

RULES OF THE COURT OF COMMON PLEAS OF LEBANON COUNTY
CIVIL DIVISION

<u>RULE NO.</u>		<u>PAGE</u>
52-51	TITLE AND CITATION OF RULES	1
52-52	INTENT OF RULES	1
52-76	DEFINITIONS	1
52-107	PUBLICATION	2
52-205.2(a)	PAPERS AND DOCUMENTS; FILING	2
52-205.4	PRAECIPE FOR DISPOSITION	2
52-205.5	PRAECIPE FOR HEARING	4
52-205.6	SERVICE OF OPPOSING PARTIES	5
52-205.7	UNCONTESTED MATTERS	7
52-205.8	MOTION FOR RULE ABSOLUTE	7
52-206.4(C)	PETITIONS	8
52-208.2(D)	MOTIONS	9
52-208.2(E)	DISCOVERY MOTIONS	9
52-208.3(A)	MOTIONS	9
52-208.3(B)	CONTESTED MOTIONS	10
52-210	FORM OF BRIEFS	11
52-211	ORAL ARGUMENT	11
52-212	STATUS CONFERENCE	11
52-212.1	CERTIFICATION FOR TRIAL	13
52-212.2	PRE-TRIAL STATEMENTS	14

52-212.3	PRE-TRIAL CONFERENCE	15
52-223.1	EXHIBITS	15
52-223.3	CONTACT WITH JURORS	18
52-430	SERVICE BY PUBLICATION	18
52-1012	ENTRY OF APPEARANCE	18
52-1018.1	ADDRESS IN NOTICE TO DEFEND	19
52-1028(c)	PRELIMINARY OBJECTIONS	19
52-1301	COMPULSORY ARBITRATION	21
52-1302	ARBITRATORS	21
52-1303	HEARING AND NOTICE	22
52-1034(a)	MOTION FOR JUDGMENT ON THE PLEADINGS	23
52-1035.2(a)	MOTIONS FOR SUMMARY JUDGMENT	23
52-4007.1	DEPOSITIONS	23

**RULES OF CIVIL PROCEDURE FOR THE COURT OF COMMON
PLEAS OF LEBANON COUNTY, PENNSYLVANIA**

RULE 52-51: TITLE AND CITATION OF RULES

All Civil procedural rules adopted by the Court of Common Pleas of Lebanon County shall be known as the Lebanon County Rules of Civil Procedure and shall be cited as “Leb.Co.R.C.P. ___”.

RULE 52-52: INTENT OF RULES

These Rules are intended to implement and supplement the Pennsylvania Rules of Civil Procedure, and shall govern Civil practice and procedure in the Court of Common Pleas of Lebanon County.

RULE 52-76: DEFINITIONS

Unless the context clearly indicates otherwise, the words and phrases used in any Rule promulgated by the Court of Common Pleas of Lebanon County shall be given the same meanings as those words and phrases are given in Pa.R.C.P. 76, except:

- (1) “Court” or “The Court” shall mean the Court of Common Pleas of Lebanon County.
- (2) “Rule” shall mean any rule of court promulgated by the Court of Common Pleas of Lebanon County.

Rule 52-107: PUBLICATION

The Lebanon County Legal Journal is designated as the legal publication for the Court of Common Pleas of Lebanon County.

RULE 52-205.2(a): PAPERS AND DOCUMENTS; FILING

- (A) All papers and documents desired to be made part of the Court record shall be filed in the office of the Prothonotary. Once filed, all record documents shall be in the custody of the Prothonotary, who shall be responsible for their safekeeping.
- (B) Two copies of all Briefs and/or Memoranda of Law shall be provided to the Judges' Chambers simultaneously with their filing in the Prothonotary's Office.
- (C) Arbitrators, Auditors or other officials appointed by the Court shall have authority to remove documents from the Prothonotary's Office as may be necessary for the purposes of their appointment.
- (D) All papers, pleadings, and documents filed with the Court shall be on 8 ½ by 11 inch paper.
- (E) All petitions or motions setting forth allegations of fact shall be accompanied by a verification signed by a person having knowledge of the facts contained therein.

