listed in the pre-trial statement or their use has been authorized by special leave of court.

(g) The Court shall enter an order at the conclusion of the pre-trial conference setting forth the time of the selection of the jury, the days certain for the commencement of the trial, and any stipulations or any special agreements as to the case agreed upon by the parties.

Rule 212.5. Settlement Conference.

(a) In any action, the Court, on written application of any party, may list the case for a settlement conference if the following requirements are met:

- (1) Praecipes for trial have been filed with the Prothonotary.
- (2) All preliminary motions have been resolved.
- (3) All counsel involved in the case agree to the submission of the case.
- (4) All counsel agrees there is a reasonable chance of settlement.

(5) All discovery has been completed.

(b) The name of the insurance carrier must be disclosed and a representative of the insurance carrier must be present at the settlement conference with unlimited authority.

(c) The Plaintiffs and Defendants, if there is no insurance, in all cases listed must be present at the settlement conference.

(d) In order to expedite the preparation of the settlement conference list, counsel are required to submit the following information:

- (1) Caption of case and number.
- (2) Companion case, if any; and number.
- (3) Date praecipe for trial was filed.
- (4) Names of all counsel involved in case.
- (5) Names of insurance carriers.
- (6) Names of insurance company representatives who attend conference.
- (7) Policy limits of applicable insurance, if any.

(e) Counsel shall submit a memorandum to the judge before whom the case is scheduled at least ten (10) days prior to the scheduled conference.

(f)

- (1) Counsel shall be notified at least thirty (30) days in advance of settlement conference of the scheduling thereof.
- (2) Settlement conference memoranda shall include, but not be limited to a statement of facts, damages, stipulations desired, witnesses, negotiations, strength and weaknesses of each side of the case and any unusual law. The parties' memoranda shall be for the eyes of the settlement conference judge only. There is to be no exchange by the parties of the memoranda.

- (3) Failure to submit a memorandum in accordance with these rules and/or failure to promptly attend the settlement conference may be deemed to be contempt of Court and subject to such sanctions as the Court may impose.

(g)

- (1) The settlement conference Judge may request part of the time alone with each attorney in order to discuss strengths and weaknesses of each side of the case.
- (2) In the event no settlement is reached, further attempts to settle the case as the settlement conference Judge deems appropriate shall be instituted by said Judge, with the approval of the President Judge if the settlement conference Judge is a Senior Judge.
 - (i) Where the case has been assigned to one Judge for trial, the other Judge or a Judge specifically assigned shall be assigned as the settlement conference Judge.

Rule 216. Jury Selection and Continuances.

(a) Jury Selection: Jury selection shall be held three times each year at such dates as determined by the President Judge.

(b) Continuances:

- (1) A case that has been properly certified as ready for jury selection and is in all other respects ready for trial may, nevertheless, be continued one time by agreement of counsel without Court approval, unless a jury has been selected.
- (2) No continuance by agreement of counsel will be permitted after a jury has been selected without the written consent of the attorneys and approval of the Court.
- (3) A continuance may be granted by the Court in the exercise of its discretion due to the death,

illness, or incapacity of a party or witness only after argument and the presentation of evidence of such death, illness or incapacity.

Rule 221. Examination of Jurors.

(a) After the jury panel for a particular case is drawn, a list of the persons on such panel shall be handed to each attorney involved in the case, and the Court shall inform the jurors of the names and residences of each of the parties, the nature of the suit, and the names of the attorneys and their associates.

(b) Initial voir dire examination shall be conducted by the Court. The Court shall permit counsel to supplement the Court's voir dire examination by such further inquiry as it deems proper.

Rule 225. Openings and Closings.

