

***Rules of Construction***

**RULE 51 – TITLE AND CITATION OF RULES**

These Rules shall be known as “Court of Common Pleas of Monroe County, 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania, Rules of Civil Procedure” and may be cited as “*Monroe Co.R.C.P. \_\_\_\_\_*”.

## **RULE 52 – EFFECTIVE DATE**

Each Rule adopted by the Court of Common Pleas of Monroe County, 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania shall become effective upon the date specified by the Court in promulgating such Rule.

## **RULE 76 – DEFINITIONS**

Unless the context clearly indicates otherwise, each word or phrase set forth in any Rule promulgated by the Court of Common Pleas of Monroe 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) “Court” shall signify the Court of Common Pleas of Monroe County, 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania.

(b) “Rule” shall signify any Rule promulgated by the Court of Common Pleas of Monroe County, 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania.

(c) “Party” or “Parties” shall signify the party or parties appearing in any action or the attorney or attorneys of record for such party or parties, whichever the context requires;

(d) “Prothonotary” shall signify the Prothonotary of the Court of Common Pleas of Monroe County, 43<sup>rd</sup> Judicial District, Commonwealth of Pennsylvania.

(e) “Court Administrator” shall mean the person, including assistants, appointed by the Court to facilitate the disposition of court business.

## **RULE 101 – PRINCIPLES OF INTERPRETATION**

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 shall be applied.

## **RULE 201 – COURT SESSIONS**

The Court shall annually promulgate the official judicial calendar for each calendar year. The court calendar shall list all regularly scheduled sessions of the Court to be held during the year and shall be made available to all attorneys practicing in this Court by the Court Administrator. All attorneys practicing in this Court shall be available at the times and dates set forth in the court calendar for all matters in which they are a participant, unless excused by the Court for good cause shown.

## **RULE 203 – ADMISSION TO THE BAR OF THIS COURT**

1. The Prothonotary shall maintain a record of the dates of admission to the Bar of this Court of all members of this Bar, which record shall be conclusive as to the seniority of the members of this Bar.
2. Admissions to the Bar of this Court shall be by petition of the applicant, presented by a member of this Bar, which petition shall show that the applicant (a) has been admitted to the Bar of the Supreme Court of Pennsylvania; (b) that he or she is a person of good moral character; (c) either that he or she is a bona fide resident of Monroe County or that he or she maintains an office for the practice of law in Monroe County.
3. 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.
4. All members of the bar shall participate in the compulsory arbitration process as set forth in 43 J.D.R.C.P. 1302.

## **RULE 204 – COMMUNICATIONS WITH THE COURT**

Ex parte communications with the Court are prohibited. Written correspondence on matters of substance, other than pleadings, is discouraged.

## **LOCAL RULE 205.2(a) Filing, Form and Removal of Documents**

Cite Rule As: MonroeCo.R.C.P. 205.2(a)

### (1) Filing of Documents:

- (i) 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.
- (ii) A proposed order shall accompany all motions or other requests for relief.
- (iii) No original documents shall be faxed to the prothonotary's office without prior leave of court.

### (2) Form:

- (i) No pleading, 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.
- (ii) 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 typewriting with lines (except quotations) not closer than typewriting double spacing; 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.
- (iii) In medical malpractice actions, the designation "Medical Malpractice" shall appear beneath the case number. (This is suggested language and designation).
- (iv) All papers filed shall be endorsed with the name, address, telephone number, and I.D. number of the attorney filing it or the name, address and telephone number 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.
- (v) A filed document in a case shall not contain any of the personal data identifiers listed in this rule unless otherwise required by law or permitted by order of court, or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

- (a) Social Security numbers- only last four digits of that number shall be used;

- (b) Dates of Birth- only the year shall be used;

- (c) Financial Account numbers- only the last four digits shall be used;

- (d) A party wishing to file a document containing the personal data identifiers listed above may file, under seal, a summary reference list indicating the redacted information and corresponding complete personal data identifiers;

- (e) Responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with this Rule.

- (vi) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(vii) All papers and other documents shall be securely affixed at the top.

(3) Removing Records and Documents:

(i) Except as hereinafter provided, no record or document shall be taken from the Office of the Prothonotary or staff without a written order signed by the President Judge 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 and effect. In cases where the President Judge authorizes the removal of records or documents, the Prothonotary or staff, 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.

(ii) In cases pending in the Court or in proceedings held before duly appointed officers of the Court, the Prothonotary or staff 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.

(iii) The delivery provisions of this rule do not apply to Judges, Judge's staff, Court Administrator and members of the Court Administrator's staff.

## **RULE 205.4 - ELECTRONIC FILING AND SERVICE OF LEGAL PAPERS**

### **(A) 1. Electronic Filing.**

i. The permissive electronic filing of legal papers with the Monroe County Prothonotary for the Court of Common Pleas, 43<sup>rd</sup> Judicial District, is authorized in accordance with Pa.R.C.P. No. 205.4 and this rule. The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings regardless of the method of filing.

### **ii. Case Types.**

1. Electronic filing applies to any legal papers filed in any of the following types of actions:

- a. Tort
- b. Mass Tort
- c. Professional Liability
- d. Contract
- e. Real Property
- f. Custody
- g. Divorce
- h. Civil Appeal
- i. Miscellaneous

2. Electronic filing also applies to the following types of non-reportable initial filings:

- a. Agreement
- b. Judgment
- c. Lien
- d. Municipal Lien
- e. Writ

**2. Designated Website and Registration.**

- i. The designated website for electronic filing is the Monroe County, Pennsylvania C-Track E-Filing Portal, which can be found by clicking on the “e-File” link on the Court’s website (<http://www.monroepacourts.us/>).
- ii. All electronic filers must register with the C-Track E-Filing Portal by clicking on the “Register as an E-Filer” link at the bottom of the C-Track E-Filing Portal website.
- iii. Use of the C-Track E-Filing Portal shall be in accordance with the C-Track E-Filing Portal user manual (which can be found by clicking on the “e-File” link on the Court’s website), this local rule, and all instructions contained on the C-Track E-Filing Portal website.
- iv. Registered users shall be individuals, and not law firms, agencies, corporations, or other groups.

**(B) Form of Documents Electronically Filed.**

- 1. **Format.** Legal papers shall be presented for filing in portable document format (“PDF”). A paper electronically filed in a format other than a PDF shall be converted

to PDF and maintained by the Prothonotary in that format. In the event any legal paper or exhibit is presented in hard copy for filing, the Prothonotary shall convert such legal paper to, and maintain such legal paper as, a PDF and shall return the hard copy to the filing party for retention in accordance with Pa. R.C.P. No. 205.4(b)(4).

**(C) Public Access to Electronic Filing.**

1. The Public may access the C-Track E-Filing Portal by clicking on the “e-File” link on the Court’s website (<http://www.monroepacourts.us/>). All electronic filers, including counsel and self-represented litigants, must register with the C-Track E-Filing Portal by clicking on the “Register as an E-Filer” link at the bottom of the C-Track E-Filing Portal website in order to access the C-Track E-Filing Portal.
2. Persons who are not attorneys may also submit electronic filings via the C-Track E-Filing Portal pursuant to subsection (C)(1).

**(D) Filing Fee for Electronic Filings.**

1. The Prothonotary will accept payment of all electronic filing fees through PayPal, which accepts all major credit and debit cards. The Prothonotary will not accept alternate payment in advance of filing.
2. PayPal is designated as the third party that will accept and process all electronic filing fees for filings submitted through the C-Track E-Filing Portal.

**(E) Reserved.**

**(F) 1. Filing Status Messages.**

- i. Upon receipt of an electronic filing, the Prothonotary’s Office shall provide the filing party with an e-mail notification, or automated

notification from the C-Track E-Filing Portal, which includes the date and time the document was received by the C-Track E-Filing Portal.

- ii. After review of the electronic filing, the Prothonotary's Office shall provide the filing party with a second e-mail notification, or automated notification from the C-Track E-Filing Portal, that the document has been accepted for filing ("filed") or refused and not accepted for filing and the reason.

2. **Official Record.** When an electronic document is accepted by the Prothonotary's Office, the electronic document is considered part of the official record. The Prothonotary's Office is not required to maintain hard copies of any electronically filed document.

3. **Security for Confidential Documents.** When an electronic filer files a document that should be marked "confidential" or otherwise secured, the filer shall indicate such required security at the time of their filing submission through the prompts on the C-Track E-Filing Portal.