Rule 52-205.4: PRAECIPE FOR DISPOSITION

- (A) In order to obtain a decision from the Court on any contested legal issue, a party must file a Praecipe for Disposition,

By:
Name
I.D. #
Address
Phone Number
Attorney for

- (C) Once a Praecipe for Hearing has been filed, the Court will notify all parties of the date and time assigned for that hearing.

RULE 52-205.6: SERVICE ON OPPOSING PARTIES

- (A) It shall be the responsibility of a party filing a document to insure that the document is served upon all other parties or their counsel.
- (B) Service under this rule may be effectuated by any method permitted by the Pennsylvania Rules of Civil Procedure, including by facsimile transmission or email transmission, to the address set forth on counsel's latest Entry of Appearance. Service upon a pro se litigant shall be effectuated by mail to the last known address of the party.
- (C) A Certificate of Service must be filed by the person effecting service setting forth the following:
- (1) the names of all persons served;
 - (2) the method of service;
 - (3) the date of service;
 - (4) the address, fax number or email location to which service was made; and

- (5) the name and signature of the person who personally effectuated service.
- (D) Service shall be accomplished by either of the following methods:
- (1) By leaving at the Prothonotary's Office a copy of all filed documents and proposed Orders together with stamped envelopes addressed for each opposing counsel and/or pro se litigant(s). The Prothonotary shall use the envelopes provided to serve all filed documents and accompanying Orders of Court by mail. Thereafter, the Prothonotary shall complete and file a Certificate of Service in compliance with sub-section (D). Such certificate shall constitute prima facie proof that service was accomplished; or
 - (2) By directly serving copies of all filed documents upon all opposing parties or their counsel in accordance with sub-section (B) of this rule. The party serving such documents shall be required to file a Certificate of Service in compliance with sub-section (C) above. Once the court issues any Order or Rule to Show Cause, the Prothonotary shall serve a copy of that document on all parties or their counsel by any method permitted in sub-section (B). Thereafter, the Prothonotary shall file a

Certificate of Service in compliance with sub-section (D).
Such certificate shall constitute prima facie proof that
service was accomplished.

RULE 52-205.7: UNCONTESTED MATTERS

(A) A party seeking relief via a motion or petition shall certify the matter as uncontested if all opposing parties have consented to the requested relief. All uncontested requests for relief must be accompanied by one of the following:

- (1) An agreement signed by all parties to the dispute;
- (2) A stipulation signed by all counsel and/or parties; or
- (3) A verification signed by counsel indicating that counsel has personally communicated with all opposing counsel/parties and has received the concurrence of all opposing counsel/parties with respect to the requested relief.

(B) Any motion certified as uncontested shall be accompanied by a proposed Order incorporating the relief agreed upon by all parties.

RULE 52-205.8: MOTION FOR RULE ABSOLUTE

When the Court has issued a Rule to Show Cause and no party files a response within the time allotted by the Court, the petition or motion that accompanied the Rule to Show Cause shall be deemed uncontested. The moving party may obtain an Order granting final

relief by filing a Motion for Rule Absolute. All Motions for Rule Absolute shall append copies of all Certificates of Service averring that all opposing parties had been served with copies of the original petition and any Rule to Show Cause issued by the Court. A Motion for Rule Absolute must be accompanied by a proposed Order setting forth the relief that was uncontested.