(a) The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principles:

- (1) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.
- (2) Opening remarks shall consist only of a succinct statement, without argument, of the positions and contentions of the party represented by the speaker and a brief recital of the evidence intended to be introduced in support of same.
- (3) Counsel for the party having the burden of proof of the issue on the pleadings shall open the case and shall be followed by opposing counsel and by third parties in the order in which they appear in the caption of the action, unless otherwise agreed.
- (4) Counsel for defendant or any third party defendant may elect to make the opening address prior to the taking of any testimony or immediately prior to the presentation of evidence by the defense, unless the trial Judge in a particular case requires such opening address by

the defense counsel to be made at a particular time.

- (5) At the conclusion of the evidence, closing argument shall be presented by counsel in the reverse order in which counsel was entitled to open, so that counsel for the party having the burden of proof shall close last.

Rule 226. Points for Charge.

Points for charge shall be provided to the Court prior to closing arguments of counsel. For each requested point for charge, Counsel shall cite legal authority in support of the requested point for charge. At request of counsel, conferences may be held prior to closing arguments on points for charge and specific judicial rulings on the points submitted may be requested.

Rule 227.1. Post-Trial Conferences.

In every case in which a Motion for Post-Trial Relief has been filed, the Court may schedule a post-trial conference to be held as soon as the business of the Court permits. The purpose of such conference shall be to determine the precise issue or issues that have been raised in said post trial motion and the extent of the trial record which will need to be transcribed. Additional reasons in support of the motion for post trial relief shall be filed within ten (10) days of the receipt of the trial transcript but only if leave is requested at the time of the filing of the motion for post trial relief and leave is granted by the Court at the post trial conference.

Rule 227.2. Motions: Post-Trial and Post-Hearing.

The moving party in all post-trial motions and post-hearing motions or petitions shall, if argument thereon is to be with reference to the testimony, include a request for a transcript of the testimony, or such part thereof as the moving party desires to have transcribed for the purposes of such motion.

Rule 223. Service of Petitions, Rules, Complaints, Orders and Notices.

Whenever service by publication is authorized by law or rule of Court and the manner of publication is not otherwise

specified, such service shall be made by publishing the required notice one time in a newspaper of general circulation in Clearfield County and in the Clearfield County Legal Journal. Affidavits of publication shall be filed in the Office of the Prothonotary or Clerk. Newspaper publication shall be in the Clearfield Progress. However, if the Defendant(s)/Respondent(s) last known address was in the City of DuBois, Troutville Borough or the Townships of Brady, Houston, Sandy or Union publications shall be in the DuBois Courier Express. Newspaper publication shall also be in the DuBois Courier Express if the action involves real property located in any of the above listed municipalities.

Rule 251. Court Records.

(a) Filing.

- (1) All documents filed in any office of the Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident or mistake shall be conclusive evidence of such date and time of filing.
- (2) All pleadings shall be endorsed with the name of the party filing the pleading, the party's complete address, telephone number, fax number and email address. In the case of a pleading filed by an attorney said pleading shall be endorsed with the full name of the attorney, the name of the firm, the complete address of the firm, telephone number, fax number and email address.
- (3) No pleadings, papers, affidavits or other documents may be filed in any office of the Court on paper other than 8-1/2" x 11" in size.
- (4) No paper shall be filed in any office of the Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than pica, and double spaced; and contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding and the name of the paper. All papers filed shall be endorsed with the name, address and I.D. number of the attorney filing it

or the name and address of the party if there is no attorney. The caption of any paper filed subsequent to a Complaint need only state the name of the first party on each side with an appropriate indication of the other parties.

(b) Removal of Court Records.

- (1) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or Clerk without a written order signed by the Court requiring the return of such record or document within a specified time; provided, however, that under no circumstances shall a bond or recognizance be removed while the same continues in force or effect. In cases where the Court authorizes the removal of records or documents, the Prothonotary or Clerk, as the case may be, shall take a written receipt for the records or documents removed and shall cause the same to be noted in a book maintained for such purpose and filed with the record papers in the case, which receipt shall be cancelled upon return of the records or documents removed.
- (2) In cases pending in this Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or Clerk may deliver record papers or dockets to the appointed officer of the Court, accepting in return such officer's written receipt which shall be noted and filed as hereinbefore set forth.
- (3) The provisions of this Rule do not apply to the delivery of records to Judge's chambers or courtrooms.