4. **Fees.** All electronic filing fees and costs shall be submitted and collected according to subsection (D) of this Rule.

5. **Other Procedures Necessary to the Operation of a System of Electronic Filing.**

- i. **Acceptance and Service.** If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the C-Track E-Filing Portal; provided, however, that if a legal paper is submitted without the requisite fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. The

Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite payment. If the pleading or legal paper other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. 205.4(g)(2)(ii).

- ii. **Termination Notice.** In addition to the procedures set forth in Pa.R.C.P. 230.2, in cases where a party is a registered user of the C-Track E-Filing Portal, notice of proposed termination may also be electronic.
- iii. **Paper Not Required.** An electronic filer is not required to file any paper copies unless specifically required by the court.
- iv. **Documents and Attachments.** Attachments, including exhibits, that are a required part of any filing, shall be filed electronically at the same time as the legal paper.
  1. An attachment or exhibit that exceeds the technical standards for the C-Track E-Filing Portal or is unable to be electronically filed must be filed as ordered by the court. A Notice of Exhibit Attachment shall be filed on the C-Track E-Filing Portal referencing such an exhibit with specificity and stating the reason why the exhibit was not filed electronically.
- v. **Public Access Policy.**
  1. Counsel and unrepresented parties must adhere to the PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA and refrain from including confidential

information in legal papers filed with the Prothonotary whether filed electronically or in a paper format. Counsel and unrepresented parties must include confidential information relevant to the case on the approved AOPC *Confidential Information Form*. The *Confidential Information Form* shall be served on and made available to the parties to the case, the Court and appropriate Court staff, as provided in the Public Access Policy. The PUBLIC ACCESS POLICY and *Confidential Information Form* can be found at the Administrative Office of Pennsylvania Courts website ([www.pacourts.us](http://www.pacourts.us)) as well as the Monroe County Court website ([www.monroepacourts.us](http://www.monroepacourts.us)).

2. **Confidential Filings.** Confidential filings may be submitted for electronic filing in a manner that maintains confidentiality under applicable law. Confidential data may be collected on the C-Track E-Filing Portal and may be viewed by authorized personnel while being protected from public view.
3. **Sealed Filings.** The court may, on its own motion or for good cause shown, order a filing be made under seal. Filings requested to be made under seal shall be submitted in a paper format to the Prothonotary's Office rather than through the C-Track E-Filing Portal.

**(G) Service by Electronic Transmission.**

1. The C-Track E-Filing Portal will automatically distribute a copy of any legal paper

filed in a case to each registered C-Track user who has entered his or her appearance in that case and has been selected by the electronic filer to receive electronic service. Such automatic distribution by the C-Track E-Filing Portal of electronically filed legal papers other than original process constitutes service in accordance with the Pennsylvania Rules of Civil Procedure. The electronic filer must serve the electronically filed legal papers upon any opposing parties or attorneys who are not registered users of the C-Track E-Filing Portal in accordance with the Pennsylvania Rules of Civil Procedure.

2. Service through the C-Track E-Filing Portal upon transmission on a Saturday, a Sunday, a holiday recognized by Monroe County, or after 5:00 PM EST/EDT, shall be considered complete on the next day that is not a Saturday, Sunday or recognized Monroe County holiday.
3. Establishment as a registered user of the C-Track E-Filing Portal constitutes consent to participate in electronic filing, including acceptance of service electronically of any document, other than original process, filed on the C-Track E-Filing Portal in any type of civil proceeding that permits electronic filing.

**(H) Civil Cover Sheets Not Required.** Civil and Family Court Cover Sheets are not required in the C-Track E-Filing Portal. All required data will be collected through the C-Track E-Filing Portal for transmission to the Administrative Office of Pennsylvania Courts as required by Pa.R.C.P. 205.5.

**RULE 206.1(a) PETITION PRACTICE – rescinded, effective March 7, 2016**

**RULE 206.4(c) RULE TO SHOW CAUSE. DISCRETIONARY.**

(1) A rule to show cause shall be issued at the discretion of a judge of the Court as contemplated by Pa.R.C.P. 206.5. The Court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the Court shall establish a briefing schedule in its initial order.

(2) The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition upon each attorney of record and unrepresented party in the matter prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days from the date of the order setting the rule with the Prothonotary.

(3) If no answer is filed on or before the return date, the moving party may file a motion to make the rule absolute. A motion to make the rule absolute shall evidence compliance with the service requirements of Pa.R.C.P. 440, setting forth the time, place and nature of service. No rule shall be made absolute without certification that the petition and rule to show cause have been served in compliance with Pa.R.C.P. 440. Counsel or the moving party shall make such certification under oath or in conformance with Pennsylvania Rules of Civil Procedure.

(4) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the petition and/or deny any requested relief.

**RULE 206.8(a) – PETITION FOR PRIVATE DETECTIVE AND/OR SECURITY  
GUARD LICENSE**

(1) Definitions:

(i) “Applicant” – includes any private detective, the business of detective agency, investigator, the business of investigator, security guard, or the business of watch, guard, or patrol agency.

(ii) “Private Detective” – includes any person, partnership, association or corporation, engaged in the private detective business, including individual private detectives, private detective agencies, investigators, or the business of investigator, or businesses providing watch, guard or patrol agency services.

(Definition derived from The Private Detective Act of 1953, as amended, 22 P.S. § 12.)

(iii) The term “security guard” includes uniformed or non-uniformed security guards, any patrol agency and/or individuals who are employed full time or part time, on a temporary or permanent basis, to patrol, guard, protect, monitor, regulate, secure or watch over persons and/or property, either real or personal. (Definition derived from The Private Detective Act of 1953, as amended. 22 P.S. § 12(e).)

(2) Application for Private Detective License:

(i) An Applicant(s) (or Applicant’s counsel, hereafter “Applicant/Attorney”), seeking a private detective or security guard license pursuant to The Private Detective Act of 1953, as amended

(hereafter "The Act"), shall file an original and one copy of a Petition for Private Detective or Security Guard License with the Clerk of Courts.

(ii) Applicant must comply with all requirements set forth in the Act and the Petition shall be accompanied by all documentation required under § 14 of The Act.

(iii) The Clerk of Courts shall forward a copy of the Petition to the Court Administrator.

(3) Applicant/Attorney shall serve a copy of the Petition on the District Attorney of Monroe County and shall file a Certificate of Service with the Clerk of Courts evidencing such service.

(4) Fingerprints of Applicant:

(i) In accordance with the Act, Applicant/Attorney shall submit, along with the Petition, fingerprint order cards to the Clerk of Courts;

(ii) The Clerk of Courts shall copy or make note of the cards submitted and **immediately** forward the original fingerprint order cards to the District Attorney of Monroe County for a fingerprint comparison.

(5) The District Attorney shall:

(i) within five (5) days after the filing of Applicant's fingerprints with the Clerk of Courts, submit the fingerprints to the Pennsylvania State Police Central Repository for purposes of conducting a

fingerprint comparison with the fingerprints of criminals now or hereafter filed in the Pennsylvania State Police data base.

(ii) review the Applicant's Petition;

(iii) conduct a background check on the Applicant; and

(iv) prepare a report and recommendation to the Court. The report and recommendation must be signed by the District Attorney and shall be filed with the Clerk of Courts.

(6) Hearing on Petition:

(i) The District Attorney shall notify Applicant/Attorney when it has completed its investigation, at which time, Applicant/Attorney shall submit to the Court a proposed order for hearing in the form set forth below in sub-paragraph (9).

(ii) The Court shall schedule a hearing to consider Applicant's Petition, at which time the District Attorney or designee shall appear and report his/her recommendation.

(7) Notice of Hearing:

(i) Applicant/Attorney shall ensure that notice of the hearing date is published once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing;

(ii) Applicant/Attorney shall file an Affidavit of Publication, together with proofs of advertising, with the Clerk of Courts.

(8) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the Petition and deny Applicant's request for a private investigator's license.

(9) Forms: Order for Hearing

**Form – Order for Hearing – Petition for Private Detective and/or Security Guard License**

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

**IN RE:** : **NO. \_\_\_\_\_ P.DET. 2\_\_\_\_\_**  
:   
**PETITION OF** :   
:   
:

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Petition for [Private Detective or Security Guard] License and upon motion of \_\_\_\_\_, Attorney for Applicant, a hearing is fixed on the application for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m., in Courtroom No. \_\_\_\_\_, Monroe County Courthouse, Stroudsburg, Pennsylvania.

