

**COURT OF COMMON PLEAS OF MONROE COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
43<sup>RD</sup> JUDICIAL DISTRICT**

Re: Amendment to Monroe County Rule of Civil Procedure 1301 15 Admin 2006  
Compulsory Arbitration - Scope 7099 CV 06

**ORDER**

And Now, this 12th day of September, 2006, Monroe County Local Rule of Civil Procedure Number 1301 is amended as follows in conformity with the provisions of Section 7361 (b) of Title 42 of the Pennsylvania Consolidated Statutes, Compulsory Arbitration effective thirty (30) days after publication the in Pennsylvania Bulletin.

It Is Further Ordered that seven (7) certified copies of this Order and the attached Rule of Civil Procedure shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; one copy to the Monroe County Legal Reporter for publication, and that one copy shall be filed with the Prothonotary of Common Pleas of Monroe County.

By the Court

*Ronald E. Vicari*

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RONALD E. VICAN,  
President Judge

## **Compulsory Arbitration**

### **RULE 1301 – SCOPE**

1. All civil cases where the amount in controversy (exclusive of interest and costs) shall be Fifty Thousand (\$50,000.00) 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.”**

**Form – Praecipe for Arbitration**

**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:

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

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

**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