Rule 252 Costs.

(a) Costs shall follow the verdict or decree, unless the Court orders otherwise.

(b) Taxation of costs. A party entitled to costs shall file a bill of cost, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. A certificate of service will be filed within five (5) days of the filing of the bill of cost. If no

objections to the bill of costs are filed by any party within twenty (20) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.

(c) Bill of costs shall be filed within thirty (30) days of the entry of the verdict or decree, or within sixty (60) days of the entry of an order of the appellate Court where a matter is reversed.

Rule 261. Court Administrator.

The President Judge shall appoint a Court Administrator, who shall serve at the discretion of the Court (and the Administrative Office of Pennsylvania Courts) and under the supervision and jurisdiction of the Court. The duties of the Court Administrator shall be:

(a) List all cases at law for trial upon praecipe filed with the Prothonotary or upon order of the Court.

(b) List all cases in equity for trial upon praecipe filed with the Prothonotary or upon order of the Court.

(c) List all motions, exceptions or reports of masters in divorce, and preliminary objections for argument or decision in conformity with Local Rules 206 and 211.

(d) Schedule the trial of equity cases and other civil nonjury trials.

(e) Perform such other duties at the Court may from time to time assign to him or her.

Rule 307. Prothonotary.

(a) The Prothonotary shall immediately endorse all papers filed with the date of such filing, and shall enter into an appropriate docket all pleadings, rules, orders of court and other papers filed in every case before the pleadings, rules, orders of Court and other papers leave the Prothonotary's office.

(b) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or Clerk, except in accordance with Rule 251(b).

(c) Only the Prothonotary, his clerk, attorneys registered in Clearfield County and Attorneys of record in a particular case and such other persons as the Prothonotary or the Court shall specially authorize shall be permitted to have direct access to the Court's files in the Prothonotary's Office.

(d) No entries shall be made in any Prothonotary's docket except at the direction of the Prothonotary or by order of Court.

(e) All papers filed with the Prothonotary shall be designated numerically starting with the number one for each calendar year and with appropriate alphabetical symbols to differentiate between the various proceedings filed.

Rule 319. Termination of Inactive Civil Cases.

(a) From time to time the Court shall list for General Call a list of all civil matters in which no steps or proceedings have been taken for two years or more prior thereto.

(b) The Court shall give at least thirty (30) days notice to counsel of record, and to the parties for whom no appearance has been entered and that an order will be entered at that time terminating the case on grounds of unreasonable inactivity pursuant to Rule of Judicial Administration 1901 unless some action is taken before the General Call, or good cause is shown as to why the case should not be terminated.

(c) The notice herein required shall be in person or by mail to the last address of record of counsel or the parties setting forth a brief identity of the matter to be terminated.

(d) When the Prothonotary is unable to give notice in person or by mail, notice of service shall be made in such form and manner as are in accordance with P.A.R.J.A. 1901(c) or as the Court, by order, may direct.

(e) The Prothonotary shall file an affidavit of service or other effective proof of service of the herein prescribed notice of intention to terminate inactive cases.

(f) If no good cause for continuing any case is shown at the General Call, an order shall be issued forthwith by the Court for dismissal of said case.

Rule 1018.1 Notice to Defend.

The person, to be named in the Notice to Defend, from whom legal help can be obtained is:

COURT ADMINISTRATOR
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830
(814)765-2641 ext. 5010

Rule 1028C. Preliminary Objections.

(a) Preliminary Objections shall be filed with the Clearfield County Prothonotary, along with a scheduling order for the Court's use.

(b) The Court shall schedule argument upon the preliminary objections.