Applicant or Applicant’s attorney shall publish Notice of the Hearing once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing; and shall file an Affidavit of Publication, together with proofs of advertising, with the Clerk of Courts.

**BY THE COURT:**

\_\_\_\_\_

**J.**

cc: (Applicant/Applicant’s Attorney)  
District Attorney’s Office

## **RULE 206.8(b) – PETITION FOR APPOINTMENT OF SCHOOL POLICE**

### (1) Definitions:

(i) “Applicant” – means the Board of School Directors of the school district requesting appointment of school police officers.

(ii) “School Police Officers” – includes any person who is hired by the school district for the purpose of enforcing good order in school buildings, on school buses and on school grounds located within the school district; including protecting the students and controlling large crowds at extracurricular student activities and events.

(Definition derived from The Public School Code of 1949, as amended, 24 P.S. § 7-778(c).)

(iii) “Solicitor” – legal counsel for the school district.

(iv) “Appointee” – the person or persons to be employed by the Applicant as a school police officer.

### (2) Application for School Police:

(i) An Applicant or the Solicitor on behalf of Applicant (hereafter “Applicant/Solicitor”), seeking appointment of school police officers pursuant to the Public School Code of 1949, as amended, 24 P.S. § 7-778 (hereafter “The School Code”), shall file an original and one copy of a Petition for Appointment of School Police with the Prothonotary.

(ii) Applicant must comply with all requirements set forth in The School Code and the Petition shall contain the following information:

(a) The name, address, social security number, date of birth, and dates of Act 34 clearance and the FBI investigation clearance for the Appointee(s) to be employed as a school police officer.

(b) The fingerprints of the Appointee(s).

(c) A report issued by the Federal Bureau of Investigation, United States Department of Justice, Investigation Division ("FBI") indicating that the Appointee(s) has no arrest record.

(d) A copy of the Request for Criminal History Record Check issued by the Pennsylvania State Police (PSP) indicating that the Appointee(s) has no arrest record.

(e) A statement by the Applicant representing that Appointee(s) is of good character and repute.

(f) A statement by the Applicant that the Appointee(s) has not resided outside the Commonwealth of Pennsylvania in any other jurisdiction since the FBI and PSP issued the reports verifying that the Appointee(s) does not have a criminal record.

(iii) The Prothonotary shall forward a copy of the Petition to the Court Administrator.

(3) Hearing on Petition:

(i) Applicant/Solicitor shall submit to the Court a proposed order for hearing in the form set forth below in sub-paragraph (6).

(ii) The Court shall schedule a hearing to consider Applicant's Petition, at which time the Solicitor shall appear and report his/her recommendation.

(4) Notice of Hearing:

(i) Applicant/Solicitor shall ensure that notice of the hearing date is published once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing;

(ii) Applicant/Solicitor shall file an Affidavit of Publication, together with proofs of advertising, with the *Prothonotary*.

(5) Failure to comply with any provision of this rule may constitute sufficient grounds for the Court to dismiss the Petition and deny Applicant's request to appoint the Appointee(s) as school police officers.

(6) Forms: Order for Hearing

**Form – Order for Hearing – Petition for Appointment of School Police Officer**

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

IN RE: : NO. \_\_\_\_\_ MISC. 2 \_\_\_\_\_  
: :  
PETITION FOR APPOINTMENT OF :  
SCHOOL POLICE OFFICER(s) FOR :  
THE {Insert Name of School District} :

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Petition for Appointment of School Police Officer(s) for the [Name of School District] and upon motion of \_\_\_\_\_, Solicitor for Applicant, a hearing is fixed on the application for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ m., in Courtroom No. \_\_\_\_\_, Monroe County Courthouse, Stroudsburg, Pennsylvania.

Applicant or Solicitor attorney shall publish Notice of the Hearing once a week for two consecutive weeks in the Monroe Legal Reporter and in one newspaper of general circulation published in Monroe County, the last advertisement to appear not less than three (3) days prior to the scheduled hearing; and shall file an Affidavit of Publication, together with proofs of advertising, with the *Prothonotary*.

**BY THE COURT:**

\_\_\_\_\_

**J.**

cc: (Applicant/Solicitor)  
District Attorney's Office

**RULE 207 – PRAECIPE FOR ARGUMENT. – Rescinded, effective  
March 7, 2016**

**RULE 207.1 – MOTION TO EXCLUDE EXPERT TESTIMONY WHICH RELIES UPON NOVEL SCIENTIFIC EVIDENCE**

(a) If a party moves the court to exclude expert testimony which relies upon novel scientific evidence, on the basis it is inadmissible under Pa.R.E. 702 or 703,

(1) the motion shall contain:

- (i) the name and credentials of the expert witness whose testimony is sought to be excluded,
- (ii) a summary of the expected testimony of the expert witness, specifying with particularity that portion of the testimony of the witness which the moving party seeks to exclude,
- (iii) the basis, set forth with specificity, for excluding the evidence,
- (iv) the evidence upon which the moving party relies, and
- (v) copies of all relevant curriculum vitae and expert reports;

(2) any other party need not respond to the motion unless ordered by the court;

(3) the court shall initially review the motion to determine, in the interest of justice, the matter should be addressed prior to trial. The court, without further proceedings, may determine that any

issue of admissibility of expert testimony be deferred until trial;

and

(4) the court shall require that a response be filed if it determines that the matter should be addressed prior to trial.

**RULE 208.2(c) – MOTIONS. STATEMENT OF APPLICABLE AUTHORITY**

All motions shall state with particularity the grounds on which they are based and shall precisely state the relief which is being sought and shall cite any statute or procedural rule authorizing the grant of such relief.

**RULE 208.2(d) – MOTIONS and PETITIONS. CONCURRENCE.**

(1) All motions and petitions shall contain a certification by counsel for the moving party that concurrence in the motion has been sought from all opposing counsel and that such concurrence has been granted or denied. This certification is not required for appeals, motions for summary judgment or motions for judgment on the pleadings.

(2) Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the motion.

(3) Failure to comply with this provision shall constitute sufficient grounds for the Court to deny the motion.

## **RULE 208.3(a) — MOTIONS, PETITIONS AND APPEAL PRACTICE.**

(1) **Applications by motion, petition or appeal.** All applications to the Court shall be by motion, unless a statute or rule requires the filing of a petition or an appeal to bring the matter before the Court. All motions, petitions or appeals shall be in writing and shall be filed in the Prothonotary's office. The signing of a motion, petition or appeal by the attorney of record shall constitute a certification that the attorney has read the document and that, to the best of his or her knowledge, information and belief there are proper grounds to support it and that it is not interposed merely for delay.

a. Preliminary objections shall be governed by Monroe County Local Rule 1028(c).

b. Motions for judgment on the pleadings shall be governed by Monroe County Local Rule 1034(a).

c. Motions for summary judgment shall be governed by Monroe County Local Rule 1035.2(a).

(2) **Rule to show cause.** If the Court issues a rule to show cause, the procedure will be governed by Monroe County Local Rule 206.4(c) unless the Court orders otherwise.

(3) **Argument.** If a party desires argument, a Request for Argument substantially in the form of subparagraph (6), Form B, stating the reasons why argument is necessary, shall be filed with the application. Any responding party may file a Request for Argument using the same form within ten days of the filing of the Motion, Petition or Preliminary Objections. The judge assigned to the case will decide by order if argument will occur. The parties shall file briefs in accordance with Monroe County Local Rule 210.

(4) **Hearing.** If the Court orders the matter for a hearing, the parties shall file hearing memoranda in accordance with Monroe County Local Rule 210(4).

(5) **Expedited disposition.** For cause shown, any moving party may request expedited disposition of any motion or petition filed with the Prothonotary. If expedited disposition is requested, a Request for Expedited Disposition substantially in the form of subparagraph (6), Form A, shall be filed with the motion or petition, explaining the grounds for an expedited disposition.

**(6) Forms.**

Form A- Request for Expedited Disposition

Form B- Request for Argument pursuant to Pa.R.C.P. 211



Name:

---

---

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Address:

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Monroe County Local Rules 208.3(a) and 210 are applicable.

