

G. Weber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY

IN RE: Amendments to the Lycoming County  
Rules of Procedure

Docket number  
05-00136

ORDER

AND NOW, this 21<sup>st</sup> day of March, 2005, it is hereby ORDERED AND

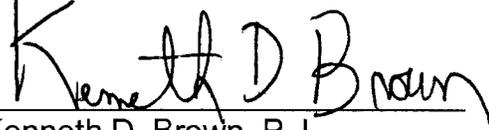
DIRECTED as follows:

FILED  
LYCOMING COUNTY  
2005 MAR 28 A 9:33  
JULIAN J. BURD  
PROTHONOTARY &  
CLERK OF COURTS

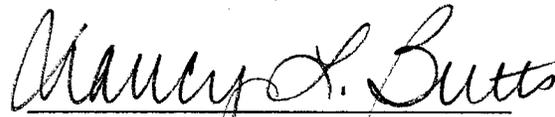
1. The following Lycoming County Rules of Civil Procedure promulgated by the Order of 20 January 2005 are hereby rescinded: L205.2; L208.2; and L208.3.
2. The attached new Lycoming County Rules of Civil Procedure are promulgated with the following numbers: L205.2(a) and L205.2(b); L206.4(c); L208.2 (d) and L208.2(e); L208.3(a) and L208.3(b).
3. Lycoming County Rules of Civil Procedure L1028(c); L1034(a) and 1035.2(a) promulgated by the order of 20 January 2005 are hereby amended as indicated on the attached.
4. The Court, upon filing with the Prothonotary, will forward a copy of this order to the Pennsylvania Civil Procedural Rules Committee by attachment to e-mail addressed to [civil.rules@pacourts.us](mailto:civil.rules@pacourts.us).
5. The Prothonotary is directed to:
  - a. Forward one (1) copy of this order to the Lycoming Reporter for publication therein.

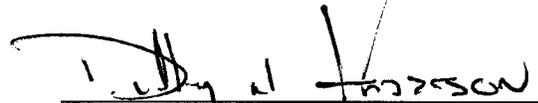
- b. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.
  - c. Keep continuously available for public inspection and copying copies of this order and the rules promulgated here only.
6. The rule changes approved by this order shall become effective upon publication on the website of the Administration Office of Pennsylvania Courts per Pa. R.C. P. 239.8(c)(d).

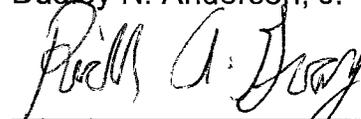
BY THE COURT,

  
Kenneth D. Brown, P.J.

  
William S. Kieser, J.

  
Nancy L. Butts, J.

  
Dudley N. Anderson, J.

  
Richard A. Gray, J.

**L205.2. Filing Legal Papers with the Prothonotary**

(a) **Size of Paper.** All pleadings, motions, petitions, briefs, and other legal documents filed with the prothonotary shall be on paper size 8 ½ inches by 11 inches, unless otherwise required by rule or order of court.

(b) **Required Cover Sheets**

A. **Initial Case Monitoring Notice.** This requirement applies to civil actions, statutory appeals, or any other matter commenced by filing a document with the prothonotary, except a domestic relations case.

1. When filed, every complaint, writ of summons, appeal or, any other initial document which is filed to commence a civil matter requiring a trial or arbitration hearing, shall be accompanied by two copies of the initial case monitoring notice which shall be substantially in the form set forth under subsection 4 of this section.
2. The initial case monitoring notice shall not exceed one page. If necessary, the caption may be abbreviated to accommodate this requirement.
3. After the initial case monitoring notice is filed, the procedures set forth in rule L1007 shall apply.
4. The form of the initial case monitoring notice shall be substantially as follows:

**COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA**

**INITIAL CASE MONITORING NOTICE AND ORDER**

Plaintiff \_\_\_\_\_ : DOCKET NO:  
vs. \_\_\_\_\_ : CIVIL ACTION  
Defendant \_\_\_\_\_ :  
: TYPE OF ACTION: \_\_\_\_\_  
:

1. This matter was commenced on the date of \_\_\_\_\_ by  
\_\_\_\_\_ complaint \_\_\_\_\_ writ of summons \_\_\_\_\_ other (specify): \_\_\_\_\_.

2. It is requested the case be processed under Lyc. Co. R.C.P. L1007 as follows (check one):  
\_\_\_\_\_ ARBITRATION (Damages of \$25,000 or less; hearing in 6-12 months)  
\_\_\_\_\_ NORMAL TRACK (Trial in 12-18 months)  
\_\_\_\_\_ COMPLEX TRACK (Trial in 18-24 months)  
\_\_\_\_\_ ADMINISTRATIVE TRACK (First trial term after 90 days)

Name(s) of Filing Party(ies) \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**ORDER**

1.(a) \_\_\_\_\_ A case scheduling conference is scheduled for \_\_\_\_\_,  
at \_\_\_\_\_, \_\_\_\_\_.M., in courtroom no. \_\_\_\_\_; the parties or their counsel shall attend.  
Plaintiff shall initiate discussions on a case scheduling order, in compliance with Lyc. Co.  
R.C.P. L1007A. (See court Calendar or refer to [www.lycolaw.org](http://www.lycolaw.org) for trial term dates and  
deadlines.) An agreed-upon proposed case scheduling order may be filed in advance of the  
date of the scheduled conference.