RULE 52-206.4(C): PETITIONS

- (A) All petitions must be filed in accordance with Rule 52-205.2.
- (B) All petitions must be served upon all opposing parties in accordance with Rule 52-205.6.
- (C) All uncontested petitions shall be processed in accordance with Rule 52-205.7 and Rule 52-205.8.
- (D) Unless a petition is certified as uncontested, it must be accompanied by an Order or Rule to Show Cause that is substantially in compliance with Pa.R.C.P. 206.5.
- (E) Whenever a responding party files an answer to a petition, it shall be deemed a contested matter. Contested matters will be handled in accordance with Pa.R.C.P. 206.7. For all contested matters where no disputed issues of material fact exist, any party may file a Praeceptum to certify the matter to Court for disposition pursuant to 52-205.4. For all contested matters in which there are disputed issues of fact, discovery may be conducted by leave of Court pursuant to Pa.R.C.P. 206.7.

Following the completion of any permitted discovery, any party may praecipe the Court for a hearing pursuant to Local Rule 52-205.5 or for disposition pursuant to Rule 52-205.4.

RULE 52-208.2(D): MOTIONS – CONCURRENCE OR NON-CONCURRENCE

Except in emergency circumstances, any party seeking relief from the Court by way of motion shall contact all opposing counsel to seek concurrence with respect to that motion. A statement of concurrence or non-concurrence shall be set forth in all motions. It shall not be necessary for a moving party to seek concurrence from a pro se litigant.

RULE 52-208.2(E): DISCOVERY MOTIONS

No party will be permitted to file any motion pertaining to discovery unless that party files a certificate verifying that efforts have been made to resolve the discovery dispute with opposing counsel. Such certificate shall be appended to any discovery motion that is filed.

RULE 52-208.3(A): MOTIONS

- (A) Except for motions made orally at trial or hearing, all motions must be filed in accordance with Rule 52-205.2.
- (B) All motions shall be served upon all parties in accordance with Rule 52-205.6.

- (C) All uncontested motions shall be processed in accordance with Rule 52-205.7 and Rule 52-205.8.
- (D) Unless a motion is certified as uncontested, it shall be accompanied by an Order or Rule to Show Cause that is substantially in compliance with Pa.R.C.P. 208.4.

RULE 52-208.3(B): CONTESTED MOTIONS

When an answer is filed by any party to a motion, that motion shall be considered to be contested. The procedure with respect to contested motions shall be as follows:

- (a) For any matter where no disputed issues of material fact exist, any party may file a Praecipe to certify the matter to Court for disposition pursuant to Rule 52-205.4.
- (b) For any contested matter where disputed issues of fact are to be resolved by hearing, any party may file a Praecipe requesting a hearing pursuant to Rule 52-205.5.
- (c) For any matter where disputes of fact are to be resolved by affidavit and/or depositions, said affidavits and/or depositions shall be filed with the Prothonotary's Office within 20 days following the filing of the answer. Thereafter, any party may file a Praecipe for Disposition pursuant to Rule 52-205.5.

RULE 52-210: FORM OF BRIEFS

Briefs, as required, shall be in the form prescribed by Pa.R.C.P. No. 210. Content thereof shall be as set forth in Pa.R.A.P. No. 2111.

RULE 52-211: ORAL ARGUMENT

Oral argument may be requested by any party. A party filing a Praecipe for Disposition under Rule 52-205.5 may include a request for oral argument within the Praecipe for Disposition. Any other party may request oral argument by filing a Praecipe within five (5) days following the filing of the Praecipe for Disposition. If no request for oral argument is submitted, the Court will decide the issue based upon the record and briefs filed by the parties. If a request for oral argument is granted, the Court will notify the parties of the date and time set forth for argument upon notification to the parties of the briefing schedule. Unless otherwise ordered by the Court, oral argument shall be conducted in accordance with the schedule set forth on the Court's annual calendar.

RULE 52-212: STATUS CONFERENCE

(A) Subsequent to the passage of one (1) year following the filing of a Complaint, any party may request a status conference. Following a status conference, the Court may enter an order imposing deadlines, scheduling a mediation or establishing such other relief as may facilitate the prompt resolution of the case.