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Signature of Moving Party

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Printed Signature

---

Address of Moving Party

---

Telephone Number

A copy of this request has been provided to the following by the moving party:

Name:

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Address:

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## **RULE 210 – BRIEFS. FORMS. CONTENT. FILING.**

- (1) Form. Each brief shall be typewritten, printed or otherwise duplicated, endorsed with the name of the case, the Court, the term and number, and the name, address and telephone number of the attorney or the party if not represented by an attorney.
  
- (2) Content. The brief shall include a statement of the facts, a statement of the question involved, and the argument.
  - (i) The statement of the facts shall, depending upon the nature of the case, consist of an abstract of the testimony or of the pleadings or both, and shall include a procedural history of the case showing how the issue is made up and how the case arises before the Court.
  - (ii) The statement of questions involved must be so drawn that the Court may quickly determine all the legal questions to be decided.
  - (iii) The argument shall be divided into as many parts as there are questions involved. Citations of authority shall be accurately designated, shall set forth the volume and page number where they appear, and shall set forth the exact citation of the principles for which they are cited. Whenever a Pennsylvania statute is cited, the pertinent title and section number of Purdon's Statutes shall also accompany said citation.
  - (iv) Whenever testimony is abstracted or referred to, it must contain reference to the pages of the transcript where the supporting evidence may be found.
  
- (3) Filing. Fifteen (15) days before the date set for argument, the moving party shall deliver a copy of his brief to the adverse party and file a copy with the Prothonotary. The respondent shall deliver his brief to the moving party and file a copy with the Prothonotary five (5) days before the

date for argument. No supplemental brief shall be filed except upon special allowance by the Court and within such time as the Court may direct.

(4) In all other proceedings scheduled for hearing before the Court, all counsel shall provide the Court with a brief or memorandum of law setting forth legal authorities relied upon. Such brief or memorandum of law shall be provided to the Court at the time of the hearing unless otherwise specified by these rules or by order of court.

(5) Penalty for Noncompliance. Failure to substantially comply with any requirement of this rule shall constitute a default for which the cause of action may be continued or stricken off the list or the application of the parties in default refused, as the Court may deem just and proper.

(6) Informal Letter Briefs. Notwithstanding this rule, the Court may in any case allow counsel to file an informal letter brief.

**RULE 211 – ORAL ARGUMENT, rescinded, effective March 7, 2016**

**RULE 212-PRETRIAL PROCEDURE, rescinded, effective March 7, 2016**

## **RULE 212.1 – CASE MANAGEMENT.**

(1) **Case tracks.** The Court Administrator will assign a judge to a case upon the filing of a civil action. Within 120 days of filing, the Court will issue a case management order giving notice of the earliest date on which the case may be tried, pursuant to Pa.R.C.P. 212.1. The order will establish a case track and timelines for case events, in accordance with the following schedules:

<b>Case Type</b>	<b>Management Track</b>	<b>Disposition Within</b>
<ul style="list-style-type: none"><li>- All cases involving damages of less than \$50,000</li><li>- Residential lease rent &amp; possession</li><li>- Replevin</li><li>- Mechanic's Lien</li><li>- Tax/Judicial sale petitions</li><li>- Residential assessment appeals</li></ul>	<b>Fast</b>	<b>10 months</b>
<ul style="list-style-type: none"><li>- All cases involving damages in excess of \$50,000 except complex cases</li><li>- Actions to quiet title</li><li>- Ejectment (other than residential lease)</li><li>- Declaratory judgment</li><li>- Mortgage foreclosure</li><li>- Commercial assessment appeals</li><li>- Partition</li><li>- Right to Know</li></ul>	<b>Standard</b>	<b>18 months</b>
<ul style="list-style-type: none"><li>-Class action</li><li>-Medical/Professional Malpractice</li><li>-Toxic Tort/Waste</li><li>-Product Liability</li></ul>	<b>Complex</b>	<b>24 months</b>

**(2) Case events.**

<b>Case Event</b>	<b>Fast Track</b>	<b>Standard Track</b>	<b>Complex Track</b>
<b>Management order</b>	<b>4 months</b>	<b>4 months</b>	<b>4 months</b>
<b>Discovery complete; motions to compel filed</b>	<b>6 months</b>	<b>12 months</b>	<b>18 months</b>
<b>Plaintiff expert reports</b>	<b>6 months</b>	<b>12 months</b>	<b>18 months</b>
<b>Defense expert reports</b>	<b>8 months</b>	<b>14 months</b>	<b>20 months</b>
<b>Dispositive motions</b>	<b>8 months</b>	<b>14 months</b>	<b>20 months</b>
<b>Praecipe for arbitration filed</b>	<b>9 months</b>		
<b>Pretrial memorandum due</b>		<b>Filed before trial date as per Pa.R.C.P. 212.1</b>	<b>Filed before trial date as per Pa.R.C.P. 212.1</b>
<b>First date case may be tried pursuant to Pa.R.C.P. 212.1</b>		<b>18 months</b>	<b>24 months</b>

**(3) Pretrial procedure.**

a. A court order will issue upon filing in Fast Track and Standard Track cases. The case track and/or deadlines established by the case management order may be modified by the Court in its own discretion or for good cause shown. A party seeking modification shall seek the written concurrence of all parties and make the request for modification by written motion. A proposed modified case management order in a form substantially similar to Form "C" shall be attached. A proposed order for a status conference, substantially similar to Form "D" shall also be attached.

b. The trial judge assigned to a case on the Complex Case Track will schedule a status conference with the parties who have appeared in the action approximately four months after the date of filing to establish a case management plan.

The judge may modify the above case event deadlines. The judge may require the parties to participate in creating a joint case management plan to be submitted to the Court at the time of the status conference.

c. An appeal from compulsory arbitration pursuant to Pa.R.C.P. 1308 shall be placed by court order on the next trial list more than sixty days from the date of the appeal.

d. A party may request a civil trial listing or an arbitration hearing for a case which does not have a Case Management Order by motion to the Court.

e. Pretrial memoranda shall be filed before the trial date in accordance with the dates established by Pa.R.C.P. 212.1(b), unless otherwise scheduled by the Court.

f. The parties' pretrial memoranda shall include the following:

1. Name of client, name and telephone number of the attorney who will try the case;

2. In jury cases, the demand and offer of settlement which shall be binding upon the parties for purposes of Pa.R.C.P. 238;

3. The name and coverage limits of any insurance carrier;

4. The names and addresses of all witnesses to be called at trial with a description of their purpose, e.g. liability, damages, etc.;

5. A list of exhibits to be introduced at trial. Counsel shall certify in the pretrial memorandum that all exhibits were furnished to opposing counsel.

6. A list of all special damages claimed by any party;

7. A list of voir dire questions;

8. The estimated length of trial time necessary for counsel to present a party's evidence.

g. By order of court, the trial judge shall notify all counsel and unrepresented parties of the date and place of the pretrial conference. At least five days before the pretrial conference, all counsel and unrepresented parties shall confer to discuss settlement and evidentiary issues. Plaintiff's counsel shall be responsible for arranging this conference.

h. Only counsel who participate in the pretrial conference with the Court shall be permitted to conduct the trial unless otherwise authorized by the trial judge.

i. Motions in limine must be in writing and shall be filed with the Prothonotary no later than the pretrial conference. The trial judge will schedule opposing party responses and argument as required.

j. At trial, the parties will be limited to those witnesses and exhibits disclosed in the pretrial memoranda, unless opposing counsel waives such restrictions or the Court finds such a limitation to be unjust. If a party has indicated that a witness will be called, three days' notice shall be given to opposing counsel if the witness will not be called for any reason.

k. In any case requiring court approval of a settlement, a copy of the contingent fee agreement shall be brought to the pretrial conference with the Court.

**(4) Forms.**

Form C - Proposed Modified Case Management Order Template

Form D - Proposed Order For Status Conference Template

FORM "C"

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

	:	No. CV 20__
	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	
	:	
,	:	
	:	
<b>Defendant</b>	:	

**CASE MANAGEMENT ORDER**

**AND NOW**, this        day of                    , 20\_\_ , upon consideration of the Motion to Extend Case Management Deadlines, **IT IS ORDERED** as follows:

1. This case is **stricken** from the \_\_\_\_\_, 20\_\_ Civil Trial List.
2. Trial is scheduled for this Court's two week trial term commencing on \_\_\_\_\_, 20\_\_, at 8:30am in Courtroom No. 1. Pre-trial memoranda shall be filed with the Prothonotary before the trial date in accordance with Pa.R.C.P. 212.1. Counsel are attached.
3. Discovery shall be completed by \_\_\_\_\_, 20\_\_, including the filing of all motions to compel the production of discovery.
4. Plaintiff's expert reports shall be completed and served upon Defendant by \_\_\_\_\_, 20\_\_.