(c) The moving party shall notify all other parties to the proceeding of the date, time and location of the argument.

(d) No briefs shall be required from any party unless the Court directs the filing of briefs which shall be lodged with the Court Administrator on or before the due date specified by the Court. Copies of each parties' brief shall be served upon every other party to the proceeding.

(e) This rule shall not apply to family law matters or actions pursuant to the eminent domain code of 1960.

Rule 1034.A. Motion for Judgment on the Pleadings.

(a) All motions for judgment on the pleadings shall be filed with the Clearfield County Prothonotary, along with a scheduling order for the Court's use.

(b) A motion for judgment on the pleadings shall proceed as set forth in Local Rule 206.1 et. seq.

Rule 1035.2A. Motion for Summary Judgment.

(a) all motions for summary judgment shall be filed with the Clearfield County Prothonotary along with a scheduling order

for the Court's use. The scheduling order shall also provide that the responding party(s) shall have no more than twenty (20) days to file a written response from the date of the Court's order.

(b) a motion for summary judgment shall proceed as set forth in Local Rule 206.1 et. seq.

Rule 1301. Compulsory Arbitration.

(a) All civil cases, wherein the amount in controversy (exclusive of interest and costs) shall be Twenty Thousand (\$20,000.00) Dollars or less shall be submitted to and be heard and decided by a Board of Arbitration consisting of three (3) members of the Clearfield County Bar Association upon the filing of a Certificate of Readiness on the form prescribed by these rules.

(b) Any civil case, regardless of the amount in controversy, upon approval of the Court, may be referred to a Board of Arbitration, by written agreement signed by all parties or their counsel.

(c) The Court, on its own motion, or on motion of either party, may direct that any case may be submitted, heard and decided by a Board of Arbitration. The Court may also determine the amount in controversy as to any case and may enter an Order directing that the case proceed to a Board of Arbitration in conformity to P.A.R.C.P. 1021(d).

(d) In all such instances set forth in subparagraphs (b) and (c) above the award of the Board of Arbitration shall be limited to an amount no greater than Twenty Thousand (\$20,000.00) Dollars.

Rule 1302. Selection of Date for Arbitration and Selection of Board of Arbitration.

(a) Upon receipt of a Certificate of Readiness, certifying there are no motions outstanding, discovery is completed and the case is ready for trial, the Office of the Court Administrator of Clearfield County shall select a date for arbitration which shall be sixty (60) to seventy-five (75) days from the date of filing of the Certificate of Readiness. The Certificate of Readiness shall also include the estimated time needed for the arbitration hearing.

(b) The Office of the Court Administrator of Clearfield County shall send notification to all counsel and/or pro se parties in the case, to verify they have no conflict with the arbitration date. Contact shall be made via regular USPS mail, and, in the case of pro se participants, also by USPS Certified mail with return receipt. Additionally, an e-mail can be sent to all parties that have provided their e-mail addresses. A deadline for reply as to acknowledgement of the arbitration date shall be included in the notice.

(c) When the arbitration date is set, the Office of the Court Administrator of Clearfield County shall contact members of the Clearfield County Bar Association with the date of the arbitration and case captions in order to obtain the services of four (4) to six (6) potential members for a Board of Arbitration. This contact can be made via regular mail or via an e-mail.

(d) The Office of the Court Administrator of Clearfield County shall send the list of potential members of the Board of Arbitrators to counsel and/or pro se participants, via regular mail or e-mail, if e-mail addresses are available, requesting a reply in writing by a date certain as to name of one potential arbitrator that counsel and/or the pro se participant wishes to strike from the Board.

(e) Once the date certain for response has passed, the Office of the Court Administrator shall eliminate from the potential Board of Arbitration those individuals who have been stricken and then shall select for appointment by the Court the three Bar Association members, in order of seniority within the Bar Association, with the most senior member being designated as Chairperson.

