

# THE COURTS

## MONROE COUNTY

### **Adoption of Local Rule of Judicial Administration 1901; 2014-CV-5** [44 Pa.B. 4352] [Saturday, July 12, 2014]

#### **Order**

And Now, this 11th day of June 2014, pursuant to the directive of Pa.R.J.A. 1901(b), *It Is Ordered* that effective 30 days after publication in the *Pennsylvania Bulletin*, Monroe County Rule of Judicial Administration 1901, Mon.R.J.A. 1901, regarding Termination of Inactive Cases is hereby adopted.

*It Is Further Ordered* that two (2) certified copies and one (1) CD-ROM shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; That one (1) certified copy shall be filed with the Administrative Office of the Pennsylvania Courts, and that one copy shall be filed with the Prothonotary of Monroe County.

*By the Court*  
MARGHERITA PATTI-WORTHINGTON, President Judge

### **Local Rule of Judicial Administration 1901. Termination of Inactive Cases.**

(a) *General Policy.* It is the policy of the Monroe County Court of Common Pleas to bring each pending civil action to a final conclusion as promptly as possible consistent with the interests of justice. When no docket activity has occurred in a civil case for a period of more than two years, the court will commence proceedings under this rule to terminate the action, pursuant to Pa.R.J.A. No. 1901.

(b) *Procedures for termination of a civil case for inactivity.*

(1) *Call of the list.* The Prothonotary shall prepare a list each year on or about July 1 of civil cases in which there has been no docket activity for more than two years. The Court will schedule a call of that list to give the parties an opportunity to be heard on the termination of a case. The call of the list will be scheduled for the third Monday of October at 9:00 a.m. or at such other date and time for which notice shall be given pursuant to this rule.

(2) *Published notice.* The Prothonotary shall publish notice of the moribund cases scheduled for the call of the termination list one time in the *Monroe Legal Reporter* at least thirty days before the scheduled call. The notice shall state a) the caption of each case and the names of the attorneys of record or pro se litigants, if any; b) the date, time and location of the call of the list; and c) the requirements of filing written objections and appearing at the call of the list in order to oppose termination, as stated below.

(3) *Written objections and the call of the list.* Any party wishing to oppose the termination of a matter must file written objections with the Prothonotary a minimum of one week prior to the call of the termination list and serve opposing counsel or pro se parties in accordance with the Rules of Civil Procedure. A certificate of service shall be filed with the Prothonotary. If no written objection to dismissal is timely filed, the Prothonotary shall enter an order terminating the case pursuant to Pa.R.J.A. 1901(c)(2), and that matter will not be heard at the call.

If an objection is timely filed and served, the Court will hold argument on that case at the time of the call of the termination list. The party opposing termination must attend the call of the termination list in person or by counsel to argue against the termination of the case. Opposing counsel or parties who wish to be heard may also present argument. The court will then enter an appropriate order.

(c) *Reinstatement.* Any matter terminated under this rule may be reinstated by the Court upon written petition for good cause shown.

(d) *Other remedies not affected.* This rule shall not prevent a party from seeking dismissal of an action due to inactivity through other procedures authorized by law or rule of Court.

RULES OF JUDICIAL ADMINISTRATION

LOCAL RULES

**Rule 4007. Requests for Transcripts**

- (A) Rough draft transcripts shall not be available in this Court.
- (B) Deposit or partial payment amounts shall be 95% of the total transcript cost estimated by the Office of Court Administration and ordered by the Judge of record. Deposit or partial payment amounts shall be made within fourteen (14) days of the date of the court order directing the deposit or partial payment amount. Orders directing deposit payments and ordering transcription will be vacated if deposit or partial payment amounts are not remitted within the stated timeframe.
- (C) Upon completion of the transcript, the Court Reporter, Recorder or Transcriptionist shall file of record Form A – Notice of Completion of Transcript and serve a copy on the requesting party by regular mail and the District Court Administrator.
- (D) All payments, including deposit and final payments, shall be made payable to the 43<sup>rd</sup> Judicial District, remitted at the appropriate filing office and accompanied by Form B – Notice of Payment. All payments shall be nonrefundable. Requesting parties shall file of record Form B – Notice of Payment and serve a copy on the District Court Administrator by hand delivery, by mail, by facsimile transmission or by email to transcripts@monroepacourts.us. The filing office shall place all payments in escrow on the case until such time as the District Court Administrator files of record Form C – Praeceptum to Disburse Funds.
- (E) The District Court Administrator shall file of record Form C – Praeceptum to Disburse Funds, notifying the appropriate filing office to disburse funds deposited in escrow in accordance with these rules to the Controller's Office for payment to the transcriptionist, in the following instances:
  - a. Within thirty (30) days of delivery of the final transcript to the requesting party; and
  - b. When payment of the balance owed is not made within thirty (30) days from the date of filing of Form A – Notice of Completed Transcript.

**Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof**

- (A) The reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for Court Reporters or Recorders to significantly expand their dictionary shall be the following:

- a. For an ordinary transcript, \$4.25 per page;
- b. For an expedited transcript, \$5.25 per page;
- c. For a daily transcript, \$6.25 per page;
- d. For same day delivery, \$8.25 per page; and
- e. In bound paper format, additional \$0.25 per page.

**Rule 4009. Fees and Procedures.**

(A) The fees to be paid for all court reporting products are as follows:

- a. Transcripts requested in accordance with Pa.R.J.A. 4008(A) shall have costs assessed as noted therein.
- b. Transcripts requested in accordance with Pa.R.J.A. 4008(B)(1) shall have costs waived for the requesting party and imputed to the Court for payment to the Transcriptionist. In accordance with Pa.R.J.A. 4007(F), no deposit shall be required.
- c. Transcripts requested in accordance with Pa.R.J.A. 4008(B)(2) shall have costs assessed as follows:
  - i. For an ordinary transcript, \$1.25 per page;
  - ii. For an expedited transcript, \$1.75 per page;
  - iii. For a daily transcript, \$2.25 per page;
  - iv. For same day delivery, \$3.25 per page; and
  - v. In bound paper format, additional \$0.13 per page.
- d. Transcripts requested in accordance with Monroe Co.R.J.A. 4008(A) shall have costs assessed as noted therein.
- e. Transcript costs payable by the Commonwealth or subdivision thereof shall have costs assessed as follows:
  - i. For an ordinary transcript, \$2.00 per page;
  - ii. For an expedited transcript, \$3.00 per page;
  - iii. For a daily transcript, \$4.00 per page;
  - iv. For same day delivery, \$6.00 per page; and
  - v. In bound paper format, additional \$0.25 per page.
- f. The fee for a Real-time feed shall be \$4.25 per page for the duration of the proceedings.
- g. The fee for court orders shall be \$1.50 per order.
- h. Transcripts prepared at the initiation of the Court shall have costs assessed in accordance with subsection (e) of this rule.

(B) All requests for transcripts shall be filed of record in the appropriate filing office. Requests shall be in the form of a motion and shall include the case caption, the standardized form provided by the State Court Administrator in accordance with Pa.R.J.A. 4007(A) and verification. Service of the request shall be made in accordance with Pa.R.J.A. 4007(B).

(C) Requests for waiver or reduction of costs shall be made by motion to the Judge of record, filed of record in the appropriate filing office, and served in accordance with Pa.R.J.A. 4007(B).

**Rule 4011.      Deadline for Delivery of Transcript.**

Transcription shall commence for cases under appeal upon remittance of the required deposit in accordance with Pa.R.A.P. 1911(a) and 1922(a) and in the manner prescribed in Monroe Co. R.J.A. 4007.

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

<b>Plaintiff</b>	:	<b>20</b>
	:	
	:	
<b>v.</b>	:	
	:	
	:	
<b>Defendant</b>	:	

**Form A: NOTICE OF COMPLETION OF TRANSCRIPT**

The transcript directed to be completed by Order of Court dated \_\_\_\_\_ is complete. A copy has been provided to the Judge of record. The final balance due is \_\_\_\_\_. Upon payment of final balance in accordance with Monroe Co. R.J.A. 4007(D), the transcript will be delivered to the requesting party.

\_\_\_\_\_  
**Transcriptionist**

cc: \_\_\_\_\_, Requesting Party  
John J. Goldner, District Court Administrator

COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_,  
**Plaintiff**

v.

\_\_\_\_\_,  
**Defendant**

:  
:  
:  
:  
:  
:  
:  
:

\_\_\_\_\_ **20** \_\_\_\_\_

**Form B: NOTICE OF PAYMENT**

Deposit payment  Final payment is made in the amount of \_\_\_\_\_  
for the transcript directed to be completed by Order of Court dated  
\_\_\_\_\_.

\_\_\_\_\_  
**Requestor**

cc: John J. Goldner, District Court Administrator

**COURT OF COMMON PLEAS OF MONROE COUNTY  
FORTY-THIRD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA**

Plaintiff	:	20
	:	
	:	
v.	:	
	:	
	:	
Defendant	:	

**Form C: PRAECIPE TO DISBURSE FUNDS**

TO THE FILING OFFICE:

Please disburse funds held in escrow on the above-captioned case for transcription to the Office of the Controller for purposes of payment to the following transcriptionist(s) in the amounts noted:

1. To \_\_\_\_\_ disburse the amount of \_\_\_\_\_.
2. To \_\_\_\_\_ disburse the amount of \_\_\_\_\_.
3. To \_\_\_\_\_ disburse the amount of \_\_\_\_\_.

\_\_\_\_\_  
**District Court Administrator**

cc: Controller, County of Monroe