5. Defendant's expert reports shall be completed and served upon Plaintiff  
by \_\_\_\_\_, 20\_\_.

6. All dispositive motions shall be filed by \_\_\_\_\_, 20\_\_.

**BY THE COURT:**

---

**J.**

cc: \_\_\_\_\_, **Esquire**  
\_\_\_\_\_, **Esquire**  
**Prothonotary**  
**Court Administration**

FORM "D"

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

: No. CV 20\_\_  
Plaintiff :  
vs. :  
, :  
Defendant :

ORDER

**AND NOW**, this        day of        , 20\_\_ , following consideration of the Plaintiff's/Defendant's Motion to Modify the Case Management Schedule, **IT IS ORDERED** that a status conference shall be held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_ o'clock \_\_.m., in Courtroom No. \_\_\_\_\_, Monroe County Courthouse, Stroudsburg, Pennsylvania to consider the request to modify the case management order.

**BY THE COURT:**

\_\_\_\_\_

**J.**

cc: \_\_\_\_\_, Esquire  
\_\_\_\_\_, Esquire  
Prothonotary  
Court Administrator

## **RULE 212.5 - MEDIATION**

### **(a) Certification of Mediators**

- (1) The President Judge shall certify as many mediators as determined to be necessary. It is anticipated that 10 to 15 mediators shall be initially certified.
- (2) All mediators will be members of the Monroe County Bar Association.
- (3) An attorney may be certified at the discretion of the President Judge as a mediator if:
  - (i) he or she has been a member of the Pennsylvania bar for a minimum of ten (10) years;
  - (ii) he or she has been admitted to practice before the Monroe County Court of Common Pleas; and
  - (iii) he or she has been determined by the President Judge to be competent to perform the duties of a mediator;
  - (iv) he or she has professional liability insurance in the minimum amount \$100,000 per occurrence and \$300,000 in the aggregate per year; and
  - (v) he or she has successfully completed a mediation training program approved by the Monroe County Court of Common Pleas.
  - (vi) The training requirement may be waived by the President Judge when the qualifications and experience of the applicant are deemed sufficient.
- (4) The court shall solicit qualified individuals to serve as mediators.
- (5) Each individual certified as a mediator shall take the oath or affirmation prescribed by 42 Pa.C.S.A. § 3151 before serving as a mediator.
- (6) A list of all persons certified as mediators shall be maintained in the office of the court administrator.
- (7) A member of the bar certified as a mediator may be removed from the list of certified mediators by the President Judge for any reason.

**(b) Mediator Training**

Unless waived by the President Judge, all mediators shall take at least six hours of instruction in alternative dispute resolution in a program that is eligible for Continuing Legal Education Credit (CLE) for members of the Pennsylvania bar.

**(c) Payment of Mediators**

- (1) All terms and conditions of the mediator's fee agreement must be set forth in writing. The parties shall pay the mediator directly. The court assumes no responsibility for the supervision or enforcement of the parties' agreement to pay for mediation services.
- (2) Any charges relating to the mediator's services shall be shared equally by the parties.
- (3) The mediator shall be paid on an hourly basis at the mediator's regular hourly rate or, in the absence of a standard hourly rate, at the rate of \$200.00 per hour. The mediator shall disclose to the parties and/or their attorneys the rate at which his/her charges will be billed.
- (4) Prior to the beginning of mediation, the parties shall pay to the mediator a non-refundable fee representing three hours of the mediator's time. This shall be the minimum fee for the mediator's time regardless of whether the mediation is concluded before three hours of time have been expended.
- (5) Except as provided herein, a mediator shall not accept anything of value from any source for services provided under the court-annexed mediation program.

**(d) Types of Cases Eligible for Mediation**

Every civil action filed in the Monroe County Court of Common Pleas is eligible for mediation except any case which the assigned judge determines, after application by any party or by the mediator, is not suitable for mediation.

**(e) Mediation Conference Scheduling**

- (1) When the court makes a determination that referral to mediation is appropriate, it shall issue an order referring the case to mediation, appointing the mediator, directing the mediator to establish the date, time

and place for the mediation session and setting forth the name, address, and telephone number of the mediator. The order will also direct the mediator to fix the date for the initial mediation session to be a date within sixty (60) days from the date of the order of referral unless otherwise extended by the court.

- (2) The mediation session shall be held before a mediator selected by the assigned judge from the list of mediators certified by the President Judge.
- (3) The Prothonotary/Clerk of Courts shall provide the mediator with a current docket sheet.
- (4) The mediator shall advise the Prothonotary/Clerk of Court as to which documents in the case file the mediator desires copies of for the mediation session. The Prothonotary/Clerk of Courts shall provide the mediator with all requested copies at no charge to the mediator. However, the assigned Judge, in his or her discretion, may require that the parties share in the cost of providing the necessary copies.
- (5) Any continuance of the mediation session beyond the period prescribed in the referral order must be approved by the assigned judge.
- (6) A person selected as a mediator shall be disqualified for bias or prejudice as if he or she were a district justice or judge. A party may assert the bias or prejudice of an assigned mediator by filing an affidavit with the assigned judge stating that the mediator has a personal bias or prejudice. The judge may in his or her discretion end alternative dispute resolution efforts, refer the case to another mediator, refer the case back to the original mediator or initiate another alternative dispute resolution mechanism.

**(f) The Mediation Session and Confidentiality of Mediation Communications.**

- (1) The mediation session shall take place as directed by the court and the assigned mediator. The mediation session shall take place in a neutral setting designated by the mediator.
- (2) To the extent that space is available and the Executive Board of the Monroe County Bar Association agrees, the mediator may schedule the mediation at the offices of the Monroe County Bar Association, which shall be entitled to charge a reasonable fee for use of its facilities.
- (3) The parties shall not contact or forward documents to the mediator except as directed by the mediator or the court.

- (4) Prior to the Mediation, the parties and/or their attorneys shall be required to prepare and submit a Confidential Position Paper disclosed only to the mediator in the format attached or as modified by the mediator or the assigned judge. The Confidential position paper shall not become a part of the court record and shall be destroyed at the conclusion of the mediation.
- (5) If the mediator determines that no settlement is likely to result from the mediation session, the mediator shall terminate the session and promptly thereafter file a report with the assigned Judge stating that there has been compliance with the requirements of mediation in accordance with the local rules, but that no settlement has been reached.
- (6) In the event that a settlement is achieved at the mediation session, the mediator shall file a report with the assigned Judge stating that a settlement has been achieved. The order of referral may direct the mediator to file the report in a specific form.
- (7) Unless stipulated in writing by all parties and the mediator or except as required by law or otherwise ordered by the court, all discussions which occur during mediation shall remain strictly confidential and no communication at any mediation session (including, without limitation, any verbal, nonverbal or written communication which refers to or relates to mediation of the pending litigation) shall be disclosed to any person not involved in the mediation process, and no aspect of the mediation session shall be used by anyone for any reason.
- (8) No one shall have a recording or transcript made of the mediation session, including the mediator.
- (9) The mediator shall not be called to testify as to what transpired in the mediation.
- (10) Prior to the beginning of the mediation, all parties and their attorneys shall be required to sign a form developed by the Court in which the parties agree:
  - (i) to the terms of the mediation; and
  - (ii) to waive any professional liability claims that they might assert against the mediator, the assigned Judge, the Court of Common Pleas of the 43<sup>rd</sup> Judicial District, or Monroe County, as a result of their participation in the mediation process.

(g) **Duties of Participants at the Mediation Session.**

**(1) Parties.** All named parties and their counsel are required to attend the mediation session, participate in good faith and be prepared to discuss all liability issues, all defenses and all possible remedies, including monetary and equitable relief. Those in attendance shall possess complete settlement authority, independent of any approval process or supervision, except as set forth in subparagraphs (A) and (B) below.

Unless attendance is excused under paragraph (d), willful failure to attend the mediation session will be reported by the mediator to the court and may result in the imposition of sanctions.

