

Actions at Law
Civil Actions

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 Appearances of counsel may not be withdrawn, except by substitution of counsel by means of praecipe endorsed by each substituted attorney and the withdrawing attorney, or by leave of Court, in which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.

PLEADINGS

RULE 1018.1 – NOTICE TO DEFEND

In accordance with Pa.R.C.P. 1018.1 (c), the Monroe County Bar Association Lawyer Referral Service, 913 Main Street, P.O. Box 786, Stroudsburg, Pennsylvania 18360, telephone (570) 424-7288, fax (570) 424-8234, is hereby designated as the agency to be named in the Notice To Defend and in any similar notice required by any other applicable Rule of Civil Procedure.

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

When a party claims relief in the form of liquidated money damages, he or she shall in his pleading state the manner in which the damages claimed by him are computed, and if entitled to interest, the date or dates from which interest thereon or on any part thereof is claimed.

RULE 1025 – ENDORSEMENT – CHANGE OF ADDRESS

(a) Praecipe. 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 1029 – ACTION ON BOOK ACCOUNT

In actions in which book accounts may be offered in evidence, if a legible copy thereof is attached to any pleading, it shall not be necessary to produce the books at the trial, unless a responsive pleading shall allege that the account or copy is incorrect, stating particulars, or that the books are not books of original entry, and shall demand the production of the books at the trial; otherwise, the copy shall be admitted as evidence without further proof.

RULE 1037 – OPENING DEFAULT JUDGMENTS

1. Petition. All proceedings to open judgment by default shall be in accordance with 43 J.D.R.C.P. 206(B). Petitions to open a judgment by default shall be accompanied by an answer to the complaint in cases where an answer is required. In other cases the petition shall disclose the nature and character of all grounds for relief as fully as in an answer.

2. Stay Order. A rule to show cause under this rule will not include a stay of proceedings unless ordered by the Court.

Action in Ejectment

RULE 1051 – COMMENCING ACTION BY PRAECIPE

Where an action is commenced by filing with the Prothonotary a praecipe for a writ of summons, a copy of the legal description of the land as recorded in the office of the Monroe County Recorder of Deeds shall be filed with the praecipe and shall be incorporated in the writ.

Compulsory Arbitration

RULE 1301 – SCOPE

1. All civil cases where the amount in controversy (exclusive of interest and costs) shall be Twenty Five Thousand (\$25,000.00) Dollars or less except those involving title to real estate, equity cases, mandamus, quo warranto and mortgage foreclosure, shall first be submitted to a Board of Arbitrators in accordance with Section 7361 of the Judicial Code, 42 Pa.C.S. §7361. The amount in controversy shall be determined from the pleadings or by agreement of counsel. The Court may of its own motion or upon the motion of any parties strike from the trial list and certify for arbitration any case which should have been arbitrated in the first instance.

2. No case shall be scheduled for arbitration until (1) 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 (2) unless counsel for the moving party certifies at the time of filing of praecipe for the trial list that:

- a. All preliminary objections have been finally determined;
- b. 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;
- c. The moving party and witnesses are available and ready to proceed to hearing;

3. Form: A case shall be listed for arbitration by filing a praecipe in the form attached to this rule.

4. Notice: Notice of the date, time and place of arbitration shall be provided to counsel for the parties or if unrepresented, to the party directly by the Court Administrator, 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.”

**COURT OF COMMON PLEAS OF MONROE COUNTY
43RD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

No. _____
PRAECIPE FOR ARBITRATION
43 J.D.R.C.P. 1301

vs.

TO THE PROTHONOTARY OF SAID COURT: ARBITRATION NO. _____

Appoint arbitrators in the above case

- Amount in controversy is \$50,000.00 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

This 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

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 praecipe has been provided to the following by the moving party.

Name:

Address:

Dated: _____ 20____

Attorney for the

RULE 1302 – SELECTION AND COMPENSATION OF ARBITRATORS

1. The attorneys admitted to the Bar of the Court 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 for at least five (5) years.

2. If any attorney wishes to be replaced as an arbitrator in any particular hearing, the attorney shall file a motion with the Court at least seven (7) days before the scheduled hearing, except where excused by the Court for exigent circumstances. In the event that an attorney, without leave of Court, fails to serve as an arbitrator after having been notified of his appointment by mail by the Court Administrator, the attorney may be subject to sanctions.

3. The Court Administrator shall mail 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 his last known address. The address of the unrepresented party is to be furnished to the Court Administrator when the attorney files the praecipe for arbitration.

4. The President Judge or his designee shall have the power to grant continuances and all applications for continuances shall be in motion form as set forth in Rule 206A/B and filed at least seven (7) business days prior to the date of the hearing.

5. If a party fails to appear, 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. The arbitrators shall in all respects comply with Pa.R.C.P. 1303, 1304, 1305 , 1306.