(b) \_\_\_\_\_ The court administrator is directed to place this case on the next trial list occurring more than  
90 days after the date of this order pursuant to Lyc. Co. R.C.P. L1007B.

2. FILING PARTY SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER UPON ALL OTHER PARTIES  
OR THEIR ATTORNEYS AND FILE PROOF OF TIMELY SERVICE.

\_\_\_\_\_  
Judge Date

cc: Deputy court administrator

Name of filing party/attorney - include address and telephone number

**B. Motion Cover Sheet.** The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court or family court hearing officer, except a motion for a continuance (see rule L205.2(b)c regarding continuance).

**NOTE:** The use of this cover sheet is also required in orphans' court; see, Lyc. Co. O.C.R. L3.4.

1. A cover sheet substantially in the form set forth in subsection 7 of this section shall be attached to the front of every request for a court order to which this rule applies, with the exception of any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached.
2. The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.
3. If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.
4. If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pre-tried.
5. A proposed order granting the relief requested shall be attached to the cover sheet.
6. The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.
7. The form of the cover sheet shall be substantially as follows:



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

A. A rule to show cause shall be discretionary pursuant to Pa. R.C.P. 206.5.

B. A cover sheet that complies with rule L205.2(b)B shall be attached to any petition or request for relief requiring the issuance of a rule to show cause. The cover sheet includes thereon a rule to show cause order and no separate rule to show cause order is to be submitted.

C. When issuing the rule to show cause included on the cover sheet, the court shall indicate on the cover sheet whether the petition or other request for relief will be scheduled for an argument or evidentiary hearing, whether discovery on the issues will be allowed, whether an answer will be required or if briefs are required.

D. The court will grant or deny a request for a stay of execution pending disposition of a petition to open a default judgment based upon the initial review of the facts as set forth in the petition.

**L208.2 Motions. Form. Content.**

**(d). Uncontested motions.** If a motion is presented as uncontested the basis therefore shall be set forth on a page immediately following the cover sheet in the form of a written stipulation of all interested parties or a certification of filing counsel or verified statement by unrepresented parties as to the basis upon which it is appropriate to enter the uncontested order.

**(e). Discovery motions.**

A. All discovery motions to compel discovery or for a protective order shall include a certification by moving counsel that concurrence in the motion was sought from opposing counsel and pro se parties. The certification shall be contained on a separate page and attached following the cover sheet to the front of the motion. The certification shall state the following information:

1. the manner in which concurrence was sought; and,
2. whether or not concurrence was given, and if given in part and denied in part, the extent to which concurrence was given.

If contact with opposing counsel or pro se parties can not be made prior to the filing of the motion, the moving party shall so state in the certification. The moving party has a continuing obligation to contact opposing counsel or pro se parties to secure the concurrence or non-concurrence.

B. Concurrence may not be unreasonably refused by opposing counsel or pro se parties. If the court finds that concurrence was properly sought, and was unreasonably refused, the court may award attorneys fees and expenses to the moving party, and may impose such other sanctions as are permitted by the Pennsylvania Rules of Civil Procedure.

**L208.3 Motions. Procedures. Briefs.**

**(a) Motion procedure.**

A. **Scheduling.** Motions will be scheduled by the court scheduling technician for argument, hearing or conference as ordered by the court after an initial review of the motion, taking into account the request of the moving party as set forth in the motion cover sheet.

The scheduled time shall be noted on the executed motion cover sheet and served upon the parties by the prothonotary in accordance with these local rules. The motion will be decided after argument or hearing.

**B. Briefs.** Briefs may be ordered by the court and, if so ordered, the time for filing will be set forth on the executed motion cover sheet. If briefs are ordered, the original and two copies shall be filed with the prothonotary, who shall forward them to the judge. All parties shall be served with a copy of the brief contemporaneously with the filing of the brief. Where briefs are required and are not timely filed, the court may treat the request for relief as having been submitted by the defaulting party and proceed ex parte, or impose such other sanction as it shall deem appropriate.

**C. Courtesy copies.** No courtesy copies of motions and briefs should be mailed to the judge or court administrator.

**D. Emergency motions.** Emergency requests for a court order shall be filed with the prothonotary and then delivered by the filing party to the court administrator, who shall deliver the motion to an appropriate judge. All emergency motions must have a motion cover sheet as required by these rules. All emergency requests shall set forth on a separate page following the cover sheet a certification by filing counsel or pro se party that all interested parties were contacted in advance and given notice of the intention to present the emergency request and the details as to time and manner of such notice; or, if such notice was not given, a statement as to why and what efforts to give the notice were made.

E. Emergency petitions for child custody shall proceed under L1915.13-1.

(b). **Motion response.** If the court deems a response is necessary, the response shall be filed within twenty (20) days unless the court orders a shorter or longer time. If a response is not timely filed, or if a response is filed raising no contested issue of fact, the court may deem the matter as being uncontested and may accept all factual averments as true and issue a dispositive order accordingly without further argument, upon motion of the moving party or in its own discretion. If a response is filed raising disputed issues of fact the court will hold an evidentiary hearing or proceed in such other manner as the court shall direct.

**L1028(c). Preliminary Objections.** Preliminary objections shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3(a) and L208.3(b).

**L1034(a). Motion for Judgment on the Pleadings.** A motion for judgment on the pleadings shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3(a) and L208.3(b).

**L1035.2(a). Motion for Summary Judgment.** A motion for summary judgment shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3(a).