**(A) Corporation or Other Entity.** A party other than a natural person (e.g. a corporation or association) satisfies this attendance requirement if represented by a person (other than outside counsel) who either has authority to settle or who is knowledgeable about the facts of the case, the entity's position, and the policies and procedures under which the entity decides whether to accept proposed settlements.

**(B) Government Entity.** A unit or agency of government satisfies this attendance requirement if represented by a person who either has authority to settle or who is knowledgeable about the facts of the case, the government unit's position, and the policies and procedures under which the governmental unit decides whether to accept proposed settlements. If the action is brought by or defended by the government on behalf of one or more individuals, at least one such individual also shall attend.

**(2) Counsel.** Each party shall be accompanied at the mediation session by the attorney who will be primarily responsible for handling the trial of the matter.

**(3) Insurers.** Insurer representatives are required to attend in person unless excused under paragraph (d), below, if their agreement would be necessary to achieve a settlement. Insurer representatives shall possess complete settlement authority, independent of any approval process or supervision.

**(4) Request to be Excused.** A person who is required to attend a mediation session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than ten (10) days before the date set for the mediation, a written request to the mediator, simultaneously copying all counsel. The written request shall set forth all considerations that support the request and shall indicate whether the other party or parties join in or object to the request. A proposed order prepared for the signature of the Judge shall be

submitted to the mediator with the request. The mediator shall promptly consider the request and shall submit the proposed order to the Judge with a recommendation that the request be granted or denied. In the absence of an order excusing attendance, the person must attend.

Where an individual requests to be excused from personal participation at the mediation, a preference shall be given to attending by telephone at the expense of the excused party rather than complete excusal from the mediation.

(h) **Use of mediators for Private Employment**

The Monroe County Bar Association shall maintain a copy of the list of mediators certified by the President Judge. To the extent agreed to by the individual mediators, the list of mediators may be made available to litigants to hire for alternative dispute resolution including arbitrations and mediations. To the extent that the certified mediators are privately hired, the mediators shall make direct arrangements for compensation with the hiring litigants and the work they perform shall not be governed by the rules of the court-annexed mediation program.

**RULE 213 – EQUITY PRETRIAL PROCEDURE. - rescinded, effective March 7, 2016. See Pa.R.C.P. 1501, rescinded 12/16/2003, effective 7/1/2004**

## **RULE 217 – COSTS**

1. Costs shall follow the verdict or decree, unless the Court orders otherwise.
2. Taxation of costs. A party entitled to costs shall file a bill of costs, accompanied by an affidavit as to correctness, with the Prothonotary, and serve a copy thereof upon all other parties. If no objections to the bill of costs are filed by any party with ten (10) days of the date of filing with the Prothonotary, costs shall be taxed by the Prothonotary.
3. An appeal taken to the Court from the Prothonotary's taxation of a bill of costs must be filed within 30 (thirty) days from the date of the filing of the Prothonotary's taxation.
4. The Court, upon motion of any party, or on its own motion, may tax as costs the following:
  - (a) Jury costs, including mileage and per diem, if the Court finds that any party or lawyer in any case before the Court has acted in bad faith or has failed to exercise reasonable diligence in the settlement of such case at the earliest practicable time.
  - (b) Reasonable counsel fees as a sanction for dilatory, obdurate or vexatious conduct, if the Court finds a party or lawyer has so acted.
  - (c) Costs contemplated by Pa.R.C.P.217.

## **RULE 223 – CONDUCT OF THE TRIAL**

- (a) Time. The time to be occupied in examining a witness and addressing the jury may be regulated by the trial judge.
- (b) Number of Attorneys. The trial judge may limit the number of attorneys representing the same party or the same group of parties who may actively participate in the trial of the case or may examine or cross-examine a witness or witnesses, and also the number of witnesses whose testimony is similar or cumulative.

## **RULE 225 – OPENING ADDRESSES AND CLOSING ARGUMENTS**

1. The opening addresses and closing arguments of counsel engaged in trial shall be in accordance with the following principals:
  - (a) Unless the trial Judge shall otherwise permit, only one (1) attorney may present an opening address or a closing argument for any party.
  - (b) 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 supportive evidence intended to be introduced.
  - (c) 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.
  - (d) Counsel for defendant or any third party defendant may elect to make the opening address 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.
  - (e) 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 as early as practicable and may be supplemented 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 may be requested.

### **RULE 227.1 – POST-TRIAL RELIEF**

- (a) A copy of any Motions for Post-Trial Relief shall be delivered to the trial judge, the official court reporter and the adverse party within twenty-four (24) hours after filing them with the Prothonotary. Counsel shall assign specific reasons for each motion and shall state whether a partial or full transcript of the testimony is required and set forth the reason therefore. Upon receipt of the post-trial motions the trial judge may determine what portions of the testimony shall be transcribed.
- (b) In motions requesting a new trial, particular reasons shall be assigned; general reasons will not be considered. Reasons relating to rulings on evidence shall be separately designated.

**RULE 236 – NOTICE BY PROTHONOTARY OF ENTRY OF ORDER, DECREE  
OF JUDGMENT**

When filing any order, decree or judgment, a party shall list on the documents the name and address of each attorney of record and each unrepresented party.

## **RULE 250D – BANKRUPTCY – NOTICE OF STAY**

Whenever a party in a pending civil action files a federal bankruptcy proceeding entitling the party to an automatic stay, said party shall file written notice thereof in the office of the Prothonotary. The notice shall contain the caption and number of the pending action and include a photocopy of the face sheet of the bankruptcy petition certified by the Clerk of the Bankruptcy Court showing the filing number and date. The moving party shall provide a copy of said notice to all parties and the assigned judge.

Upon termination of the stay, any party may move to reactivate the pending proceeding.

Failure to give notice as required by this rule may result in the imposition of sanctions, including costs.

**RULE 400.1(b)(1) – SERVICE OF ORIGINAL PROCESS. - rescinded, effective March 7, 2016. See Pa.R.C.P. 400**

**RULE 430 – NOTICES AND SERVICES BY PUBLICATION**

(a) Form. All notices shall be in writing.

(b) Legal Periodical. The Monroe County Legal Reporter shall be the legal periodical for the publication of all notices.

(c) Notice Where Manner Not Otherwise Prescribed. Whenever notice is required to be given and the manner thereof is not prescribed by statute or rule of Court, the notice shall be published once in one newspaper of general circulation published in the county, and once in the Monroe County Legal Reporter immediately preceding the event.

(d) Prior to requesting service pursuant to this rule, the moving party must demonstrate compliance with Pa.R.C.P. 430.

## **RULE 500 – DISPOSITION OF EVIDENCE**

Within thirty (45) days from the date that an action is finally concluded, each party which has introduced evidence during a hearing at the trial of a matter shall recover their trial exhibits from the court reporter.

If a party has not recovered an exhibit or exhibits offered at trial within sixty (60) days from the date the action is finally concluded, the court reporter shall notify counsel for the parties, or the parties themselves if they do not have counsel, in writing by U.S. first class mail at their addresses of record, that the exhibits will be destroyed thirty (30) days thereafter.

If the exhibits are not retrieved during that time period, the court reporter shall destroy or otherwise dispose of the exhibits.

## **RULE 1012 – APPEARANCE; WITHDRAWALS**

1. 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, or partnership or similar entity. Appearances by attorneys or parties not signing pleadings or motions shall be made by written praecipe filed with the Prothonotary of Monroe County.

2. Appearances of counsel may not be withdrawn, except by substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney, or by leave court, in which case, a Rule to Show Cause shall be issued to the client represented by the movant and to all other parties to the litigation or proceeding.

3. 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 continuance of any proceeding unless specifically allowed by the Court.

**RULE 1018.1 – NOTICE TO DEFEND**

The name, address and telephone number of the organization to be set forth in the Notice to Defend required by Pa.R.C.P. 1018(c) and in any similar notice required by the Pennsylvania Rules of Civil Procedure shall be:

MONROE COUNTY BAR ASSOCIATION

FIND A LAWYER PROGRAM

P.O. BOX 591

STROUDSBURG, PENNSYLVANIA 18360

Telephone (570) 424-1340

Fax (570) 424-8234

NOTE: This Rule was amended in January of 2024, to reflect a new mailing address for the Monroe County Bar Association's Find a Lawyer Program.