6. The compensation for each member of the Board of Arbitrators to be paid by the County shall be established from time to time by the Court. When more than one hearing becomes necessary, additional amounts may be allowed at the discretion of the Court upon petition by the Chairperson on behalf of the Board. If there is concurrence, the motion shall include a certification that all participants are in concurrence with the motion and shall set forth a hearing date mutually agreed upon by counsel, the parties and the arbitrators.

**Court of Common Pleas of Monroe County
43RD Judicial District
Commonwealth of Pennsylvania**

NO.

VS.

OATH OF ARBITRATORS

NOW, The _____ day of _____, 200 , we, the undersigned, having been named Arbitrators in the above cause, do hereby swear that we will hear the evidence and allegations to the parties, justly and equitably try all matters in variance submitted to us, determine the matters in controversy, make an award, and transmit the same to the Prothonotary within twenty days of the date of hearing the same.
Sworn to and subscribed before me

This _____ day of _____

_____ Chairman

_____ Panelist

_____ Panelist

Appearing for Plaintiff _____

Appearing for Defendant _____

REPORT AND AWARD OF ARBITRATORS

AND NOW, the _____ day of _____, 200 , we the undersigned arbitrators chosen in the above case, after having been duly sworn, and having heard the evidence and allegations of the parties, do award and find for the: _____

in the sum of _____

Hearing held: _____

Substitution of Arbitrators as follows: _____

_____ Chairman

_____ Panelist

_____ Panelist

RULE 1311 – PROCEDURE ON APPEAL

An appeal taken from an award shall be duly listed for trial. The attorney taking the appeal shall file a praecipe for trial within thirty days and the Prothonotary shall note the fact that an appeal is from arbitration on each appeal action appearing on the trial list.

Minors as Parties

RULE 2039 – COMPROMISE SETTLEMENT AND PHYSICIAN’S STATEMENT OF EXTENT OF INJURY

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the minor’s injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said minor shall have appeared in court or shall have been excused from such appearance by the Court.

A copy of any contingent fee agreement shall be made available for inspection by the Court prior to the distribution of any fees and shall be annexed to the settlement petition.

Incompetents as Parties

RULE 2064 – COMPROMISE SETTLEMENT AND PHYSICIAN’S STATEMENT OF EXTENT OF INJURY

In cases involving personal injury, a written statement by the attending physician as to the nature and extent of the incapacitated person’s injuries, the present condition, and prognosis shall be annexed to said petition, and no compromise order shall be entered by the Court unless said incapacitated person shall have appeared in Court or shall have been excused from such appearance by the Court.

A copy of any contingent fee agreement shall be made available for inspection by the Court prior to the distribution of any fees and shall be annexed to the settlement petition.

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

If the residence and whereabouts of such successor is not known, notice shall be given by publication as provided by Rule 430.

Confession of Judgment for Money

RULE 2959 – PROCEDURE FOR PETITION TO OPEN OR STRIKE-OFF JUDGMENT-DEPOSITIONS

Where a petition is filed to open a judgment, the petitioner shall within thirty (30) days from the time the rule to show cause issues proceed to the taking of depositions where the allegations raise questions of fact which make such steps necessary; unless the petitioner within thirty (30) days schedules the taking of depositions, the petition to open judgment may be stricken from the record upon written motion of any party.

**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
LAWYER REFERRAL SERVICE
913 MAIN STREET
P.O. BOX 786
STROUDSBURG, PA 18360
(570) 424-7288

Discovery

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 agree 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 of 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 argument 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 objection, 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

(1) Upon completion of the stenographic transcription of any deposition, the stenographer before whom the deposition has been taken shall prepare a Certificate of Deposition which shall be filed with the Prothonotary by the moving party. The Certificate of Deposition shall contain the following information and shall substantially conform to the form shown in Appendix A:

- (a) the name(s) of the person(s) deposed;
- (b) that the witness was duly sworn;
- (c) the total number of pages in each deposition;
- (d) the date, time, and place deposition was taken;
- (e) the counsel present at deposition; and
- (f) the name of counsel who has received the original transcription
and copies thereof.

(2) The Prothonotary shall promptly file the certificate and record its filing on the docket.

(3) Custody and responsibility for original deposition. This responsibility shall remain with the attorney who has received the original transcription until the case is terminated or the deposition has been filed pursuant to paragraph (4) herein.

(4) The attorney having custody of the original deposition shall forthwith file the entire original deposition with the Prothonotary whenever filing is directed by the Court.

(APPENDIX A)

COURT OF COMMON PLEAS OF MONROE COUNTY

FORTY-THIRD JUDICIAL DISTRICT

COMMONWEALTH OF PENNSYLVANIA

CAPTION

CERTIFICATE OF DEPOSITION

I certify that on the _____ day of _____, 200 , the following person(s) appeared before me and gave deposition under oath:

NAME:

NO. OF PAGES:

Further, I certify that counsel listed below were present at the deposition and that distribution was made by me as indicated:

NAME:

ORIGINAL OR COPY:

Stenographer/Reporter

Date:_____