- (B) A status conference shall be conducted in the manner proscribed by the presiding jurist.
- (C) Any party may request a status conference by filing a praecipe substantially in the form of Paragraph (D) below. It shall be the responsibility of the requesting party to contact opposing counsel prior to the status conference in order to delineate issues to be addressed at the status conference.
- (D) A Praecipe for Status Conference shall be substantially in the following form:

Plaintiff	:	IN THE COURT OF COMMON PLEAS
		LEBANON COUNTY, PENNSYLVANIA
vs.		CIVIL DIVISION
		:
Defendant	:	NO.

PRAECIPE FOR STATUS CONFERENCE

TO THE PROTHONOTARY:

Please transmit a request for a status conference to the Court, pursuant to Leb.R.C.P. 212.

- (1) Judge Previously Assigned to Matter: _____
- (2) Plaintiff's Counsel will be participating [in person] [by telephone]. The telephone number at which Plaintiff's counsel can be reached is _____.

Defendant's counsel will be participating [in person] [by telephone]. The telephone number at which Defendant's counsel can be reached is _____.

- (3) [Repeat a statement as set forth in (1) or (2) for all other parties.]

By:
Name
I.D. #
Address
Phone Number
Attorney for

- (E) Following the filing of a Praecipe for Status Conference, the Court will notify all counsel as to the date and time set for the status conference. Except as may be otherwise ordered by Court, status conferences will take place on dates to be listed on the Court's annual scheduling calendar.

RULE 52-212.1: CERTIFICATION FOR TRIAL

- (A) Any party desiring to proceed to trial shall file with the Prothonotary a "Certificate of Readiness for Trial" certifying that all discovery has been completed and that all pre-trial motions have been decided. Any party seeking to certify a matter for trial shall first notify all opposing counsel. If there is any disagreement as to readiness for trial, a status conference shall be requested under Rule 52-212.
- (B) The party certifying the matter for trial shall serve a copy of the Certificate of Readiness upon all opposing counsel or pro se litigants. If any counsel wishes to object to the certification of the matter for trial, that party shall file a status report within ten (10) days following receipt of the Certificate of Readiness for Trial. The status report shall include the following information:

- (1) A statement setting forth the status of the proceeding;
 - (2) A statement of all reasons why counsel believes the matter is not ready for trial;
 - (3) A summary of the determination resulting from any prior status conferences conducted pursuant to Rule 52-212.
- (C) Following receipt of the Certificate of Readiness for Trial and any status reports, the Court will enter an appropriate order that may include:
- (1) An order scheduling a status conference;
 - (2) An order scheduling a pre-trial conference and setting forth the date on which pre-trial statements are to be filed pursuant to Pa.R.C.P. 212.1.

RULE 52-212.2: PRE-TRIAL STATEMENTS

- (A) In addition to the information required by Pa.R.C.P. 212.2, the pre-trial statements of counsel shall also include:
- (1) A statement of all proposed amendments to the pleadings;
 - (2) A statement of admissions from the pleadings;
 - (3) A statement of any special scheduling requests;
 - (4) A list of all deposition objections that will have to be resolved by the Court prior to trial;
 - (5) A statement of all witnesses (with addresses) intended to be called at trial;

- (6) An itemization of all exhibits intended for utilization at trial;
- (7) An estimate of the time necessary for trial;
- (8) A statement of the issues to be determined at trial; and
- (9) A statement of any additional special requests.

RULE 52-212.3: PRE-TRIAL CONFERENCE

Except for good cause shown, the attorneys who will try the case shall attend the pre-trial conference. Unexcused failure of trial counsel to appear or to file a pre-trial statement may result in the imposition of costs, counsel fees or other sanctions as determined by the Court.