(f) In the event of extraordinary circumstances, the President Judge, in the exercise of the Court's discretion, may directly select and appoint a Board of Arbitration without the input of the parties or their counsel.

(g) The Office of the Court Administrator shall mail or e-mail a certified copy of the Court Order setting the date of Arbitration and appointing the individual Board members to all counsel, pro se participants and members of the Board.

Rule 1303. Continuance of Arbitration Cases.

Once the case has been scheduled for an arbitration, no continuance shall be granted without Court approval. The requestor must file a Motion for Continuance with the Prothonotary in order for the Court to consider the request.

RULE 1304. Pre-Trial Statement.

(a) At least seven (7) days prior to the day of the scheduled arbitration, each party shall file a Pre-Trial Statement with the Clearfield County Court Administrators Office, with a copy thereof being served on each of the three members of the Board of Arbitration and all other named parties in the case.

(b) The Pre-Trial Statement shall consist of the following:

- (1) a brief statement of the facts of the case and/or the defense being asserted;
- (2) citation to any applicable statutes or cases;
- (3) a list of the witness to be called; and
- (4) a statement of damages and copies of those bills which each party intends to offer.

(c) In the event no Pre-Trial Statement is filed for a party within at least seven (7) days prior to the date of arbitration, that party shall not have the right to call any witness or present any exhibit, photograph, plot or plan not listed or appended in the Complaint or in the parties pleadings or Pre-Trial Statement, unless application is made to the Court setting forth the reasons a Pre-Trial Statement was not filed and, after consideration by the Court, the Court in the exercise of its discretion permits the late filing of the Pre-Trial Statement.

Rule 1305. Arbitration Hearings.

(a) When a panel of Arbitrators shall be assembled, they shall be sworn or affirmed to justly and equitably try all matters properly at issue and submitted to them by any person having authority to administer oaths.

(b) The Board of Arbitration shall conduct the hearing before them with due regard to the law and according to the established rules of evidence and they shall have the powers of a Court to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to

be offered by depositions and to decide the law and the facts of the case submitted to them.

(c) The President Judge shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings as well as in regard to the application of these rules.

(d) Witness fees in any cases referred to the Board of Arbitration shall be in the same amount as is currently in effect for witnesses in trials before the Court of Common Pleas of Clearfield County. The cost thereof, in any case, shall be paid by the same party or parties by whom they would have been paid had the case been tried before the Court of Common Pleas of Clearfield County.

Rule 1306. Report and Award of Board of Arbitration

(a) Immediately following the hearing, unless a question of law arises which requires briefing in which case the award shall be filed no later than ten (10) days after the hearing, the Board of Arbitration shall file a report and award with the Prothonotary on the same day. The report and award shall be signed by all or a majority of the members of the Board. The Prothonotary shall mail or otherwise forward copies thereof to all parties or their counsel. The Prothonotary shall file the report and award on the docket of the case.

(b) The report and award, unless appealed from as herein provided, shall be final and shall have all the attributes and legal effect of a verdict. If no appeal is taken within the time allotted therefore, the successful party or counsel may enter a judgment on the award upon praecipe after which execution process may be issued upon such judgment as in the case of other judgements.

Rule 1307. Bills as Evidence in Arbitration Hearings

(b) In actions before the Board of Arbitration involving personal injury, the following bills may be offered and received in evidence, without further proof, for the purpose of proving the value and reasonableness of the charges for services, labor and materials, or items contained therein and where applicable, the necessity for furnishing the same, on condition that Thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties, or their

attorneys, accompanied by a copy of the bills to be offered in evidence, unless counsel for the adverse party or the adverse party shall notify counsel for the claimant in writing no later than Two (2) weeks prior to the day set for hearing that the value and reasonableness of the charges are disputed:

- (1) Hospital bills on the official letterhead or billhead of the hospital when dated and itemized;
- (2) Bills of doctors, eye doctors, mental health professionals and dentists, when dated and containing a statement showing the date of each visit and the charge therefore, and accompanied by a statement of the correctness and reasonableness of the charges and that the service rendered was, in his or her opinion, necessary and casually connected with the incident involved;
- (3) Bills of registered nurses, licensed practical nurses or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges therefore, and accompanied by a statement of the nurse or physical therapist of the correctness and reasonableness of the charge and that the services rendered were in his or her opinion necessary;
- (4) Bills for medicine, eye glasses, prosthetic devices or similar items, when accompanied by a letter from the supplier stating that the charge is correct, reasonable and represents the market value of the item or items referred to therein;

(c) In actions before the Board of Arbitration involving damage to property, repair bills and estimates, when identified and itemized setting forth the charges for labor and materials, may be offered and received in evidence without further proof, for the purpose of proving the value and reasonableness of the charge, on condition that Thirty (30) days written notice prior to the day set for arbitration has been given to the adverse party or parties or their counsel and no indication has been

received indicating the bills, estimates or amounts are disputed.

Rule 1308. Appeals

(a) Any party may appeal from the award of the Board of Arbitration to the Court of Common Pleas of Clearfield County. The right to appeal shall be subject to the following conditions, all of which shall be complied with within thirty (30) day after the award is filed with the Prothonotary:

- (1) The Appellant shall pay an appeal fee as required by law and shall file with the Prothonotary a Notice of Appeal and shall serve a copy thereof upon the adverse party or opposing counsel;
 - (2) The Appellant shall file an affidavit with the Prothonotary certifying that the appeal is not taken for delay, but because it is believed that an injustice has been done;
 - (3) The Appellant shall file a recognizance bond with sufficient surety in double the amount of the costs likely to accrue, conditioned for the payment of all costs that may be legally recovered in such case against the Appellant;
 - (4) The Appellant shall pay all record costs accrued to the time of the taking of the appeal; and
 - (5) The Appellant shall pay to the Prothonotary for the use of the Court the total sum of the amount of the Arbitrators fees paid in the case or an amount equal to fifty (50%) percent of the amount in controversy, whichever is the lesser. The sum so paid shall not be taxed as costs in the case and shall not be recoverable by the Appellant in any proceedings.
- (b) All appeals taken from the Board of Arbitration award to the Court of Common Pleas of Clearfield County shall be de novo.
- (c) In the event of an appeal from the award or decision of the Board of Arbitration, the Arbitrators shall not

be called as witnesses as to what took place before them in their official capacity as Arbitrators upon any hearing de novo.

Rule 1309. Compensation of Arbitrators

- (a) Each member of the Board of Arbitration shall receive the following sums as a fee for their appearance as an arbitrator on the Board of Arbitration:
- (1) Each attorney shall receive an appearance fee of One Hundred Fifty (\$150.00) Dollars for appearing as a member of the Board of Arbitration;
 - (2) An additional fee of Fifty (\$50.00) Dollars in the event that the attorney is required to hear cases until 10:00 A.M.
 - (3) An additional fee of Seventy-Five (\$75.00) Dollars if the attorney is required to be present and hear cases between the hours of 10:00 A.M. and 12:00 Noon;
 - (4) An additional fee of One Hundred Fifty (\$150.00) Dollars if an attorney, after a normal lunch break, is required to return for arbitration after 1:00 P.M.
 - (5) If an attorney is only scheduled for afternoon arbitration, an additional fee of Fifty (\$50.00) Dollars if the attorney is required to hear cases until 2:00 P.M. and an additional fee of Seventy - Five (\$75.00) Dollars if the attorney is required to remain after 2:00 P.M.
- (b) In cases requiring hearing of undue length or of unusual complexity, the President Judge, on petition of the members of the Board of Arbitration and for cause shown, may allow additional compensation. The members of the Board of Arbitration shall not be entitled to receive their fees until all reports and awards shall be filed with the Prothonotary. Fees paid to Arbitrators shall not be taxed as costs nor following the awards as other costs.