**RULE 1019 – PLEADING OF STATUTES, ORDINANCES, REGULATIONS  
AND RULES**

When any right, claim or defense is asserted to be founded upon a specific statute of this or another jurisdiction or upon an ordinance, governmental regulation or rule of court, the first pleading in which such right, claim or defense is asserted shall cite, for the information of the Court, the statute, ordinance, regulation or rule so relied upon.

**RULE 1021 – MONEY DAMAGES. – rescinded, effective March 7, 2016**

**RULE 1025 – ENDORSEMENT – CHANGE OF ADDRESS**

- (a) Praeipce. Any party may file with the Prothonotary a praecipe, which shall be noted upon the appearance docket and form part of the record in the case, setting forth a new address other than that appearing as an endorsement on a pleading theretofore filed.
- (b) Making of Endorsement. No paper shall be filed until it has first been endorsed, showing the title of the paper, the number and term and the name of the parties to the action. If the paper is presented by an attorney it shall be endorsed by him.

## **RULE 1028(c) – PRELIMINARY OBJECTIONS**

(1) Preliminary objections shall be filed with the Prothonotary. The Court will then schedule the preliminary objections for decision by order. If a party desires argument, that request shall be made by filing a Request for Argument substantially in the form of Monroe County Local Rule 208.3(a)(6) Form B-Request for Argument pursuant to Pa.R.C.P. 211. Any responding party may file a Request for Argument using the same form within ten days of the filing of the application. The judge assigned to the case will decide by order if argument is to occur.

(2) The parties shall file briefs in accordance with Monroe County Local Rule 210.

**RULE 1029 – ACTION ON BOOK ACCOUNT. – rescinded, effective March 7, 2016. See Pa. Rule of Evidence 1003.**

## **RULE 1034(a) – MOTION FOR JUDGMENT ON THE PLEADINGS**

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. The Court will then schedule the motion for decision by order. If a party desires argument, that request shall be made by filing a Request for Argument substantially in the form of Monroe County Local Rule 208.3(a)(6) Form B- Request for Argument pursuant to Pa.R.C.P. 211. Any responding party may file a Request for Argument using the same form within ten days of the filing of the application. The judge assigned to the case will decide by order if argument is to occur.

(2) The parties shall file briefs in accordance with Monroe County Local Rule 210.

## **RULE 1035.2(a) – MOTION FOR SUMMARY JUDGMENT**

(1) A motion for summary judgment shall be filed with the Prothonotary. The Court will then schedule the motion for decision by order. If a party desires argument, that request shall be made by filing a Request for Argument substantially in the form of Monroe County Local Rule 208.3(a)(6) Form B-Request for Argument pursuant to Pa.R.C.P. 211. Any responding party may file a Request for Argument using the same form within ten days of the filing of the application. The judge assigned to the case will decide by order if argument is to occur.

(2) The parties shall file briefs in accordance with Monroe County Local Rule 210.

**RULE 1037 – OPENING DEFAULT JUDGMENTS. – rescinded,  
effective March 7, 2016**

**RULE 1051 – COMMENCING ACTION BY PRAECIPE. – Rescinded, effective March 7, 2016. See Pa.R.C.P. 1051, 1054**

## Compulsory Arbitration

### RULE 1301 – SCOPE

1. **Types of Cases for Compulsory Arbitration**—All civil cases where the amount in controversy (exclusive of interest and costs) is Fifty Thousand (\$50,000.00) Dollars or less shall first be submitted to a Board of Arbitrators, except those cases involving title to real estate, equity cases, mandamus, quo warranto, and mortgage foreclosure, in accordance with 42 Pa.C.S. §7361.
2. **Amount in Controversy**—The amount in controversy shall be determined from the pleadings or by agreement of counsel.
3. **Cases on a Trial List**—The Court may of its own motion, or upon the motion of any party, strike from the trial list and certify for arbitration any case which should have been submitted for Compulsory Arbitration in the first instance.
4. **Timing of Arbitration**—No case shall be scheduled for arbitration until
  - a. the expiration of 30 days from the most recent service either of (a) the complaint upon an original or an additional defendant; or (b) a counterclaim upon the plaintiff; AND
  - b. unless counsel for the moving party certifies at the time of filing the Praeceptum for arbitration that:
    - i. All preliminary objections have been finally determined;
    - ii. Counsel for the moving party has completed all discovery and knows of no pending discovery on the part of opposing counsel which will delay hearing;
    - iii. The moving party and witnesses are available and ready to proceed to hearing.
5. **Form**—A case shall be listed for arbitration when a party files a Praeceptum for Arbitration on the form attached to this rule.

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

\_\_\_\_\_  
\_\_\_\_\_

NO: \_\_\_\_\_

**PRAECIPE FOR ARBITRATION  
43 J.D.R.C.P. 1301**

**VS.**

\_\_\_\_\_  
\_\_\_\_\_

**TO THE PROTHONOTARY OF SAID COURT:**

- Appoint arbitrators in the above case
- Amount in controversy is \$50,000 or less.
- The case has been at issue more than thirty days.
- Order of the Court.
- Judgment has been entered Sec Leg. Assessment of Damages only.
- Estimated time required for hearing is \_\_\_\_\_ hours.
- There is Companion Case No. \_\_\_\_\_.
- Other

**The case is to be tried by and notices sent to:**

\_\_\_\_\_  
\_\_\_\_\_

**Attorney(s) for Plaintiff (s) or Pro Se Plaintiff**

**Attorney(s) for Defendant(s) or Pro Se Defendant**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Phone Number**

\_\_\_\_\_  
**Phone Number**

\_\_\_\_\_  
**Email**

\_\_\_\_\_  
**Email**

I CERTIFY that all preliminary objections have been finally determined; that I have completed all discovery and know of no discovery on the part of opposing counsel which will delay a hearing; that the moving party and witnesses are available and ready to proceed.

I CERTIFY that a copy of this Praecepte has been served on the following by the moving party.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Dated:** \_\_\_\_\_

\_\_\_\_\_

**Attorney for the** \_\_\_\_\_

## **RULE 1302—SELECTION, REPLACEMENT, AND COMPENSATION OF ARBITRATORS**

1. **Arbitrators**—Attorneys admitted to the Monroe County Bar shall constitute a list of members qualified to act as arbitrators. The Court Administrator shall select from said list three (3) arbitrators for each action; the Chairperson shall have been a member of the Bar of this Court admitted to the practice of law for a minimum of three (3) years. Not more than one member or associate of a firm or association of attorneys shall be appointed to the same board.

2. **Replacement as an Arbitrator**—If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall request replacement on the form that follows by email to [Arbitrations@monroepacourts.us](mailto:Arbitrations@monroepacourts.us) a minimum of seven (7) days prior to the scheduled arbitration hearing, except where excused by the Court for good cause shown. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of her/his appointment by the Court Administrator, the attorney may be subject to sanctions.

3. **Notice of Appointment**—The Court Administrator shall email a copy of the notice of appointment to each attorney of record and to each arbitrator appointed. In the event that any party is not represented by an attorney, the Court Administrator shall send such copy to the party at her/his last known address by certified and regular mail. The address and if known, email address of any unrepresented party is to be furnished to the Court Administrator by the party filing the Praecipe for

arbitration.

**4. Arbitrator Compensation**—The amount of compensation for each member of the Board of Arbitrators, which shall be paid by the County, shall be established from time to time by the President Judge by Administrative Order. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon request by the Chairperson under subsection 8 of this Rule.

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

\_\_\_\_\_  
\_\_\_\_\_  
VS.  
\_\_\_\_\_  
\_\_\_\_\_

NO: \_\_\_\_\_

**REQUEST FOR REPLACEMENT OF ARBITRATOR**

**Arbitration Date:** \_\_\_\_\_

**Chairperson:** \_\_\_\_\_  
(Include Firm)

**Arbitration Panelists:** \_\_\_\_\_  
(Include Firm)  
\_\_\_\_\_

**Reason for Request:** \_\_\_\_\_  
\_\_\_\_\_

**Substitute Panelist:** \_\_\_\_\_  
(Include Firm)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

## **RULE 1303—CONTINUANCE OF ARBITRATION, NOTICE, FAILURE TO APPEAR**

1. **Form of Application for Continuance**—The President Judge or her/his designee shall have the authority to grant continuances and all requests for continuances shall be by **motion** as set forth in Pa.R.C.P. 206.1(a), Pa. R.C.P. 208.2(d), and Monroe County Local Rule of Civil Procedure 208.2(d).
2. **Timing of Motion for Continuance**—All motions for continuance of an arbitration must be filed a minimum of seven (7) business days prior to the date of the hearing. Prior to filing a motion for continuance, the moving party shall confer with opposing counsel and all arbitration panelists on a date for the continued hearing. The moving party shall include any agreed-upon dates in their motion and attach certificates of concurrence.
3. **Notice**—Notice of the date, time and place of arbitration shall be provided to counsel for the parties via electronic mail or, if unrepresented, to the party directly via certified and regular mail by the Court Administrator, or her/his designee, and shall include the following provision pursuant to Pa. R.C.P. 1303(a)(2):

**“This matter will be heard by a board of arbitrators at the time, date and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the Court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”**

4. **Failure to Appear for Arbitration**— If a party fails to appear for the hearing, no default judgment shall be entered. The arbitrators shall proceed to hear the case and enter an appropriate award upon the conclusion of the evidence.