RULE 52-223.1: EXHIBITS

- (A) Exhibits admitted at trial
 - (1) At the conclusion of a trial or hearing, all exhibits larger than 8 ½ x 11 inches, which are part of the record, shall be reduced to that size, and all tangible objects which are part of the record, shall be photographed in color by the party originally proffering the evidence. The 8 ½ x 11 inch reductions and color photographs shall be substituted in the record for the original exhibits and tangible objects unless the trial judge, upon motion or sua sponte, or an appellate court, shall direct otherwise. At

the conclusion of the trial or hearing, the original exhibit shall be returned for safekeeping to the party who presented it and that party shall maintain custody of the exhibit until conclusion of all appellate proceedings in the case, unless the trial judge, upon motion or sua sponte, shall direct otherwise.

- (2) Whenever a videotape deposition of a witness is presented at trial or hearing, the videotape cassette shall be marked as an exhibit as required by Pa.R.C.P. 4017.1. At the conclusion of the trial or hearing, the videotape cassette shall be returned for safekeeping to the party who presented it and that party shall maintain custody of the cassette until conclusion of all appellate proceedings in the case, unless the trial judge, upon motion or sua sponte, shall direct otherwise.
- (3) Whenever a videotape deposition of a witness is presented at trial or hearing, it shall be accompanied by a transcript of the deposition as required by Pa.R.C.P. 4017.1(a)(2). The accompanying transcript shall be marked as an exhibit and retained in the record of the proceedings. In the event the record of the trial or hearing is transcribed for appellate or other purposes, the exhibit of the transcript accompanying the deposition shall be

considered the official transcript of the testimony of the deponent. It shall not be necessary for the trial court reporter to also transcribe the audio portion of the videotape deposition which was presented at trial or hearing, so long as the record clearly reflects which part of the audio portion of the videotape deposition was offered into evidence and admitted.

(B) Disposition of exhibits after trial:

- (1) After trial, exhibits admitted into evidence shall be retained by the Court until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained until disposition of the appeal.
- (2) Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Civil Procedure, the party who offered the exhibits may reclaim them from the Court. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Court.
- (3) Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial. The presiding judge

shall determine the validity of such claim and determine the manner and timing of disposition.

RULE 52-223.3: CONTACT WITH JURORS

No attorney or party may initiate any contact with any member of the jury panel either before, during or after a jury trial unless specifically authorized by the Court.

RULE 52-430: SERVICE BY PUBLICATION

Service by publication, when appropriate, shall be made by publishing the appropriate notice one (1) time in the Lebanon County Legal Journal and one (1) time in a newspaper of general circulation in Lebanon County. The address on the notice required by Pa.R.C.P. 430 shall be the same office designated by the Court in Leb.R.C.P. 1018.

RULE 52-1012: ENTRY OF APPEARANCE

Upon the filing of the initial document on behalf of a party in any proceeding, the attorney filing the same shall simultaneously file his/her written appearance in the manner required by Pa.R.C.P. 1012 with such additional information as may be required by the Prothonotary. Counsel who have the ability to receive information by email and/or facsimile number shall also include that information

within their Entry of Appearance. An amended Entry of Appearance shall be filed should the address or other contact information of counsel change.

RULE 52-1018.1: ADDRESS IN NOTICE TO DEFEND

The address to be included in the Notice to Defend required by Pa.R.C.P. 1018.1 shall be as follows:

Mid-Penn Legal Services
513 Chestnut Street
Lebanon, PA 17042
Phone: (717) 274-2834

RULE 52-1028(c): PRELIMINARY OBJECTIONS

- (A) Preliminary Objections must be filed in accordance with Rule 52-205.2
- (B) All Preliminary Objections must be accompanied by a Brief In Support Thereof unless factual issues are raised, in which case procedures set forth in (D) shall be followed. Failure by a party to file a brief may result in dismissal of the Preliminary Objections.
- (C) Within twenty (20) days following service of the Preliminary Objections, the adverse parties or their counsel shall file an amended pleading or a responsive brief with the Prothonotary.
- (D) The following rules shall apply to Preliminary Objections raising factual issues:

- (1) All Preliminary Objections raising factual issues and any answers thereto must be verified by an individual having knowledge as to the facts set forth therein.
- (2) All Preliminary Objections containing factual averments must be accompanied with a Notice to Plead pursuant to Pa.R.C.P. 1361.
- (3) Within thirty (30) days following the filing of an answer that raises a factual dispute, the party filing the Preliminary Objection may supplement the record with necessary affidavits or depositions, or praecipe the Court for a hearing pursuant to Rule 52-205.5. If an extension of this time is needed, it must be sought by Motion to the Court.
- (4) Within fourteen (14) days following the establishment of a record by way of affidavit, deposition or hearing, the moving party shall file a brief. The opposing party shall file a brief within fourteen (14) days thereafter.
- (5) All documents and briefs set forth within the Rule are to be filed in accordance with Rule 52-205.2 and are to be served in accordance with Rule 52-205.6.
- (6) Within seven (7) days following the filing of the last brief, the party filing the Preliminary Objections shall praecipe

those objections to the Court for disposition pursuant to Rule 52-205.5.

RULE 52-1301: COMPULSORY ARBITRATION

All civil cases seeking money damages as relief, except cases involving title to real estate, where the amount of relief sought (exclusive of interest and costs) is the statutory limit authorized by § 7361 of the Judicial Code (42 Pa.C.S.A. § 101 et seq.) or less, shall be submitted to arbitration for consideration and award by a Board of Arbitrators. No case shall be submitted for arbitration where an inconsistent procedure is prescribed by statute or rule of court. In addition, any other case, whether or not at issue and without regard to the amount in controversy, may be referred to a Board of Arbitrators by agreement of all parties.

RULE 52-1302: ARBITRATORS

- (A) A Board of Arbitrators shall be appointed on the praecipe of any party.
- (B) A list of available arbitrators shall be maintained by the Court, consisting of members of the Bar actively engaged in the practice of law in Lebanon County.
- (C) The Court shall appoint from the aforesaid list three (3) members to each board of arbitrators, at least one of whom shall have been admitted to practice before the Supreme Court of Pennsylvania for more than five years prior to his or her own

appointment. The Chairman of the board shall be that attorney appointed with the longest period of practice in Lebanon County.

(D) Compensation for arbitrators shall be set by Administrative Order of the Court as follows:

- (1) Each member of the Board of Arbitrators who has signed the report or filed a minority report;
- (2) Additional compensation for the Chairman of the Board of Arbitrators;
- (3) Additional compensation in the event of the filing of a counterclaim filed and heard by the arbitrators;
- (4) In matters requiring hearings of unusual duration or involving questions of unusual complexity, the Court, on motion of the members of the board, may allow additional compensation. Such motion shall be filed and ruled on prior to the filing of the report of arbitrators.

RULE 52-1303: HEARING AND NOTICE

(A) The chairman of the Board of Arbitrators shall fix the time and place for a hearing and shall give at least thirty (30) days written notice to all parties, their counsel and the other arbitrators;

(B) The hearing shall be held within ninety (90) days after appointment of the board, unless extended by a written

agreement of all parties or their counsel, or by Order of Court.
The board shall file its report and award within twenty (20) days
after the conclusion of the hearing.

RULE 52-1034(a): MOTION FOR JUDGMENT ON THE PLEADINGS

The procedure for any Motion for Judgment on the Pleadings shall be governed by Rule 52-208.2(D) and Rule 52-208.3(A).

RULE 52-1035.2(a): MOTIONS FOR SUMMARY JUDGMENT

The procedure for Motions for Summary Judgment shall be governed by Rule 52-208.2(D) and Rule 52-208.3(A).

RULE 52-4007.1: DEPOSITIONS

Unless otherwise ordered by the Court or agreed to by all parties, all depositions by oral examinations of fact witnesses shall be conducted within Lebanon County.

Rules Numbered 1 through 40 of the Rules of the Court of Common Pleas of Lebanon County Civil Division are specifically repealed as of July 26, 2004. These rules shall be effective as of July 26, 2004.