Rule 1511. Judgment upon Default or Admission.

In all equity cases in which a judgment is entered upon default or admission, the plaintiff shall submit to the Court a proposed decree for the Court's consideration when entering the appropriate decree.

Rule 1910. Application for Alimony Pendente Lite, Counsel Fees, Costs and Expenses

(a) Any party may file a count in the complaint, a counterclaim or petition for alimony pendente lite, counsel fees, costs and expenses.

(b) The moving party must file with the application for relief an income and expense statement, a copy of his or her most recent tax return and pay receipts for six (6) months prior to the date of his or her application.

(c) If the application is filed by complaint or counterclaim, the complaint or counterclaim must be endorsed with a Rule to Show Cause as provided in Rule 206.1(h)(i). If the application for relief is filed by petition, the moving party shall follow the practice set forth in Rule 206.1 et. seq.

(d) The responding party must file an income and expense statement, a copy of his/her most recent tax return and pay receipts for six (6) months preceding the date of his/her response by the return date set by the Court.

(e) The failure of a party to file an income and expense statement, tax return or pay receipts shall not be cause for a continuance of the hearing date set by the Court. The Court shall have the option to proceed to a hearing without the required filings.

Rule 1920. Divorce Master.

(a) Either party may request the appointment of a Master in Divorce by filing a Praecipe with the record.

(b) Upon the receipt of a praecipe requesting appointment of a Master, the Court will appoint a Master and schedule a pre-hearing conference among the Master, counsel and the parties.

(c) At such time as designated by the Court or the Master, the parties shall file and exchange Inventory and Appraisal,

Pre-Trial Statement and Budget Information documents, as well as providing copies of the same to the Master.

(d) In order to defray the costs of the Master's hearing, the Court will issue an order setting the amount payable by each party and setting a deadline for payment. Master's fees are payable at Judge Cherry's Chambers or mailed to J. Shirey, Judge Cherry's Chambers, 230 E. Market Street, Clearfield, Pa 16830 and any check or money order shall be made payable to the Treasurer of Clearfield County. The amount paid is non-refundable. In the event that any party fails to submit the payment for the Master by the due date, an additional Administrative fee of \$100.00 will be added to the delinquent party's fee for the Master's hearing.

(e) It shall be the responsibility of the Plaintiff to obtain the services of an independent court reporter to be present for the Master's Hearing for the purposes of producing the appropriate record. The court reporter hired must have the ability to prepare any order(s) and/or settlement documents required on the day of the hearing. No less than ten (10) days prior to the Master's Hearing, counsel for the Plaintiff (or the Plaintiff) shall, by letter, confirm to the Master that the Plaintiff has obtained an independent court reporter for the Master's Hearing. The Master in Divorce shall be at liberty to assign costs related to the court reporter to either or both parties in such manner as the Master deems to be appropriate when issuing the Master's Report. Following the hearing, any party which desires a transcript of the same shall be responsible for the costs of the same, pursuant to Local Rule and the Rules of Judicial Administration.

(f) In the event that either or both parties shall fail to comply with any of the provisions as set forth above, the Court will schedule a contempt hearing in order that the appropriate sanction(s) may be imposed.

Rule 4005. Written Interrogatories to a Party.

Without leave of Court or written consent, any party may serve upon any other party written Interrogatories not exceeding 50 in number, including all discreet subparts. Leave to serve additional Interrogatories may be granted by Order of Court upon cause shown and consistent with the provisions of Pa.R.C.P. Rule 4005(c).

Rule 4008. Oral Depositions-Limitation.

If the parties do not agree otherwise, the place of taking of any deposition of a non-expert shall be within the boundaries of Clearfield County, Pennsylvania. If counsel wish to take any deposition in the Clearfield County Courthouse, the date, place and time of deposition shall be coordinated with the Clearfield County Court Administrator.