## **RULE 1304—CONDUCT OF HEARING, GENERALLY**

- 1. Compliance with State Rules**—The arbitrators and parties shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305, 1306. When making an award pursuant to Pa.R.C.P. 1306, the arbitrators shall complete and sign the form provided by Court Administration as prescribed by Pa. R.C.P. 1312. The Chairperson shall send the completed form by email to [Arbitrations@monroepacourts.us](mailto:Arbitrations@monroepacourts.us) no more than three business (3) days following the arbitration.
- 2. Additional Day(s) of Hearing**—When more than one hearing becomes necessary, the Chairperson shall notify Court Administration on the form that follows by emailing same to [Arbitrations@monroepacourts.us](mailto:Arbitrations@monroepacourts.us). The Chairperson must indicate on the form that all participants concur with the request for additional time and shall set forth a hearing date mutually agreed upon by counsel, the parties, and the arbitrators.

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

\_\_\_\_\_  
\_\_\_\_\_  
VS.  
\_\_\_\_\_  
\_\_\_\_\_

NO: \_\_\_\_\_

**REQUEST FOR ADDITIONAL HEARING DAY**

**Arbitration Date:** \_\_\_\_\_

**Chairperson:** \_\_\_\_\_

**Arbitration Panelists:** \_\_\_\_\_  
\_\_\_\_\_

**Counsel for Plaintiff:** \_\_\_\_\_

**Counsel for Defendant:** \_\_\_\_\_

**Reason for Request:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Agreed-Upon Date(s):** \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm

\_\_\_\_\_  
Email

\_\_\_\_\_  
Telephone

## **RULE 1315—DEFAULT JUDGMENT AND SETTLEMENT**

- 1. Default Judgment**—If a default judgement is entered on a case that is scheduled for arbitration, the filing party must notify Court Administration simultaneously with the filing of the default judgement by email to [Arbitrations@monroepacourts.us](mailto:Arbitrations@monroepacourts.us). Thereafter, a timestamped copy of the default judgement must be emailed to Court Administration a minimum of three (3) business days prior to the arbitration.
- 2. Settlement**—If the parties to a case scheduled for arbitration reach a settlement, they must file a Joint Motion to Cancel the Arbitration and notify Court Administration simultaneously with the filing of the Joint Motion by email to [Arbitrations@monroepacourts.us](mailto:Arbitrations@monroepacourts.us). Thereafter, a copy of the timestamped Joint Motion must be emailed to Court Administration a minimum of three (3) business days prior to the arbitration. If no Praecipe to Discontinue/Settle and End has been filed with the Joint Motion, the Plaintiff will be ordered to file one within thirty (30) days.

**RULE 1311 – PROCEDURE ON APPEAL. – Rescinded, effective  
March 7, 2016.**

**Minors as Parties**

**RULE 2039 – COMPROMISE SETTLEMENT AND PHYSICIAN’S STATEMENT  
OF EXTENT OF INJURY. – Rescinded, effective March 7, 2016.  
See Pa.R.C.P. 2039**

**Incompetents as Parties**

**RULE 2064 – COMPROMISE SETTLEMENT AND PHYSICIAN'S STATEMENT  
OF EXTEND OF INJURY. – RESCINDED, effective date March 7, 2016.  
See Pa.R.C.P. 2064**

## **Actions for Wrongful Death**

### **RULE 2206 – SETTLEMENT, COMPROMISE, DISCONTINUANCE AND JUDGMENT NOTICE TO THE DEPARTMENT OF REVENUE CONTENTS OF THE PETITION DEPARTMENT’S RESPONSE**

A. When a petition is presented seeking an order permitting a compromise of a claim, whether in suit or not, by an estate or when a petition is presented pursuant to Pa.R.C.P. 2206, the Court shall set a date for hearing. Petitioner shall provide a copy of the petition and notice of the hearing date to the Office of Chief Counsel, Department of Revenue, Commonwealth of Pennsylvania, at least twenty-one (21) days prior to the hearing date.

B. Said petition shall contain the following information:

1. the extent, if any, of the decedent’s conscious pain and suffering resulting from the incident giving rise to the decedent’s claim;
2. a copy of an accident report, if available;
3. the medical expenses incurred resulting from the incident giving rise to the decedent’s claim;
4. name, age, relationship to decedent, and the extent of financial dependence upon decedent of wrongful death beneficiaries of decedent;
5. Non-minor decedent’s probable future earned income less cost of maintenance discounted to present worth (attach supporting economist’s report, if available).

C. Counsel for the Department of Revenue shall notify the petitioner's counsel at least seven (7) days prior to the hearing date whether or not the Department agrees with the proposed apportionment.

## **Substitution of Parties**

### **RULE 2353 – SERVICE BY PUBLICATION.**

– Rescinded, effective March 7, 2016. See  
Pa.R.C.P. 2353

**Confession of Judgment for Money**

**RULE 2959 – PROCEDURE FOR PETITION TO OPEN OR STRIKE-OFF  
JUDGMENT-DEPOSITIONS. – Rescinded, effective March 7, 2016.  
See Pa.R.C.P. 2959.**

**RULE 3252.b – ORGANIZATION NAMED IN NOTICE OF WRIT OF EXECUTION**

The name, address and telephone number of the organization to be set forth in the notice attached to a writ of execution shall be:

MONROE COUNTY BAR ASSOCIATION

FIND A LAWYER PROGRAM

913 MAIN STREET

STROUDSBURG, PENNSYLVANIA 18360

Telephone (570) 424-1340

Fax (570) 424-8234

NOTE: This Rule was amended May 18, 2022, to reflect a new telephone number for the Monroe County Bar Association's Find a Lawyer Program.

**RULE 4005 – LIMITATION ON NUMBER OF INTERROGATORIES**

Except upon leave of Court or agreement of the parties, interrogatories, including subpart thereto, shall not exceed twenty-five (25) in number.

## **RULE 4007.1 – OBJECTIONS AT ORAL DEPOSITIONS**

1. Counsel making an objection during an oral deposition shall state the word “objection” and state the legal basis for the objection.
2. Any amplification of the objection, or argument of the objection, shall take place only after the witness has been excused from the deposition room. Argument shall be on the record unless all counsel agrees to go off record. The witness shall return to the deposition room only after argument has been completed.
3. An instruction by counsel for a witness that the witness shall not answer a question shall be sufficient basis for other counsel to suspend the deposition pending presentation of the propriety the instruction not to answer to a judge. Counsel shall make every effort to contact a judge by telephone to promptly present the issue raised by the instruction not to answer.

## **RULE 4017.1 – OBJECTIONS AT VIDEOTAPE DEPOSITIONS**

1. When Counsel makes an objection, he or she shall merely state the word “objection” and request that the video operator stop the videotape. Any arguments on objections shall be made on the written transcript but off camera.
2. Once the video is stopped, counsel should first summarize the reasons for the objection in a word or phrase. Counsel may then proceed with arguments on the transcript and off the camera or may merely state the summary grounds for the objection. Arguments should be brief, and should consist of no more than the reason for the objection, an answer to the reason for the objections, and brief rebuttal. If requested by Counsel for any party, the witness must leave the deposition room while the arguments are made.
3. Counsel shall review the transcript together before presentation to the trial judge to resolve whatever objections can be resolved. They shall present to the judge a list by page and line of the objections that still need rulings at the time of the pretrial conference.

**RULE 4017.D – FILING OF CERTIFICATE OF DEPOSITION. –  
Rescinded, effective March 7, 2016.**